

C.I.A. Kept Data Secret On Possible Agent Crimes

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WASHINGTON, July 22 —

The Central Intelligence Agency withheld from the Justice Department on at least nine occasions over the last 20 years information about possible criminal violations committed by C.I.A. employees, according to agency documents made public today.

Knowledge of the nine cases, the details of which were not provided, was suppressed by the C.I.A. on the strength of what agency officials have characterized as a secret "agreement" with the Justice Department allowing the C.I.A. to use its discretion in referring such cases for possible prosecution.

A Justice spokesman said today, however, that his department had been able to find no record of any such agreement with the agency and that Justice officials learned of the C.I.A.'s contention that one existed only last December, when it was mentioned to them by William E. Colby, the Director of Central Intelligence.

Lawrence R. Houston, who served as general counsel of the C.I.A. from its inception in 1947 until two years ago, told a House subcommittee today that while he had played a role in reaching the purported agreement in March, 1964, he never discussed it with any of the succession of Attorneys General over the intervening 20 years.

He simply "assumed," Mr. Houston said, that knowledge of the arrangement had been passed on within the Justice Department from one Attorney General to the next.

Immunity From Law

Representative Bella S. Abzug, the Manhattan Democrat, who is chairman of the subcommittee before which Mr. Houston testified, asked the witness whether such an agreement "could have the effect of granting immunity" from prosecution in criminal cases to employees of the C.I.A.

"It could have," Mr. Houston replied, "and in some cases it did."

The C.I.A. today provided the House Government Operations Committee's Subcommittee on Government Information and Individual Rights with some details of 20 cases of criminal activity by its employees that came to the Justice Department's attention between 1954 and last January.

The details were contained in a letter from John S. Warner, Mr. Houston's successor, to Kevin T. Maroney, the deputy chief of the Justice Depart-

ment's Criminal Division. Mr. Warner said in the letter that the C.I.A. was continuing to search its files for similar cases and that today's list was therefore not complete.

One of the 20 cases involved a C.I.A. operative, a Thai, who was charged in 1973 with attempting to smuggle narcotics into the United States. Mr. Warner said that the agency discussed the matter with Justice prosecutors who decided last year to drop the charges to protect the agency's "intelligence sources and methods."

Most of the 19 other cases, some of which were prosecuted and others not, involved the misappropriation of C.I.A. funds or Government property by agency employees, or the mishandling of classified documents.

But Mr. Warner wrote that one had "involved a murder which took place outside the United States," following which two C.I.A. employees allegedly "helped dispose of the body." No other details were given except for the fact that the incident occurred before 1956.

The alleged agreement by the Justice Department to allow the C.I.A. to decide whether to report such cases to Government prosecutors was first made known last month by the Rockefeller commission on domestic C.I.A. activities, which termed it involvement by the agency in "forbidden law-enforcement activities."

As evidence of the Justice Department's consent, the commission was given a March 1, 1964, memorandum from Mr. Houston to William P. Rogers, then the Deputy Attorney General, which referred to "our conversation" about the desirability of allowing the agency to retain discretion in such matters.

"If you find no objection to this statement," Mr. Houston concluded, "please return and we will retain it in our files for future guidance."

Mr. Rogers, who subsequently served as Attorney General under President Eisenhower and Secretary of State under President Nixon has said through his secretary that he remembers "no such agreement."

Herbert Brownell, who was Attorney General in 1954, also does not recall such an arrangement, nor does Walter F. Tompkins, who in July of that year became the first head of the Justice Department's Internal Security Division.

The Justice spokesman said today that no record had thus

far been found that Mr. Rogers ever received, much less returned, the Houston memo to the C.I.A., and Mr. Maroney, who joined the Internal Security Division when it was set up, told the Abzug subcommittee that he had never heard of the "agreement" before, this year.

Whether the Justice Department actually consented to such an arrangement in 1954, Mr. Houston's testimony today made it clear that, in practice, it remained unknown to Justice officials until last December, prompting Mrs. Abzug to declare that the agency had set itself up as "judge, jury and prosecutor" where its employees were concerned.

Attorney General Reminders

A subcommittee aide said today that the C.I.A. had remained silent about its understanding of the agreement despite written reminders to all executive agencies from three Attorneys General, John N. Mitchell, Robert F. Kennedy and Mr. Brownell, of the statutory responsibility of such departments to "report promptly" to the Justice Department any allegations of possible criminal behavior by their employees.

Justice officials told the C.I.A. last January that, whatever the agency's previous understanding might have been, they now wished to know of every case in which a C.I.A. employee might have violated a Federal criminal statute.

The department is currently investigating allegedly illegal domestic activities by the C.I.A. of which Mr. Houston said today he had no knowledge while serving as general counsel, and Justice sources have suggested that some prosecutions of agency employees may result from the investigation.

The C.I.A.'s alleged involvement in attempts to assassinate foreign leaders is also under investigation there, and Mr. Houston touched on that topic briefly when he told reporters today that Mr. Kennedy was angry when he learned in 1962 of an agency-inspired attempt the previous year on the life of Cuban Premier Fidel Castro.

But Mr. Houston asserted that Mr. Kennedy's anger was directed at the C.I.A.'s use of two organized crime figures to set up the assassination attempt, and that the late Attorney General was "not terribly perturbed" that the arrangement had involved assassination.