

# The 'Spying' Inquiry

As the new select Senate committee on government intelligence gathering begins the task of organizing itself, its 11 members will find that passage of the resolution creating the committee was the easiest part of the job.

How should the inquiry be structured? What size staff is needed? How should information be gathered, coordinated, stored and shared within the committee? When should hearings be held and which should be closed and which open? These would be difficult questions even if the subject at hand were simple. When the focus of attention is the sensitive intelligence community and its operations at home and abroad, however, the problems are compounded.

Take the question of structuring the initial inquiry. The committee as approved has only an eight-month life. It is required to make a final report on Sept. 1. That deadline is going to require some pretty quick investigation, given the broad mandate contained in the authorizing legislation.

The mandate itself is a bit slapdash, reflecting the diverse interests of several senators. Overall, the committee is directed to study intelligence activities with an eye to uncovering the "extent, if any, to which illegal, improper or unethical activities were engaged by any government agency or any individuals acting for an intelligence agency." Standing by itself, that could require years of investigation since there is no time limitation such as, say, back to 1960.

The resolution, however, goes further to itemize 14 specific matters that are to be completely investigated. Three deal directly with the Central Intelligence Agency, its allegedly "illegal" domestic operations and whether these questions conform to the agency's charter.

The committee is also directed to study the Federal Bureau of Investigation's "domestic intelligence and counterintelligence operation in the United States" along with similar operations of other agencies. Another broad directive calls for the study of possible violations of "any state or federal statute" by an intelligence agency or anyone using wiretaps, break-ins, mail interceptions or any other means on its behalf.

The committee is called upon to

study whether or how the intelligence community coordinates its operations and the manner in which they are controlled and directed by executive orders.

Oversight of intelligence is not forgotten. The committee is to study both the "nature and extent" of executive branch oversight and the "need for improved, strengthened or consolidated" congressional oversight. The Nixon administration's Huston plan of 1970, which sought to coordinate domestic intelligence, is to be restudied and federal laws are to be reviewed to determine if they are inadequate to "safeguard the rights of American citizens" or to "resolve uncertainties as to the authority of United States intelligence and related agencies."

If all that were not enough for an eight-month inquiry, the committee is finally charged with looking into the

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"extent and necessity of overt and covert intelligence activities in the United States and abroad." When this language originally was introduced in the Senate as a separate resolution, it, alone, was to be the subject of a two-year study.

Chairman Frank Church (D-Idaho) has recognized that the committee cannot responsibly undertake all the investigations authorized in its resolution and finish by Sept. 1. It must choose the areas it believes require the most urgent attention and let the others go for some other time. According to Sen. Howard Baker (R-Tenn.), at least 19 federal agencies carry on intelligence operations.

Committee attention inevitably should be focused primarily on the CIA, the FBI, the Defense Intelligence Agency and the individual military services, the National Security Agency and the Secret Service. How these agencies will be approached, what information will be sought and whether it will be sought in preliminary staff inquiry or in closed hearings—these are structural questions that the com-

mittee must determine almost immediately.

It is at this point that agreement between Church and the ranking minority member, Sen. John Tower (R-Texas) becomes extremely important. If the Democrats try to go one way and the Republicans refuse to join them, the resulting partisan split could jeopardize the entire inquiry. In his floor remarks the day the committee resolution was adopted, Tower indicated he thought "examination of the domestic activities of our intelligence-gathering organizations" was needed and overdue. He added that the "most important thing that our committee can do" would be to proscribe activities that violate an agency's charter or its authorization from Congress or which "militate against the individual freedom of the American people." On the basis of that statement, Tower appeared to be putting most of his interest in intelligence activities within the United States. Other senators, including Chairman Church, have talked about looking at CIA's covert activities around the world. Some practical accommodation between those two views should be reached at the start, rather than midway in the inquiry.

If agreement between the Democrats and Republicans can be reached on the exact scope of the investigation, a second pitfall might be avoided—the setting up of a divided staff with a minority serving only the GOP members. To work well, there should be only one staff selected by a bipartisan group of senators. Minority staffs by their very nature generate competition; and competition in this type of inquiry is bound to lead to leaks of information. The only way to avoid leaks and partisan confrontation either within the committee or in relation to the Republican-controlled executive branch is to be certain that the committee members move together on each step of the investigation.

Within the next few weeks, as the committee makes its first information-gathering efforts, some event will occur which sets the tone for relationships both inside and outside the committee. In the Senate Watergate investigation, it was the manner in which the committee's chief counsel, Sam Dash, handled his initial interview with James McCord. Rather than keeping McCord's appearance secret, Dash held a press conference of his own, with no senators present. Dash got the publicity. It set a pattern for the grandstanding and leaking that followed. Everyone, whether senator or staffer, was out for himself.

This select committee cannot afford to make that type of mistake. In fact, it would be better if some announcement were forthcoming that no hearings or public statements would be made for at least two months—so that investigation could go forward without the pressure of press publicity.

The committee could take one further step to help its inquiry along. It could request that the White House aid in the coordination of intelligence agency responses. That move would also bring in White House recognition that, in the end, it is the President's responsibility to supervise the activities of these agencies. Such a request would also pave the way for the eventual seeking of White House information relative to past agency activities.

As with a child, so with a serious congressional inquiry—the first few steps set the eventual course.