

Administration Drops Push for

By George Lardner
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Shelving a major pledge of the 1976 campaign, the Carter administration has abandoned any intention of obtaining a legislative charter for the CIA before next year's elections.

Administration officials say they still hope to introduce the long-delayed legislation on the Central Intelligence Agency within the next few months. But they concede there is no chance of winning enactment until 1981 at the earliest.

"We want to keep the debate going," said Kenneth C. Bass III, the Justice Department's counsel for intelligence policy, in predicting that the bill will be submitted to Congress after the crisis in Iran has subsided. He acknowledges, however, that any attempt to secure passage would almost certainly bog down in election-year wrangling.

Republican Party spokesmen have denounced the flagging effort to curb misdeeds of the nation's intelligence agencies with statutory controls and have called instead for more spying at home and abroad.

The debate within the administration remains somewhat muddled. A comprehensive bill setting out a new code of conduct for the CIA and the rest of the U.S. intelligence community was supposed to have been submitted last January. But it is still not ready. Vice President Mondale, who was to spearhead the effort, has been so inattentive that he began the reelection campaign weeks ago without

realizing the charter legislation had yet to be sent to Capitol Hill.

Mondale opened the campaign in Florida in September by listing reform of the intelligence agencies as one of the administration's accomplishments. He expressed surprise on being told by a reporter that the CIA charter had still not been introduced. Then he went on to California to tell a crowd there that "we have proposed legislation for charters for the FBI and the CIA."

The vice president subsequently declined to be interviewed on the subject. "He just feels he has had no time to focus on it," a spokesman said.

The FBI bill, which would govern the bureau's law enforcement work but not its intelligence activities, was introduced in July by Sen. Edward M. Kennedy (D-Mass.), chairman of the Senate Judiciary Committee. But some sections have proved controversial and advocates of a stronger measure expect little progress now that Kennedy has entered the presidential campaign.

The diminishing prospects for the intelligence agency charter became clear this month at an American Bar Association workshop here on "Law, Intelligence and National Security." One speaker after another emphasized the work still to be done.

"It will require considerably more sustained effort before we arrive at a product we can be proud of," said William G. Miller, staff director for the Senate Select Committee on Intelligence. He estimated the committee and the administration remain divided on about 15 percent of the current,

and still semi-secret, draft proposal. The two sides have been dickering privately over the contents for nearly two years.

Miller made only a passing allusion to the initial outcry over the CIA and FBI abuses uncovered in 1975-76 in the Senate investigation headed by Sen. Frank Church (D-Idaho) and by other panels.

"There's now a more-balanced climate of opinion," Miller said. He said there was no longer any danger of legislative "overreaction" to curb such abuses.

Instead, the proposed charter has been evolving into a license for wide-ranging secret activities with few blanket prohibitions. According to informed sources, the administration draft still contains a ban on assassinations, but without any criminal penalties. Spying on law-abiding Americans abroad—using "intrusive" techniques

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such as burglaries, wiretapping and mail openings—would be permitted under a system of secret court orders.

In the United States, less intrusive means—such as informants and infiltrators—could be employed to obtain assertedly “essential” information from law-abiding citizens, without court orders.

The administration draft, sources said, would also repeal the 5-year-old Hughes-Ryan amendment governing clandestine operations. Under Hughes-Ryan, covert actions can be undertaken in foreign countries only if the president finds each such operation “important to the national security” and reports it “in a timely fashion to the appropriate committees of the Congress.”

The draft proposal would restrict such reports to the Senate and House Intelligence committees and it would require Presidential approval only for

covert operations involving “substantial” risks or resources. The National Security Council could authorize other operations considered less dangerous or less expensive.

Members of the Senate Intelligence Committee reportedly plan to seek stiffer standards by appealing to President Carter before the bill is put in final form. But officials say this will have to wait until the Iranian crisis is resolved.

The CIA, meanwhile, apparently intends to press for separate legislation that would strengthen its hand in other areas, especially in cracking down on public disclosure of the names of CIA station chiefs and other U.S. intelligence operatives overseas. In a step long sought by the agency, all 14 members of the House Intelligence Committee are sponsoring a bill that would make such disclosures a crime.

Offenders who have had authorized access to such information, such as former CIA employees, would face 10 years in prison. Others, such as journalists, could be sentenced to a year in jail.

Denouncing what he called an anti-CIA “coterie dedicated to exposing the names of agents,” CIA general counsel Daniel B. Silver made plain at the workshop that the agency wants this bill passed as quickly as possible. “We really cannot wait” for a charter, he said.

The CIA also appears to be increasingly confident the charter will wind up giving the agency all the flexibility, secrecy and protection it wants. Silver predicted that the final statute will simply “sketch out some broad principles” and leave details to the CIA.

“I think we will get either that or no charter at all,” he said.