

ARTICLE APPEARED
ON PAGE A-6

NEW YORK TIMES
26 JULY 1980

House Unit Extends Penalty for Naming Secret Agents

By CHARLES MOHR

Special to The New York Times

WASHINGTON, July 25—The House Select Committee on Intelligence today approved a bill that would make it a crime to disclose the identity of a "covert agent" of a United States intelligence agency.

There has been relatively little controversy about provisions of the measure that would punish present or former government officials who used knowledge obtained from secret documents or from their official position to disclose such identities. But the House panel also voted today to extend the criminal penalty to those who make an effort "to identify and

expose covert agents" with the "intent to impair or impede the foreign intelligence activities of the United States" even if they have not had authorized access to classified information.

Committee members made clear that the intent of the measure was to punish and to halt the work of such people as Louis Wolf, the editor of the Washington-based Covert Action Information Bulletin, which says it has published the names of some 2,000 Central Intelligence Agency operatives to inhibit and to stop the C.I.A.'s covert intelligence activities.

However, the Justice Department earlier this year expressed doubts that such language was constitutional. Robert Keuch, a deputy associate attorney general, said today in a telephone interview that the department still did not support the House committee's version.

The Justice Department believes, officials said, that the "intent to impair or impede" clause in today's bill will be difficult to prove in court and focuses on subjective political opinions, which are protected by the First Amendment.

But Frederick P. Hitz, the legislative counsel for the intelligence agency, said it could support the House bill but would press for "slightly different" language when the Senate Select Committee on Intelligence takes up a similar bill Tuesday afternoon.

Those who back civil liberty causes have said that the attempt to include journalists who have not had access to classified information might have a chilling or unconstitutional effect on freedom of the press and freedom of speech.

Definition Is Broadened

In another unexpected development, the House committee also broadened the definition of a "covert agent" to include "an agent of, or informant to, the foreign counterintelligence or foreign counterterrorism elements of the Federal Bureau of Investigation."

Two spokesmen for the American Civil Liberties Union, Jerry J. Berman and Morton H. Halperin, said that this might make it illegal to identify F.B.I. informants and infiltrators who spied on dissident political organizations within the United States if the bureau asserted that it believed such organizations had clandestine ties to foreign intelligence or terrorist groups.

Another provision of the House bill would apparently encourage the President to review regulations that have given some government agencies the right to refuse to provide "cover" for clandestine agents of the Central Intelligence Agency. Both the Peace Corps and the United States Information Service have contended since the 1960's that they have such immunity.

Adm. Stansfield Turner, the Director of Central Intelligence, testified this year that he opposed measures that restrict the institutions and agencies that might be employed as covers for agents.

There have been strong and, in some cases, unabashedly emotional demands in Congress to punish Mr. Wolf and a former Central Intelligence agent, Philip Agee, for publishing the names of C.I.A. agents. However, in both of the intelligence committees an agreement was reached earlier this year to shelve an "agents identities bill" because of the First Amendment problems it posed.

Then, early this month, Mr. Wolf said at a news conference in Jamaica that N. Richard Kinsman and 14 other persons listed as members of the United States embassy staff in the Caribbean country were C.I.A. officials. Subsequently, Mr. Kinsman's house was attacked with sub-machine guns and grenades, although no one was injured.

This, according to several sources close to the situation, stirred Congress once more.

*CR 1-04, Kinsman, Richard
Wolf, Louis*