

Unguarded Intelligence

12/24/74 NY 18
Yet another conspiracy under the Nixon Administration to defy the law and infringe upon the constitutional rights of American citizens has now sprung into the open. The domestic intelligence gathering operation of the Central Intelligence Agency, the maintenance of secret files on several thousand American citizens suspected of political dissidence were flatly illegal activities; there is no alternative now to invoking appropriate legal procedures against the officials responsible.

The basic rationale for the C.I.A. as an independent intelligence organization is not at issue; it is unfortunate that a valuable, even essential, institution has been cast under a cloud by the misguided zeal of those inside and outside the agency who thought nothing of twisting and misusing an important national asset.

It is reassuring to hear from President Ford and the present director of Central Intelligence, William E. Colby, that all such domestic surveillance activities have been terminated; more to the point is how they could have been permitted in the first place when Federal statutes so clearly bar the C.I.A. from internal security functions.

In defending the C.I.A. against recent months of criticism arising from unwise but not illegal covert activities abroad, Mr. Colby has persuasively argued that the agency was simply carrying out the duly issued policy directives of the National Security Council. It will be important now to learn whether this domestic surveillance program—unwise and illegal—was also initiated by the N.S.C. or the Nixon White House or, alternatively, grew up from the independent unchecked initiative of the agency's own Counterintelligence Department, most secret and impenetrable branch of sheltered bureaucracy.

Defenders of the intelligence community argue that domestic surveillance is permissible when clearly related to foreign intelligence purposes. A more concrete attempt at justification arises from the decision in 1970 of J. Edgar Hoover, late director of the Federal Bureau of Investigation, to cut off working relations with the C.I.A. Since the agency could no longer rely on the F.B.I., the body legally charged with internal security, it was pushed into its own domestic surveillance, so the argument goes. Professional rivalries are endemic among secret services, but this particular feud, stretching back even to the predecessor organization of C.I.A., has had deplorable implications for national security.

This illegal surveillance operation and the failure to institute legal proceedings until after its public disclosure suggest an intolerable breakdown of institutional checks and balances. For many years this newspaper—among others—has urged closer oversight by Congress of the intelligence community. But the first responsibility for preventing any further misuse of power must rest with the C.I.A. and other elements of the intelligence community, if they wish to continue receiving the trust absolutely required for the conduct of their mission.