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# WXP<sup>ost</sup> Covert Operations: Things Are Not the Same

In claiming that the CIA's covert operations have survived scandal and investigation "intact, if not strengthened," Journalist Taylor Branch, writing in last Sunday's New York Times Magazine, dignifies a gathering Washington myth. Citizens worried about the official abuse of secret power should know it's not so. The myth, not simply his article, needs to be knocked down.

Now, it's true that dirty tricks, previously conducted without statutory or explicit legislative sanction, have now gotten official congressional license. To those who believe that there should be no dirty tricks, or that the Congress by sanctioning them legitimizes an illegitimate practice, this may be enough to damn the whole process.

It's true, too, that not all the CIA's myriad operations were investigated by the Senate or House intelligence committees and that, of those investigated, not all the findings were released or leaked. Again, to those who look at this matter just in terms of investigation and disclosure, there's little more to say.

I find it inadequate, however, to accept either of these propositions.

As authentic and extensive a national debate as can be imagined was waged on the question of whether the U.S. ought to be ready to conduct certain operations under certain conditions. Plainly, the national answer was yes. Congress, which reflects the full spectrum of public opinion on this issue, is moving to implement that public ver-

dict. It is not by the CIA's self-serving manipulations or by the Congress being "outfoxed" that this is happening, but by popular demand. Personally, I buy it.

Further, the purposes and limitations of investigation and disclosure must be understood. These can build care into a rampant bureaucracy and a negligent executive, and they can fuel a demand for reform in the Congress and public. But is it necessary or wise to investigate or disclose everything? Apart from the deference due endangered persons and apart from the limits of time and staff, there is the real and valid political limit, which the Senate observed and the House did not, of acting in a way to build a political consensus.

As Frank Church, chairman of the Senate inquiry, puts it, "We did not want to end up on the cutting room floor. We wanted to keep the confidence of the Senate and write our recommendations into law."

The Church committee achieved this—it forced the President into reforms meant to be preemptive, and launched the Senate on its own reforms. These are "institutional" rather than "journalistic," and it is instructive to run down the list.

A permanent intelligence oversight committee, of representative membership, was set up in place of the old system of informal review by CIA-co-opted legislators. Its chairman, Daniel Inouye, says he's proceeding with all deliberate speed, building staff and savvy, and gaining executive cooperation: "If they lie to us, there'll be hell to pay."

A charter, or statement of missions and prohibitions, is being drafted by this panel to cover the whole intelligence community. It will go on top of the charter decreed by President Ford last February. Previously a broad range of secret intelligence activities had no legislative sanction and, in some cases, not even recorded executive sanction.

An overall budget for the entire intelligence community is being drafted (for fiscal 1978) to replace the fragmented and concealed agency budgets of the past. The budget will be authorized line by line for content as well as money in the regular fashion, not just appropriated without authorization review by a few congressional pals of the intelligence agencies.

The Ford executive order gave potential substance to the old form of an intelligence "community," a concept that the Senate is recognizing, too. The necessary difficult internal exercise to rationalize missions and assets and divvy up a single budget pie is said to be moving ahead.

A procedure is being worked out by which the Senate accepts no prior restraints on what information it can request from the executive branch or release to the public, and by which it can bargain out differences over the disclosure—even the disclosure of "covert" operations.

The Senate's new requirement that the President certify in writing the need for each covert operation has forced accountability upon the President—no more mumbles in the Rose

Garden. This assures the Congress of notification early enough to raise meaningful objections, Inouye insists. The procedure appears to improve upon the 1974 Hughes-Ryan amendment under which the executive could wait until late in the day to notify, in a cursory way, six congressional committees, none of them with fixed responsibility or readily available staff.

One should add that, institutional considerations aside, the public climate imposes its own restrictions on covert operations. Look at how congressional and public reaction aborted the administration's Angola operation, once the shape of it became clear. Fear of leaks is bound to further slow any administration's covert hand.

My main point, though, lies here: You can say that CIA dirty tricks survived "intact if not strengthened" only by overlooking the institutional innovations—oversight committee, charter, budget, intelligence community formation, information rules, notification of operations, presidential accountability, plus executive reorganization—by which covert operations are now guided.

These innovations do not make absorbing reading, as do tales of the politics and "bureaucracies" of the intelligence inquiries. But they do seem a lot more important. And although no final verdict can yet be rendered, they make it reasonable for citizens to hope that, in so far as the conduct and control of covert operations is concerned, things have indeed changed.