

Major Questions in C.I.A. Investigation

The Report: Ending a 'Massive' Hang-Up

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WASHINGTON, June 10—For nearly six months this town has been hung up on one word relating to the domestic activities of the Central Intelligence Agency. The word is "massive."

If the Rockefeller commission, which investigated the C.I.A.'s domestic operations, did nothing else in its report, which was released today, it should have disposed of that hang-up.

Nowhere in its report did the commission use the term massive, either in confirmation or denial, although that word was the one used in the original newspaper report of illegal domestic activities, which led directly to the establishment of the commission.

That first report, written by Seymour M. Hersh, appeared in The New York Times. William E. Colby, Director of Central Intelligence, responded directly to it in his appearance before the Senate Appropriations subcommittee on intelligence the following January 15.

"I flatly deny," he said, "the charge in The New York Times of Dec. 22, 1974, that the Central Intelligence Agency, directly violating its charter, conducted massive illegal domestic operations."

Vice President Rockefeller, chairman of the Presidential commission, and his vice chairman, Douglas C. Dillon, both followed the Colby line in subsequent comments on their investigation of the C.I.A. They said they could not accept the word massive.

No Prosecutions Recalled

During that time, the report said, there was an agreement between the Justice Department and the C.I.A. "providing that the agency was to investigate crimes by C.I.A. employees or agents which involved Government money or property or might involve operational security." It was left to the C.I.A. to decide whether any of its employees should be prosecuted for such offenses.

One man who has known the C.I.A. for most of its 28 years could not recall today

a single prosecution against a C.I.A. agent—a remarkable record for an organization with 15,000 or more employees.

Yet, the report by the Rockefeller Commission contained many examples of clearly illegal actions by the agency. In one case, a foreign defector was "held in solitary confinement under Spartan living conditions" for three years. That would be a clear violation of the rights of habeas corpus and due process, which apply to aliens as well as citizens in the United States.

As for murder—that is, assassination plots against foreign leaders, with which the agency has been charged—the Rockefeller commission said nothing. It undertook an inquiry because of the public furor, "but time did not permit a full investigation," its report said, and its evidence was simply turned over to President Ford, who intends in turn to give it to the Department of Justice and to congressional committees.

The President had raised the issue initially. On Thursday, Jan. 16, he gave a lunch at the White House for group that had entertained him previously, as Vice President, at lunch in New York. The group included the publisher of The New York Times, Arthur Ochs Sulzberger, and the newspaper's principal editors.

On that occasion in January, so far as one can recall, the President for the first time used the word "assassinations" in a discussion with newsmen on the activities of the C.I.A.

The President's manner was grave, his tone was hushed.

Exactly what he said, although it was of the gravest import, was never reported. That part of the conversation was off the record, and after an unsuccessful effort to have it put on the record, The New York Times respected the President's confidence.

But the substance of his remarks began to leak out, and in six weeks they were being heard on the CBS Television Evening News and elsewhere.

Various sources reported that the President had made these points:

"The C.I.A. as an institution was needed to protect the security interests of the United

States and should not be destroyed.

"For that reason, he had picked a commission to investigate charges against the C.I.A. that could be relied upon to understand and respect the agency's national defense role.

"The charges against the C.I.A. were that it had illegally engaged in activities against Americans inside the United States, in violation of its charter from Congress. The Rockefeller commission was therefore limited to investigating the agency's domestic activities.

If the commission should wander into the foreign field, it would stumble upon all kinds of activities, including assassinations—and it was then and only then that the trigger word was used.

There was no discussion, no elaboration.

"There was nothing to be gained by opening the Pandora's box of assassinations. It would only lead to futile recruitments. Well-meaning people in the past had ordered activities that seemed right and proper at the time, but might seem wrong and improper in the light of new circumstances. The new generation should not pass judgment on the old.

Those were the themes of President Ford's concern in January, after he had read the charges against the C.I.A. and had a briefing on them from William E. Colby, Director of Central Intelligence, a briefing that included some information on assassinations.

Expression of Confidence

Those were the same themes sounded last night at the President's news conference in the White House Rose Garden. There he announced his intention to release the Rockefeller commission's report on the C.I.A.'s domestic activities and to send the commission's information on assassinations to the Justice Department and to the Congressional committees investigating the intelligence community.

Mr. Ford said, "It remains my deepest conviction that the C.I.A. and other units of the intelligence community are vital to the survival of this country."

Expressing his confidence in the Rockefeller commission members, he responded to a question about whether Vice President Rockefeller had embarrassed him in conducting the investigation by saying, "The Vice President and I understood each other perfectly."

Again and again he emphasized, by using the word "domestic", that the commission was supposed to investigate only the activities of the C.I.A. inside the United States. He even absolved the commission of the charges against the agency by saying that he himself had "suggested that the commission undertake an investigation of any domestic involvement in political assassinations."

President Ford did not explain, nor was he asked to explain, the nuance involved in the use of the term "domestic" involvement. Presumably, he was thinking of the recruitment of mafia gunmen or other hirelings in this country to commit assassinations abroad. The President was particularly emphatic in his disinclination to pass judgment on the acts of his predecessors.

"I think historians will make those judgments better than anybody in 1975, including myself," Mr. Ford said. For that reason he cautioned the House and Senate committees that would receive the assassination evidence "to use the utmost prudence in how they handle the material."

In particular, President Ford was at pains to disavow any intention of discrediting the possible candidacy of Senator Edward M. Kennedy, Democrat of Massachusetts, for the Presidency by casting reflections on his brother, the late President Kennedy, whose role in alleged plots against Cuban Premier Fidel Castro has been publicly discussed lately.

In brief, for six months President Ford has not changed his tune. He has been nothing if not consistent.

As consistent and loyal as he may have been, however, the case against the C.I.A. is now out of his hands and Mr. Rockefeller's; it may be in harsher hands than theirs.