

Sen. Bayh Urges Keeping Intelligence Agency Curbs

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In a parting assessment as chairman of the Senate Intelligence Committee, Sen. Birch Bayh (D-Ind.) warned yesterday against growing demands to undo many of the controls and safeguards placed on U.S. intelligence activities over the past five years.

The secrecy necessary for those activities, Bayh suggested, would make abuses all too commonplace if the guidelines that have been hammered out within the executive branch and the elaborate rules for congressional oversight were significantly weakened.

"Secret activities are necessary to protect our freedoms and national well-being," Bayh said in a personal 33-page report to the Senate. But he added that "secret power should not be used in ways that curtail those freedoms."

"We will have lost everything," he said, "if in the defense of liberty we act to destroy liberty itself."

Defeated in his bid for reelection after 18 years in the Senate, Bayh voiced his apprehensions about proposals that are likely to gather fresh momentum with the onset of a Republican administration and a Republican majority in the Senate.

The Indiana senator said, for instance, that he saw no need for a new organizational structure for the intelligence community and maintained that any determined effort to create one would simply distract senior officials from the more urgent task of improving intelligence operations and analysis.

A charter proposal introduced by several Republican senators last year after consultation with Reagan advisers would split the CIA in two and create a separate new agency for covert actions.

Bayh, however, argued that "the best way to improve the CIA as a practical matter, is by strengthen-

ing the quality of its efforts rather than forcing it to undergo another period of turmoil."

The conservative Heritage Foundation, in a recent report, has suggested revoking guidelines that had been laid down during the Ford administration to keep counterintelligence activities within the limits of the Constitution.

Alluding to such proposals as "one of the most disturbing recent developments," Bayh pointed out that the existing guidelines "were developed largely by the intelligence community itself, to ensure clear standards for their activities."

The guidelines also have won the support of officials such as FBI Director William Webster, who said in a speech last June that the FBI has "found these controls entirely workable."

Bayh also voiced alarm over calls for repealing the Foreign Intelligence Surveillance Act of 1978. The law established a special court to issue secret warrants, under statutory standards, for electronic surveillance within the United States in the national security field.

Bayh said that repeal or even serious weakening of the law through amendments would be "wholly unjustified."

"If such efforts were to succeed," he protested, "it would reopen the heated debate over standards and procedures . . . that plagued the FBI and succeeding attorneys general for decades."

Despite initial reservations by intelligence professionals, this law also has won overall favor from the heads of both the FBI and the National Security Agency, Bayh said.

Bayh suggested that the 1978 law should be amended to provide for such approvals but in any case, he argued, the surveillance act offers a much better framework than "the alternative of reasserting" the doctrine of "inherent executive power."