

On Congressional oversight of covert operations .

NYTimes

Frustration JAN 29 1976

By Dick Clark

WASHINGTON—Recent disclosures of our year-long involvement in the Angolan civil war raise serious questions about Congressional oversight of foreign policy, particularly the conduct of covert operations.

Administration leaders argue that Congress was given an oversight role in covert operations when an amendment sponsored by Senator Harold Hughes and Representative Leo Ryan passed in December 1974. Actually, the matter is much more complex. The amendment provides for nothing more than an ex-post-facto communication to Congress of decisions already reached. There is still nothing in existing law giving Congress a voice in covert operations; there is no provision for advice or consent.

Indeed, classified briefings actually become an impediment to effective oversight. Once the information is made available, there is no way the Congress can properly use it to oppose or influence policy without taking public action. Congress is saddled with the illusion of co-responsibility for the covert action without having any say in the decision. This is the worst of all possible arrangements.

I found out how inhibiting the possession of classified material can be during hearings held before the African Affairs Subcommittee of the Senate Foreign Relations Committee. As subcommittee chairman, I had asked for and received a briefing late in July on our covert activities in Angola. A short time later in public hearings the then Assistant Secretary of State for Africa, Nathaniel Davis, asked not to be pressed on certain points because, as he indicated in a note passed to me, "we both know" about these covert activities. Therefore, I was cautious in my questioning. Had I not had the classified briefing, I could have proceeded on the basis of newspaper reports with much more vigorous questioning, which would have put a more honest statement of United States policy into the record.

Later, in an effort to express objection to what I considered an unwise involvement in a tribal war in Angola, I asked Deputy Secretary of State Robert S. Ingersoll at a closed session of the subcommittee to explain United States policy. The objections were ignored.

Determined to get a first-hand view of the situation in Angola and southern Africa, I traveled there during the August recess and talked with the heads of each of the three Angolan liberation factions plus the heads of state in Zambia, Zaire and Tanzania, and the South African foreign minister. I returned convinced that our involvement was a mistake, could only end in embarrassment, and could only impede the development of the rational African policy we need.

Upon returning I met with the Director of Central Intelligence, William E. Colby, told him what I had learned, and registered my discord with United States policy. To no avail. Later in the month I learned that the Administration had doubled the funding for military equipment to pro-Western Angolan factions.

In frustration, I went to the full Foreign Relations Committee, reported on my trip and explained my objections. The committee called Mr. Colby and Secretary of State Henry A. Kissinger for a complete review of Angolan and African policy.

When they appeared—with Under Secretary Joseph J. Sisco sitting in for Mr. Kissinger—many of us expressed doubts about the deepening involvement. But the warnings went unheeded. Within a month the Administration had decided to significantly increase our covert commitment for the fourth time in four months.

Having tried to oppose this policy through every avenue available to me within established channels, I took the only course remaining—I offered an amendment to the pending Security Assistance Act to prevent any funds from being spent in Angola without specific Congressional approval. This brought our concern, though not the secret details, out into the public.

Subsequently, the Senate passed an amendment to the Defense Appropriations Act that barred further funds in that bill for intervention in Angola. The House on Tuesday accepted the same restriction. My amendment, broader in that it would bar all expenditures in any category, is in the bill about to go to the Senate.

The Angolan experience convinces me—and I believe the majority of my colleagues—of the inadequacy of the present oversight system. It does not allow for Congressional consultation or veto. In practice, access to classified information after a decision has been reached and action initiated becomes in itself a restriction on a member's action and leaves no alternative for influencing policy except to go public through legislative action.

I am convinced that the nation is better served by not conducting covert military or political activities (as opposed to information collection, which I support). But Congressional and public sentiment probably does not support that view. Thus it is vital that in the restructuring of its oversight apparatus the Congress define for itself a more responsible and unambiguous role in covert activities.

Dick Clark, Democrat, is senior Senator from Iowa.

See also column by Anthony Lewis, "In Pursuit of Folly," this file, same date.