

Probers Reverse Policy, Delete CIA Name in Report

11/19/76
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In an abrupt reversal of its position, the Senate Intelligence Committee yesterday agreed to delete the name of a former CIA official from its final report concerning alleged plots to assassinate foreign leaders.

The surprise announcement had the effect of canceling a suit filed anonymously by the former CIA official attempting to keep his name out of the report, moments before the legal action was scheduled to be heard by a three-judge federal appellate panel here.

U.S. District Court Judge Gerhard A. Gesell ruled late Monday that the committee had the right to print the name, despite contentions that the man's life would be in jeopardy if he were publicly linked to plots to kill foreign leaders.

Committee attorneys and counsel for the plaintiff, who has been identified by in-

formed sources as former CIA technical services director Sidney Gottlieb, signed a joint agreement early yesterday disclosing the new committee position and dismissing the case.

The committee attorneys refused to discuss the reasons for backing down from their earlier decision to print the name in its report.

Chief committee counsel Fritz Schwarz argued strongly for the retention of the name Monday afternoon before Gesell, rejecting any suggestion by the plaintiff's attorney that the deletion of the name would not harm the full telling of the assassination plot story.

Schwarz said Monday that such a committee compromise to delete the name would be tantamount to "an official lie about this man, despite his being a central figure . . . who sought to kill foreign leaders."

Schwarz said the public would be cynical about any

report that didn't include the names of high-ranking government officials believed to be involved in acts "abhorrent to our society."

Court observers speculated that the committee members might have been persuaded to reconsider their decision after their attorneys told them about a closed-door hearing before Gesell Monday morning in which CIA Director William E. Colby and another high-ranking CIA official testified.

The two officials reportedly testified with the approval of President Ford in an attempt to convince the judge about the possible danger to the plaintiff's life if the published report included his name.

In his oral ruling, Gesell found that the public interest in allowing publication of the name outweighed any private interest the individual might have concerning acts he committed while he was a government official.

Gesell seemed to indicate the committee might want to reconsider its position, however, when he noted there was an "increasing concern" across the country with the tendency of congressional committees "to engage in legislative trials."

"A question of very delicate balance is involved in each case and the ultimate responsibility, of course, except in the most egregious situation, must rest with the Congress, and the resort to the polls is perhaps the only cure for many excesses," Gesell said.

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