

A Big Flaw in the CIA Charter

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THE REQUEST by Rep. Peter W. Rodino that the House Judiciary Committee, which he heads, be given a chance to study the proposed intelligence charter before it reaches the House floor should be taken seriously. Too many questions have already arisen about how the charter's provisions, drafted with the CIA primarily in mind, might affect the operations of the FBI.

Last week, for example, FBI Director William H. Webster testified that it appears the charter would permit government agencies to use the kind of disruptive tactics made notorious by the COINTELPRO program. If that is so, the Judiciary Committee, which in its work on an FBI charter has already examined ways to prohibit such tactics, is the appropriate group in the House to give the Intelligence Committee's bill a second look.

Mr. Webster, to his credit, indicated that the FBI is not seeking as broad a grant of authority as the charter appears to give intelligence agencies, and he even suggested that sharper limits could be put on the FBI's authority. He added that he doubted the old COINTELPRO tactics—harassment, infiltration, the release of false information and so on—would ever be used against domestic political groups even if the bill passes as it is now written.

But the problem remains because the terms of the

intelligence charter apply to the FBI as well as the CIA. The standards for and the limitations on the operations of intelligence agencies abroad can be quite different from those that are fitting at home. By attempting to write one charter that works worldwide for all intelligence agencies, the administration and the congressional intelligence committees seem to have glossed over that distinction.

It may be permissible, for example, for the CIA to undertake some disruption overseas of groups thought to be engaged in gathering clandestine intelligence for a foreign power. But the application of that same standard—"may be engaged"—should not be permitted to justify that kind of effort at home. This is, after all, almost identical to the standard that put the FBI into the business of disrupting anti-war and civil-rights groups during the 1960s.

The problem, and others related to it, must be cleared up before the intelligence charter comes to a vote in Congress. The charter is not being written just to limit the present generation of leaders who, like Mr. Webster, understand the evils of COINTELPRO-type operations. It is meant to limit the actions of future leaders who may forget about those evils. Congress should not create an opening—a clearing in the charter such as that Mr. Webster described—in which such abuses could recur.