

C.A. (D)

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# Plot Panel Ignores Levi's Bid for Data

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WASHINGTON, Nov. 21—The Senate Select Committee on Intelligence has not responded to requests from the Department of Justice for access to the evidence assembled in the panel's investigation of alleged misdeeds by a number of Federal intelligence agencies, a committee spokesman said today.

The spokesman added that, despite personal overtures to the committee by Attorney General Edward H. Levi for any materials that might indicate possible criminal wrongdoing by intelligence officials, there remained "a question" whether the panel's classified investigative files would ever be provided to Government prosecutors.

The Justice Department has been investigating the legality of activities undertaken by several Federal agencies, including the Central Intelligence Agency, since early in the year. That investigation reportedly encompasses the C.I.A.'s domestic operations, such as its 20-year program of opening mail to and from Communist countries, and the agency's involvement in attempts on the lives of at least five foreign leaders.

#### Law Violations Seen

Justice Department lawyers working on the investigation have reportedly concluded that Federal laws were violated by C.I.A. employees in some of the instances under examination, including the mail-opening effort that ended in 1973.

But well-placed officials suggested today that the department's ability to bring charges in those cases, or to complete its inquiry into the assassination plots, had been hampered by the Senate committee's refusal to share the testimony and other evidence it had obtained.

The Senate panel, headed by Senator Frank Church, Democrat of Idaho, released yesterday an interim report disclosing details of the C.I.A.'s efforts to arrange the murders of Prime Minister Fidel Castro of Cuba and Patrice Lumumba, the Congolese leader who was

later killed by opposition forces in his own country.

In addition, the committee said that it had discovered some degree of C.I.A. involvement in otherwise indigenous plots against the lives of former South Vietnamese President Ngo Dinh Diem, the late Dominican dictator Rafael Leonidas Trujillo, and René Schneider, a Chilean Army General.

Much of the material contained in the committee's report, which said that none of the foreign leaders were killed as a result of the plots initiated by the C.I.A., was initially obtained from the C.I.A. by the Rockefeller commission, set up by President Ford in January to examine the agency's domestic operations. The commission gave the material to the Senate panel.

#### Not a Surprise

The same materials were given to the Justice Department in June, and consequently, department officials said, nothing in the Senate report was received with surprise by the prosecutors looking into the assassination efforts.

The principal difficulty, one informed source said today, is that the Justice Department is reluctant to bring charges in some of the areas under investigation, or to close its files on others, without knowing what individuals have testified to under oath in closed hearings held by the Church committee over the last five months.

One source raised the possibility that, if the Justice Department decided to proceed with a prosecution, it might be forced to drop the case if exculpatory evidence was later found to exist in the Senate committee's files.

The Senate report issued yesterday described eight separate plots against Mr. Castro's life conceived by the agency between 1960 and 1965, in several cases apparently without the knowledge or approval of high White House or C.I.A. officials.

The plot against Mr. Lumumba was conceived in late 1960 and, according to the Senate report, was the only instance in

which a C.I.A. official expressed concern that such planning might amount to "a conspiracy to commit murder."

That suggestion, the report said, was "airily dismissed" by Richard Bissell, then the C.I.A.'s chief of covert operations.

There is no Federal statute prohibiting a conspiracy to assassinate a foreign official outside the territorial United States.

#### Concern Expressed

There is reportedly some concern in the Justice Department about the effect that publication of the committee's assassination report, which contains conflicting testimony and unsupported allegations, may have on any future prosecution of those involved in such planning.

Despite those reservations, the Justice Department is considering whether the activities described in the Senate report constitute violations of other Federal laws or those of the District of Columbia.

The C.I.A. made its headquarters in the District until the early 1960's, when it moved to suburban Virginia. Any plots laid before the move would thus fall in the purview of the Justice Department, which prosecutes cases in the District, and those that came later would be subject to state law.

Some laws are subject to a Federal regulation barring prosecution of a violation after five years have passed. A Federal conspiracy to suppress evidence that the violations occurred can be prosecuted within five years after the conspiracy comes to an end.

The murder statute in the District of Columbia Code bears no statute of limitations, nor does the prohibition against conspiring to commit such a crime.

#### Helms Is Silent

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TEHERAN, Iran, Nov. 21—Ambassador Richard Helms said "no comment today when an Embassy official reached him at his residence to ask his reaction to the Church committee's report.

There was also no comment from the Iranian Government.