

Post 12/24/74 *The CIA Crisis*

ANOTHER JOURNALISTIC FLARE burst over the Central Intelligence Agency Sunday, briefly illuminating a dark corner of its activities barely glimpsed before. In the early Nixon years, the New York Times reported, the CIA collected information on 10,000 or more American citizens who had some part in the anti-war and other "dissident" movements. It did this despite a ban in its legislative charter on "police, subpoena, law-enforcement powers, or internal-security functions." That ban was enacted precisely to block such use of a secret foreign-intelligence agency as a secret domestic-police force. Coming hard on renewed public agitation over the agency's conduct of subversion in Chile, the new allegations have created the most serious crisis in the CIA's 27 years.

In 1969-70, it seems, President Nixon asked the CIA to investigate whether foreign elements were behind the Vietnam war protests. Whatever Mr. Nixon's purposes in asking the question, it was a legitimate one for a foreign-intelligence agency to try to answer. The answer apparently was No. But the matter did not end there. Somehow, the CIA undertook (or intensified) a campaign of surveillance of American citizens. They were not suspected of being foreign agents; or if they were, the FBI should have been called. "We do not target on American citizens," then-CIA director Richard Helms said in a public speech on April 14, 1971. According to the story in the Times, the surveillance program apparently was then in full swing: if that is in fact the case, then Mr. Helms not only violated the regulation governing CIA's activities but then lied about it as well.

It is said that James R. Schlesinger, briefly CIA's director in 1973, uncovered the tracks of the program—the anti-war movement was already dead of natural causes. Mr. Schlesinger, now Secretary of Defense, and his successor at CIA, William E. Colby, are also said to have found and stopped certain other questionable domestic activities, including some touching Watergate. On Sunday, President Ford reported Mr. Colby had told him that "nothing comparable to what was stated in the [Times] article was going on over there." Added Mr. Ford: "I told him that under no circumstances would I tolerate any such activities under this administration." These assurances are, of course, beside the point. The secrecy which allows the CIA to conduct illegal operations makes its formal denials meaningless. The same secrecy makes it possible for the CIA to engage in domestic spying in the future, with or without the President's knowledge or consent.

The Justice Department is already "reviewing" the

reported program, apparently with Mr. Colby's approval. However tortured the legal route may seem, we urge that it be explored. It holds high promise of disclosure of many hidden and hard-to-find aspects of any surveillance program. Fear of prosecution deserves to be added to fear of publicity to deter those public officials who might be tempted to spy on their fellow citizens. It should hardly be necessary to repeat, after Watergate, that officials must obey the law. We presume that the initial quick look which Mr. Ford has ordered Henry Kissinger to take—in Dr. Kissinger's capacity as White House national security advisor—will reaffirm this fundamental point.

In the Congress, fresh appeals have been made for a specific investigation of the alleged spying and for improved general "oversight" of CIA. We have little confidence in an investigation by either the Senate or the House committees which are supposed to oversee the CIA; their record, in so far as they have done anything at all, is one of protecting the interests of the CIA rather than those of the public. Chairman John Stennis (D-Miss.) of the Senate Armed Services Committee, who yesterday announced his intent to delve into the new charges, has heavy presumption of CIA protectiveness to overcome.

A broader approach is essential. The need is not only to get to the bottom of whatever happened a few years ago but to translate concern over this particular episode into a solid institutional remedy for all of the perceived inadequacies of the CIA. The group to take on this task must be at once detached from the Executive (that rules out the President's Foreign Intelligence Advisory Board), expert and authoritative; a bipartisan select committee of the Congress might be the best approach. Sen. Howard H. Baker Jr. has proposed one such committee to survey CIA practice across the board to assure it is consistent with existing law.

An even more satisfactory route lies in a second proposal by Sen. Mike Mansfield (D-Mont.) and Sen. Charles McC. Mathias (R-Md.) for a select committee. It would assess the past record and future role of American intelligence. On the premise that the 1947 law which brought the CIA into being was drafted under the shadow of cold-war circumstances that have greatly changed, it would draft a new law consistent with new circumstances, domestic and foreign alike. Any lingering doubt as to the need for just such a basic and comprehensive procedure has been erased by the new reports of domestic spying and by the government's apparent inability to explain these reports away.