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# Colby Assures CIA On Prosecutions

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CIA Director William E. Colby told the agency's employees yesterday that he was confident none of them will be prosecuted for any illegal activities.

In a 2½-page bulletin distributed throughout the agency, Colby said he had reached that conclusion "after careful review of all activities in question."

A CIA spokesman indicated that Colby's optimism rested on the belief that it would be impossible to show any criminal intent in the agency's domestic spywork.

The spokesman suggested that CIA agents who carried out what Colby has described as "missteps" were acting in good faith on orders issued in the name of national security.

The CIA declined to release the full text of the bulletin, but described it as urging agency employees to cooperate with the Rockefeller commission's inquiry into allegations of massive, illegal spying on American citizens.

"My own belief, after careful review of all activities in question, is that legal action will not be taken against individuals," Colby said in part. "The final decision, however, must rest with the Department of Justice and other legal authorities and the risk of such action is a judgment each employee must make for himself."

The agency spokesman, who volunteered the excerpt, said that Colby had been "in touch with competent people" before reaching his conclusion, but did not know whether the advisers included anyone from Justice.

A source familiar with the Justice Department inquiry, which apparently is concentrating on incidents after 1970 because of the five-year statute of limitations, said no decisions had been made and doubted that Colby could have received any official assurances that no prosecutions would be undertaken.

The Colby bulletin told em-

ployees they could go to one of three places—Colby's office, the CIA inspector general, or the White House commission headed by Vice President Rockefeller—if they were aware of any activities that struck them as illegal.

Neither the Justice Department nor the special Senate and House committees that also have been assigned to investigate the agency was mentioned. The CIA spokesman said the bulletin was meant to deal only with the Rockefeller Commission inquiry.

The Rockefeller Commission heard testimony yesterday from six secret witnesses who work for the CIA and wish to maintain their "cover." Five of them were associated with the CIA's Office of Security, which allegedly handled some of the domestic surveillance under investigation.

C. Douglas Dillon, a commission member, told reporters that the investigation is "maybe halfway" toward completion of its work and it is likely that the eight-member group will ask for an extension of the April 4 deadline set by President Ford.

David W. Belin, the commission's executive director, told United Press International: "I don't think we yet know everything that occurred. It's possible we know the major areas of inquiry, but I would not preclude more major areas opening up as we go along."

"Colby Assures CIA On Prosecutions," WxPost 3/4/75 Partial comments of 3/6/75, HW

A "bulletin" earlier distributed to CIA employees has Colby "confident none of them will be prosecuted for any illegal activities."

Reason: no criminal intent. (politer than Hitler's, but same concepts.)

A "spokesman" is quoted as describing these illegalities as no more than "missteps" by (Post's words) these "acting in good faith in the name of National security."

While the implication of Colby's having been "in touch with competent people" is that Justice agreed, the story quotes its spokesmen as saying they had not reached any decision.

The bulletin appears to have been limited to Rockefeller Commission purposes.

The approach seems to be that decided by Warner, general counsel, in ultimate response to us after Lesar and I saw him. He told Jim they had not done anything "criminal" with me. That, of course, was irrelevant when we did not ask anything about "criminal" doing and had told him we would file a civil suit.

This is not to agree that there were not criminal act.

It is to suggest that the "competent people" were Colby's and the Agency's own. Or they are not guilty of crimes because they say themselves they are not.

I had not heard this line or "defense" until Lesar told me Warner had given it to him by phone.

There is no way of determining from the story whether Colby went into anything else in this bulletin to employees. However, it would seem that he might have addressed whether any would or could be ~~xxxxxx~~ held to account in civil suits by those against whom these non-"criminal" acts were directed, the victims.

Interestingly, the whole approach really isn't that these were not criminal act. Rather it is that "intent," in the mind of those committing the acts, is the controlling factor in determining whether a criminal acts is a criminal act; and that proof is impossible.

All they have to say is "national security," the magic formula, and intent is pure and crimes becomes non-criminal.

When what is actually criminal, burglaries, is included, this seems to be a different kind of "optimism" that what the story and bulletin attribute to Colby.