

PRESIDENT LIMITS U.S. SURVEILLANCE OF CITIZENS' LIVES

FEB 19 1976

Executive Order Restricts
Intelligence Agencies in
Collecting Information

FEB 19 1976

INFILTRATION IS CURBED

But Congress Is Asked to Permit Techniques to Assemble Foreign Data NYTimes

By NICHOLAS M. HORROCK
Special to The New York Times

WASHINGTON, Feb. 18 — President Ford sharply restricted today the power of the intelligence agencies to intrude upon the lives and activities of American citizens.

In a 36-page executive order, which will go into effect on March 1, Mr. Ford limited the

*Ford message and excerpts
from order, page 30.*

physical and electronic surveillance of Americans, issued tight new regulations on the collection and dissemination of information about them and barred such practices as burglaries, drug tests on unsuspecting humans, and the illegal use of tax return information.

He also limited the infiltration of any group—whether for intelligence purposes or to influence its activities—to those made up largely of foreign nationals or directly controlled by a foreign government.

Asks Secrecy Law

Mr. Ford's order covered the Central Intelligence Agency, the National Security Agency and the Defense Intelligence Agency and other agencies when they are engaged on collection of foreign intelligence. A separate set of guidelines being prepared for the Federal Bureau of Investigation are expected to be made public late this year by Edward H. Levi, the Attorney General.

An executive order does not carry the sanctions of law. If violated, the employee is subject to dismissal, loss of pay and other administrative disciplinary actions.

The executive order was part of an informational package given to Congressional leaders late yesterday and outlined by Mr. Ford at a televised news conference last night. Today the White House sent to Congress a bill calling for a secrecy law to punish present and former employees who improperly disclose the "sources and methods" of gathering national security intelligence.

For Surveillance Law

Mr. Ford's secrecy bill was accompanied to Capitol Hill by a 4-page statement to Congress in which he outlined these actions on intelligence matters and his hopes for legislation. In addition to secrecy, he called on Congress to pass legislation to specifically permit electronic surveillance in the United States for foreign intelligence purposes with a judge's approval.

The President said he would also ask Congress for authority

Continued on Page 30, Column 3

Continued From Page 1, Col. 8

to open the United States mails to gather foreign intelligence. However, until such a bill is passed, his executive order prohibits the intelligence agencies from continuing the practice. He also said he would support legislation forbidding plots to assassinate foreign leaders.

Reaction Is Wary

Congressional reaction to Mr. Ford's message was wary. The Senate Democratic leader, Mike Mansfield of Montana, called it a "good step in the right direction," and House Speaker Carl Albert, an Oklahoma democrat, said he wanted to study it before commenting.

In his executive order, the President decreed that Government agencies would require employees anywhere in government who receive information that could be construed as containing "source and method" of intelligence.

The agreement would permit the Government to go to court to bar the disclosure of national security data. This would extend to large new areas of the executive branch the secrecy agreement system already in force at the Central Intelligence Agency and the Federal Bureau of Investigation. It would not cover employee of Congress or the courts.

The executive order did relatively little to change the planning and execution of covert operations such as the secret support for pro-Western Angolan forces. It renamed and formalized the activities of the "40 Committee," a branch of the National Security Council that passes on all covert operations.

Under the order, the members must meet and vote on proposed operations.

The President will then receive the recommendations of

the new committee, to be called the Operations Advisory Group, and the positions of the members who may have opposed it. Mr. Ford, White House officials say, still firmly opposes the concept of informing Congress before a decision on a covert operation is made or permitting Congress to become part of the decision-making process.

The executive order does not bar any type of covert operation except plots to assassinate foreign leaders. But John O. Marsh, counselor to the President, said the White House believed the formalization of the decision-making process would prevent improper or unrealistic operations from gaining approval.

Presidential Pressure

Despite the massive disclosures of previous Presidential abuse of the intelligence agencies, there was little in Mr. Ford's executive order to protect the agencies from Presidential demands or prohibit improper pressures from a President.

At a White House briefing, Mr. Marsh said he believed that the three-member Oversight Board would be the place where agency officials could report improper Presidential requests.

Under the executive order, the board would receive periodic reports from the inspector generals of the intelligence agencies and would, in turn, make reports to the Attorney General. If the board received a report of what it regarded as abusive, illegal or improper activity, it could recommend that the Attorney General punish or prosecute the officials or employees involved.

The order calls for the Attorney General to report to the President on abuse and impro-

priety. But it left the power of sanctions within the executive branch and thus under the authority of the President.

To Have Leaks

The Oversight Board and the secrecy legislation were dovetailed as part of Mr. Ford's strategy to stop further leaks of information. By creating the board, his aides say, he has arranged a proper place for intelligence agency employees to report impropriety.

Thus, as one aide said at today's briefing, intelligence agency employees would no longer need to seek out the media to make abuses public. It was a series of disclosures in the press of improper C.I.A. activity that opened widespread investigations of the intelligence agencies last year.

The President used his executive order also to give George Bush, the recently appointed Director of Central Intelligence, more power than any of his predecessors. It is, nevertheless, not absolute power.

Mr. Bush will head a "committee on foreign intelligence," made up of himself, Robert F. Ellsworth, Assistant Secretary of Defense for intelligence, and William G. Hyland, of the National Security Council staff. This group will take over direction of the intelligence community, preparation of the budget and allocation of resources. In effect, the mechanism replaces the cumbersome United States Intelligence Board and centralizes command under the President.

To Upgrade Office

The Executive order instructed Mr. Bush's deputy director at the C.I.A. to take over the day-to-day management of the 15,000-employee agency. In effect, the President is trying to upgrade the office of Director of Central Intelligence to Cabi-

net level and give him responsibility and hegemony over the entire intelligence community without having to change the governmental structure formally.

In his message to Congress, Mr. Ford again urged that it centralize its oversight of the intelligence community into one joint committee. His aides later denied that this was in any way an effort to further reduce Congressional oversight.

Four Congressional committees now have permanent oversight of the intelligence agencies, and two more have oversight power on foreign covert operations. But many in Congress believe that despite the number of committees, the control and direction of the intelligence community has been lax.

Mr. Ford's orders to protect American citizens closely parallel recommendations made in the report of a Presidential commission on the C.I.A. directed by Vice President Rockefeller.