

C.I.A. IS CRITICIZED OVER WATERGATE

Minority Staff in Senate Says Agency Knew More Than It Acknowledged

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WASHINGTON, July 2—The Central Intelligence Agency's knowledge of the activities of some of the Watergate burglars was more extensive than the agency has publicly acknowledged, according to a report by the Senate Watergate committee's minority staff.

Testimony and documents provided to the staff by C.I.A. officials and summarized in the report indicate that agency officials did not report to—and in one case tried to withhold from—Watergate investigators all they knew about the circumstances surrounding the break-in at the Democratic National Headquarters on June 17, 1972.

Five former C.I.A. officials or "contract employees" were later convicted in that case, and three of them have also admitted their participation in the burglary on Sept. 3, 1971, of a California psychiatrist who had treated Dr. Daniel Ellsberg.

The minority report, prepared at the request of Senator Howard H. Baker Jr., the Watergate committee's vice chairman, also made several new disclosures that it said conflicted with last summer's public testimony before the committee by Richard Helms, former Director of Central Intelligence, and Gen. Robert E. Cushman Jr., his former deputy.

The C.I.A.'s current director,
Continued on Page 12, Column 6

Continued From Page 1, Col. 5

William E. Colby, expressed concern in a letter to Senator Baker that the 43-page report might lead to "unjustifiable conclusions that agency officers or employees were knowingly involved in the break-ins . . . or subsequent cover-ups."

The document draws no such conclusions, although it does cite evidence indicating that agency officials were aware of attempts by E. Howard Hunt Jr., one of the Watergate burglars, to hire a "re-

tired lockpicker" from a group of former C.I.A. employees.

The report also disclosed that Robert F. Bennett, head of a Washington public relations concern that employed Mr. Hunt after his retirement from the C.I.A., told an agency official less than a month after the Watergate break-in of his suspicions that Mr. Hunt and G. Gordon Liddy had been involved in it.

The report says that Mr. Bennett's concern, Robert R. Mullen & Co., at the time was serving as a "cover" for two C.I.A. agents stationed abroad. The official to whom Mr. Bennett reported his belief was identified in the report as the Mullen company's "case officer."

Mr. Bennett's suspicions were shared by others at the time, but the Hunt-Liddy connection was not officially established until the indictments in September.

The report says that although Mr. Bennett, in the weeks following the break-in, "was supplying information to the C.I.A. about many aspects of the Watergate incident and was at that time serving as liaison between Hunt and Liddy, there is no indication that these facts were disclosed to the F.B.I."

Both Men Indicted

Although Mr. Hunt and Mr. Liddy, a former agent of the Federal Bureau of Investigation, were not arrested in the Watergate on June 17, 1972, both were indicted with the five captured men on Sept. 15 of that year.

A C.I.A. memorandum written on July 10, 1972, by Martin Lukasky, Mr. Bennett's "case officer," summarizing his suspicions about the involvement of Mr. Liddy and Mr. Hunt was hand carried to Mr. Helms in the director's office, the report said.

The report also details an effort by agency officials to keep from the F.B.I. and the Watergate and other Congressional committees information about a visit after June 17, 1972, by a C.I.A. employe to the home of James W. McCord Jr., a former C.I.A. security officer who, while an employe of the Nixon reelection committee, was among those arrested at the Democratic party's headquarters.

The employe, Lee R. Pennington Jr., entered Mr. McCord's residence "shortly after the Watergate break-in," according to the report, "and destroyed documents which might show a link between McCord and the C.I.A."

It was not clear whether Mr. Pennington, an old friend of Mr. McCord's, had gone to the suburban Maryland home on agency orders or his own volition. Nevertheless, the report said, the C.I.A. knew in June, 1972, that the visit had been made.

Two months later, when the F.B.I. agents asked about a "Mr. Pennington," the C.I.A. response "was to furnish information about a former employe with a similar name . . . and

to withhold the name of Lee R. Pennington Jr.," the report said.

The agency's former director of security—his name is not given in the report but is believed to be Howard Osborne—tried in January of this year to withhold material on the Pennington visit from a C.I.A. Watergate file about to be provided to the Watergate and other Congressional committees, according to the report.

A Sensitive Matter

"The Pennington matter," the report continues, apparently "was extremely sensitive . . . because Pennington may have been a 'domestic agent,' possibly in violation of the C.I.A.'s charter."

The C.I.A. is prohibited by the National Security Act of 1947 from undertaking any law-enforcement or intelligence-gathering functions within the United States.

The agency was preparing to send the Watergate committee a memo, over Mr. Coby's signature, to the effect that all Watergate-related material had been provided to the panel when a low-level security official, who knew that the Pennington material was being withheld, protested.

The official, identified only as "personal security officer number 1," later recalled in secret for the Watergate committee his protest to his superiors that the C.I.A. "could do without its own L. Patrick Gray," a reference to the former acting F.B.I. Director who has admitted burning documents taken from Mr. Hunt's White House safe.

The Pennington material was eventually provided, and Mr. Osborne was reportedly forced to retire over the matter.

It had previously been acknowledged by Mr. Helms that Eugenio R. Martinez, another of those convicted in the Watergate bugging case, was on a C.I.A. "retainer" of \$100 a month at the time of the break-in.

Hunt Given Immunity

However, Mr. Helms gave no indication that Mr. Martinez, a Cuban exile who lives in Miami, had provided the C.I.A. with any hint of his activities in concert with Mr. Hunt.

Mr. Martinez and Bernard L. Barker, another former C.I.A. operative from Miami, are on trial in the burglary of Dr. Ellsberg's former psychiatrist. Mr. Hunt has been given immunity in the case.

In March, 1972, which was between the Ellsberg and Watergate break-ins, Mr. Martinez, according to the report, advised the chief of the C.I.A.'s Miami station that "Hunt was employed by the White House" and asked "if he was sure that he had been appraised of all agency activities in the Miami area."

The station chief asked C.I.A. headquarters about Mr. Hunt's White House status, the report said, and was advised cryptically to "cool it."

"The basic question," the staff wrote, "arises as to whether the C.I.A. was aware of Hunt's activities early in 1972 when he was recruiting Cubans to assist in the Watergate break-in."

There is also a divergence between Mr. Helms's sworn description of Mr. Martinez's duties with the C.I.A. as the interviewing of individuals entering this country from Cuba and the testimony of Mr. Martinez's case officer that he was assigned to monitor "maritime operation information and information pertaining to possible demonstrations" at the Democratic and Republican national conventions in Miami in 1972.

The report also says there is a lack of precedent for the destruction by the C.I.A. in January, 1973, of tapes produced by a "central" recording system at the agency's headquarters set up to monitor both room and telephone conversations.

"The C.I.A.," the report says, "claims that the destruction was not unusual and was one of several periodic destructions," but it cites testimony of agency officials that tapes had been destroyed on only one "never before had there been a destruction of all existing tapes."

Mr. Helms is cited as having given the order to destroy the tapes, which included conversations with President Nixon and previous occasion, and that high White House aides, but which Mr. Helms has testified "were non-Watergate related."

Transcript Found

One transcript that was subsequently found intact by the C.I.A. and delivered to the Watergate committee, however, concerns a conversation in July, 1971, between General Cushman, now commandant of the Marine Corps, and John D. Ehrlichman, General Cushman at the time was Deputy Director of Central Intelligence, and Mr. Ehrlichman, an adviser to Mr. Nixon, was in charge of the "plumbers" operation.

The transcript reportedly shows Mr. Ehrlichman telling General Cushman that Mr. Hunt, one of the plumbers, was working for the President, and asking him to provide Mr. Hunt with "carte blanche" assistance from the C.I.A.

Mr. Ehrlichman has said that he cannot remember making the call, but the C.I.A. eventually outfitted Mr. Hunt with a wig, hidden camera, tape recorder and other elements of a physical disguise.

The camera, disguised in a tobacco pouch, was used by Mr. Hunt to photograph the Beverly Hills, Calif., offices of Dr. Lewis J. Fielding, Dr. Ellsberg's former psychiatrist.

The deputy chief of the agency's technical services division testified that he reported the "content" of the Hunt photos to General Cushman, but the General denies that he was given such information.