

ARTICLE APPEARED
ON PAGE A4THE WASHINGTON POST
10 August 1979

STAT

Turner Appealed to Judge In Bid to Protect Sources

By Timothy S. Robinson
Washington Post Staff Writer

Central Intelligence Agency Director Stansfield Turner made a rare personal bid in a court case here recently to convince a federal judge that the CIA should be able to define the term "intelligence sources" so broadly that it could keep all such sources secret.

U.S. District Court Judge Louis F. Oberdorfer rejected the bid earlier this week, ruling that the term may not be applied to institutions and researchers who worked both wittingly and unwittingly on CIA drug experiments known as Project MK-ULTRA.

However, persons familiar with the intelligence community's attempts to protect its methods and sources of information said yesterday the ruling, if applied in other cases, could make it difficult to keep spy sources secret in the future.

The CIA reportedly had felt the MK-ULTRA case was an unusually important one in which to test its ability to promise confidentiality to people who provide information to the agency.

Turner said in an affidavit filed with Oberdorfer in May that the term "intelligence sources" is a "phrase of art" that the court apparently did not understand because, as used by the CIA, the term goes beyond the dictionary definition of "source."

Turner filed the affidavit after Oberdorfer had issued an earlier ruling in the case questioning the invocation of the term by the CIA to protect private individuals and American universities that received CIA funds from the MK-ULTRA project.

Turner gave some examples of "intelligence sources" to familiarize Ob-

erdorfer with the way the CIA uses the term, and pointed out that "it includes more than simply those individuals directly involved in collecting and reporting foreign intelligence operations."

Turner said that, in addition to the "classic figure of a secret agent reporting from abroad," there are "other less obvious, but equally important," persons who secretly help the CIA:

- A "safehouse keeper who must provide a safe haven and secure meeting place."
- "The courier whose functions is to securely transport material even though the contents may be unknown to him."
- Access agents, who introduce a person who may then be recruited as an intelligence source.
- "Cut-outs," or people who serve as "facades, concealing the fact that the ultimate recipient of information is American intelligence."

The plaintiffs in the lawsuit seeking the names of institutions and researchers who worked on the CIA drug project said that under Turner's definition, the Virginia Electric and Power Co. could be classified as an "intelligence source" because it supplies electricity to the agency. Turner denied that, saying the term was not "so vague or imprecise as to shroud whatever the CIA may wish to conceal."

Turner said the CIA has to prove again to the world that it can keep secrets because "too many events over the past several years have planted seeds of doubt around the world about the agency's ability to maintain a confidence."

Although Oberdorfer rejected Turner's bid as espousing an "overbroad interpretation" of the term, he indicated he was sympathetic to Turner's general outline of the problem.

He gave the CIA until Oct. 1 to see if the names should be classified under another section of the Freedom of Information Act, and possibly could be kept secret under that provision.