

Wider Congress Role

Committee Goes Further Than Ford In Moving Toward Tighter Oversight

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WASHINGTON, April 26—The recommendations of the Senate Select Committee on Intelligence Activities, like the actions taken by President Ford several months ago, seek to strengthen the role of the President and the Director of Central Intelligence in controlling covert operations and the hands of enforcement authorities in dealing with violations of the law.

News Analysis

In the committee report released today, however, the senators go much further than the President in pinpointing responsibility for covert actions and broadening Congressional oversight powers.

The philosophy behind the President's executive orders was to make the existing system of policy-making and review more efficient, not to change it. The attitudes underlying the committee's recommendations are that fundamental changes are necessary in the laws, within the executive branch, and in Congress, to insure that the secret activities of the intelligence com-

munity are brought into greater harmony with the requirements of democracy.

"The fundamental issue faced by the committee in its investigation was how the requirements of American democracy can be properly balanced in intelligence matters against the need for secrecy," the report stated.

The committee made a number of recommendations that Mr. Ford has flatly said he would oppose. These proposals would have the effect of making Congress a virtual coequal with the President in deciding upon covert operations and in drastically reducing the incidence of such secret paramili-

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tary and money-passing operations. Among them were:

¶Putting into statutes the charters and regulations governing all the intelligence agencies such as the National Security Agency and the Defense Intelligence Agency, and all the practices of the Central Intelligence Agency that have been going on without benefit of Congressional authorization. Mr. Ford wants to retain existing informality and Presidential flexibility.

¶Bringing counterintelligence and espionage activities, which often have the same effects as covert operations, under high-level policy review and under the law. Mr. Ford did not deal with the overlapping character of these operations.

¶Requiring prior Congressional approval of covert operations. Mr. Ford would continue to inform Congress, as now required by law, "in a timely fashion," which has always proved to mean after the fact.

¶Prohibiting by law political assassinations, in peacetime the overthrow of democratic governments, and the use of newsmen and clergy as agents. Continued use of business covers would be permitted but under close review. Mr. Ford, again, desires policy flexibility.

¶Making public the aggregate budget of the intelligence community for Congressional approval as required by the Constitution. Mr. Ford has stated that even publication of the aggregate figure would help foreign powers counter American intelligence programs. The Senate Budget Committee rejected today making the budget public. Congress has acted similarly in the past.

¶Give the State Department, and the ambassadors in particular, control over field operations. Mr. Ford did not address the problem of field control.

Several principal findings underpinned these proposals, and in some instances, these findings paralleled those of the President.

Like the President, the committee came to the conclusions

that there had been inadequate oversight of intelligence operations within the executive branch; that the vast majority of the some 900 covert actions conducted since 1961 did not go through a formal policy review, and that the Director of Central Intelligence had real authority only over his own Central Intelligence Agency and not the rest of the intelligence community.

The report called "desirable" the President's upgrading of the 40 Committee, the sub-Cabinet-level group that advised the President on covert actions in the past, to a Cabinet-level operations advisory group. While such advice should be made more formal, the report warned that Cabinet officials might not have the time to do this job properly. The report urged the President to make, in explicit fashion, the National Security Council his principal adviser.

Increase Inspectors' Powers

The report also commended the President for enhancing the powers of the various inspectors general to police internally the intelligence community, particularly in giving them investigative powers and immediate access to legal redress. The committee went further, however, in detailing how the inspectors general could enforce the laws without waiting for abuses.

Also supported was the President's intent to increase the authority of the Director of Central Intelligence, a post now held by George Bush. After documenting a history of considerable duplication and even triplication of effort, the report urged making the "D.C.I." the head of the intelligence community in fact as well as in name, by giving him the power of controlling the over-all intelligence budget.

The report stated that the President's new committee on foreign intelligence with the Director of Central Intelligence at its head is "a step in the right direction." It cautioned, however, that the words of the President's order to the director to "manage" and "coordinate" are

too general. The committee said that the director was to have clear authority to determine priorities and to control all intelligence resources.

The report found the President's new intelligence oversight board "to be long overdue," but maintained that it should not be considered as a substitute for greater Congressional oversight.

Contrary to Mr. Ford, the committee found that Congress does have the constitutional authority to regulate intelligence programs.

The President's only recommendation to Congress in this regard was to form a joint House-Senate intelligence oversight committee with no real additional powers. The Senate report called for separate Senate and House oversight committees with considerably enlarged powers to approve, to know and to investigate.

The report did not specify how the proposed Senate oversight committee would work because the senators chose to leave the matter for subsequent negotiations among the interested committees.

Nevertheless, the members of the proposed committee would be drawn from the existing oversight committees—Armed Services, Appropriations and Foreign Relations—and would serve as a focal point to receive all information and to disseminate it to other interested committees.

On the right to know and make information public, the report drew a distinction between protection of valid secrets and valid disclosure. The Administration's approach has centered almost entirely on legal penalties for unlawful disclosure.

The committee's studies also left a number of issues for future consideration: Whether the analytical and information gathering arm of the Central Intelligence Agency should be separated from its operational arms; and whether the director should remain as head of the C.I.A. as well as head of the whole intelligence community.

The House Select Committee on Intelligence, which com-

pleted its work in February, went further than the Senate panel in proposing some basic restructuring of the intelligence community. Among its suggestions were: Abolishing the Defense Intelligence Agency and dividing its functions between the C.I.A. and civilian defense agencies, and separating the National Security Agency from the Pentagon and reorienting its communications-monitoring activities toward economic and political concerns.

While the House voted against the publication of the full report of its committee, the panel's recommendations were officially published.

The House panel's recommendations paralleled those of the Senate committee's in a number of respects. Both proposed beefing-up the policy-review process for covert operations and the powers of the Director of Central Intelligence, although the Senate's proposals were more detailed.

Watchdog Committees

Both sought to increase Congressional oversight by establishing separate watchdog committees. But, whereas the proposed Senate oversight committee would have the power of prior approval of covert actions, the proposed House counterpart would only be empowered to receive notification within 48 hours of Presidential approval.

A strand of thought running throughout the Senate committee's recommendations and findings was the need for a trail of accountability, as several committee staff members explained, in more detailed laws, executive procedures and record-keeping.

The committee did not find that the C.I.A. had been "out of control," as some critics have said, although it sometimes was, but that Presidents had made "excessive, and at times self-defeating, use of covert action."

The committee's recommendation was: "Covert actions should be consistent with publicly defined United States foreign policy goals, and should be reserved for extraordinary circumstances when no other means will suffice."