

First Finding in Probe Of CIA Mail Intercept

Washington

Justice Department lawyers looking into possible wrongdoing by the Central Intelligence Agency have concluded that agency employees acted illegally in opening and photographing mail in transit between the United States and Communist countries, according to well-placed department officials.

The officials' assertion is the first report that the department panel set up to examine the full range of the CIA's domestic activities, as well as its alleged involvement in foreign assassination plots, has reached a determination on the illegality of any of the agency's operations that have been questioned.

One of the officials, all of whom asked not to be identified, said a principal problem faced by the panel, which comprises a dozen Justice Department lawyers, is that the federal statute of limitations, normally five years in most felony cases, had nullified prosecution against many of the agency's activities in the 1950s and 1960s.

He said that this does not apply to the CIA's mail-opening operations, which are said to have continued in the San Francisco area until 1971 and at Kennedy International Airport in New York until 1973.

The Justice Department, the officials said, is investigating all domestic CIA activities of which

it has knowledge. These activities range from wiretapping and breakins to the infiltration of political organizations and the administering of mind-altering drugs to unsuspecting victims.

An important consideration underlying all of the cases, they have said, is whether such activities, while taking place within the United States, were nonetheless consonant with the agency's mission of gathering and evaluating foreign intelligence or with the responsibility of the executive branch to protect the national security.

The reported conclusion of the Justice Department lawyers that the opening of overseas mail was illegal may therefore hold significance for the eventual prosecution of other domestic activities by the agency that, like the opening of the mail, possessed an element of foreign involvement.

Officials have cautioned, however, that it was still unclear whether the department would be able to assemble in the mail-opening cases evidence that was solid enough to bear the weight of a criminal indictment of the CIA employees who were directly involved.

One official said that the CIA agents "were very astute" in concealing from post office employees their surreptitious opening and copying of letters bound for the Soviet Union and China.

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