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The Ford Intelligence Plan

MR. FORD'S INTELLIGENCE reform measures are notably serious and comprehensive. By an executive order issued yesterday, he has moved to centralize policy direction of the foreign intelligence community in the National Security Council, to set up a new board headed by the director of the CIA with the mandate and critical budget powers to "manage" intelligence activities, and to top this structure with an appointed citizen "Oversight Board." These steps, if put into effect conscientiously, would almost certainly give the President more assurance of control over the sprawling intelligence bureaucracy and could also give him better intelligence—surely desirable goals.

Mr. Ford describes his plan as one making the President "ultimately accountable for our intelligence activities." If this in fact turns out to be so, then it marks a major advance over the past, when the studied use of the doctrine of "plausible deniability" often made it impossible for others to know if the President had been consulted, let alone if he would accept responsibility, for a particular operation. This kind of accountability should also make more feasible the establishment of a responsible oversight system by the Congress, for in leading cases where Executive accountability must be established, it will often be, we think, to the Congress—under certain agreed terms of discretion—and not necessarily to the public at large—that it will have to be established.

Mr. Ford is proceeding with Executive branch self-reform, we note, before the Congress is fully ready to move. Clearly, he is taking advantage of the disarray particularly evident in the House, and of the confusion spread among the public by recent leaks and other events, to impose his own design. Whether this is good politics, however, is questionable. Mr. Ford has reserved to himself, for instance, the public definition of the charters of the various intelligence agencies. He seems prepared to submit to Congress only odd pieces of those charters, such as the writing of judicial safeguards against illegal electronic surveillance and mail openings, and the prohibition of peacetime attempts on the lives of foreign leaders. We are not at all sure that issuance of executive orders is the best

way to build the Executive-congressional consensus needed for well-considered and lasting reform. It will be important just how receptive to the Senate's own reform proposals, now in committee, the administration will be.

It is characteristic of the Ford plan that his strongest bid for congressional cooperation lies in his proposal for a new law making it a crime for government employees with access to certain secret information to reveal it improperly. The matter demands extreme caution. Not for the first time, a President is professing outrage over leaks. Mr. Ford is no doubt right in figuring that he cannot expect Congress to tighten up on its leaks, as he has asked it to do, if he does not manifest worry over his own. But the designation of material as a national security secret, along with the holding, official release and unofficial leaking of it, are related parts of an immensely complicated process that ought to be treated as a whole. It is essential, for example, to think of creating a policy consensus which itself would tend to limit leaks; to define what secrets are and how they should be graded, reviewed and released over time; and to provide a reasonable procedure for honest dissent and whistle-blowing inside one or another branch of the government. We wish to study further whether the Ford bill adequately addresses their problem in its broad sweep.

In any event, the Ford administration has now spoken its piece—or at least offered its initial bargaining position—on intelligence reform. The Senate is working on its own proposals; the House, unfortunately, is still out to lunch. Legislators have a strong card in the Hughes-Ryan amendment, already law, requiring the administration to give "timely" notice of covert operations to six congressional committees; Mr. Ford wants it "modified." The President also needs an agreed procedure for treating secret information once it is given to Congress; he is demanding the last word on disclosure and Congress is plainly reluctant to give it to him. The challenge before both branches, then, is to demonstrate by cooperation on reform that it is possible for a democratic society to care properly both for its security and its citizens' rights.