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Secret Spy Plan Defended

Former Nixon Aide Lists Militants as Targets

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INDIANAPOLIS, Ind.,
June 2—The White House's 1970 domestic intelligence plan for illegal surveillance and surreptitious entry was aimed almost exclusively at the Black Panthers and the militantly antiwar Weathermen, according to a principal architect of the plan.

Tom Charles Huston, the 32-year-old former presidential aide whose signature is on the still top secret plan, said other militant groups

were sources of concern, but "we were not considering them in terms of extraordinary surveillance techniques."

Huston said the plan, which was approved by President Nixon in July, 1970, did not include specific "widespread uses of illegal acts."

Rather, he said, it called for the lifting of restrictions against such techniques as illegal wiretaps, mail intercepts and breaking and entering so that a newly cre-

ated domestic intelligence operations board could "evaluate each individual case on its own merits."

The opening of mail, Huston said, was explicitly limited to cases of suspected foreign espionage.

Moreover, Huston claimed the conduct of surveillance activity in the United States was to be limited to the Federal Bureau of Investigation, except in suspected conspiracies against military installations, in which case

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military counterintelligence agencies were to be used.

The plans called for the Central Intelligence Agency to investigate foreign links to U.S. militant groups, Huston said. The White House was also anxious for the CIA to investigate reports that Arabs terrorists planned attacks on Jews in this country, he said.

Huston outlined his version of the basic intent of the 1970 intelligence proposal in a two-hour interview in his law office here. The plan was scuttled by Mr. Nixon on July 28, 1970—five days after it took effect—because of the strenuous objections of the late FBI director, J. Edgar Hoover.

Huston said the "key element" in the proposal was the creation of a domestic intelligence operations board, which was to have consisted of representatives from the White House, the FBI, the CIA, the Defense Intelligence Agency, the National Security Agency and the three military counterintelligence agencies. It was to have been structured exactly like the U.S. Intelligence Board, which oversees foreign intelligence operations.

However, it was this element that Hoover objected to most strenuously—an objection that prevailed over the President's wishes, Huston said.

"Hoover didn't want anybody. Helms or anybody else, sitting on a board and evaluating the way J. Edgar Hoover ran the FBI," said Huston. Richard M. Helms then was director of the CIA.

There were several offshoots of Mr. Nixon's decision to reverse himself on the creation of the intelligence board, Huston said.

One of these was the cre-

ation of an Intelligence Evaluation Committee in the Justice Department, which the President said in his 4,000-word May 22 Watergate statement is "under investigation."

Another offshoot, Huston said, was his own fall from grace in the eyes of Hoover. Huston said he lobbied vigorously for the proposed board even after Mr. Nixon abandoned the plan, and that he "suddenly was persona non grata with Hoover."

Huston said that five days after Mr. Nixon's July 28, 1970, decision he "hassled" with White House Chief of Staff H.R. (Bob) Haldeman "about whether the President should let Hoover get away with it." Later, Huston was told that presidential Counsel John W. Dean III was taking over his domestic security duties.

Seven months later, Huston said, he decided to quit his White House job. He left Washington in April, 1971.

But the most important fallout from the abandonment of the intelligence plan, Huston feels, was the Watergate scandal itself.

"There never would have been a Watergate if the President hadn't reversed himself," said Huston.

Because Mr. Nixon yielded to Hoover, he was forced to turn to the creation of a special White House intelligence group which came to be known as "the Plumbers," which Huston contemptuously called "the ad hoc vigilante group of clowns."

The Plumbers, headed by then White House aides John D. Ehrlichman and Egil Krogh, subsequently engineered the burglary of the Beverly Hills office of the psychiatrist for Pentagon Papers defendant Daniel Ellsberg.

Had the proposed intelli-

gence board been in control of all domestic security operations, Huston said, "professionals with a high degree of integrity" would have curtailed any political abuses.

Referring to the FBI, Huston said, "These guys are not going to go clowning around. They're not going to do anything that can't be justified on a reasonable basis."

Huston added: "If I were the President, sitting there wondering where things went wrong, that's where I'd put my finger."

Referring to the President, Huston said, "He felt that certain things had to be done... so he set up his own White House unit." He added, "There's no way you can keep a group like that in line."

Huston bristled at widely published reports that he wrote the entire intelligence plan, which he said should more accurately be called a set of studies and recommendations.

"I didn't write the report. It was done by the working group," he said, referring to the interagency committee Mr. Nixon had commissioned to study the deteriorating relations among intelligence agencies.

Huston said he wrote a number of supportive memoranda and a covering letter to the President, but that his involvement was limited to "seeing to it that (the study committee) did what the President wanted."

What the President wanted, Huston said, was a "joint (security) threat assessment," a review of intelligence gaps and "a full range of options" to counter the threats.

"An option paper is what it was. My concern was to make sure all the options were there," Huston said. He added, "It seems to me obvious that if we were trying to set up a supersecret police, the last thing we would do is get Helms, Gayler and others together and put together a written game plan." Adm. Noel Gayler was director of NSA.

However, Huston said, some of the options and supportive documents are so highly sensitive that they should never be released. Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Senate Watergate investigating committee, has suggested most of the documents can be released.

"I don't see how they're going to release the report... This is national security by anyone's standards. It involves Soviet intelligence.

"If it sends chills up Sen.

Ervin's back or not, it's one hell of a national security document," Huston said. He said that among other things, release of the report would compromise important intelligence sources.

Huston is a scholarly conservative and a self-described "Jeffersonian Republican" who speaks intently and thoughtfully, often focusing his eyes on an object apart from his interviewer and gesturing in that direction with deep concentration as he stresses an important point.

He repeatedly stressed the importance of understanding the political climate in the nation in 1970, when antiwar fervor triggered hundreds of bombings, attacks on policemen, shootings at Kent State and Jackson State universities and other acts of violence.

"It's easy for people to sit around today and say, 'How in the hell could these guys (at the White House) do it? What were they thinking about?'"

Huston said the Weathermen faction's stated intentions were to overthrow the government. "I think they were serious. I think the evidence we have demonstrates they were serious."

But Huston said his worry then was not based on a belief the militants could succeed. He said he was concerned instead that nonviolent antiwar demonstrators and innocent bystanders could be hurt or killed as a result of "random terrorism."

Huston said he was deeply moved by the 1970 explosion in a Greenwich Village town house in which several antiwar activists were killed or seriously injured when a homemade bomb accidentally went off. He said he believed that proper intelligence could have prevented the tragedy.

Huston also said he was deeply concerned with what he perceived as a danger of a backlash by "repressive forces."

"The first problem from the intelligence point of view was to try to identify these people (terrorists) as quickly as possible to get the damn thing stopped before there was real repression," he said.

"There's a big difference between real repression—shooting and clubbing—and bugging them with surveillance equipment," Huston said. Referring to what he termed "real pressure from the local level" to react to militants with violence, Huston said:

"That seemed to me to be the most serious threat to the country."

As a result of these concerns, Huston said, he argued vigorously in the White House for the adoption of "emergency-type powers to be used under limited circumstances."

Stressing "the government's fundamental right to protect itself," Huston said:

"I took the view that in certain instances, you had to infringe on constitutional rights in a narrow and limited way. . . . But that decision encompassed a decision that you forfeit the right to prosecute." He was referring to the inadmissibility of evidence from illegal wiretaps.

Huston said his decision to recommend lifting of restrictions against some illegal acts was based on "my judgment that the integrity of the intelligence community—people like Hoover and Helms—would prevail over potential abuses of the powers."