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Mr. Mondale on Intelligence

VICE PRESIDENT MONDALE'S speech in Chicago on Monday was a powerful reminder of how much remains to be done to get the nation's intelligence agencies under control. The Vice President didn't break any new ground. But he did pull together, into an agenda, the various proposals of the administration for reform of the intelligence agencies. That agenda is a big one, ranging from the wire-tap bill the administration has already proposed to new legislation spelling out the responsibilities and powers of such agencies as the FBI, CIA and NSA. No doubt there will be controversy over the details of the legislation. But these controversies should not be allowed to obscure the need for laws that will lessen the chance of a repetition of the lawless conduct of government in recent years.

What was most striking about the Vice President's speech, however, was the change in the philosophy of the executive branch that it reflected. The quotations he cited from high government officials and internal documents made it clear that, almost from the beginning of the Cold War, the executive branch had operated under the theory that existing laws and constitutional principles did not govern its activities in intelligence matters. "This administration," the Vice President said, "has rejected absolutely the doctrine that any government official, including the President, is

above the law. President Carter has made it clear that he, and everyone who serves under him, has a duty to obey the law just like every other citizen."

That is a noble sentiment and one that reflects the intentions of those who created the nation 200 years ago. But putting it into effect is not nearly so easy as articulating it. Mr. Mondale quoted aptly from James Madison on that difficulty: "You must first enable the government to control the governed; and in the next place, oblige it to control itself." His view that relying on legislation, rather than executive orders alone, to set limits on intelligence activities at least makes the obligations clearer.

We look forward to seeing the details of the legislative proposals the Vice President said the administration will make. These will, he said, bar electronic surveillance, mail openings and searches of premises in the United States without a judicially issued warrant; they will also forbid some electronic surveillance of American citizens abroad and prohibit such things as security investigations of people's politics and covert harassment of the type engaged in by the FBI in its counterintelligence program. It will be difficult in some situations to square the principles the Vice President has spelled out with the activities intelligence agencies insist are needed to fulfill their missions. But, as Mr. Mondale pointed out, it has to be done.