

# The Way the Government Is Going

By Raymond S. Calamaro

Our Government seems to be going haywire. It has responded to the overwhelming evidence of misdeeds by the Central Intelligence Agency, Federal Bureau of Investigation and other intelligence agencies by ratifying past abuses and sanctioning their continuation. And very few people seem to mind or even notice.

**1. Covert activities.** The Government has participated in a number of war-like acts, termed "covert activities," against countries with which the United States is at peace. These activities include the use of military-type force, bribery, and tampering with the internal politics and domestic tranquility of other countries.

Although our Constitution provides that Congress, not the President, must decide when we go to war, the President continues to assert a right to initiate such action without prior Congressional approval.

Instead of removing all doubt and declaring such activities unlawful unless expressly permitted, the Senate is on its way to adopting a resolution containing a watered-down compromise that hardly changes the status quo.

**2. Government lawlessness.** The Government seems uninterested in enforcing the law against high office-holders. A compelling case has been made for the need for a temporary "special prosecutor" to investigate and prosecute crimes by intelligence officials, but the Ford Administration resists the notion.

Instead of concentrating on such crimes, the House of Representatives has decided to investigate Daniel Schorr, a newsmen, for providing The Village Voice with a "secret" report on intelligence that had already been

leaked and described in a number of newspaper stories.

**3. Oversight.** This is the process by which Congress makes sure that the executive is enforcing the law consistent with the Constitution. A resolution to improve oversight by forming a new Senate committee is being considered. The measure approved by the Government Operations Committee is a very promising start, but oversight has failed so badly in the past that much more must be done than merely to give a new committee oversight responsibility.

The heart of the problem has been that many legislators preferred not to know when it came to matters of intelligence. For a new oversight committee to be truly effective, it will be necessary to require it to be informed on certain specific subjects. Those subjects should include intelligence activities that pose a particular threat to individual rights, for example surveillance and dissemination of information in investigative files.

It is not too late for the Senate to strengthen the resolution in this way, or to write these requirements into a separate measure. But, unfortunately, some Senate staff members fear that the resolution will be weakened by the Rules Committee. For example, it is known that a number of pro-F.B.I.

senators will attempt to deprive the to-be-formed oversight committee of power over legislation concerning F.B.I. intelligence activities. Without such power, oversight would not just be ineffective, as in the past, but laughable.

**4. Secrecy.** The executive and the Congress seem to be falling all over each other to invent methods to prevent disclosure of classified information. So much effort is being spent on this that it seems to have been forgotten why we got into the subject in the first place.

The real questions are how to prevent the recurrence of intelligence-agency abuse of people's constitutional rights, and how to prevent the President from engaging the United States in unauthorized military and paramilitary activities.

The problem is not how further to protect these agencies from accountability by tightening procedures for secrecy.

President Ford has sent to the Congress a bill to toughen penalties against individuals who disclose intelligence "sources and methods." Presumably, it could have been used to send Daniel Ellsberg to prison for releasing the Pentagon papers (much information in these papers is what the Pentagon would probably describe as "sources and methods").

In addition, the resolution presently being considered by the Senate Rules Committee includes a pernicious provision to discipline senators for disclosing secret information. As Senator Jacob K. Javits correctly argued, but to no avail, this provision contravenes the spirit of the speech and debate clause in our Constitution.

**5. Infiltration.** Typical of the whole approach to solving — or, more accurately, not solving—the problem is the part of President Ford's executive order that permits the C.I.A. to infiltrate student, labor and cultural organizations even though such activity was banned by a 1967 executive order.

No wonder that the former Director of Central Intelligence William E. Colby can say that intelligence has emerged "from the shadow field outside the law." Intelligence has not been brought inside the law; instead the law is being stretched to include intelligence-agency crimes and bad acts.

We should consider seriously whether our nation needs to spend even a small fraction of its present budget of \$10 billion on intelligence. We should consider carefully the suggestions of serious individuals like I. F. Stone, Henry Steele Commager and Garry Wills, who have recommended dismantling the C.I.A.

Many of the same people who now tell us our national security depends on intense intelligence activities are those who told us our national security depended on fighting a war in Vietnam.

Raymond S. Calamaro, a lawyer, is executive director of the Committee for Public Justice, a civil-liberties organization.

*'Very few people seem to mind or even notice.'*