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Intelligence: Ford Plan May Have Rekindled Debate

By NICHOLAS M. HORROCK
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WASHINGTON, Feb. 20 — President Ford, possibly more by accident than intent, appears to have rekindled the great debate on the future and control of the United States intelligence system. The subject had been moribund here for several weeks, lost in trivia about who leaked what to whom and the fading interest of an election-bound Congress.

But Mr. Ford's legislative proposals to reorganize the intelligence community unveiled Tuesday have been immediately attacked by several major columnists, scoffed at in some of the chairman of the Senate Selected Committee on Intelligence as giving a "bigger shield and longer sword" to the Central Intelligence Agency.

The critics have charged that rather than curbing the intelligence community, Mr. Ford has actually proposed legalizing — even if only in a limited way — mail opening, domestic spying and other domestic activities as well as covert political operations that some contend were of questionable legality previously.

Although Mr. Ford, in unveiling his proposals, said they contained protection of American citizens, Senator Frank Church, the Utah Democrat who heads the Senate Select Committee on Intelligence, declared today that the White House plans "show little interest in protecting citizens' rights."

Press Fears Voiced

Some press executives have also complained that Mr. Ford's advocacy of a "secrecy protection" law, to provide for prosecution of officials who disclose classified information about the sources and methods of American intelligence to any unauthorized source represent a significant extension over present law and may impede the flow of information to the press in a way that could contravene freedom of the press under the First Amendment.

Less noticed than this public reaction was the fact that Senator Church's committee, which had closed its public hearings, decided to reopen them and hold new hearings on Mr. Ford's proposal. The President has thus set a mark, a base upon which arguments could begin.

No one in Congress really believes that, before the national party conventions, new legislation to regulate foreign and domestic intelligence gathering. The Senate select committee is expected to issue a report in March and a bill to create an 11-member Senate oversight group is already wending its way through the legislative process.

The best chance, most strategists agree, is that the Senate and House will create new intelligence oversight committees before summer. It would be up to these committees to prepare the legislation to end specific abuses within the intelligence agencies.

Only Formal Answers

That leaves Mr. Ford's step-by-step plans to reorganize, controversial as they are, the only formal answers to the disclosures of wrongdoing in 14 months of investigation.

By issuing an executive order for administrative change, submitting a bill to tighten the Government's secrecy laws and asking Congress for laws to legalize opening the United States mail to gather foreign intelligence and to formalize the use of electronic surveillance in this field, Mr. Ford has thrust into the arena something for friend and foe alike to gnaw upon.

He could have waited. The intelligence agencies were operating normally, and they all said they had halted abuses by internal order. The President, most observers in Washington

agree, could have sat it out, responding only to Congressional initiatives.

There are several reasons put forth for why he did not, but probably the best evaluation is that Mr. Ford thought the time was ripe for moderate reforms designed to deal with the most obvious abuses but not to permanently crimp the intelligence agencies either at home or abroad.

Mr. Ford and members of the intelligence community have sensed since the death of Richard Welch last December, (a C.I.A. man killed by gunmen in Athens) that the country and Congress were beginning to disapprove of further disclosures of intelligence abuses or failures.

Impact of Leaks

The leaks of the House Select Committee on Intelligence's report, Administration strategists argued, further eroded the image of Congressional responsibility. It was in this atmosphere that Mr. Ford decided to make his announcement.

Mr. Ford wanted to do three things. He wanted to streamline the command and control of the intelligence agencies along lines first recommended in the Nixon Administration and backed by Henry A. Kissinger, Secretary of State.

The effect of this is to move the Director of Central Intelligence toward the White House power sphere and to give him real control over the vast budgetary and allocation mechanism of the intelligence agencies.

Mr. Ford did this by executive order, and it may be the most lasting of his moves.

He wanted to deal with the abuses of the rights of American citizens, which had been the tissue upon which the entire investigation of intelligence began in December 1974. The intelligence officials, mainly those of the C.I.A. and the National Security Agency, which were the two most sorely criticized agencies, have contended all along that they have "cleaned their own houses" by internal orders.

But Mr. Ford and his advisers knew that it would take some more public act of contrition to restore the confidence of the American people. Now it seems, however, that the plan he himself has forged will probably not stand the pressure of scrutiny and criticism.

His approach rests on two factors. First, that an executive

order by a President will convince the American people that the C.I.A. will no longer create dossiers on United States citizens, use electronic surveillance or infiltrate their organizations and that the N.S.A. will no longer eavesdrop on the cables and calls of Americans.

But an executive order is not law. It can be altered or abolished by Mr. Ford himself or any successor. Since most of the C.I.A.'s abuses were done in times of national crisis, the executive order offers little assurance that a future of anti-war movement or military civil rights activity will not prompt C.I.A. to reopen operations to disrupt such activities.

Moreover, the "must nots" of Mr. Ford's order are worded in a tortured lawyerese that has already made several other lawyers suspicious that the intent may be far different than the President has stated.

To them, for instance, in the section on "collection of intelligence" it appears that the C.I.A., N.S.A. and the Defense Intelligence Agency may now legally create dossiers on a wide range of Americans and pass the information around Government with impunity.

Another element of Mr. Ford's plan was to create an "oversight board" with the hope of giving the process the aura of being open to independent review. In fact the board is a creature of the President and with no more authority than its predecessors. Moreover, the first three members he appointed have been closely involved with the operation of the Government and the intelligence business over their professional careers.

The Ford Plan contemplates that the board would learn of agency abuses from inspectors general in various agencies. The president has ordered these offices enlarged and urged intelligence agency employees to report wrongdoing through channels.

But the inspector general system in most Government agencies, particularly in the military and intelligence units, has been notably unaggressive. It was not the Army Inspector General who ferreted out Mylai, nor the Air Force Inspector General who found out about cost overruns in C-5A aircraft development or the C.I.A. Inspector General who stopped assassination plotting. In all these cases, it was unauthorized leaks that produced press accounts and led to official investigations.

One contention of many in the White House is that Government employees would not carry their frustration to the public through the media, if the internal complaint system worked.

Mr. Ford has gone further and proposed both a secrecy law and ordered a wider use of the "secrecy agreement" to prevent or punish disgruntled Government employees from going public. "In the present atmosphere," one of Mr. Ford's aides recently speculated, "I think this legislation has a pretty good chance."

But the White House may not have reckoned on the backlash of Government employee unions and or the delicate balance of approval for such legislation.

For the insiders of the intelligence trade, Mr. Ford's executive order was not without importance for the future debate of the United States' intelligence operations.

For the first time, he has publicly set out roles for agencies whose charters were long kept secret. He has said that the C.I.A. does espionage and the N.S.A. does electronic intelligence collection. He has given the F.B.I., on paper, responsibility for doestic collection of foreign intelligence and counter-intelligence, a matter that was long obscured by the bureaucracy.

On the other hand, Mr. Ford has totally ignored the controversy over covert operations in his message.