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# The Rocky Report: Better Than Expected

\*Also, Wicker  
24 Jun 75.

When the Rockefeller Commission was appointed to investigate charges of illegal acts by the Central Intelligence Agency, its establishmentarian make-up and national-security orientation produced considerable skepticism. In this space, it was suggested that having the C.I.A. investigated by such an unchallenging group was like "having the Mafia audited by its own accountants."

The same article confidently predicted that the commission would "ultimately publish a report that rebukes unnamed officials for 'lack of judgment' or for being 'overzealous' in protecting national security. A few obvious recommendations for tighter supervision may be thrown in, and the commission will surely express confidence in the C.I.A.'s future behavior and reaffirm the vital necessity for the agency's indispensable services."

In exposing illegal programs and procedures that the C.I.A. had undertaken, and it used much sharper language in condemning such actions. To the credit of Vice President Rockefeller, the other members and their staff, they did not content themselves with merely confirming charges already made, but went beyond them to disclose other misdeeds—such as the reprehensible experimentation on humans with LSD when virtually nothing was known of the drug's effect. It remains to be seen, of course, how much the commission learned about C.I.A. involvement in murder plots against foreign leaders. The report on that part of its work has been withheld from publication and turned over to the Congressional committees also investigating the agency. While the delay is regrettable, those committees are dominated by the Democrats and that procedure will no doubt insure the greatest public acceptance of whatever eventually is reported on this grim subject.

In other respects, however, the Rockefeller report was about as expected—no fixing of responsibility on

## IN THE NATION

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Individuals, some fairly obvious recommendations that do not nearly go far enough, and a ringing reaffirmation of the need for a C.I.A. operating substantially as always, save for illegal domestic operations.

The latter two points are the most disturbing. What good does it do for the commission, for one glaring example, to urge (Recommendation 23) that "in the United States and its possessions, the C.I.A. should not intercept wire or oral communications or otherwise engage in activities that would require a warrant if conducted by a law enforcement agency." Of course, the C.I.A. should not wiretap American citizens; but what is needed is some positive means of making sure that they do not do so.

Again, the commission recommended (No. 15) that "Presidents should refrain from directing the C.I.A. to perform what are essentially internal

security tasks. The C.I.A. should resist any efforts, whatever their origin, to involve it again in such improper activities." This is no more than pious advice; the problem is how to prevent Presidents from ordering such activities, and how to give the C.I.A. the strength to resist that kind of order.

The ability of the C.I.A. to resist improper directives certainly would not be enhanced by Recommendation 21. It endorses legislation to make it a criminal offense—which it is not now—"for employees or former employees of the C.I.A. willfully to divulge to any unauthorized person classified information pertaining to foreign intelligence or the collection thereof obtained during the course of their employment." That proposes nothing more nor less than a lifetime prior restraint, backed by criminal penalties, on the First Amendment right of free speech of C.I.A. employees who might want to "blow the whistle" on improper activities engaged in by the agency. It is also the commission's only recommendation that would impose criminal sanctions—and not on C.I.A. misdeeds at that, but on em-

ployees who might want to make public such misdeeds. \*

Even more important, the report does not go deeply into the role of a secret agency, either in a democracy or in a time of détente. It merely proposes measures of limited efficacy for the closer supervision of the existing agency with its existing mission and its existing operational abilities. It remains, therefore, for the Senate and House committees to ask the questions that really matter:

What kind of an intelligence agency does a democracy need as the last quarter of the twentieth century opens, supposedly in détente with Russia and China? To what extent, if any, should that agency engage in secret operations? Against whom, and for what purpose? Or is the need exclusively to collect and analyze intelligence? If so, is a massive secret agency any longer needed at all?

The question is not just whether to maintain an intelligence "capability." Rather it is what kind of an intelligence capability, for what purpose. The Rockefeller report hardly begins to provide an answer.