

CIA's 'Unlawful Acts' Listed  
in The Rockefeller Report

## 5-Month Study Offers Recommendations To Control U.S. Spying

Washington

The Central Intelligence Agency engaged in scores of "plainly unlawful and . . . improper invasions" of constitutional rights during its 28-year history, including domestic break-ins, wiretaps, mail openings and data-collection on thousands of Americans, the Rockefeller Commission reported yesterday.

Concluding a five-month inquiry, the panel detailed allegedly illegal acts that went beyond what CIA Director William E. Colby had publicly acknowledged.

At the same time, the commission found that "the great majority of the CIA's domestic activities comply with its statutory authority," the National Security Act of 1947.

"Some of these activities were initiated or ordered by presidents, either directly or indirectly," the commission reported. It said former Presidents Johnson and Nixon had unduly pressured the CIA to gather improper domestic intelligence.

The 299-page document — which omitted any findings on alleged foreign assassination plots — contained 30 recommendations aimed at clarifying the duties of the CIA and improving supervision of intelligence work.

It recommended that Congress "make explicit" that the CIA can only collect foreign intelligence, and that the President, by executive order, generally prohibit the spy agency from gathering data "about the domestic activities of United States citizens."

The President should also ask Congress to establish a joint committee on intelligence to supervise the agency more closely, the commission said. It suggested that such a committee might make public some CIA budget figures, which traditional-

ly are concealed within the budgets of the Defense and State Departments.

While detailing the CIA's alleged misdeeds in this country, the commission explained — in the manner of a defense attorney — how most of the acts had come about.

Thus, the report did not have a prosecutorial tone.

President Ford, who appointed the eight-member commission headed by Vice President Nelson Rockefeller, announced Monday night that the commission's secret material regarding allegations of CIA assassination plans is being sent to

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the select Senate and House committees for their CIA inquiries. A copy also is being sent to the Justice Department to consider possible criminal prosecutions.

Referring to the assassination of President Kennedy in November, 1963, the commission said it examined "numerous allegations" of CIA involvement.

"On the basis of the staff's investigation," it said, "the commission concludes that there is no credible evidence of CIA involvement."

The Rockefeller report said the CIA began collecting information on U.S. anti-war groups and alleged radicals in August, 1967, under a program called "Operation CHAOS."

This program — spurred on by former Presidents Johnson and Nixon and their staffs, the commission said — eventually compiled 13,000 different files, including dossiers on 7200 Americans.

In all, these files and related material contained the names of 300,000 U.S. citizens and organizations, which were put into a computerized index, the report said.

Colby, defending his agency in public testimony last January, said the CIA had compiled about 10,000 domestic files before phasing out the program in 1974. He gave no figure for the total number of names referred to in these files.

The Rockefeller panel said "presidential demands upon the CIA appear to have caused the agency to forego, to some extent, the caution with which it might otherwise have approached the subject."

Mr. Johnson and Mr. Nixon both pressed the CIA to uncover possible foreign involvement in the American antiwar movement, the report said. When the CIA, relying largely on FBI reports, failed to find such links, White House demands became even more insistent, the commission said.

These demands "seem to have encouraged top CIA management to stretch and, on some occasions, to exceed the legislative restrictions" against CIA involvement in domestic spying, the report said.

As a result — instead of continuing to reply on FBI data and on reports from CIA field stations — abroad Operation CHAOS officers in 1969 started recruiting 30 agents of their own, some of whom infiltrated U.S. dissident groups.

At the same time, Richard M. Helms, then CIA director, apparently was aware the operation was illegal, according to a February, 1969, memo which the commission cited.

Discussing a study on U.S. student unrest, which Helms sent to Henry A. Kissinger, then Mr. Nixon's advisor on national security affairs, Helms said:

"This is an area not within the charter of this agency, so need not emphasize how extremely sensitive this makes the paper. Should

anyone learn of its existence it would prove most embarrassing for all concerned."

The CIA's desire to keep its domestic work quiet was also reflected in memos during the 20-year period it illegally opened mail between the United States and Communist countries, according to the report.

A 1962 CIA memo cited by the commission said that in the event someone disclosed this operation, "It should be relatively easy to hush up the entire affair or . . . to find a scapegoat to blame for unauthorized tampering with the mails."

The CIA secretly opened up to 13,000 letters a year before halting the program in 1973, the report said. Colby, while publicly acknowledging the mail openings, never provided a figure, and CIA officials have declined to answer newsmen's questions about it.

The commission said the CIA found its mail-opening operation "useful as a source of technical communications intelligence on such matters as secret writing, censorship techniques and the like."

But the commission recommended that:

"The President should instruct the Director of Central Intelligence that the CIA is not to engage again in domestic mail openings except with express statutory authority in time of war."

Colby testified in response to charges against his agency that there were three domestic break-ins and 21 wiretapping incidents in the U.S. attributable to the CIA, so far as he could determine.

The Rockefeller panel, however, said the agency had installed 32 domestic wiretaps, had used eavesdropping devices an additional 32 times and had authorized 12 domestic break-ins.

"None of these activities was conducted under a judicial warrant, and only one with the written approval of the attorney general," the commission said.

Three newsmen were among those wiretapped "in an effort to identify their sources of sensitive intelligence information," the report said. It added:

"The first such instance

took place in 1959. The other (two) occurred in 1962, apparently with the knowledge and consent of Attorney General (Robert F.) Kennedy."

The newsmen were not identified.

The agency also instituted physical surveillance of anti-war demonstrators and newsmen from time to time, the commission said. In an effort to learn their sources, "several" reporters were followed in 1967, 1971 and 1972.

Calling such actions beyond the CIA's responsibility, the commission said:

"The director's responsibility to protect intelligence sources and methods is not so broad as to permit investigations of persons having no relationship whatever with the agency.

"The CIA has no authority to investigate newsmen simply because they have published leaked classified information."

The commission said there were several relationships between the CIA and local police, including a routine system of paying gratuities to American police officers, an incident where policemen aided the CIA in a burglary and several cases where the CIA supplied undercover operatives and surveillance equipment to the metropolitan police in Washington, D.C.

The report also disclosed for the first time a 20-year-long secret agreement between the CIA and the Department of Justice in which all criminal charges arising about CIA employees and contract personnel would be investigated by the CIA.

Throughout the report there was sharp criticism of Richard Helms for allegedly yielding to White House

pressures during the Johnson and Nixon administrations. Helms was CIA director from 1966 to 1973. He now is U.S. ambassador in Iran.

The commission said Helms turned over "highly sensitive" documents to the Nixon White House in 1971 which presidential aides sought to use for "political purposes."

These CIA files dealt with the 1961 Bay of Pigs disaster, the 1962 Cuban missile crisis and the 1963 fall of the Diem government in South Vietnam.

The commission said Mr. Nixon and his aides wanted to use these files "for the President's personal political ends" to embarrass previous administrations, particularly that of John F. Kennedy. However, the files were never used, the report said.

Although Helms was "not told of the President's intention," he exercised poor judgment in surrendering them, the commission said.

"The commission recognizes that the (CIA) director cannot be expected to disobey a direct request or order from the President without being prepared to resign," the report said.

But hinting that Helms should have resigned, it added:

"The instances in which resignation may be called for cannot be specified in advance and must be left to the director's judgment...The commission believes that in the final analysis the proper functioning of the agency must depend in large part on the judgment, ability and integrity of its director."

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