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# A Test Of Seriousness

By Anthony Lewis

BOSTON, Feb. 8—All the intelligence investigations of the last year have pointed, logically, toward some system of controls to prevent future abuses. But as the time for legislation comes, defenders of the status quo are making a powerful counterattack. Their aim is to prevent any meaningful restraint on what a President and his men may do by way of ordering covert operations.

The counterattackers paint Congress as irresponsible, not to be trusted with oversight. They imply that anyone who wants covert action to be controlled by law and by Congress is impractical—an innocent in a hard world. Power and responsibility, they say, must be left to the Executive.

But it is not just some soft-headed theorists who want reform. Among those pushing for systematic control of covert action are persons who have held weighty responsibility—former high national security officials. Two notable examples are Clark Clifford and Cyrus Vance, who with their reputation and experience can hardly be dismissed as dreamers.

Mr. Vance and Mr. Clifford gave their views on intelligence legislation in testimony last December. They agreed broadly on these propositions:

1. The law should authorize covert operations in very limited circumstances: "only when absolutely essen-

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tial to the national security," in Mr. Vance's phrase. Mr. Clifford said the kind of emergency justifying such operations should threaten "a profound impact on the continued existence of this country." He said that neither Indochina nor Chile—two areas of major United States secret intervention in the past—would meet his test.

2. Certain methods should be forbidden. The obvious example is political assassinations of the kind that the Central Intelligence Agency is now known to have plotted. Mr. Vance said he would rule out interference with the electoral process of another country.

3. The statute should assure accountability in the executive branch by

requiring the express approval of the President himself for any secret operation.

4. Congress should exercise oversight through a new joint committee or committees on intelligence. Mr. Vance and Mr. Clifford agreed that the committee members should be told about any covert action proposal before the President finally approved it.

Those are not exactly radical propositions. They are characteristically American in their approach to a problem of government power: practical, balanced, reliant on law. They come from eminent Establishment lawyers who know firsthand about the exercise of power. Mr. Clifford was one of the draughtsmen of the National Security Act of 1947, which created the C.I.A.

What those and similar ideas seek to replace is essentially a nonsystem: the use of power without any rules. Since 1947, without clear legal authority, the C.I.A. has undertaken covert operations ranging from bribes to secret wars. It has often been ordered to do these things by subordinate officials, with no traceable approval by the President.

Running covert operations without limits on the means or ends, without controls, without law, without accountability is not good for the intelligence community. To the contrary, intelligence people have been embarrassed and endangered by what has gone on. That is why William E. Colby, the former C.I.A. director, was eager for Congress to enact clear guidelines and oversee his agency.

Now a new director, George Bush, will define the agency's attitude toward legislative proposals. Considerable responsibility falls on the C.I.A.'s counsel, Mitchell Rogovin, an able Washington lawyer brought in last year to help deal with the investigations and work on the legislation. Mr. Rogovin has been very much for the principles of control and accountability, advising the agency that it will do better in the long run if it lives under rules.

The hardest test now is for Congress. The question is whether it will take a real share of responsibility for controlling covert actions. That means effective oversight, by committee members willing to take the risk of knowledge. Will Senator Frank Church and the others make a stand for that principle?

Secretary of State Kissinger has urged that any new intelligence committees be advised of secret operations only after they get under way. That course is tempting, because it would allow members to minimize their responsibility. But it would also let this country slip into secret commitments without a second thought.

The concern about Congressional oversight is leaks. That is a problem, but not an insuperable one. New legislation could give the power of disclosure only to a full committee or to either house of Congress—and the power would almost never be used if a committee did its job and made its influence felt. The risk would be modest compared to that of uncontrolled, secret power.