

Baker Asks New Inquiry On C.I.A.-Watergate Links

By SEYMOUR M. HERSH
Special to The New York Times

WASHINGTON, Jan. 4—Senator Howard Baker Jr., who served as vice chairman of the Senate Watergate committee, called today for a renewed inquiry into the Central Intelligence Agency's connection with Watergate, which he said he and his staff had concluded "just reeked of domestic operations" by the C.I.A.

The Tennessee Republican, whose staff conducted an extensive inquiry last year into the C.I.A.'s Watergate connection, said in a telephone interview: "There's a whole range of unanswered questions, and they are far more important now than they were last year. It was just some loose ends then."

Possible 'Domestic Agent'

The Senator, in his first interview since the published reports of alleged C.I.A. domestic spying, noted that he and his investigators had been unable to develop any direct evidence linking the intelligence agency to major involvement in the break-in at Democratic headquarters in the Watergate complex on June 17, 1972.

In a report published last summer by Mr. Baker's Watergate committee staff, Lee R. Pennington Jr., a C.I.A. operative who was a minor figure in the Watergate cover-up, was depicted as possibly being "a domestic agent." Such activity,

the report noted in a footnote, was expressly barred by the 1947 National Security Act setting up the intelligence agency.

Mr. Pennington, who three months ago of a heart attack, was cited in the Baker report as having helped James



Howard H. Baker Jr.

W. McCord Jr., a member of the Watergate break-in team, burn files in his home two days after the break-in here. Mr. McCord had retired from the intelligence agency in 1970 after more than 20 years of service.

The staff study, however,

Continued on Page 42, Column 1

Continued From Page 1, Col. 7

while highly critical of the C.I.A.'s actions before and after the break-in was generally unable to do more than raise questions and suggest possible areas for further investigation. At the time of the report's release on June 2, 1974, Mr. Baker and Fred D. Thompson, the committee's minority counsel, complained that the C.I.A. had "categorically" refused to cooperate.

Data Refused by C.I.A.

Mr. Baker said in the interview from his home in Huntsville, Tenn., that the C.I.A. had repeatedly refused to declassify its files on Mr. Pennington and others believed by the Senator's staff to have some knowledge of Watergate. Among other materials refused to the committee, Mr. Baker said, were the telephone diaries and office logs of high-level C.I.A. officials for the week following the burglary.

The new disclosures of alleged domestic spying, Mr. Baker said, make it imperative that the "leadership of the Senate promptly notify the C.I.A. and other intelligence agencies to keep their records intact and to destroy nothing while we make a decision on how to proceed."

Once Congress works out the appropriate form for a far-reaching inquiry, the Senator said, "I think we're bound to find out more about the agency's role in Watergate." He said he would urge that Congress provide subpoena power for its investigators.

Mr. Thompson, the minority counsel who is now a partner in a Nashville law firm, said in a telephone interview that "it's absolutely clear that we didn't have the whole ball of wax" regarding the C.I.A.

"It's apparent now," he added, "that we were running into some of these domestic C.I.A. activities."

'Door Was Slammed'

"I remember that we were demanding several things and at one time [early in 1974], we were told it might be given to us," Mr. Thompson said. "We kept pressing them [the C.I.A.] and finally they told Senator Baker, in effect, that any further information they were going to give would go to the oversight committees—the intelligence subcommittees of the Senate and House Armed Services Committees.

"The door was slammed in our face," Mr. Thompson said.

The Pennington incident seemed to be the most specific example of alleged C.I.A. wrong-doing cited in the Baker report, whose call for further inquiry went unheeded at the time.

The report said that the staff's investigators had learned

"that the C.I.A. had in its possession, as early as June of 1972, information that one of their paid operatives, Lee R. Pennington Jr., had entered the James McCord residence shortly after the Watergate break-in and destroyed documents which might show a link between McCord and the C.I.A."

"It seems that the Pennington matter was extremely sensitive not only because of the above-mentioned facts," the Baker report said last summer, "but because Pennington may have been a domestic agent, possibly in violation of the C.I.A.'s charter."

Colby Inquiry Cited

One C.I.A. source told the Baker investigators, the report said, that a special in-house investigation of the agency's link to Watergate was conducted by the C.I.A. in late 1972, under the direction of William E. Colby, the present Director of Central Intelligence who was then executive director of the C.I.A.

The inquiry was so secret, the Baker report quoted a C.I.A. employe as having said, that one of the officials conducting the inquiry "was instructed to keep no copies of his findings and to make no records. He did his own typing and utilized no secretaries."

In the telephone interview, Mr. Thompson noted that the C.I.A. had depicted Mr. Pennington's job to be the routine collection of public materials.

"But if that's all Pennington was doing," Mr. Thompson said, "why the extreme measures to cover it up? The C.I.A. raised heaven and earth to cover up his involvement. It raised questions then and even greater questions now about the C.I.A. and Watergate and domestic operations."

Congressional sources said later that the House intelligence subcommittee, headed by Representative Lucien N. Nedzi, Democrat of Michigan, subsequently questioned Mr. Pennington last year and concluded that he had not been involved in any illegal operations. Mr. Pennington was in his 70's at the time.

"He was just clipping articles for the C.I.A.," one Congressional source said.

The source did acknowledge, however, that the C.I.A. deliberately sought to mislead the F.B.I. about the Pennington role in the burning of documents at Mr. McCord's house in August, 1972—months before the Watergate cover-up began to unravel.

Mr. Thompson acknowledged that "Pennington did look like a kindly old gentleman."

"But the point is," he added, "if the C.I.A. was this concerned about Pennington, what else would an inquiry into his life reveal?"

Kissinger Talks to Helms, Then Sees the President

11/5/75
Special to The New York Times

WASHINGTON, Jan. 4—Secretary of State Kissinger met at length with President Ford today amid speculation that the White House would establish a commission to investigate charges of domestic spying by the Central Intelligence Agency.

Mr. Kissinger met earlier in the day with Richard Helms, the former Director of Central Intelligence, who is now Ambassador to Iran. Whether Mr. Helms had met or would meet with the President was unclear. Mr. Kissinger left the White House shortly after 11 a.m. He was escorted to the West Wing by Secret Service agents.

Reporters gathered outside the West Wing and answered questions briefly before driving away in a limousine.

Mr. Helms said that a report on the spying question would be made "soon." While it was not entirely clear, it was assumed he was referring to a further investigation by Mr. Ford of the agency's reported domestic intelligence operations. Mr. Helms said he would make his own report.

The agency itself produced a report 10 days ago. The White House press secretary, Ron Nessen, said yesterday that while it contained some "facts,"

Continued on Page 4

KISSINGER MEETS WITH PRESIDENT

Continued From Page 1, Col. 5

Mr. Ford wanted to "pursue the matter further."

The Secretary of State said that "on the basis of what I now know" there was no reason to dismiss Mr. Helms, who returned to Washington from Tehran last night for what was described as home leave.

The Ambassador will return to his post "eventually," Mr. Kissinger said, noting that he would have to spend a week or more talking with members of Congress and others. Several professional investigations have been proposed.

They would focus on allegations appearing in The New York Times late last month that the C.I.A. had for several years spied on Americans in this country, a violation of the agency's charter.

Mr. Helms, who was appointed Director of Central Intelligence by President Johnson and served until 1972, has "categorically denied" any illegal spying by the agency when he was in charge of it.



United Press International
Secretary of State Kissinger leaving the White House yesterday after meeting with President Ford.

The C.I.A. report on charges has been suggested that a commission consisting of both Government and non-Government members might pursue them.

The Nation

In Summary

The C.I.A. Disclosures: 3 Quit Agency

A series of high-level conferences were held in Washington yesterday in connection with disclosures that the Central Intelligence Agency had illegally spied on thousands of Americans who opposed Government policies, especially in the Vietnam war. It appeared that President Ford, who has received a preliminary report on the matter but has not yet commented publicly, may be ready to take action soon.

There has been speculation that he will form a high-level panel of investigators, perhaps including some from outside Government, to look into the allegations first disclosed in a series of articles in The New York Times.

Richard Helms, now Ambassador to Iran but the man who headed the C.I.A. when most of the domestic intelligence allegedly occurred, is back in Washington and conferred at length yesterday with Secretary of State Henry A. Kissinger. Mr. Kissinger in turn conferred with the President.

There were a number of other developments in the matter last week:

• Three officials resigned last week. All had served under James Angleton, head of the agency's secret counter-intelligence unit until he quit two weeks ago after being named in a New York Times report as the director of the domestic spying program.

Before resigning, the three men—Raymond Rocca, William J. Hood and Newton S. Miller—had been informed by C.I.A. Director William E. Colby that they were being transferred from counterintelligence work, according to Government sources. Mr. Colby apparently made this decision only after reports of the domestic activity were made public.

• In a report to President Ford, Mr. Colby confirmed that the agency had maintained thousands of files on American citizens and had used various surveillance techniques, including break-ins and the opening of mail, to gather information for those files. The report reportedly did not deal with specifics but rather answered allegations made in the original Times story. Some of the activities, however, are known to have taken place as much as 20 years ago.

• It was revealed that in testimony before the Senate Watergate Committee, E. Howard Hunt, one of the Watergate burglars, told of serving as the first head of the C.I.A.'s Domestic Operations Division. Mr. Hunt said his work had included the financing of a Washington news agency, the underwriting of several popular travel guides, and the gathering of information from the headquarters of then-Republican Presidential candidate Barry Goldwater.

A former agent of the Domestic Operations Division had previously been quoted in the Times as saying that this unit was directly involved in spying on antiwar dissidents, beginning in 1968. The Times report said the unit had been formed in 1964. Mr. Hunt asserted it was begun during the Kennedy Administration.

• Singer Eartha Kitt was identified as one of the persons that the agency kept a file on. Data-gathering on Miss Kitt was started in 1956; after she criticized the Vietnam war during a White House luncheon in 1968 her dossier was turned over to the Secret Service.

And the First Is: Wouldn't One Strong Investigation Be Enough?

Some Basic Questions For C.I.A.'s Questioners

NYT 1/5/73

By SEYMOUR M. HERSH

WASHINGTON—The four committees of Congress that have announced they will investigate allegations of illegal domestic spying by the Central Intelligence Agency will first have to confront this question: Are four investigations three too many?

Many legislators have already suggested that a joint ad hoc investigating committee should be set up to fully explore the agency's activities both domestic and foreign. Logic would seem to dictate a single, agreed-upon investigating committee with an independent staff. Yet Congressional "eggs" along with strong feelings about which committees should have access to what classified data could lead to a defiance of logic through a hodge-podge of hearings, many in secret.

Once the hearings are agreed upon in whatever form, the legislators might begin by taking up a question that has not been publicly considered since the first reports on the domestic spying: Why, when the facts were long since known to Government officials and some in Congress, did it take a newspaper story, on Dec. 22 in The New York Times, to provoke a White House inquiry, Congressional hearings, and the resignation of at least four high-level CIA aides?

The domestic spying, in violation of the CIA charter, was first discovered by James R. Schlesinger shortly after he became CIA director early in 1973. Mr. Schlesinger was replaced by William E. Colby, who decided to brief the Chairman of the House and

Senate intelligence subcommittees about the illegal activities.

It is not known whether Mr. Colby decided to talk to Congress because of a strong belief in his oversight responsibilities or because of strong pressures from inside the CIA. But it is known that no investigations were initiated at the time of that briefing, which took place sometime near the end of 1973. The question is, why not?

Mr. Colby isn't saying. Mr. Schlesinger, now the Secretary of Defense, refuses to comment, and Senator John C. Stennis, Democrat of Mississippi and Chairman of the intelligence subcommittee of the Senate Armed Services Committee, has yet to publicly discuss the matter beyond announcing hearings.

The only explanation for the failure to take some kind of action in 1973 has come from Representative Lucien N. Nedzi, Republican of Michigan, the chairman of the House intelligence subcommittee. "At the time I was briefed," Mr. Nedzi said during a television interview 12 days ago, "these alleged improprieties had ceased . . . what was told to me was told after the fact."

Questions About the Executive

Other questions could be posed about the internal workings of the executive branch in the way it exercised its control over the CIA. Did anyone inside the agency tell the appropriate officials on the National Security Council about the domestic activities at the time of their discovery in 1973? President Nixon, even if informed, had more than enough reason not to do anything about the domestic spying—assuming, of course, that he did not authorize or in other ways countenance it.

But was Secretary of State Kissinger informed? And why wasn't President Ford briefed by CIA Director Colby about the wrongdoing until a few days before publication of the Times's account? These questions lead, of course, to the basic issue facing a future Congressional inquiry: Who did what to whom, when, and who authorized it?

This area of inquiry could include testimony from former, low-level CIA operatives whose accounts of what they did in the field against radicals and dissenters may conflict sharply with the more gentle descriptions available in Washington.

The precise mechanics of the domestic spying and information collecting still are not known. Was the major role played by the CIA's counterintelligence division, headed by the now-retired James Angleton, or were various undercover operatives of the domes-

tic operations divisions, with offices in dozens of American cities, involved?

Were the secret operations authorized by Richard Helms, former CIA director who is now Ambassador to Iran, or did Mr. Helms receive private instructions from President Johnson and President Nixon? It is known that some of the domestic spying began in the late nineteen-sixties and early nineteen-seventies in response to the increasing alienation of America's youth to the Vietnam war. Yet a number of former high-ranking officials of both administrations insist that they did not know of the CIA's activities.

One answer, offered a few weeks ago by a CIA insider, is simply that the power of Mr. Angleton, whose counterintelligence division is responsible for guarding the agency against foreign infiltration, was such that he could initiate such illegal activities on his own, with no one in the CIA—not even Richard Helms—able to stop him.

An over-riding consideration throughout any public hearings, if they are held in public, will be "national security," a term that clearly has a different meaning for the James Angletons of the world than it does for most other citizens. Mr. Angleton, when he quit recently, did so with criticism of those who do not see, as he does, an omnipresent Communist threat to the United States.

The fine balance between the public's right to know, a phrase rarely used before in connection with CIA activities, and the possible exposure of intelligence secrets and means of obtaining information will constantly be tested during any hearings into the spying allegations. Some specific illegalities may not be discussed in public as a result.

That may make it difficult to know whether the inquiry has sought and reached a new definition of what is now clearly an abused concept of "national security." Former President Nixon construed it to cover his own political well-being. Mr. Angleton and others apparently believe it permitted the use of illegal spying on American citizens exercising their right to disagree with their Government.

Even at the time of the creation of the CIA, there were those in Congress who sought safeguards against just what has been recently disclosed. One major question before the coming inquiry will be whether those safeguards can be installed in fact as well as in the fine print of an act of Congress.

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