

ARTICLE APPEARED  
ON PAGE A-24

NEW YORK TIMES  
18 MARCH 1982

## Senate Votes to Bar Identification of Secret Agents

By DAVID SHRIBMAN  
Special to The New York Times

WASHINGTON, March 17 — The Senate today joined the House of Representatives in approving an amendment that would make it illegal for individuals, including journalists, to identify American intelligence agents if they had "reason to believe" that the disclosure would harm American intelligence activities.

The amendment, which was offered by Senator John H. Chafee, Republican of Rhode Island, would make it a crime to engage in a "pattern of activities" that would identify American intelligence personnel. The measure passed by a 59 to 39 margin.

In approving language virtually identical to that passed in the House in late September, the Senate adopted a less stringent standard for prosecution than its Judiciary Committee had recommended. Under the version passed today, which has strong White House support, reporters could be prosecuted even if they did not intend to "impair or impede" American intelligence activities.

The measure, which was aimed at a series of intelligence newsletters but would affect the general press as well, was prompted by the disclosure of the identities of more than 1,000 Central In-

telligence Agency officers by Philip Agee, a former agency employee who has written books about the agency, and by assertions by American intelligence officials that the identification of agents restricted their activities or exposed them to physical harm.

### Bush Lobbied for Amendment

Today's approval of the Chafee amendment to the intelligence identities protection act came after an intense lobbying effort by the Administration. Vice President Bush, himself a former Director of Central Intelligence, presided over the vote and was credited by supporters of the amendment for winning at least six uncommitted votes.

The action was swiftly condemned by press and public interest groups. John H. F. Shattuck, Washington director of the American Civil Liberties Union, called the approval of the amendment "a devastating blow to freedom of the press" and said his group was prepared for court action to challenge it.

The bill provides for a fine of as much as \$15,000 and three years' imprisonment.

The language that was adopted earlier by the Judiciary Committee, by a 9 to 8 vote, was directed at persons who identified American intelligence personnel "with intent to impair or impede foreign intelligence activities" of the United States.

The concept of outlawing the publication of agents' names has broad support on Capitol Hill. The debate focused instead on the Chafee proposal, which called for prosecution of "any person who, in course of pattern of activities intended to identify and expose covert agents and with reason to believe such activities would impair or impede foreign intelligence activities" of the United States or "discloses identity of a covert agent."

### Critics Say Too Easy to Convict

Critics of the proposal said that the "reason to believe" standard would make it too easy to convict an individ-

ual because it could expose to prosecution those who publish the identity of an agent in the course of an article that was not intended to jeopardize American intelligence activities or expose an American agent to physical harm.

Senator Chafee said the bill posed no threat to general circulation newspapers and magazines. "I don't think the C.I.A. is going to go around trying to nab everybody," he said. "The legitimate press has always shown tremendous restraint."

But Jack C. Landau, director of the Reporters Committee for the Freedom of the Press, one of the groups that has led the battle against the Chafee amendment, said the measure was "unconstitutional."

"The First Amendment only permits the conviction and jailing of news people for publishing information which does a direct, immediate and irreparable injury to the national security," he said, "and does not permit prosecutions for disclosing information which is merely embarrassing or causes some discomfort to the Government."

The Senate still was considering an amendment from Senator Bill Bradley, Democrat of New Jersey, that would restrict prosecution to those engaged in a "pattern of activities" whose "main direction" is "to identify and expose covert agents."

The intelligence identities protection act is all but certain to be passed in this Congress.