

Colby Says C.I.A. Can Maintain Watch on Congressmen Abroad

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WASHINGTON, June 25—William E. Colby, the Director of Central Intelligence, cautioned members of a House subcommittee today that they and their Congressional colleagues were not "immune" from surveillance by his agency during their travels abroad.

Mr. Colby's admission, which provoked an outburst from Representative Bella S. Abzug, Democrat of Manhattan, came during his first public appearance since the release two weeks ago of a Presidential report that scored the Central Intelligence Agency for having collected files on more than 7,000 American citizens, including members of Congress.

"In my mind," Mr. Colby told the House panel, "a Congressman is neither a target

nor immune" from surveillance abroad by the C.I.A.

"If a Congressman appeared abroad in contact with some group that was a legitimate target of this agency, that name would undoubtedly appear in the files of that group" maintained within the C.I.A.'s complex network of computers, Mr. Colby said.

Mr. Colby confirmed, in nearly six hours before the House

Continued on Page 22, Column 4

Continued From Page 1, Col. 8

Government operations Subcommittee on Government Information and Individual Rights that Mrs. Abzug heads, that his agency now held 75 files on incumbent members of Congress that were filled with such items as C.I.A. reports on their activities abroad, reports of the Federal Bureau of Investigation, and newspaper articles. The existence of the files was reported earlier by the Rockefeller commission, which was named by President Ford to look into published reports that the C.I.A. had engaged in illegal domestic spying.

Mrs. Abzug, who has tangled publicly with Mr. Colby in the past, replied that she seriously questioned whether it was "appropriate" for the C.I.A. simply to maintain files on members of Congress, much less to continue to add to them.

"The electorate," she said in a rising voice, "determines our behavior and they judge us, not some super-spy organization."

Mr. Colby declared today that "American intelligence is the best in the world" and "the envy of other intelligence services." President Ford later echoed that view when he maintained at a news conference today that there was "an expert intelligence-gathering community in our Federal Government," as well as "a first-class counterintelligence organization." [Question 15, Page 26.]

Discrepancies Seen

Mrs. Abzug pointed out repeatedly today what she termed discrepancies between President Ford's report on domestic C.I.A. activities and testimony by Mr. Colby on that subject before her subcommittee last March, which she suggested had been less than complete.

In March, she noted, Mr. Colby had referred to an "instance" in which the C.I.A. had opened first-class mail sent by American citizens, including Mrs. Abzug herself, as it passed through the postal system on the way to Communist countries.

Mrs. Abzug then pointed out that the Presidential commission had found that the C.I.A. had examined more than four million pieces of mail over a 20-year period ending in 1973 and had opened some 13,000 of them to photograph their contents.

"I referred to it as an instance," Mr. Colby replied, "because it was one project."

Material Destroyed

Mr. Colby also noted in his March testimony that, over the last "several years," the C.I.A.'s voluminous files had been searched in an effort to find and destroy material, such as that on American citizens with no foreign connections, that was not appropriate for the agency to retain.

He conceded today, however, that some of the information destroyed, such as that relating to mail openings, which he termed "illegal," might have amounted to evidence of criminal activity by the C.I.A.

"If I had thought of it in those terms," Mr. Colby said, "I would not have destroyed it, of course."

Noting that the destruction of potential criminal evidence is itself a crime, Mrs. Abzug asked Mr. Colby when he had

first learned of a 20-year agreement between the C.I.A. and the Justice Department that exempted agency employees from criminal prosecutions.

The director replied that he had not known of the agreement, which was first publicly disclosed in the Presidential report, until last December when he and a high Justice Department official were discussing the potential prosecution of an agency employee and the official told him that the agreement was invalid.

Rogers's Role Note

Mr. Colby provided the subcommittee today with an exchange of correspondence between the C.I.A. and the Justice Department in early 1954 settling out the terms of the then-secret agreement, and which shows that William P. Rogers, then the Deputy Attorney General, was an active participant in its drafting.

Mr. Rogers told The New York Times on June 10, the day the Presidential report was released, however, that he "remembered no such agreement" with the C.I.A. during his tenure in the Justice Department.

Mr. Colby declined to discuss allegations that the C.I.A. had attempted political assassinations or to deny directly that its agents were continuing to infiltrate domestic organizations.

When Mrs. Abzug pressed the latter question, his only reply was that "The C.I.A.'s activities today are carried out within the limits of its statutory authority."

Mr. Colby also refused to identify the political candidate who, according to the Presidential report, was joined some years ago during his primary campaign by a C.I.A. agent who, unbeknownst to the politician, reported back to the agency on aspects of the campaign.

Mr. Colby said that the candidate, who had lost the election, could identify the agent "very quickly," thus jeopardizing his future as a covert C.I.A. operative overseas.