

The Post-Afghanistan CIA

Book
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CONGRESS IS about to write its first comprehensive legislation on the CIA and the question is: Is the international situation now so parlous that almost anything goes in the interest of "rebuilding" this critical agency? Can the country afford (it is asked) either the continued exposure of "abuses," or the chilling and leaky congressional scrutiny of secret operations, or an excessively fastidious concern for individual civil liberties at the expense of national security?

These are the questions that arise when you consider the legislation at hand—a bill, introduced by Sen. Daniel P. Moynihan, that would relieve the CIA of certain inhibitions that were imposed on it piecemeal in recent years; a Senate Intelligence Committee bill providing a first charter, or legislative mandate, for the CIA; and the administration's hedged approach lying somewhat between the approaches embodied in those two bills.

The first thing to be said is that the age of CIA exposés seems to be over. Whether or not many past embarrassments remain to be revealed, potential new ones are not being generated at the old rate. There also is no get-the-CIA spirit in the air. On the contrary—this already is the age of CIA rebuilding.

Again, none of the various legislative approaches touches what the CIA is mostly about: strong analysis. Our impression is that the analysis of troubled scenes that the agency has produced for presidents in recent years has not been good enough. Nothing in the proposed legislation would make it better. Only the president can do that—by the way he runs the agency. Moreover, nothing would affect the collection or use of what is and will unquestionably remain the main kind of intelligence the American intelligence community collects: information on Soviet strategic and military developments gathered by satellites and various electronic means.

That brings us to the relatively modest domain touched by the new bills. Most of what is in them comes down to two considerations:

1) Who needs to know what, and when? The Senate Intelligence Committee is demanding "full access" to all CIA files, including advance word on covert operations, on grounds that responsible oversight can be ensured in no other way. Theoretically, we agree. The question for the committee, however, is how it can guarantee that this sort of oversight will not compro-

mise or chill executive deliberations and operations. It is all very well to argue that the more you need to conduct covert operations, then the more useful it is to have legislators checking the plans and sharing the responsibility. But is the Congress secure? Part of the answer lies in the committee's readiness to reduce from eight to two, as the administration wants, the number of committees that have to be told of secret operations. Another part is to relieve the CIA of having to make operational material public under the Freedom of Information Act. Yet another part is, with special care, to enact penalties on those who divulge the names of agents. But it still remains for the Senate and House committees, which would share the oversight, to make the case for their own competence and discretion. Are their security procedures really adequate? Would a senator whose advice to forgo a certain operation had been rejected hold his tongue?

2) Would the legislating of detailed civil-liberties protections crimp operations unacceptably? There should be a limit to the agonizing. It is instructive to recall that just a few years ago the topical question was whether CIA operations themselves had not crimped civil liberties unacceptably. Perhaps the best idea is not to get too specific on the protection of liberties in areas where there is serious dispute. Would-be protectors might consider that, in the present climate, an attempt to get specific could work the other way around and result in removal, not reinforcement, of the right at stake. If protections are to be kept general, however, that is all the more reason for the oversight committees to have access to all the information they would need in order to know whether the line was being crossed.

It is time to stop thinking of a CIA charter as an attack on the value of intelligence or as an instrument of congressional revenge—or, for that matter, as a solution to the real problem of weak analysis. There should be no quibbling over the desirability of running intelligence as other official activities are run: on the basis of authority granted by law, and with an accepted procedure for reviewing how that authority is exercised. That the secret nature of much intelligence work requires a special dispensation goes without saying. But the executive branch and Congress have already worked out much of that dispensation. They should finish the job.