

Civil Rights Lawyer Will Defend C.I.A.

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WASHINGTON, July 2—The Central Intelligence Agency, in a move that has surprised, mystified and angered various segments of Washington's legal community, has hired Arnold & Porter, one of the city's leading law firms, to serve as consulting counsel during Senate and House hearings on the agency.

A C.I.A. spokesman confirmed today that agency officials had concluded negotiations with Mitchell Rogovin, a partner in the firm who is one of Washington's best known civil liberties lawyers, that will bring the firm into the case within a few weeks. Mr. Rogovin, a former Assistant Attorney General, will be in charge of Arnold & Porter's work for the C.I.A.

It could not be learned immediately why William B. Col-

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by, the Director of Central Intelligence, and his advisers had decided to retain outside counsel. Mr. Colby was said by his office to be out of town until next week. Mr. Rogovin and other members of his firm refused to discuss the matter.

A senior official of the Senate Select Committee on Intelligence said that he was puzzled by the agency's decision to seek outside counsel.

"I just don't know what it means," he said. "The C.I.A. has access now to Justice Department attorneys and they have their own legal staff."

"What could they [Arnold & Porter] possibly be for? He added, "I guess we'll find out."

A number of lawyers noted that there was no legal bar to the hiring of outside private counsel by the agency; it was further noted that many law firms in Washington handled legal matters in the past under the direction of the C.I.A.'s office of legal counsel.

Many lawyers, however, were puzzled by the fact that the agency had singled out Mr. Rogovin to serve, in effect, as its chief outside counsel.

Since leaving the Justice Department in 1969, Mr. Rogovin has been considered one of the most aggressive civil liberties lawyers in Washington.

He is general counsel of Common Cause, the independent lobbying group, and headed its highly publicized and effective civil law suit against the Nixon Administration's Committee for the Re-election of the President.

He is counsel to the Institute for Policy Studies, a liberal study group, and is counsel for the institute's lawsuit against

Nixon Administration officials stemming from alleged illegal wiretaps.

He is counsel to two of the leading antiwar and antimilitary lobby groups in Washington, the United Servicemen's Fund and the Lawyers Military Defense Committee. He is vice chairman of the board of trustees of the Center for Law and Social Policy, a leading Washington public interest law firm.

Mr. Rogovin is also serving as co-chairman, along with William D. Ruckelhaus, former Deputy Attorney General, of the newly created Council for Public Interest Law, a foundation-backed attempt to make public interest law firms a permanent part of the nation's legal system.

Mr. Rogovin represented Neil Sheehan, a New York Times reporter now on leave, in matters arising from Mr. Sheehan's investigative reporting in 1971 on the Pentagon papers. He is also representing Tad Szulc, a former Times reporter, in a suit against Nixon Administration officials stemming from an alleged illegal wiretap.

Richard J. Barnet and Marcus

Raskin, co-chairman of the Institute for Policy Studies, said that they were angered by Mr. Rogovin's decision to serve as counsel for the Central Intelligence Agency.

"Arnold & Porter has represented the institute since its beginning in 1963," Mr. Barnet said. When "official notice" of Mr. Rogovin's new association is received, he added, "we'll terminate our relationship with them."

"I'm just shocked and very deeply disturbed," Mr. Raskin said. "Not even Mitchell Rogovin will save the C.I.A., and let's pray to God that the C.I.A. doesn't destroy Mitchell Rogovin."

Both men noted that the institute had been discussing an expansion of its current lawsuit to include the C.I.A., and cited that fact as one reason why the institute would need new counsel.

Strong support for Mr. Rogovin's decision was voiced, however, by David Cohen, president of Common Cause.

In a statement, Mr. Cohen noted that the lobbying group

had been urging and would continue to urge Congress to establish effective oversight of all secret intelligence operations. He added: "Arnold & Porter has served as our counsel for five years, since the beginning of Common Cause. We see no conflict at this time in its serving as counsel for the C.I.A. in the fact-finding aspects of the Church committee hearings."

The Church committee is the Select Committee on Intelligence headed by Senator Frank Church, Democrat of Idaho.

Mr. Cohen also said that Mr. Rogovin had agreed to with-

draw as general counsel of Common Cause "if a potential for conflict of interest does become apparent."

In a subsequent telephone interview, Mr. Cohen praised Mr. Rogovin and said, "I think it's entirely useful that the C.I.A. has engaged a sensible person who has a long record of sensitivity to civil liberties as its counsel."

"It's useful that they're seeking as counsel someone who's had a record of challenging abuses of power rather than someone who's been a power broker, a lawyer who tries to snuff things out," he added.