Senate Intelligence Panel to Investigate Why C.I.A. Failed to Destroy Poisons

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WASHINGTON, Sept. 9—The Senate Select Committee on Intelligence will investigate why the Central Intelligence Agency failed to destroy two supplies of poison—one a toxin derived from shellfish, the other a poison made from cobra venom—the committee chairman said today.

Senator Frank Church, chairman of the committee, confirmed that the handling of the poisons by C.I.A. would be the subject of three days of public hearings scheduled to begin next Tuesday. He said he was making a public statement on the hearings "because certain particulars concerning this subject have been released to the press."

The Idaho Democrat said his committee had received evidence that in violation of a 1969 Presidential order, the C.I.A. retained eight milligrams of a poison made from cobra venom and 10.972 grams of a toxin made from a form of shellfish. He said that these amounts were "enough to kill thousands of people."

Mr. Church said that "instruments designed for the purpose of transmitting these toxins also have betn discovered." He said that ht was "not prepartd to charge today that the C.I.A. ever inttndtd to conduct mass bacteriological warfare against foreign nations."

More Specific Seen

"I would have to assume that the purpose was to bt more specifically targettd," ht said.

He would not rule out that such materials might have been scheduled for use in a plan to kill Patrice Lumumba, former Premier of the Congo. According to authoritative intelligence sources, consideration was given in the early 1960's as to whether it would be feasible to kill Mr. Lumumba. The plan, these sources said, was rejected.

Later, Mr. Lumumba was killed by Congolese.

Mr. Church said that the "White House has urged ehe committee not to hold public hearings on this subject" but the request was not honored.

"The committee is charged with the duty of revealing unlawful conduct by the C.I.A. and the F.B.I. and other agencies . . . and therefore we intend to discharge that responsibility by holding public hearings on this and other subjects . . ." Mr. Church said.

He said that the "poisons retained unquestionably represent a disregard for the President's orders." He said tha the C.I.A. itself had acknowledged that the "retention of these poisons was in direct violation of the orders issued by President Nixon in 1970."

Stockpiles Ordered Destroyed

In late 1969, in connection with international treaties limiting biological and chemical warfare, President Nixon ordered a halt to development of these types of weapons and a destruction of existing stockpiles. These two agents appear to be the kinds covered by that agreement.

Sources familiar with the episode, lsaid that the material had been preserved from destruction on the orders of a middle-level C.I.A. official.

According to these sources, the material was discovered by the C.I.A. in a warehonse at Fort Detrick, Md., an Army facility near Washington. In his news conference this morning, Senator Church said that this had not been accurate; that the poisons had been kept in a C.I.A. laboratory at another location.

He declined to give that location. Other sources suggested it was a C.I.A. facility in Washington near the State Department. The details in the article published by The New York Times today were made available to the Senate committee the day before publication and its spokesman said that there would be no comment. No corrections were suggested by the Senate committee's srokesman at that time.

Mr. Church said the poisons were now under heavy guard but that before their discovery had been left unguarded.

Mr. Church said that the existence of the poisons was discovered earlier this year when an employe of the C.I.A. reported them to the cnrrent director, William E. Colby. A internal investigation has been conducted by the C.I.A., Mr. Church said.

When the Senate investigation was begun, the C.I.A. was requested by the Senat laderequested by the Senate leadership not to destroy any documents or materials that might be important to the investigation. Senator Church said that the C.I.A. had come to the committee to ask for permission to destroy the substances and he said the committee hoped it would be done shortly.

Mr. Church said the decision not to comply with the Presidential order to destroy the materials was made in 1970 when Richard Helms was Director of Central Intelligence. He said that Mr. Helms, now Ambassador to Iran, will be questioned on the matter in executive session before the public hearings next week.

"The real question here," Mr. Church said, "that must not be missed is how Presidential orders can be disobeyed on a matter relating to such importance." He said that the fact the United States had destroyed such substances was "announced formally to the world."

"Furthermore," he continued "it was made a part of a solemn treaty commitment of the United States, a matter not to be taken lightly."

It was unclear from available evidence just how the materials would be used or administered to the victim. In the case of shellfish toxin, however, Senator Church said the effect wae swiftly lethal.

"A very small amount of it brings near instantaneous death since it attacks the nervous system and brings on paralysis of the respiratory system almost at once," he said "Consequently there is no practical antidote for this particular toxin."

Mr. Church took reat Fains at this meeting and at an earlier breakfast with newsmen to avoid creating what he called a "scare concerning eating shellfish in the American market."