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U.S. MOVES TO BAR
A C.I.A. PLOT TRIAL

Levi Is Expected to Approve
Advice Not to Prosecute

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Special to The New York Times

WASHINGTON, Jan. 20 — Justice Department lawyers reviewing the activities of the Central Intelligence Agency have concluded that no grounds exist for a Federal prosecution of C.I.A. officials involved in plots to assassinate foreign heads of state, a department spokesman said today.

Attorney General Edward H. Levi has been advised of the conclusions reached by lawyers in the department's Criminal Division and is expected to concur with their recommendation that the case be closed, the spokesman, Robert Havel, said.

The decision that the assassination plots—directed against Prime Minister Fidel Castro of Cuba and his Congolese counterpart, the late Patrice Lumumba—amounted to "a dry hole," as one Justice Department source familiar with the matter put it, narrows considerably the scope of the investigation of C.I.A. operations and past and present officials.

According to one well-placed Justice Department source, investigations are continuing into the C.I.A.'s 20-year-long program of opening mail between the United States and several Communist countries; more than 60 wiretaps and bugs used by the agency to check its security procedures, and at least one burglary committed by C.I.A. employees.

Perjury Inquiry Goes On

The role of Richard Helms, former Director of Central Intelligence, who reportedly approved that burglary, remains under scrutiny by the Justice Department's Civil Rights Division. And the Criminal Division is continuing to examine whether Mr. Helms perjured himself before the Senate Foreign Relations Committee in 1973.

In addition to the C.I.A.-inspired murder plots against Mr. Castro and Mr. Lumumba, which were either not implemented or were unsuccessful, the Justice Department's lawyers also investigated the agency's role in supplying arms to dissident elements in the Dominican Republic bent on killing that country's dictatorial leader, Rafael Trujillo Molinas.

At one point in searching for a possible violation of Federal law in connection with that plot, according to the department source, the lawyers considered the applicability of a vaguely worded statute prohibiting the staging of a "military

or naval expedition" against a friendly foreign country.

But that law was discarded as inappropriate, as were the Federal conspiracy statutes and the District of Columbia's murder statute, initially considered because some of the discussions among C.I.A. officials concerning the assassination plots took place in the District.

The Justice Department spokesman said, however, that although no Federal prosecutions would be brought over the plots against Mr. Castro, Mr. Lumumba or Mr. Trujillo, the department was prepared to make its evidence available to any state prosecutors who believed that violations of law in connection with the plots had occurred in their jurisdictions.

Other Charges Possible

The five-year statutory time limit for prosecutions in the burglary reportedly approved by Mr. Helms, now the American ambassador to Iran, expires next month. It would be possible for the next several years, however, for the Justice Department to bring charges in connection with the mail openings and Mr. Helms's testimony.

The Helms testimony under investigation includes his assurances, made during Senate confirmation hearings on his appointment as ambassador, that the C.I.A. had not been involved in certain domestic surveillance activities or in certain covert operations in Chile. While indicating that the Justice Department hoped to make final determinations in the remaining matters soon, one official said that he and other

lawyers at work on the cases were "bound and determined that we're going to do a thoughtful job."

A principal stumbling block to a speedy resolution of these cases, he said, is the continuing refusal of Congressional investigating committees to supply pertinent evidence they had gathered over the last year.

It is not the statute of limitations that is running out in those instances, the official said, but rather "the time clock of public concern." He expressed fears that if the department were to move ahead now to bring charges in any of those areas, exculpatory materials might later turn up in House or Senate files that would prevent or overturn convictions.

Pike to Let Committee Die

WASHINGTON, Jan. 20 (UPI)—As the House intelligence committee prepared today to wind up its investigation of the C.I.A. by the end of the month, its chairman, Representative Otis G. Pike, joined in declaring that too much secret material was being leaked to the press.

Mr. Pike, Democrat of Suffolk County, said he would not seek an extension of the life of the committee, due to expire Jan. 31, because of widespread leaks of classified information.

The Administration, sources said, wants Congress to follow up the year-long investigation of the United States intelligence community with legislation imposing penalties ranging from fines to expulsion from committees or Congress itself against Congressmen leaking classified material to the press.

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