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## SHARING OF DATA ON C.I.A. IS SOUGHT

### Senate Investigators to Ask for Materials Gathered by Rockefeller Panel

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Special to The New York Times

WASHINGTON, Feb. 26—The Senate Select Committee on Intelligence will ask Vice President Rockefeller for "all records, transcripts and materials" that will be gathered by the White House commission investigating the Central Intelligence Agency, the committee chairman said today.

In a briefing for reporters following a closed meeting of the committee, Senator Frank Church, Democrat of Idaho, said he hoped that he and the vice chairman, John G. Tower, Republican of Texas, could arrange a meeting with Mr. Rockefeller, chairman of the commission, after they talk to President Ford. No date has been set for either meeting.

#### Subpoena Not Ruled Out

Mr. Church said he hoped that the materials gathered by the Rockefeller investigation could be voluntarily turned over to his investigative committee. Having the material from the Rockefeller inquiry "would avoid our duplicating" work, he said. But under questioning by reporters, Mr. Church would not rule out the possibility that the committee might have to subpoena the data.

Mr. Church announced the appointment of F.A.O. Schwarz 3d, a New York lawyer and member of the family that founded the Schwarz toy business, as the committee's chief counsel. In a telephone interview, Mr. Schwarz said his name was suggested to the committee by Burke Marshall, a former Assistant Attorney General who will be serving the committee as a consultant.

There are possible complications in the committee's desire to obtain the records of the White House investigation. Vice President Rockefeller and his commission, appointed by the President, are an agency of the executive branch. During the Watergate investigations, President Nixon refused to surrender White House materials, saying they were protected by executive privilege.

#### Ford's Pledge Recalled

Mr. Church said he hoped that President Ford would stand by his commitment to have an open Administration and would order all pertinent documents and evidence made available.

"We don't want to resort to our subpoena power unless and until we have to do it," Mr. Church said. Drawn-out legal actions over attempts to get evidence from the executive branch could make it impossible for his committee to meet its deadline this fall, he said.

Meanwhile, the House Select Committee on Intelligence Activities, the Senate panel's counterpart, met today in the office of Representative Lucien N. Nedzi, Democrat of Michigan, its chairman.

The house panel, set up last week, still has to select its chief counsel. One member said after today's meeting that the seven Democrats and three Republicans on the panel were trying to work out compromises on such questions as access to classified intelligence materials by the committee staff.

Mr. Schwarz's appointment was one of 19 staff appointments announced by the Senate committee today.

Mr. Church said that Mr. Schwarz had gained investigative experience while working as a defense attorney in the Federal antitrust cases involving the International Business Machine Company. Mr. Schwarz said that as a member of the New York law firm of Cravath, Swaine & Moore, he had been part of a team of lawyers that represented I.B.M. in some five years of litigation.

Mr. Schwarz said he has never been involved in either military or civilian intelligence-gathering. In 1961 and 1962 he was the Assistant Commissioner for Law Revision of the Government of Northern Nigeria.

He said that Senator Church informed him of his appointment earlier today and that he has had only preliminary discussions over what the scope of his work will be. He said the committee task, in his opinion, "is a bit of a big job."

#### Law Professor at Yale

Mr. Church announced the appointment of Mr. Marshall, now a law professor at Yale University and a close friend of the Kennedy family, as a consultant to the committee. He said Mr. Marshall would be devoting about half his time to the assignment unless it demanded more involvement.

Mr. Church said he expected to meet with William E. Colby, director of the C.E.A., at 10 A.M. Thursday and, in addition to discussing protection of documents and waivers of employee contracts, he would ask Mr. Colby for the original report on C.E.A. domestic activities that Mr. Colby turned over to President Ford early this year.