

NYTimes  
Senate C.I.A. Panel  
Supports Immunity

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WASHINGTON, Feb. 25—The Senate Select Committee on Intelligence favors the use of carefully selected grants of immunity from criminal prosecution to encourage candid testimony from Government agents in the panel's investigation, a survey of the membership has disclosed.

Senator Frank Church, Democrat of Idaho who is chairman of the committee, said, "It is within our power to grant immunity in appropriate cases, and where it is necessary to obtain essential information I'd be in favor of it." He said, however, that the granting of immunity would be up to a vote by his 10-member committee.

A check of the committee by

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The New York Times found that a majority of the members favored some form of immunity system and no Senator opposed the idea. Several declined comment.

Within the Federal intelligence community, immunity was regarded as one of the most vital tests of whether the Senate inquiry would be able to document illegal intelligence activities and methods. Several former operatives for the Federal Bureau of Investigation and the Central Intelligence Agency said immunity might be the only way to get candid testimony from men who had been involved in what might be construed as illegal operations while under Federal orders.

#### Fearful of Liability

"If a man conducted an illegal operation in 1967, a big job [burglary], for instance," one senior former intelligence officer said, "and he was acting under orders from his superiors, in good faith, you can't come along and change rules on him and expect him to tell you about it." This source said he had talked to several former Federal agents "who were damned scared of their own liability."

Earlier this month The Chicago Tribune disclosed what it said was an internal C.I.A. memorandum signed by David H. Blee, deputy director of the agency's clandestine service employees that the legality of agency operations was under scrutiny and that they had a right to remain silent or retain private legal counsel if they faced criminal prosecutions. The C.I.A. declined comment on the article. Several former C.I.A. officers construed the memo as a veiled warning to keep quiet, they said in interviews.

The newly created Senate committee is making an investigation of the entire range of Federal intelligence operations, costs and efficiency as well as specialized inquiries into whether Federal agencies have violated the law in domestic counterintelligence operations.

#### May Ask Waiver

Senator Church is expected to meet with William E. Colby, the director of Central Intelligence, tomorrow, to request that he waive the portions of C.I.A. "contracts" with employees that pledge them to silence. Mr. Colby's waiver, according to Senate sources, would be enough to free present and former agents to testify.

The meeting is also expected to involve other procedural matters—storage of top-secret documents, for instance—but no "substantive" questions, according to a committee source.

The survey of the committee membership found general agreement that the immunity power must be used with great caution. But several Senators expressed concern that it should not be used to protect present and former Government officials from charges of having lied to Congress.

Senator Charles McC. Mathias Jr., Republican of Maryland, said he would recommend that immunity not be granted to Federal officials who had been "on a policy-making level."

He said he felt immunity should be granted only to men who had "carried out the orders" and only in cases where testimony was vital.

The vitality of the testimony was the caveat of several Senators. Senator Barry Goldwater, Republican of Arizona, said he would limit an immunity grant to situations where the testimony was so vital that the work of the committee could not be completed without it.

Senator Richard S. Schweiker, Republican of Pennsylvania, saw the immunity power as only one of several tools the committee could use to get to the truth of possible illegal domestic activities. He said the panel must be prepared to protect the names and identities of some sources of information from being made public and must be able to offer witnesses some security from retaliation.