

Michael J. Harrington

Leashing Intelligence Agencies

The current controversy centering around allegations of illegal Central Intelligence Agency activities raises much broader questions about this nation's huge intelligence community, of which the CIA is only a part.

Several billion dollars annually are appropriated for the "intelligence" operations of the CIA, the National Security Agency, the Defense Intelligence Agency, and the Federal Bureau of Investigation, despite the fact that very few people in Congress and the general public have any idea how these funds are spent. Allegations of illegal CIA domestic surveillance and covert foreign operations, serious matters in themselves, highlight the Congress' complete abdication of any real knowledge, control or responsibility in these areas.

The CIA was created in 1947 to serve a still important national need for the collection and analysis of foreign intelligence. Similarly, many of the other agencies in the intelligence community undoubtedly provide essential information gathering services under necessary security precautions. My concern stems not from these activities, but from secret operations of these agencies beyond the legal limits imposed by law and our constitutional system. In our zeal to preserve the secrecy of gathering intelligence, we have removed traditional controls and given these agencies the opportunity to tread covertly far beyond their charters. Evidence of illegal CIA operations can be found in the agency's involvement in Watergate, its participation in the activities of the "plumbers," its apparent domestic surveillance program, and its free-wheeling covert operations abroad. The FBI, particularly under Director J. Edgar Hoover, was admittedly engaged in illegal counter-intelligence programs. While less is publicly known about the NSA and DIA, evidence made available by the Senate Watergate Committee indicates their planned participation in the "Huston Plan," a coordinated, intelligence community domestic surveillance operation that anticipated the use of illegal wiretapping, mail tampering, and break-ins.

It is in this context that I am asking the House Democratic Caucus tomorrow to consider my proposal to create a new House Select Committee on Intelligence, which would reassert congressional responsibility over the entire range of this nation's secret intelligence bureaucracy.

The common thread in the history of secret abuse of power has been the absence of any substantial congressional inquiry into the intelligence community. No systematic review of agency functions, purposes or activities has been attempted. The intelligence community has been allowed to expand into a secret arm of government unaccountable to the Congress and the American people.

The response within the executive branch to the exposure of illegal operations has been designed, as in the case of the present CIA domestic surveillance controversy, to blindly protect rather than objectively reform the intelligence community. The initial investigation of the CIA entrusted fact

finding to Secretary of State Henry Kissinger and CIA Director William Colby, men with an obvious self-interest in preserving intact the secret apparatus they head. Members of the commission established by President Ford likewise bring to their jobs a firmly entrenched establishment outlook in which deference to the intelligence community weighs heavily.

This pattern has occurred in connection with eight previous executive branch studies of the CIA since 1949,

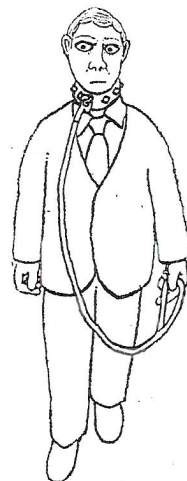
The writer, a Democratic representative from Massachusetts, is a member of the House Foreign Affairs Committee.

all of which have failed to prevent recurring illegal activities. Operating in secret and issuing classified recommendations, these "investigations" have successfully diverted public attention from such ill conceived CIA operations as the Bay of Pigs invasion and the subsidization of domestic cultural organizations. The self-defeating and ineffective nature of internal review is illustrated by the failure of the President's Foreign Intelligence Advisory Board, itself the product of a study recommendation, to keep watch over the intelligence community. The President's commission has merely spawned a new series of self-serving investigations inadequate in scope and suspect in its determination to provide any meaningful reform.

Within Congress, control of the massive intelligence agencies has been left to small subcommittees of very senior members who have repeatedly demonstrated little commitment to do the job. Hindered from the start by inadequate staffing and funds, the oversight committees have consciously steered clear of the agencies whose operations they are charged with monitoring. Although these subcommittees argue, from behind the cloak of secrecy, that their work has been adequate, the record reveals a purposeful abdication of their constitutional responsibility to oversee the intelligence community:

- The Senate Armed Services Oversight Subcommittee repeatedly failed to meet even once during 1973, despite since acknowledged CIA activities in Chile and involvement in Watergate that year.

- The chairman of the House Armed Services Subcommittee on Intelligence apparently was informed of some CIA domestic surveillance some time in late 1973, but announced an investigation only after massive newspaper publicity made it necessary to do so.



By Tom Kleh.

- Oversight committees are seriously under-staffed and ill-equipped to keep watch over the every day operations of a multi-billion dollar intelligence community, let alone keep it within legal bounds. The House Subcommittee on Intelligence, for example, does not have a single, full-time staff member

- The committees met irregularly, pursuing a fragmented approach to the complex intelligence issues with which they must deal. When I sought to determine the adequacy of committee procedures and organization in a questionnaire sent last July to all oversight chairmen, not one offered a substantive reply, despite oral assurances by both House chairmen that they would do so.

More significantly, the members of those committees have illustrated a disinclination to even inquire into many facets of our intelligence activities. Rather than seeking out information about possible illegal or unwise agency operations, they have conspired by silence and disinterest to shield the intelligence community from any congressional examination.

To meet the requirements of a thorough and independent investigation, I suggest that the House establish a new mechanism to review the activities of the entire intelligence community. My proposal to the Democratic Caucus calls for the creation of a new House Select Committee on Intelligence as the vehicle to achieve this purpose. Such a committee would have the independence to pursue current allegations of illegal CIA operations, both foreign and domestic, and would have the subpoena power and staff necessary to do the job. It would also be equipped to study the many elements of the intelligence community that have previously eluded congressional scrutiny. Finally, it could recommend directly to the House whatever legislation is necessary to keep intelligence agencies within legal bounds and under the watchful oversight of an effective congressional structure, instead of sidetracking reform measures through a labyrinth of dead-end committees.

Unlike its predecessor, the 94th Congress has already been aggressive in fulfilling its constitutional responsibilities. The expectations of the American people have been awakened, and they are demanding more openness, and greater accountability, from their representatives. It is inconsistent with those expectations for Congress to turn away from its constitutional mandate to keep all agencies of government within the law. The need for forthright action is even more acute when dealing with agencies that have been operating for so long behind an iron curtain of executive secrecy and congressional blinders.