

Citizens' CIA Unit Is Urged

Kissinger Asks President to Order Probe

By William Greider
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Secretary of State Henry A. Kissinger and others have urged President Ford to appoint a citizens commission to investigate the accusations of illegal domestic spying facing the Central Intelligence Agency, administration sources said yesterday.

The sources said Kissinger discussed the idea with the President and White House chief of staff Donald Rumsfeld by telephone earlier this week, before a 50-page report by CIA Director William E. Colby was sent to the President, who is vacationing in Vail, Colo.

In Colorado yesterday, a presidential press aide declined to comment on the report that Mr. Ford is considering such a step as an answer to public controversy over the CIA's domestic activities.

According to one source, the idea was pushed by Kissinger and others within the administration and outside the government in the hope that such a forum would stem public controversy and provide a review of the allegations of CIA spying in a "rational, unemotional and careful manner."

If the President makes such a move, it is not expected to deter the various congressional committees which already have announced plans to investigate the charges, the source said. Rep. Lucien Nedzi (D-Mich.), chairman of the House Armed Services subcommittee which oversees the intelligence agency, said yesterday he intends to proceed with his own hearings, in open session.

"We have our own responsibilities to pursue," Nedzi said, "and I don't see how that would be affected by an independent commission."

Meanwhile, a leading congressional critic of the CIA, Rep. Michael J. Harrington (D-Mass.), filed a lawsuit against the government yesterday in

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U.S. District Court here, charging that the CIA's domestic spying and its "covert action" against foreign governments are both illegal activities under the agency's original charter.

How many times can the CIA violate the law before

as dispenser of federal funds to the agency.

Harrington cited as illegal a long list of "mass activities" by the CIA, ranging from its secret intervention against the government of Chile to its involvement in the Watergate affair and its cooperation with the White House "plumbers" who conducted a burglary

According to an administration source, publication of the Colby report to President Ford "will cause some hell" with foreign governments, though he would not elaborate on why. The White House has said Mr. Ford is considering whether to make any or all of the CIA report public.

"There is no reason for Jerry Ford to cover anything up," the source said, implying that any controversial episodes described in Colby's report pre-date Mr. Ford's tenure in office. Nedzi, who had been briefed previously on CIA domestic activities of questionable legality, also emphasized that the episodes in question date from a prior time and said he has been assured that they have been discontinued.

Administration sources would not discuss what private citizens might be appointed to the inquiry, but acknowledged that the commission approach would not entirely stem public skepticism about CIA activities.

"I think if it got the right people on it to establish the facts," one well placed source said, "it is less likely to be driven by the spirit of the moment than congressional investigations would be."

Rep. Harrington's lawsuit names CIA Director Colby, Kissinger and Treasury Secretary William E. Simon as defendants, and seeks an injunction prohibiting any further "covert action" against foreign governments. Kissinger is held responsible as national security affairs adviser to the President and chairman of the 40 Committee, which clears CIA actions. Simon is named

The lawsuit argues that the 1947 National Security Act limits the CIA to foreign activities "relating to intelligence" but does not permit paramilitary assaults like the Bay of Pigs invasion of Cuba in 1961 or financing a coup against the premier of Iran in 1953 or a variety of other direct actions which the CIA has taken against foreign governments over the last 25 years.

Harrington said Congress had made "a dismal record" of supervising these secret activities, though he is also advocating congressional action to create a new select committee for oversight of the CIA.

Agency officials have argued in the past that their legal authorization for covert operations is contained in a blanket directive in 1947 which says the CIA should "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

Harrington told a press conference yesterday that this language is ambiguous at best and, in his judgment, does not permit secret investigations because it includes the words, "relating to intelligence."