

City Bar Association Study Says Many C.I.A. Activities Illegal

By TOM GOLDSTEIN

A city bar association report has concluded that many of the domestic and foreign activities undertaken by the Central Intelligence Agency has been unlawful.

The 46-page legal analysis of the agency was prepared by the committee on civil rights and the committee on international human rights of the Association of the Bar of the City of New York.

The report, which was released yesterday, accuses William E. Colby, Director of Central Intelligence, and Richard Helms, the director from 1966 to 1973, of "having had no consistent and common understanding of the activities prohibited to the agency by statute."

The report also accuses Congress of failing to provide proper review of C.I.A. operations. "Congress has relinquished to the C.I.A. its own constitutionally based responsibility in the formulation of our foreign policy," the report concludes.

Source of Data

The committees analyzed the constitutional and statutory provisions governing the agency, and the published statements of Mr. Colby and Mr. Helms. Among the specific findings in the report are the following:

¶C.I.A. surveillance within the United States of any person who is not a C.I.A. employe is prohibited by existing statutes.

¶The agency's maintenance of files on any individual in this country who has no clear and direct involvement with a foreign power is unlawful.

¶Certain covert political activities engaged in by the agency appear to be "patently unconstitutional."

¶The current secret procedures for financing the agency are unconstitutional since the Constitution requires that the total sum spent by any Government agency be published in the combined statement of Government expenditures.

Term Undefined

Under the National Security Act of 1947, which established the C.I.A., the agency was forbidden to have "police, subpoena, law enforcement powers or internal security functions" inside the United States.

The term "internal security functions" was not defined in the 1947 act and has no established legal meaning, the report states.

"The lack of statutory definition," the report finds, "per-

mits the agency to adjust its meaning or to carve out exceptions to it to fit the circumstances."

At a Senate hearing on Jan. 15, Mr. Colby acknowledged that his agency had infiltrated undercover agents into domestic antiwar and dissident political groups as part of a counterintelligence program that led to the accumulation of files on 10,000 United States citizens.

But he denied an allegation published in The New York Times that the agency had engaged in a "massive, illegal, domestic intelligence operation."

Protecting Sources

The 1947 security act also places responsibility upon the director to protect "intelligence sources and methods from unauthorized disclosure."

That provision, the report says, "has been used to justify C.I.A. domestic activity which in our view involves the exercise by the C.I.A. of internal security functions, and thus to nullify the statutory prohibition against such activity."

Among the activities undertaken by the agency that the report finds unlawful are the preparation of a psychological profile of Daniel Ellsberg and the wiretapping of telephones of private citizens.

The report also questions the legality of certain "disruptive political operations abroad that are not directly related to the gathering of information."

Overseas Activities Assailed

Many aspects of the agency's covert political activities overseas remain "unclear or unverified," the report finds. "However, certain C.I.A. operations which have been acknowledged by the agency appear to be patently unconstitutional. The Bay of Pigs invasion, for example, was a usurpation by the executive of Congress's power to 'raise and support Armies' and to 'declare war.'"

Similarly unconstitutional, the report states, "was the recruiting over a period of years of a large army in Laos without Congressional knowledge."

In still other actions, the report concludes, the C.I.A. "conducted activities which apparently breached treaties ratified by the Senate." According to the report, such a treaty violation occurred when the Nixon Administration authorized an \$8-million expenditure for opponents of Salvador Allende, Gossens; the late President of Chile.