

Investigating the C.I.A.

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The commission named by President Ford to investigate charges of domestic spying by the Central Intelligence Agency would inspire greater confidence if so many of its members did not have close ties to the national security establishment.

The presence of Vice President Rockefeller as chairman hardly gives the panel the detachment from past policies that would be desirable for a genuinely independent inquiry. His own responsibilities and views, and those expressed over the years by other commission members, leave no doubt that they honor the necessity for maintaining an effective intelligence and counter-intelligence capability—a necessity we do not question.

What is less clear is the depth of commitment to the parallel necessity for exercising the intelligence function in a manner fully consistent with individual freedoms and the rule of law. These are the very issues raised by the disclosures which led to the commission's formation.

Mr. Ford has asked the panel "to determine whether the C.I.A. has exceeded its statutory authority." This cannot be the proper function of an ad hoc commission, however well-intentioned; under the American system it is the process of criminal justice, the prosecutors and ultimately the courts, which determine whether the law has been violated. The Justice Department, no less than the Congress, cannot shed its responsibilities for moving against any violations of law.

Where this commission could be properly helpful is in its second directive from the President: "to determine whether existing safeguards are adequate to preclude [Central Intelligence] Agency activities that might go beyond its authority." This is the nub of current concern.

Whatever the commission's conclusions, the real initiative for enforcing effective oversight on the nation's intelligence community continues to lie in Congress. The various committees planning hearings or consideration of revised oversight procedures may derive some insight through the Rockefeller panel, but its existence must not become a pretext to delay or circumscribe their own independent investigation, preferably by a joint House-Senate committee.