

SUBPOENA POWER VOTED FOR CHURCH

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Senator Wants Testimony
of Intelligence Employes
About Covert Activities

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WASHINGTON, May 9—The Senate Select Committee on Intelligence has empowered its chairman, Senator Frank Church, Democrat of Idaho, to issue subpoenas that would command the testimony of employes of the Central Intelligence Agency and other agencies of the Federal intelligence community.

The committee voted, in an unscheduled closed session, to reject a proposal by the executive branch that Government lawyers be allowed to "monitor" interviews with present and former Government employes, Mr. Church said.

Though the committee's power to issue subpoenas is included in its rules, today's action gave to Mr. Church the discretion of when to issue the subpoenas and cleared the way for swift use of the subpoena power.

Mr. Church said that the committee had voted to begin with a full investigation of covert activities by American intelligence agencies. He said that William E. Colby, director of Central Intelligence, would testify under oath Wednesday on the extent and nature of current and past covert operations of the C.I.A. (14 MAY

Much 'to Work Out'

The hastily called meeting today symbolized the atmosphere of confrontation between the Senators and the executive branch. White House and Capitol Hill sources confirmed that there was still much to "work out" to perfect procedures that would permit a smooth flow of information from the executive branch to the committee.

Other Capitol Hill sources have suggested that a "smooth flow" is not the intent of the Federal intelligence agencies, which, as one source put it, "resent and fear this entire investigation."

To demonstrate its secret ability to protect evidence, the Senate committee has painstakingly tried to create internal security rules and apparatus satisfactory to the White House and intelligence agencies. The committee's chairman said that the committee believed it had done so and expected Mr. Colby and others to feel confident that they could testify fully and forthrightly about the nation's most secret operations.

The committee and the White House spent the last several weeks working out arrangements for the transfer, protec-



Associated Press

Frank Church, chairman of Senate committee on intelligence activities, after the panel vote to give him subpoena power.

tion and handling of documentary evidence, but an impasse developed this week over oral testimony and interviews.

White House sources said that committee investigators had made direct approaches to various employes of the Federal Bureau of Investigation and the C.I.A. asking them to meet for informal interviews on various subjects. Both agencies complained that this system could result in the person's being interviewed unknowingly, compromising national security or, for that matter, not being candid enough because he or she "wouldn't know how far they could go."

The agencies said that the employe should be accompanied to the interview by a member of the agency's legal office "who could give him advice if it became necessary."

It was this proposal that the committee rejected, Mr. Church said. Under the rules of his committee, he said, any witness is entitled to bring his own lawyer to an interview or sworn interrogation, but the committee will not enter into an agreement where Government lawyers would accompany employes.

Later, the select committee's counsel, F. A. O. Schwarz, said that the witness would have to establish that the lawyer he wanted to sit in was in fact his personal counsel.

The executive branch also wanted the committee to supply transcripts or summaries of interviews at which it had not placed a monitor. Senator Church said that the committee would not supply summaries of informal interviews, but would routinely make available to the agencies transcripts of depositions.

Interviews with former intelligence officers and agents in the C.I.A. and F.B.I. over the last two months have indicated that there is fear of reprisal among employes of these agencies, that any monitor system would help to "discourage candor," as one former agent put it.