

The Meaning (if Any) of the Intelligence Investigation

By NICHOLAS M. HORROCK

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The curtain has fallen on another Congressional investigation. The television lights in the old Senate Caucus Room are gone, the witness chairs are empty, the microphones are silent.

News Analysis This week, the Senate Select Committee on Intelligence, which conducted half of a coordinated House and Senate investigation of the United States intelligence agencies, issued its final report, two fat green volumes containing 183 recommendations for reform or reorganization.

What is perplexing many today in Washington, as it must be perplexing many around the country, is what, if anything, it all meant.

On the very day that the committee was publishing part of its findings, another Senate committee, the Committee on Rules, was dismantling the key legislative proposal to come from the whole investigation, a bill that called for a single powerful Senate oversight committee for intelligence.

Since most of the select committee's recommendations rely for their implementation upon the creation of an oversight committee, the future of the entire legislative package seems in doubt.

Never Good Box Office

In addition to possible legislative failure, the intelligence investigation was never good box office. If Congressional inquiries were ranked as New York theater, the intelligence investigation would fall well behind Watergate and the Army-McCarthy hearings and Somewhere between Senator Estes Kefauver's organized crime inquiry in the 1950's and Senator Edward V. Long's 1966 inquiry into Government invasion of privacy.

Nor did the intelligence investigation create heroes. Senator Frank Church, the Idaho Democrat who was chairman of the committee, has found the investigation a poor platform for his Presidential race and a nonissue on the campaign trail.

The public image of the 10 other members of his committee is no better now than it was before, and a couple have wondered if their image is worse. This also holds true for the members of the investigating House committee.

The two main staff figures on the Senate committee, F. A. O. Schwarz 3d, the counsel, and William Miller, the chief of staff, had no national reputations when they started this investigation, and they have none now.

Many people in Washington came over the last decade to believe that a repressive, secret-police atmosphere was a part of the atomic age. They held out little hope that anyone or anything could change that.

A Fortuitous Wedge

Those with this view argued that Watergate provided a fortuitous wedge into the secret workings of government, like an opening in an overcast sky, and that the reformers would have a limited time in which to hammer into place protections against repression and a police state before, as one Congressional aide put it, "the sky closed again."

These people believe that the sky began to close when the public no longer appeared concerned about the Central Intelligence Agency's assassination plots, the Federal Bureau of Investigation's Cointelpro and the National Security Agency's electronic snooping. Since no new laws in these areas are in effect today, these critics mark the investigation as a failure.

There is another kind of critic in this city who suggests that the investigation did more harm than good by exposing national security secrets for no better reason than curiosity or publicity, and that the national defense may have been irreparably harmed as a result.

This contention gets little general support, and even professional intelligence officers generally reject it.

Yet a third view of this year's investigation may be closer than the others to what has really happened. As one member of the Senate committee put it privately, "The Senate committee may have failed in its objectives, but the investigation as a whole was a partial success."

Soon After Watergate

It is his opinion that the investigation was broader than the Senate committee and broader than its House counterpart. It was touched off in December 1974 by an article in The New York Times reporting sources who said that the C.I.A. had conducted illegal domestic surveillance.

The article came a few months after Watergate and was the catalyst for several forces that saw evidence that widespread illegal intelligence activities were being carried out by several Government agencies.

Three investigations followed, the two on Capitol Hill and another by a Presidential commission headed by Vice President Rockefeller.

The pressure of these investigations has brought some internal changes by the executive branch of the Government.

President Ford earlier this year issued an executive order that appears to bar some improper practices and to make changes in the mechanics of how the intelligence community operates.

The President's efforts have been soundly criticized by some, but pragmatists on Capitol Hill like to point out that his reforms are all that there is right now. Attorney General Edward H. Levi has issued the first internal guidelines for the conduct of domestic intelligence investigations by the F.B.I. and has got some Congressional support for a new electronic surveillance law.

It is widely agreed that the Administration would not have made these moves if it had not been for the pressure of the investigations.

Power of Exposure

There is also another remedy at work here, less easy to detect: the power of exposure.

The atmosphere of secrecy that surrounded the intelligence agencies for three decades lulled the men and women who worked in those agencies into the belief that their actions took place in a vacuum and would never be made public; that what they did and who decided to do it would never be held up to scrutiny against the general standards of society.

It is highly likely that the men who conspired to prepare and send to Mrs. Martin Luther

King Jr. a tape recording of sex activities picked up by an electronic room bug to force his husband from public life never thought at that moment that their actions would be described at a public Congressional hearing.

Their successors at the F.B.I. and their colleagues at the C.I.A., the N.S.A., the Defense Intelligence Agency and the other segments of the intelligence community can no longer rely on that secrecy. They must now consider that any act they take in their official duties may well end up in public view before a Congressional committee or in the news media.

The problem is that these de facto reforms are temporary. They rely upon men's memories and upon the willingness of successors to President Ford and Mr. Levi to carry them out.

It was for this reason, in the view of many, that legislation, particularly a law calling for strong Congressional oversight, was so clearly necessary for long-term change. Many Congressional political strategists believed that there was support for a strong oversight committee in Congress last spring.

If that support was there, why has it been so seriously eroded?

Mr. Miller and Mr. Schwarz suggest that the publicity stemming from the murder of Richard Welch, the C.I.A. intelligence officer, in Athens and the publicity from the unauthorized publications of the House Intelligence Committee's report were major factors in dissipating public and political support for intelligence reform.

Never Caught Fire

Several committee members have said in interviews that from the beginning of the investigation the issues of C.I.A. political assassinations or F.B.I. Cointelpro harassment of various groups have never caught fire among their constituents.

Without pressure from constituents, they suggest, Congress has little impetus to act.

If the ingredient for success of reform legislation is pressure from the public, the Senate Select Committee may well share in the blame for squandering it.

The committee was unwilling from the beginning to operate in public or to confront and do battle with intelligence agencies that were reluctant to supply full and complete information. From January until August last year, the committee conducted the investigation of assassinations behind closed doors.

Meanwhile, in the hallways of Congress millions of dollars worth of free exposure in the news media was available.

Instead of news about testimony, witnesses and graphics of an open hearing, the public received occasional newsgrams from Senator Church or Senator John G. Tower, Republican of Texas, who was the committee's vice chairman.

The committee said that the assassination matters were too sensitive for public hearings. And it later bowed to Administration wishes not to disclose matters on covert operations.

The committee, particularly toward the end of its inquiry, seemed intent on proving that Congress was as responsible in keeping secrets as was the executive branch.

Thus, the committee went from November last year until this week with no attempts to keep public attention on the problems of intelligence abuse.

Strong reform legislation may well be a casualty of these tactical decisions.