
FOREIGN POLICY & DEFENSE

***The Public's
Need to Know***

"Intelligence Secrecy and Security in a Free Society" by William Colby, in *International Security* (Fall 1976), 9 Divinity Ave., Cambridge, Mass. 02138.

Must the United States forswear secret intelligence in order to prevent abuse of its domestic freedoms? Or should it accept limits on these freedoms to preserve American society in a dangerous world?

"Both exposure and secrecy are essential," writes Colby, who retired as director of the Central Intelligence Agency last year after cooperating with congressional investigations of prior Agency wrongdoing. But, Colby adds, the United States must develop a new, "appropriate" concept of secrecy—better than that embodied in the 1974 Freedom of Information Act amendments (which opened up historical documents to public scrutiny) or in President Nixon's ineffective 1972 executive order reducing "secrecy" classification of documents.

Colby urges a reversal of the old CIA rule barring secret information to all but those officials who "need to know." Without revealing sources, confidences, or sensitive technical data, he contends, the essentials of most policy problems (e.g., whether or not to intervene in Angola) and the structure of negotiations (as in the Arab-Israeli dispute) can be disclosed on the basis of the public's need to know. When, for diplomatic reasons, the executive branch must remain officially silent, basic information can then be released by congressional committees without attribution.

Endorsing proposals by President Ford, Colby urges that unauthorized disclosure by responsible officials of real secrets—such as intelligence sources and methods—should bring legal prosecution and thus provide judicial review of executive "secrecy" decisions and protection against cover-ups.

ECONOMICS, LABOR & BUSINESS

***The Court
and Business***

"What the Supreme Court Is Really Telling Business" by Walter Guzzardi, Jr., in *Fortune* (Jan. 1977), 541 North Fairbanks Court, Chicago, Ill. 60611.

The Burger Court is widely viewed as reflecting a national antipathy towards too much concentration of power in Washington. But Guzzardi, a *Fortune* editor, says the Court's apparent "attack" on central government is limited in scope and not necessarily a boon to business.

Favoring business were 1975-76 Supreme Court rulings that curbed the powers of various federal regulatory agencies, notably the Securities and Exchange Commission. The Court's majority also endorsed