

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Honorable Lucien N. Nedzi, Chairman
Subcommittee on Intelligence
Committee on Armed Services
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I regret to report to you a serious development affecting the safety and efficiency of members of this Agency. I provide it in keeping with my commitment to assure that you are fully and currently informed on matters of possible interest to your Committee.

A former employee of this Agency, Mr. Philip B. F. Agee, is currently engaged in a systematic effort to divulge information learned during his Agency employment. He stated in a press conference on 3 October 1974 in London that he is doing this as a part of a campaign "...to have the CIA abolished." Some of the information being disclosed (Agency organization, functions, personnel) specifically includes "intelligence sources and methods" which I am charged under the National Security Act of 1947 with "protecting from unauthorized disclosure." I am especially concerned at the danger these disclosures present to the safety of many of our personnel abroad, due to their exposure to possible terrorist action.

I am enclosing a Summary of Facts which notes that Mr. Agee may have violated several criminal statutes. It also points out the difficulty of deterring Mr. Agee while he is abroad and not under the jurisdiction of the United States.

The collection of foreign intelligence is critically dependent upon sources and methods which cannot exist unless they are protected. I am extremely proud of the overall outstanding loyalty and security record

of Agency employees and former Agency employees. Their conduct has been exemplary and is in keeping with the written agreement entered into at the beginning of their employment, pursuant to the statutory responsibility imposed upon the Director of Central Intelligence to protect intelligence sources and methods. This contrasts sharply with the irresponsible conduct of Mr. Agee who has violated his agreement by revealing classified information relating to intelligence sources and methods learned during the course of his employment.

Generally, the criminal statutes applicable to the disclosure of classified information require proof of intent to injure the United States or to aid a foreign country. However, prosecution under those statutes requires the Government to reveal in court the very information it is trying to protect; and, in most instances, the burden of proof requires the Government to expose additional classified information. This contrasts with numerous United States statutes (enclosed) penalizing the mere disclosure of information received in confidence by the Government; e.g., census and income tax information and agricultural statistics, where the motive for disclosure is not material.

In summary, despite the fact that Mr. Agee may have violated several criminal statutes and actions such as his can have a crippling effect on the flow of critical foreign intelligence information to the Government's policymakers, there are many serious problems inherent in his prosecution.

Thinking it may be of interest, I am also enclosing a copy of the letter Mr. Agee addressed to the Agency at the time of his resignation in 1968, which concludes: "I will continue to hold in high regard the importance of the Agency's activities in the interest of the security of the United States." I am unable to explain the contrast between this attitude and the intention he expressed in his press conference in London on 3 October 1974 to "expose CIA officers and agents and to take the

measures necessary to drive them out of the countries where they are operating." The contacts he has established since leaving the CIA with representatives of the Cuban Intelligence Service offer a possible explanation.

I will keep you advised of further developments.

Sincerely,

W. E. Colby
Director

Enclosures

STATUTES AFFECTING DISCLOSURE

18 U. S. C. 793 - Espionage laws - Criminal penalty for obtaining, copying, communicating national defense information.

18 U. S. C. 794 - Espionage laws - Criminal penalty for gathering or delivering defense information to aid foreign governments.

18 U. S. C. 798 - Criminal penalty for disclosure of any classified information prejudicial to U. S.

18 U. S. C. 952 - Criminal penalty for unauthorized publishing or transmittal to another of diplomatic codes and correspondence.

35 U. S. C. 186 - Criminal penalty for disclosure of patented information.

42 U. S. C. 2161-2166 - Atomic Energy Commission authority to protect Restricted Data.

47 U. S. C. 154 - Federal Communication Commission can withhold secret information affecting the national defense.

50 U. S. C. 141 - Criminal penalty for disclosure of information on manufacturing and distribution of explosives in connection with the national defense.

50 U. S. C. 403 - Director of Central Intelligence - protection of intelligence sources and methods.

50 U. S. C. 783b - Unlawful for government employees to communicate classified information to representatives of foreign governments

50 U. S. C. 783d - Criminal penalty for violation of 50 U. S. C. 783b.

50 U. S. C. Appendix 2026 - Prohibits unauthorized disclosure of confidential information on export controls.

5 U. S. C. 1396 - Employees of agency to which classified information is transferred are subject to the same disclosure restrictions as the transferor agency.

7 U. S. C. 135f. - Criminal penalty for fraudulent disclosure of insecticide formulas.

7 U. S. C. 472 - Department of Agriculture - criminal penalty for unauthorized disclosure of cotton statistics and estimates.

7 U. S. C. 507 - Prohibits unauthorized disclosure of tobacco statistics.

7 U. S. C. 608d - Criminal penalty for unauthorized disclosure of information regarding payments under marketing agreements.

7 U. S. C. 955 - Prohibits unauthorized disclosure of peanut statistics.

8 U. S. C. 1202 - Visa information declared confidential.

12 U. S. C. 77 - Information regarding removal of a bank director by the Comptroller of the Currency shall not be disclosed.

13 U. S. C. 214 - Criminal penalty for disclosure of confidential information by Census Bureau employees.

15 U. S. C. 78x - Unlawful for employees of Securities and Exchange Commission to disclose information not made available to the general public.

15 U. S. C. 176a - Protects information of Bureau of Foreign and Domestic Commerce.

15 U. S. C. 717g - Prohibits unauthorized disclosure by employees of Federal Power Commission.

18 U. S. C. 605 - Criminal penalty for unauthorized disclosure of names of persons on relief for political purposes.

18 U. S. C. 1902 - Criminal penalty for unauthorized disclosure of crop information by U. S. government employee.

18 U. S. C. 1904 - Criminal penalty for unauthorized disclosure of Reconstruction Finance Corporation information.

18 U. S. C. 1905 - Criminal penalty for unauthorized disclosure of confidential information generally by U. S. Government employees.

18 U. S. C. 1906 - Criminal penalty for unauthorized disclosure of information by bank examiners.

18 U. S. C. 1907 - Criminal penalty for unauthorized disclosure of information by farm credit examiners.

18 U. S. C. 1908 - Criminal penalty for unauthorized disclosure of information by national agricultural credit corporation examiners.

26 U. S. C. 7213 - Criminal penalty for unauthorized disclosure of income tax information by U. S. Government or state employees; Criminal penalty for unauthorized disclosure of corporation financial statement by shareholders; Criminal penalty for unauthorized disclosure of operations of a manufacturer by U. S. Government employee.

38 U. S. C. 3301 - Veterans Administration files are confidential.

42 U. S. C. 1306 - Criminal penalty for unauthorized disclosure of certain information in possession of the Department of Health, Education and Welfare.

50 U. S. C. 2160 - Criminal penalty for unauthorized disclosure of confidential information by U.S. Government employee for purpose of commodity speculation.

5 U. S. C. 637 - Criminal penalty for unauthorized disclosure by Civil Service Commission employee regarding employment applicant.

35 U. S. C. 122 - Protection of patent applications.

7 U. S. C. 1159 - Protection of sugar information by Secretary of Agriculture.

26 U. S. C. 7237 - Criminal penalty for unauthorized disclosure of narcotics information.

39 U. S. C. 762 - Protection of postal savings depository fund information.

42 U. S. C. 260 - Protection of information regarding voluntary hospital commitment of narcotics addicts.

45 U. S. C. 362 - Protection of certain Railroad Retirement Board information.

46 U. S. C. 234 - Penalty of dismissal for any Coast Guard employee disclosing information on ship defects.

46 U. S. C. 643 - Protection of Coast Guard information on discharge of seamen.

46 U. S. C. 819 - Unlawful for common carrier to disclose confidential information to detriment of any other carrier.

47 U. S. C. 220 - Protects information from records examined by employees of the Federal Communication Commission.

47 U. S. C. 605 - Prohibits unauthorized publication or use of interstate or foreign communications.

48 U. S. C. 55 - Protects certain public voting information.

49 U. S. C. 15 - Protects certain information concerning shipments by common carrier.

49 U. S. C. 320 - Protects certain information of the Interstate Commerce Commission.

50 U. S. C. 139 - Protects certain information of the Bureau of Mines.

50 U. S. C. Appendix 327 - Criminal penalty for unauthorized disclosure of Selective Service information.

50 U. S. C. Appendix 1152 - Criminal penalty for unauthorized disclosure of certain information regarding acquisition of vessels.

50 U. S. C. Appendix 1896 - Protects certain housing and insurance information.

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