

Justice Dept. Gave the CIA Names of 9,000 Americans

By Laurence Stern
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The names of some 9,000 Americans were submitted to the Central Intelligence Agency by the Justice Department to investigate abroad the possibility of foreign involvement in disorders and demonstrations within the United States in 1970.

The foreign intelligence monitoring capability of the CIA was also used to help gather evidence on possible conspiracies to violate the anti-riot statutes and other criminal activities growing out of the civil disturbances at the

outset of the Nixon administration.

Gathering of intelligence abroad is considered a normal and appropriate function of CIA under its present charter.

Submission of the 9,000-name list to the CIA was confirmed yesterday by James Devine, who helped to compile it as head of the once-secret Interagency Domestic Intelligence Unit (IDIU) at the Justice Department. Devine is now with the Law Enforcement Assistance Administration at Justice.

The IDIU was the subject of a "top secret" memorandum

from White House Counsel John W. Dean III to Attorney General John N. Mitchell on Sept. 18, 1970.

Dean's memo said IDIU "is already a far more extensive intelligence operation than has been mentioned publicly" and that it should be used as a "cover" for "both operational and evaluation" functions.

In the memo Dean referred to Devine's "strong links with the prior administration" and said "I do not believe that Jim Devine is capable of any major position with the new intelligence operation. However

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I do believe that he could help perpetuate the cover . . ."

Recent press accounts of CIA domestic activity have spoken of a "massive illegal domestic intelligence operation" by the agency which included the maintenance of files on some 10,000 American citizens.

Devine, whose account was alluded to in columns yesterday and today by Jack Anderson, said he developed the computerized tape list of some 9,000 Americans from the files of the Justice Department and on two occasions discussed it with Richard Ober, then a CIA specialist on subversive and terrorist organizations.

Virtually all other interagency contacts on the name list were conducted by Devine with officials of the FBI's internal security division. Under present operational codes and legal charters the CIA is responsible for intelligence and espionage activities abroad while the FBI is supposed to carry out its functions primarily within the United States.

One former CIA official, who held senior rank in the agency at the time of the foreign monitoring operations, said the CIA initiated a program of foreign surveillance of political dissidents under President Johnson. The program was started under the direction of former CIA counterintelligence chief James J. Angleton to determine, among other things, whether antiwar

activities were sponsored or financed by foreign governments, the official said. Files were kept on these surveillances, he explained.

It was not possible to determine whether the 9,000-name list submitted by Devine's unit is the same as the 9,000 or 10,000 names that have been variously estimated in news accounts as the number of CIA files maintained for alleged domestic surveillance of Americans.

"When the executive branch does something wrong," said Devine, "I think it ought to be slapped. But I hate to see the CIA accused of developing a list that we developed ourselves. It would be a bum rap."

The CIA overseas checks on members of such dissident groups as the Black Panthers, Weathermen and prominent Vietnam war critics showed no conclusive evidence of foreign financing or support for the antiwar movement, Devine and other officials told The Washington Post.

The CIA conducted its own internal studies of the issue of foreign governmental implication in the antiwar movement and also concluded that there was no significant evidence of such involvement.

The monitoring program by the CIA as well as domestic intelligence agencies was cranked down with the reduction in the pace of political protest activities within the United States, informed officials said.

One official who claims to be familiar with the pattern of CIA overseas surveillance said that some of the reported excesses of the agency within the United States may have resulted from its pursuit of its investigative lines into the United States. Under official interagency protocol decreed by Congress and the late J. Edgar Hoover, the United States is deemed to be the FBI's exclusive investigative preserve.

"There may have been cases," said the official, "in which jurisdiction was not transferred instantly."

There also remains the question of intelligence burglaries, electronic eavesdropping and wiretapping within the United States, which are among the general allegations leveled against the CIA.

A former intelligence operative who recently left the agency after serving both in the open and clandestine services in Washington and abroad acknowledged to the Washing-

ton Post last week that the CIA burglarized foreign embassies, specifically those of Chile and Israel, in the pursuit of what was deemed important foreign intelligence.

The most serious allegations that have been made against the CIA fall within this category and figure in the Colby report.

In the Dean memorandum there was a reference to staffing the Justice Department Interagency Domestic Intelligence Unit with representatives of four intelligence agencies. Only the FBI was mentioned as a participating agency.

Devine, who was transferred out of the IDIU presumably because of his prior service in the Johnson administration, did not know whether the CIA was directed to participate.

The CIA was represented in a series of White House meetings on domestic counterintelligence which were called to implement the proposals of former White House adviser on internal security matters Tom Charles Huston. Its ostensible role was to provide an increased flow of information from abroad on political dissidents.

WXPost JAN 9 1975 N.Y. Times, Time Asked for CIA Data

From News Dispatches

Rep. Lucien Nedzi (D-Mich.), chairman of a CIA oversight subcommittee, yesterday asked the editors of The New York Times and Time magazine to suggest witnesses for a House inquiry into alleged CIA domestic spying.

Both publications in the last two weeks have carried extensive dispatches claiming the CIA had breached its charter by carrying out surveillance of American radicals and dissenters within the United States.

The New York Times turned down the request, on grounds that it was given information for its stories on a confidential basis.

A spokesman for Time magazine said in a statement: "This was obtained from confidential sources and for that reason we cannot comply with the request."