

## Reforming the C.I.A.

President Ford's reform and reorganization of the country's foreign intelligence agencies is an important first step toward the elimination of abuses and the improvement in functioning that months of Congressional and press investigation have shown to be needed.

It marks the beginning of a process that the Congress now must continue: to write parts of the new Executive Order into law, but not before revising it in certain important respects; to expand and fortify the legal protection of civil rights; and to examine with meticulous care the fine print in Mr. Ford's proposal for a "secrets law" to safeguard the nation's intelligence "sources and methods" from disclosure by Government officials. It is this last point that arouses special concern lest it conceal retrogressive steps to curb freedom of information and freedom of the press.

There will be little argument about the new "charters" the President has issued setting forth the functions of the various intelligence agencies and barring most operations of a domestic character to the Central Intelligence Agency; but legislation is needed carefully to define such operations as remain and subject them, where necessary, to judicial supervision.

The increased powers given to the Director of Central Intelligence and the new three-man committee he will chair to coordinate the various agencies and allocate budgets are essential to improved operations. Efforts in the past to give coordinating authority to the C.I.A. Director have been largely meaningless without the power of the purse and in the face of the Pentagon's determination to maintain full control over the huge Defense Intelligence Agency.

By delegating these powers to a three-man committee, including a Deputy Secretary of Defense and a representative of the National Security Council—with right of appeal to the President in cases of disagreement—it should be possible to achieve this objective without the appointment of an intelligence "czar."

\* \* \*

The chief omissions in the Executive Order—restriction of covert operations and improvement of Congressional oversight—reflect the Administration's recognition that the Congress will want to make these decisions itself, as it certainly should.

The President's general suggestion that Congress create a joint committee to be "fully informed" of all intelligence activities is a proposal of 20 years' vintage that should have been enacted long ago. It is the best way to achieve Congressional oversight as well as to avoid unreasonable covert operations.

Where the Presidential reform is weakest is in the Administration's new "independent oversight board," which is supposed to receive reports from the inspectors general of the various intelligence agencies and investigate other complaints of abuses. A more potent, full-time body is required, with considerably stronger top-personnel that the President evidently envisages. But no oversight board could be of much help in protecting a Director of Central Intelligence, serving at the pleasure of the President, from the kind of White House pressures that came from Richard Nixon and his aides. Fixed, statutory tenure for the Director as well as for the oversight board would be of more use—as the history of the Federal Reserve Board shows.

\* \* \*

Most controversial—and most in need of Congressional study—is the single piece of legislation submitted to the Congress by Mr. Ford: his proposal for a new “secrets act.” Legislation to prevent disclosure of vital intelligence secrets by Government employees undoubtedly is needed, particularly secrets concerning “sources and methods.” Criminal penalties certainly are in order for such sorry disclosures by Government officials as the fact that the United States was eavesdropping on Leonid Brezhnev’s radio-telephone conversations from his car to the Kremlin.

The President rightly has rejected proposals to restrict reporters or the press, limiting criminal prosecution to officials and Government contractors who sign agreements to protect the classified data they receive. But the bill submitted by Mr. Ford does not define “sources and methods”; it has a loophole that could lead to the imprisonment of reporters who refuse to reveal their sources of classified data; it raises unnecessary obstacles to private hearings by judges on the lawfulness of classifications; it does not require proof that anyone prosecuted knew that the data he revealed was classified. Each of these defects needs specific correction.

The Senate Intelligence Committee’s intention to hold early hearings on the President’s proposals is admirable. But the committee will terminate its activities March 15, after making its much-awaited final report. Pending creation of a joint Congressional intelligence committee, the Senate should create a new committee to prepare the comprehensive legislation now needed. As an Executive Order can always be revised by a later President, the more permanent legislative framework is essential, including the indicated revisions, extensions and clarifications of the Administration’s proposal.