



The Main Issue In the CIA Case

— Andrew Tully

IN 1961, when I was writing a book on the Central Intelligence Agency, I established a kind of arm's-length rapport with Allen W. Dulles, then the spy agency's director.

During one of several interviews with Dulles, I put a question to him: What would the CIA do if the death of a foreign agent was absolutely essential to protecting the national security of the Republic?

"We'd kill him," Dulles replied matter of factly.

He smiled then, and noted that of course my question was hypothetical and that he "could not possibly conceive" of such a situation arising.

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BUT THERE you are. In the case against the CIA, based on allegations by The New York Times that the agency has spied on thousands of American citizens, it is vital that the American people keep their collective eye on the main issue and not be diverted by news stories "revealing" how the CIA acquires intelligence on the activities and aims of foreign powers.

So, because the law says so, President Ford's blue-panel commission should confine its investigation of the CIA to allegations that the agency operated illegally within the United States. The law says it's none of our business what nefarious acts are committed by the CIA abroad.

Indeed, the CIA per se would be violating the law if it held open house to the media. For the National Security Act of

1947 implicitly commands that the agency operate in the strictest secrecy and provides penalties for CIA employees who divulge any secrets that might jeopardize the national security.

However, there is something Congress can do whether or not the CIA is found guilty of spying on thee and me. The Act of 1947 gives the agency what amounts to a blank check. Specifically, the law assigns to the CIA three duties: to advise the National Security Council on intelligence activities; to correlate and evaluate intelligence related to the national security, and to perform "services of common concern for the benefit of existing intelligence agencies."

Then comes the kicker. Section 102 of the Act goes on to provide that the CIA shall perform "other functions and duties" as directed by the National Security Council.

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WELL, when all the arguments are in, the security council is and always will be the President of the United States. And that phrase, "other functions and duties," is dangerously broad, not to say preposterously vague. Although by law the FBI is exclusively charged with conducting domestic counterintelligence, in fact a President may at any time order or merely permit the CIA to go and do likewise.

Congress could spare the country a lot of noise if it simply rewrote the National Security Act of 1947 so that the President and the CIA director could understand it.