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Congress Turns to the CIA

Congress, in its continuing Vietnam-inspired effort to break the Executive's near monopoly of powers in foreign affairs, is now tackling the Central Intelligence Agency. This is understandable, and was to be expected, too. The agency's powers are great—or so one suspects; no one representing the public is really in a position to know. Yet because it operates under virtually absolute secrecy, it does not receive even that incomplete measure of public scrutiny which the Defense and State Departments undergo.

The proposals in Congress affecting the CIA fall into two categories. Those in the first category start from the premise that the CIA is essentially an operations agency and an ominous one, which is beyond public control and which must somehow be restrained—for the good of American foreign policy and for the health of the American democratic system alike.

So Senator Case has introduced legislation to prevent CIA from financing a second country's military operations in a third country (e.g., Thailand in Laos) and to impose on the agency the same limitations on disposing of "surplus" military materiel as are already imposed on Defense. The thrust of these provisions is to stop the Executive from doing secretly what the Congress has forbidden it to do openly. Unquestionably they would restrict Executive flexibility, since the government would have to justify before a body not beholden to it the particular actions it wishes to take. The advantage to the Executive would be that the Congress would then have to share responsibility for the actions undertaken. Since these actions involve making war and ensuring the security of Americans, if not preserving their very lives, we cannot see how a serious legislature can evade attempts to bring them under proper control.

Senator McGovern's proposal that all CIA expenditures and appropriations should appear in the budget as a single line item is another matter. He argues that taxpayers could then decide whether they wanted to spend more or less on intelligence than, say, education. We wonder, though, whether a serious judgment on national priorities, or on CIA's value and its needs, can be based on knowing just its budget total. In that figure, critics might have a blunt instrument for polemics but citizens would not have the fine instrument required for analysis.

In the House, Congressman Badillo recently offered an amendment to confine the CIA to

gathering and analyzing intelligence. This is the traditional rallying cry of those who feel either that the United States has no business running secret operations or that operational duties warp intelligence production. The amendment, unenforceable anyway under existing conditions, lost 172 to 46, but floor debate on it did bring out a principal reason why concerned legislators despair of the status quo: Earlier this year House Armed Services chairman Hebert simply abolished the 10-man CIA oversight subcommittee and arrogated complete responsibility to himself. Congressman Badillo is now seeking a way to reconstitute the subcommittee. This is a useful sequence to keep in mind when the agency's defenders claim, as they regularly do, that CIA already is adequately overseen by the Congress.

Between these proposals and Senator Cooper's, however, lies a critical difference. Far from regarding CIA as an ominous operational agency whose work must be checked, he regards it as an essential and expert intelligence agency whose "conclusions, facts and analyses" ought to be distributed "fully and currently" to the germane committees of Congress as well as to the Executive Branch. He would amend the National Security Act to that end. His proposal is, in our view, the most interesting and far-reaching of the lot.

To Mr. Cooper, knowledge is not only power but responsibility. A former ambassador, he accepts—perhaps a bit too readily—that a large part of national security policy is formulated on the basis of information classified as secret. If the Congress is to fulfill its responsibilities in the conduct of foreign affairs, he says, then it must have available the same information on which the Executive acts—and not as a matter of discretion or chance but of right. Otherwise Congress will find itself again and again put off by an Executive saying, as was said, for instance, in the ABM fight, "if you only knew what we knew . . ." Otherwise Congress will forever be running to catch up with Executive trains that have already left the station.

The Cooper proposal obviously raises sharp questions of Executive privilege and of Executive prerogative in foreign policymaking—to leave aside the issue of keeping classified information secure. But they are questions which a responsible Congress cannot ignore. We trust the Cooper proposal will become a vehicle for debating them in depth—and in public, too.