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NYTimes MAY 26 1975

Intelligence Agencies: A Need for New Laws

To the Editor:

Hanson Baldwin (Op-Ed May 8) puts his finger on many of the key issues in his call for a constructive examination by the Congress of U.S. intelligence activities. As a member of the Senate Select Committee to Study Government Operations with Respect to Intelligence Activities, I am convinced that the Senate can make a constructive investigation—and, indeed, that such an investigation is sorely needed.

In the aftermath of Watergate and following a series of shocking revelations of the abuse of power, it is clear that one of the most important tasks facing the Congress is to determine the proper role of intelligence agencies within our constitutional system of government. Thirty years' experience has proven that the existing legal foundation for our intelligence agencies, established in 1947, is inadequate. It is necessary to write new laws, to draw new guidelines, for our intelligence agencies.

That is why Senator Mansfield and I proposed in October of 1974 that the Senate establish a select committee to make a detailed study of the legal authorities of all U.S. intelligence agencies, foreign and domestic, and of the over-all U.S. intelligence requirements.

It is an astonishing fact, for example, that there is no specific authority for any covert operations by the C.I.A. anywhere in the law. In the past, it has been argued that the President was empowered by the National Security Act of 1947 to assign "intelligence activities" to the C.I.A., yet the law itself—or legislative history—does not reveal even the slightest suggestion that covert operations are subsumed under the meaning of "intelligence activities."

Covert activities of some kind might be necessary in some future circumstances. There must be sound guidelines consistent with constitutional guarantees. Moreover, the distinctions between foreign and domestic are far less clear now than they may have seemed in the years just following World War II.

Technological advance, a boon to the agencies, has proven to be a threat to constitutional guarantees. It is clear that secrecy and open democratic government have proven to be uneasy partners.

It is my view that there is a requirement for a thoughtful redefinition of our national intelligence needs. I am convinced that the Select Committee on Intelligence offers the best means of resolving the type of questions enumerated by Mr. Baldwin and in the nonpartisan, thorough and considered way demanded by the dimensions of the problem.

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U.S. Senator, Maryland
Washington, May 8, 1975