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A SPECIAL INQUIRY ON C.I.A. AND F.B.I. URGED BY CHURCH

Senator Cites Evidence of
Criminal Activity—White
House Opposes Proposal

By NICHOLAS M. HORROCK
Special to The New York Times

WASHINGTON, Feb. 5—The chairman of the Senate Select Committee on Intelligence called today for the appointment of a special prosecutor to investigate evidence of criminal activity by the Central Intelligence Agency and the Federal Bureau of Investigation.

The chairman, Senator Frank Church, Democrat of Idaho, said that his committee had found evidence of criminal activity by intelligence agencies in eight major areas, from illegal mail openings to possible perjury before Congressional committees.

He called for the Department of Justice to disqualify itself as prosecutor in these cases, because it would also act as the lawyer for the officials involved, and because it had a 20-year secret agreement with the C.I.A. controlling prosecutions.

He said that the Ford Administration should move decisively on the issue to "avoid charges of whitewash."

Senator Church spoke on his own behalf. The question of a special prosecutor has not been placed before his committee.

Mr. Church, his aides said, is expected to ask his committee for support on the special prosecutor issue.

A Strong Effort

Commenting tonight on the proposal for a special prose-

cutor, the White House said:

"The President believes that the Attorney General and the Department of Justice are fully capable of carrying out their responsibilities in connection with alleged abuses that have come up in connection with intelligence community investigations. There is no need for a special prosecutor or any other ad hoc process to deal with the issues raised by these investigations."

Mr. Church told reporters that he talked privately yesterday with Edward H. Levi, the Attorney General, and that Mr. Levi felt his department could conduct the investigations fairly.

Senior officials in the Ford Administration said they that they believed there would be a strong effort, as one put it, to resist the concept of once again removing a prosecution from the Justice Department. "That completely undermines the whole effort to restore confidence in the department after Watergate," one official said. A special prosecutor handled

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the Watergate cases.

Mr. Church, speaking of what he viewed as possible conflict of interest for the department, said that under the law the department must defend all Government officials in civil suits for their official acts. There-

fore, he implied, its mission would conflict if it were to investigate someone whom it would later have to defend.

Mr. Church also pointed out that many of the allegations involved the F.B.I.

"Since the Federal Bureau of Investigation is a subdivision of the Justice Department, it lies within the administrative responsibility of the Attorney General," he said. "He is thus placed in a position of investigating the very house over which he must preside."

Mr. Church made the proposal in a speech on the Senate floor. He later declined to charge that the Department of Justice was delaying any given investigation, although he did say that he was "mindful" in making the proposal that an inquiry into whether the former C.I.A. director Richard Helms had committed perjury had been under way for more than a year.

He said that his committee had found evidence that laws had been violated in the following areas:

¶The 1956 to 1971 F.B.I. counter-intelligence operations against so-called radical groups.

¶The campaign by the F.B.I. to discredit the Rev. Dr. Martin Luther King Jr. and remove him as a civil rights leader.

¶A 1969 operation by the Internal Revenue Service to gain political intelligence on Americans.

¶The domestic surveillance project of the C.I.A., Operation Chaos, begun in 1967.

¶A 33-year project by the C.I.A. and the F.B.I. to open mail to and from American citizens.

¶The creation by the White House and several agencies of a 1970 domestic surveillance plan that included recommendations for burglaries, opening of mail and other illegal activities.

¶The surveillance of international communications of

American citizens by the National Security Agency.

¶Possible perjury in testimony by C.I.A. officials.

Mr. Church said that he believed the special prosecutor should be someone of the quality of Leon Jaworski, the Watergate special prosecutor, and have the support to conduct independent investigations.

Kissinger Testifies

Shortly after Mr. Church addressed the Senate, Secretary of State Henry A. Kissinger told members of the Senate Government Operations Committee that the conflict between the White House and Capitol Hill over intelligence policy and activities was, in his view, a serious impediment to the conduct of foreign policy.

He said that the system of preparing a foreign policy that was representative of the American people, Congress and the executive branch "cannot function in the atmosphere of distrust that has prevailed in recent months."

The battle between the executive and the Congressional branches, he said, "reached the point where the ability of the United States to conduct a coherent foreign policy is being eroded."

Mr. Kissinger arrived at the hearing 15 minutes late, and Senator Abraham A. Ribicoff opened the questioning by asking whether his lateness was further evidence of Mr. Kissinger's contempt for Congress.

Later, Mr. Ribicoff, a Connecticut Democrat, apologized. He said that he had been told the tardiness might have arisen because Mrs. Kissinger had been planning to go to the hospital.

Nevertheless, Mr. Ribicoff's remarks set the tone of part of the hearing. Mr. Kissinger came under sharp questioning by Senator Lowell P. Weicker Jr., Republican of Connecticut, and Senator Sam Nunn, Democrat of Georgia.

Mr. Weicker asked Mr. Kissinger to list any national security matters that were compromised in the years of Congressional investigations. Mr. Kissinger declined to do so in public session, asserting that to do so would disclose what matters were of a national security nature.

Mr. Weicker asked if disclosures about United States involvement in Angola, support

for Kurdish rebels in Iraq, the "bribing" of Italian politicians, the effort to overthrow the Chilean Government and the plots to assassinate foreign leaders could be construed as national secrets.

Mr. Kissinger said that some elements of them could.

"I would characterize them as a national shame, rather than a national secret," Mr. Weicker responded.

Mr. Nunn said that he believed the United States problems in Angola were a shared responsibility between Congress and the executive branch. He said that the Ford Administration "has not utilized tools short of military aid" in its dealing with the war in Angola.

Mr. Kissinger said that he favored a "concentrated" conduit for Congressional oversight of intelligence operations. He said that the Administration's first choice among the proposals now in the field was a Congressional joint committee.

The House Select Committee on Intelligence recommended today a Congressional joint oversight committee similar to Mr. Kissinger's proposal.