

Levi Sees No Right To Murder

By Lawrence Meyer

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Attorney General Edward H. Levi said yesterday that no President has the authority to order an assassination.

Levi was questioned on "Issues and Answers" (ABC-WMAL) about various investigations of alleged Central Intelligence Agency involvement in plots to assassinate foreign leaders.

Levi said the President "does not have a reserve, constitutional power . . . to go around ordering assassinations." However, he distinguished between assassination and discussion of assassination by a President, saying "consideration of alternatives is not the same thing as ordering the violation."

If the Rockefeller commission report on CIA activities contains information about possible crimes, "we will take it seriously" and investigate to see if prosecution is warranted, Levi said. He said he had not seen the report.

The eight member Rockefeller panel, appointed six months ago by President Ford to investigate charges of illegal CIA domestic activities, has decided to delete from its final report information about assassinations.

But Levi said he is sure that any relevant information concerning a violation of law—including information on assassination plots—will be turned over to the Justice Department.

Asked if such material could be sought under the Freedom of Information Act, Levi replied that it could not be turned over "if we're preparing a case on it."

An organization called "Open America" is seeking immediate public release of the report. President Ford has received the report but has not released it. He has scheduled a press conference tonight at which he is expected to announce his intentions on release of the report.

Asked if a President has the legal authority to order assassinations, Levi said that "the

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simple answer to that is no." But he added that "a more complicated answer would raise the question of whether under any circumstances a President can order the use of force, as in the withdrawal from Vietnam, and if you are using force you may be killing people . . ."

Later in the interview the

attorney general emphasized,

"I think it is important in terms of the morality of our country, our way of life and the things we believe in, to say that it really is beyond the power of the President to order assassination."

Asked if a President who ordered the assassination of a foreign leader would be beyond the reach of the courts,

Levi replied, "I don't think he would be . . . if it is a crime under our law . . ."

However, he added, "It is a question of whether you are going to try a President for a state crime in that way, and we have had experiences with impeachment which is another way of doing it, but it is quite clear we are not going to have the President of the United States in a criminal court."