

Senate Probe Of CIA, FBI Appears Set

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By Spencer Rich and William Greider
Washington Post Staff Writers

A full-scale Senate investigation of alleged domestic spying and misconduct by the CIA, FBI and other U.S. intelligence agencies seemed assured yesterday, as the caucus of all Senate Democrats voted 45 to 7 to create a select investigating committee with broad power and a budget of \$750,000.

The new committee will be similar in scope and power to the Ervin committee, which investigated the Watergate scandal and other abuses during the Nixon administration.

The overwhelming margin was a victory for Democratic liberals and younger senators who feared that the CIA investigation wouldn't be vigorously pressed by old-line committees like Armed Services and Appropriations, which have exercised supervision over CIA up to now. As a result, several argued, the public wouldn't be satisfied that the alleged abuses, with their implicit threat of an encroaching police state, had been investigated adequately and corrective steps taken.

Armed Services Committee Chairman John C. Stennis (D-Miss.) and Appropriations Committee Chairman John L. McClellan (D-Ark.) both told the caucus they wouldn't serve as chairman, thus clearing the way for eventual appointment of a chairman without previous supervisory responsibility over CIA operations.

John O. Pastore (D-R.I.), author of the proposal to set up a select committee drawn from the Senate as a whole, without a requirement that Armed Services and Appropriations be represented, also declined to be considered for chairman.

The new committee will have a Democratic chairman and 7 to 11 members. Majority

Leader Mike Mansfield (D-Mont.) and Republican Leader Hugh Scott (R-Pa.) are to work out the details and name the members, subject to Senate ratification.

Mansfield said he hopes all details can be ironed out by the end of this week. He gave no indication of who might become chairman, but several Democratic senators mentioned Frank Church (D-Idaho), Philip A. Hart (D-Mich.) and Birch Bayh (D-Ind.) as possibilities.

The caucus resolution calls for the new committee to report its findings and recommendations for corrective action by Sept. 1.

Creation of the committee was spurred by accusations that the CIA had violated its charter and conducted spying against American citizens on American soil, instead of restricting its operations to overseas, and that the FBI had dossiers on Mansfield, House Speaker Carl Albert (D-Okla.) and other members of Congress.

Meanwhile, former CIA Director Richard Helms appeared again before the President's commission on CIA do-

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mestic activities and told reporters afterwards that domestic surveillance initiated during his tenure was sought personally by two Presidents, Johnson and Nixon.

Asked about CIA surveillance of antiwar groups in 1967, Helms said the activity was initiated after President Johnson expressed his concern directly. "It was something he expressed to me," Helm said. "I don't know that there was any written directive."

Helms, now ambassador to Iran, said Johnson "expressed concern about the dissident organizations and their foreign connections and I was only interested in their foreign connections."

Helms, after testifying under oath yesterday in private before the eight-member commission chaired by Vice President Rockefeller, said he expects to return to his diplomatic post at the end of the week, but the commission may recall him later for further testimony.

Another former CIA director, John McCone, also appeared before the Rockefeller group yesterday. McCone also appeared before the Rockefeller group yesterday. McCone, who was director from 1961 to 1965, told reporters he had no personal knowledge of any domestic spying during his tenure or later.

"You will note that of all the accusations that have been made, none was in the time frame that I was director," McCone said.

Rockefeller told the press that his commission will meet again next Monday and begin taking testimony from CIA staff officials. "We've been given a broad picture," he said. "Now we want to go into details with staff."

The Vice President resisted attempts to draw any conclusions from him about the private testimony so far, but he did reject a reporter's query about "extensive illegal spying."

"I would not say that what you have just said would be the impression left so far," Rockefeller replied.

Much of the commission's questioning was handled by its director, David Belin. He has been joined by another new staff member, New York attorney Sol Neil Corbin, who will serve as counsel, and Rockefeller is still recruiting other investigators. All of the commission's members except former California Gov. Ronald Reagan attended yesterday's meeting.

In the Senate, the resolution adopted by the Democratic



Associated Press

McCone prepares to leave after testimony on CIA.

Caucus directs the new investigating committee to probe, among other things, the extent of illegal CIA operations in the United States, FBI counterintelligence operations, the use of wiretapping, opening of mail and surreptitious entry by intelligence agencies, and the Huston Plan, a proposal in the Nixon administration to apply a coordinated intelligence agency capability against various civilians and groups.

Approval of the resolution by the closed-door caucus came after a spirited battle between Pastore and Stennis, who argued that his own committee should continue its supervisory jurisdiction over CIA and undertake a broad investigation.

Pastore, with strong backing from Church, Stuart Symington (D-Mo.), Alan Cranston (D-Calif.) and several others, said many senators had already become "polarized" in the CIA issue, having too strong an identification with either criticism or defense of the agency.

"I don't want the extremes of both sides to participate," Pastore said. "Let's leave Pastore, Stennis, Proxmire and Abourezk" off, he argued. William Proxmire (D-Wis.) and James Abourezk (D-SD.) have been sharply critical of CIA.

Stennis, in thundering tones that rocked the room, insisted that his committee could and would do a good job of getting

to the facts, but the caucus rebuffed him—a rare defeat.

In the final vote, the seven opposing the Pastore resolution — which Mansfield strongly favored, having introduced a similar floor resolution with Charles Mc C. Mathias (R-Md.) last week—were Stennis McClellan, James Eastland (D-Miss.), Herman E. Talmadge (D-Ga.), Sam Nunn (D-Ga.), Howard W. Cannon (D-Nev.) and Harry Flood Byrd (Ind.-Va.). (Byrd sits with the Democratic caucus, though he is officially designated as an independent.)

Although Stennis didn't say so openly, he was clearly angry and hurt that the caucus wanted someone else to head the new probe.

"I oppose the resolution for several reasons," he told reporters. "The committee will be largely a duplication of what the Armed Services Committee has now. This idea that all those who have been dealing with it are polarized, I don't think such charges are well founded."

He said revelations in the press had "impaired" the operations of CIA "to some degree" and said his own committee "will also continue its obligations," but backed away from saying that Armed Services will carry out a parallel investigation once the new panel is set up.

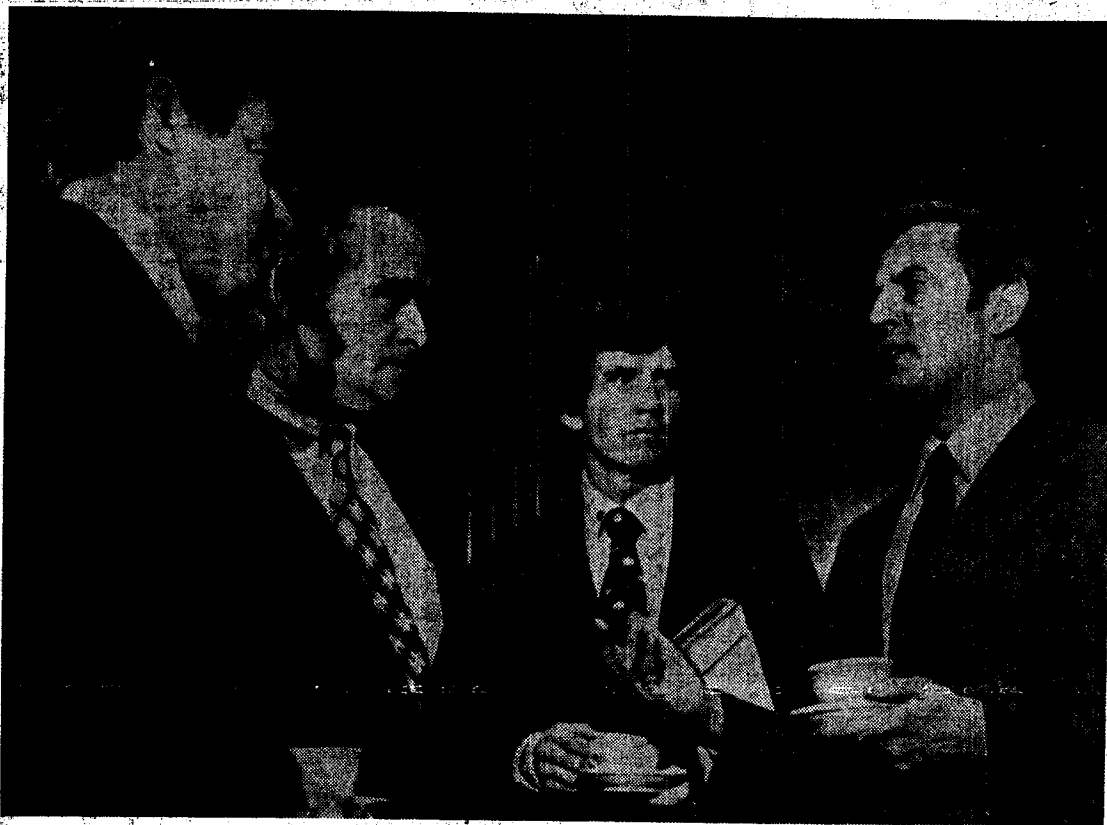
Mansfield said he didn't see any conflict between the forth-

coming Senate investigation and the Rockefeller commission's probe. "There is a need for both," he asserted.

Cranston told reporters the investigation contemplated by the caucus will cover the CIA, FBI, Defense Intelligence Agency, the Army, Navy and Air Force intelligence agencies, the Air Force's National Reconnaissance Office, the National Reconnaissance Office, the National Security Agency, the State Department Bureau of Intelligence and Research, the Treasury and its intelligence functions such as the Secret Service's activities, and intelligence operations in the atomic energy field.

A recent book by John Marks and Victor Marchetti, "The CIA and the Cult of Intelligence," estimated that these agencies have 153,350 employees and a budget of \$6.2 billion a year.

Cranston also told a television interview that he has heard unsubstantiated reports that the CIA has engaged in assassinations overseas of foreign nationals and its own agents. "They call it termination with extreme prejudice," he said.



United Press International

Sens. Church, Eagleton, Hart and Mondale meet before closed-door session of the Senate Democratic Caucus.

C.I.A. Admits Domestic Acts,

COLBY TESTIFIES

Concedes Project Led to Amassing Files on 10,000 Citizens

By SEYMOUR M. HERSH

Special to The New York Times

WASHINGTON, Jan. 15 —

William E. Colby, Director of Central Intelligence acknowledged at a Senate hearing today that his agency had infiltrated undercover agents into antiwar and dissident political groups inside the United States as part of a counterintelligence program that led to the accumulation of files on 10,000 American citizens.

But Mr. Colby, in a statement released after his appearance

Text of the Colby report is on Pages 30 and 31.

this morning before a Senate Appropriations Intelligence subcommittee, denied an allegation published in The New York Times that the Central Intelligence Agency had engaged in a massive, illegal domestic intelligence operation.

'Over the Edge'

"Whether we strayed over the edge of our authority on a few occasions over the past 27 years," he said, is a question for those authorized to investigate these matters to judge.

In a 45-page statement, the first formal response by the C.I.A. to the published allegations of domestic spying, Mr. Colby acknowledged the following:

¶That at least 22 C.I.A. agents were recruited or inserted into "American dissident circles" as part of two separate programs by the agency to monitor such activities in the late nineteen-sixties and early nineteen-seventies.

¶That Richard Helms, the former C.I.A. director who is now Ambassador to Iran, authorized on Aug. 15, 1967, the

Denies 'Massive' Illegality

establishment of a unit inside the agency's counterintelligence division "to look into the possibility for foreign links to American dissident elements."

¶That "in the course of this program, files were established on about 10,000 citizens in the counterintelligence unit." These files, which Mr. Colby said appeared to be "questionable" under the C.I.A.'s statutory authority, included materials generated by its agents in the

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field as well as reports forwarded from other Federal agencies, "some police forces, and several Congressional committees or developed from news clippings, casual informants, etc."

¶That the C.I.A. employed telephone taps "directed against 21 residents of the United States between 1951 and 1965," most of whom had a direct connection with the agency. Two of those taps, Mr. Colby said, were approved in advance by the Attorney General. The taps were on the phones of two private citizens who "were thought to be receiving sensitive intelligence information."

¶That the agency conducted three domestic break-ins in 1966, 1969 and 1971. A fourth attempt in 1971 was unsuccessful. In each case, the "involved premises related to agency employees or ex-employees."

¶That one former Congressman was included in the C.I.A.'s domestic counterintelligence file, and the agency does "have other files on current or former members of Con-

gress." Some of the files emanated from routine security clearance, but other members of Congress are being kept on file, he said, because "their names were included in reports received from other Government agencies or developed in the course of four foreign intelligence operations." Mr. Colby, in this report, specifically denied The New York Times's report of an allegation that at least one antiwar member of Congress had been placed under physical surveillance.

¶That physical surveillance of American citizens was conducted "on rare occasions" until as late as 1972 and usually against agency employees suspected of dealing with foreign agents. "In 1971 and 1972, physical surveillance was also employed against five Americans who were not C.I.A. employees." After the intelligence service received "clear indications" that the citizens were receiving classified information without authorization, the statement said, no further details were provided.

¶That the C.I.A. between 1953 and 1973 "conducted several programs" to survey surreptitiously and open the private mail of American citizens who were corresponding with certain Communist countries. One of the unspecified programs took place in 1969, 1970 and 1971.

At no point in his statement did Mr. Colby name any of the agents involved in the domestic activities, nor did he name any of the C.I.A.'s targets.

Under the national Security Act of 1947 setting up the C.I.A., the agency was forbidden to have "police, subpoena, law enforcement powers or internal security functions" inside the United States. These responsibilities have fallen to the Federal Bureau of Investigation, which maintains a special internal security unit to deal with foreign intelligence threats.

The charges of C.I.A. domestic spying are under investigation by five Senate and House committees and subcommittees as well as by the eight-member blue-ribbon Rockefeller commission appointed by President Ford. The Senate is expected to consolidate its investigations by establishing a bipartisan select committee, simi-

lar to that set up to look into the Watergate break" in.

Pending that development, Mr. Colby's testimony today before the Senate subcommittee, headed by Senator John L. McClellan, Democrat of Arkansas, was the first of what may be dozens of similar appearances for him.

Mr. Helms also appeared today before the Senate subcommittee.

After the three-hour session today, Senator McClellan said the five-member subcommittee had unanimously agreed that "an independent full investigation should be made because the charges that have been made reflect on the integrity" of the C.I.A.

"It is imperative for the fiction to be separated from the facts," told newsmen.

"We know that some mistakes have been made," he said, adding that they were not as "continuous and massive as have been alleged."

Another subcommittee member, Senator John O. Pastore, Democrat of Rhode Island, broke in to point out to reporters that "this is a presentation made by the director of the C.I.A." He, too, urged a full study and said there have been serious abuses that are not explained in this [the Colby] document.

Asks Special Prosecutor

In a statement this afternoon, Senator William Proxmire, Democrat of Wisconsin, declared:

"No simple statement that the C.I.A. merely overstepped its bounds is adequate. Nor can we find solace in the fact that now the C.I.A. has stopped such questionable activities."

The Senator called anew for the establishment of a select committee and urged the appointment of "a special prosecutor to bring those who have violated this law to justice."

In his statement, Mr. Colby declared that all of the current activities of the agency "are within the limits of its authority."

In his remarks about past practices, however, he said that, "if wrong," those wrongs "stemmed from a misconception of the extent of C.I.A.'s authority to carry out its important and primary missions—the collection and production of intelligence pertaining to foreign areas and developments."

At another point in his statement, the C.I.A. director noted that he had been "recently" advised by Laurence H. Silberman, the Acting Attorney General, "that I was obliged to call certain of these [past activities] to his attention for review."

"I have done so," Mr. Colby

said, "although it is my opinion that none would properly be the subject of adverse action against men who performed their duties in good faith."

In an interview in the current issue of Newsweek, Mr. Colby similarly was quoted as saying, "You need a criminal intent to actually be at fault, and if you did it under certain circumstances, you know, nobody in his right mind would prosecute, or do anything."

Mr. Colby's report did not discuss a number of the specific allegations published in The New York Times about the agency's domestic activities.

For example, The Times quoted well-informed Government sources as saying that C.I.A. agents had been authorized to photograph many participants in antiwar and other demonstrations.

Similarly, a former undercover

agent told The Times in an interview published Dec. 29 that he was one of many agents ordered to penetrate radical groups in New York while working for a branch of the C.I.A.'s clandestine services known as the Domestic Operations Division.

In his report, Mr. Colby said that the Domestic Operations Division had "representatives" in 36 cities—far more than had been generally known to exist. But he neither denied nor confirmed reports that some undercover domestic operatives has been assigned to that division.

Mr. Colby defined the Domestic Operations Division, now renamed the Domestic Collection Division, as currently being responsible for maintaining liaison with American citizens who travel overseas as well as assisting "other C.I.A. activities by identifying individuals who might be of assistance to agency intelligence operations abroad."

In recently published testimony before the Senate Watergate committee, however, E. Howard Hunt Jr., one of the convicted Watergate burglars, said that he had been responsible for the secret financing of a Washington news agency as well as other domestic publishing ventures while serving as chief of covert action for the Domestic Operations Division from 1962 to 1966.

In addition, the report revealed that the C.I.A.'s Office of Security had eight field offices operating under cover inside the United States. The offices, it said, are "primarily engaged in conducting security investigations of Americans with whom the C.I.A. anti-

paties some relationship.

10 Among Dissidents

It was this office and its concern for the safety of local C.I.A. installations, Mr. Colby said, that "inserted 10 agents into dissident organizations operating in the Washington, D.C., area."

The director said the undercover men were assigned to "gather information relating to plans for demonstrations, pickets, protests, or break-ins that might endanger C.I.A. personnel."

The program, which began in 1967 and ended some time in 1968, he said, provided reports to the F.B.I., the Secret Service and local police departments. It was unclear how the Office of Security's undercover operations were connected to the large-scale monitoring of dissidents that had begun—also in 1967—by the Counterintelligence Division.

In an extensive analysis of the allegations published in The Times about 10,000 domestic files, Mr. Colby suggested that the C.I.A.'s special office to investigate the foreign links to American dissidents had been set up in 1967 by Mr. Helms as a result of the Johnson Administration's concern "about domestic dissidence."

That office was set up, Mr. Colby said, less than three weeks after President Johnson appointed a national advisory commission on civil disorders. "The obvious question was raised as to whether foreign stimulation or support was being provided to this dissident activity," Mr. Colby said.

His statement did not cite any specific Presidential authority for the decision, made by Mr. Helms, to initiate the special activity in 1967.

"The program was conducted on a highly compartmented ba-

sis," he said. "As is necessary in counterintelligence work, the details were known to be in the agency."

At some point, he said, "the agency also recruited or inserted about a dozen individuals into American dissident circles." But he deplored this program as designed to establish "credentials" for operatives who were being sent abroad.

Nonetheless, his statement said, "some of these individuals submitted reports on the activities of the American dissidents with whom they were in contact . . . and in the process the information was also placed in C.I.A. files."

Requests by F.B.I.

Mr. Colby said further that

two-thirds of the 10,000 files that resulted from the special domestic counterintelligence program "originated [within the C.I.A.] because of specific requests from the F.B.I." The remaining third, he said, "was opened on the basis of C.I.A. foreign intelligence or counterintelligence information known to be of interest to the F.B.I."

The statement added that the domestic file program was reviewed in 1973 — after Mr. Helms left the agency for his post in Iran—and "specific direction given limiting it to collection [of information] abroad, emphasizing that its targets were the foreign links to American dissidents rather than the dissidents themselves."

In March, 1974, Mr. Colby added, he "terminated the program and issued guidance that any collection of counterintelligence information on Americans would only take place abroad" and at the specific initiation of the F.B.I.

Material in the files, he said, is now under review and those reports not justified by the agency's counterintelligence responsibilities are being eliminated.

"About 1,000 such files have so far been removed from the active index," he said, "but could be reconstituted should this be required."

Other Files Destroyed

He also confirmed that Department of Justice files provided to the agency in 1970 "could not be integrated" in the C.I.A.'s counterintelligence files and were destroyed last year.

"It was not the same file program described above," he said, in an apparent allusion to press reports last week suggesting that the C.I.A.'s files had, in fact, been supplied by the Justice Department.

At one point in his statement, Mr. Colby digressed, as he put it, to note that the fact "that there is a 'file' somewhere in one of our various record systems with a person's name on it does not mean that that 'file' is the type of dossier that police would use in the course of monitoring that person's activities."

Some operational files must be maintained to carry out the C.I.A.'s questionable? that have been eliminated in the last three years. It was not clear from his statement how these files, compiled on the basis of reports from informants and local police agencies, related to the files on 10,000 persons that were assembled by the Counterintelligence Division.

The special unit set up in 1967 reportedly was headed by Richard Ober, a long-time counterintelligence official who was shifted to the National Security Council in 1973, where he is now assigned.