

## Deal With Justice Dept.

Washington

The Rockefeller Commission said yesterday that for more than 20 years the Justice Department had a secret agreement giving the Central Intelligence Agency the power to decide whether to prosecute criminal charges involving agency employees.

The commission charged that the department "abdicated its statutory duties."

It also charged that the agreement "involved the agency directly in forbidden law enforcement activities," in violation of the law that created the agency and limited its powers.

The commission said it had found "no evidence" that the CIA "abused" the prosecutorial powers turned over by the Justice Department.

It said, too, that the agreement was finally ended last January, when the department "directed that cases with a potential for criminal prosecution be referred to it for consideration."

But the commission called for new guidelines, in writing, requiring that both the criminal investigation and the decision of whether to prosecute be made by the Justice Department.

A spokesman for the Justice Department, confirming the existence of the agreement last night, said he did not know whether the agree-

Back Page Col. 2

## SECRET CIA DEAL

From Page 1

ment had been a "slip" and a mistake by department officials for "a tacit agreement."

The spokesman, Robert Havell, also said it was his understanding that a whole series of attorneys general during the 20-year life of the agreement had not been told of the agreement's existence.

Several previous attorneys general, including Herbert

Brownell Jr., who was attorney general at the time the agreement began, said in interviews earlier in the day that they had no recollection of any such agreement.

The spokesman said, too, that as far as the Justice Department knew, no CIA employee had been prosecuted during the entire 20-year period — apparently because of the agreement.

The Rockefeller commission stated that in 1954, the

CIA "pointed out" to the Justice Department that "in many cases involving CIA prosecution would require public disclosure of sensitive agency operations and procedures."

The Department of Justice "responded," the commission said, that the agency should itself investigate "allegations affecting its operations" and "not refer the case to the Department of Justice."

*New York Times*