

Post 3/14/80 *Sharing Secrets*

NOW WAIT a minute: it makes sense to cut back the number of congressional committees that the president must inform about secret intelligence operations. The House Foreign Affairs Committee, with the administration's approval, has performed this surgery on the Hughes-Ryan amendment. In the atmosphere of the mid-1970s, colored as it was by public outrage over intelligence agency excesses, it may have seemed prudent to require the president to report CIA operations to the Foreign Affairs, Armed Services and Appropriations committees as well as to the two then-fledgling Intelligence committees. But a more sober spirit prevails today, and meanwhile the intelligence panels have established themselves as responsible parties to secrets. It is a good idea to limit reports to them.

The trouble is, House Foreign Affairs has done much more. At the administration's urging, it has also opened the way for a president so inclined to keep the two designated committees substantially in the dark. Hughes-Ryan has its shortcomings. But the new bill is something of a joke. It would spare the president the burden of prior notice if he found delay "essential" to coping with "extraordinary circumstances" or to avoiding the compromising of "personnel and methods." What bureaucrat above the rank of GS4 could not justify delay under those

terms? Jimmy Carter says he has no intention of being chintzy about notification—he merely doesn't want to be hemmed in by law. We take him at his word. But it shows a misunderstanding of the basic concept of congressional oversight of the CIA.

No one can deny that a prior-notice requirement could limit the president's operational flexibility either by inhibiting his planning of operations or by increasing the sources from which leaks might seep. The leak possibility, in particular, requires the intelligence committees to assure the public that they have the responsibility and the procedural safeguards to be consulted in confidence.

But there are purposes to be served besides that of guarding against leaks. Prior notice would give the president the advantages of a timely judgment, a second opinion, by a party lacking the operator's vested interest in seeing his own operation through. It would ensure the sharing of responsibility for important and risky secret operations. And though the most delicate operations are the ones that a president might be most reluctant to report, they are precisely the ones on which consultation could be of most value to him.

The House Foreign Affairs bill would, in the name of executive convenience, deprive the president and the nation of the full advantages of congressional consultation. It should not be passed.