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Congress Closes on the CIA

FOR A WHILE in the mid-1970s, the exemption of intelligence activity from normal congressional oversight seemed near an end. But the impulse to change Congress' lackadaisical ways was never as strong and constant as the clamor over CIA abuses suggested. Institutional interests—the same ones that had privately cleaned out the CIA's worst abuses before the public became aware of them—were at work to minimize inroads into the old pattern of presidential control. The movement to make intelligence activities more a shared responsibility with Congress kept getting slowed by a gathering strategic concern.

So it was that the drive for a full-fledged congressional intelligence charter ran out of gas last week. Its breakdown was greeted with nearly as much relief by its friends, many of whom found it unacceptably weakened, as by its foes. Depending considerably on what the Senate Intelligence Committee does today, the charter impulse is likely to produce little more than a skeletal "Intelligence Accountability Act of 1980." Gone will be the elaborate do's and don't's intended to ensure that intelligence agencies stay within the confines of law, presidential direction and congressional awareness or consent. Gone, too, will be the protections for individual civil liberties that many supporters saw as the heart of the charter drive.

The residual consensus, however, is not without val-

ue—or promise. The legislators trying to make the changes had one high card: the president's distaste for the mid-1970s law requiring him to inform eight congressional committees of prospective CIA covert operations. In return for their reducing the eight committees to two, the administration agreed to inform the legislature of "all intelligence activities." There are loopholes in this general obligation to report—and in the specific obligation to report on covert operations. Against Congress' absolute power of inquiry is set the president's absolute power to defend the country. But the new language establishes in law for the first time that intelligence, like any other part of the national business, must be the joint coordinated responsibility of the executive and Congress. If this is only a victory in principle, it is a vital principle.

In retrospect, it was probably unrealistic for anyone to imagine that, with international tension aggravating a traditional dispute over the separation of powers, the problem of running a secret agency in an open society could be resolved by legislation. The likeliest possibility always was that the value of intelligence oversight would depend on the working relationship of the two branches. The new law, if enacted, offers some help in this regard. It does not assure that Congress will exercise oversight effectively. But nothing could. And it puts Congress in a better position to try.