Domestic Spying Questions

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The Rockefeller commission's report on the Central Intelligence Agency's domestic misdeeds sidesteps some crucial questions about who's

to blame. It probably will A provoke new News debate over how to con-Analysis trol the secret agency.

The investigation compiled and analyzed a mountain of previously secret data, made public yesterday, on the domestic activities which got the CIA in trouble last winter when they were first revealed.

The commission concludes that many of these - spying on political dissidents, mail openings, keeping secret files on American citizens went beyond the proper limits of the CIA's charter, if not beyond the law itself.

But the findings get fuzzy when it comes to resolving the conflictin7testimony of high officials over who authorized these enterprises. The balme falls more on the system, less on individuals, some of whom are still in government.

In short, the report did not answer the question: who is lying?

Second, while the commission recommends that a wide variety of CIA practices, from burglady to mail opening, should be perma-

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nently forbidden, its recom-mendations for "reforms" may also be read as legitimizing some of the CIA's controversial surveillance activities inside the United States.

The eight-member commission, chaired by the vice president, was born six months ago amid widespread skepticism because its membership was domi-nated by Cold Warriors long associated with the "intelli-gence c ommunity."

Now that the commission's report is public, questions seem likely to contin-110.

The commission proposed amendments to the National Security Act of 1947 to elimi-nate "ambiguities" about nate

what the CIA can and cannot do, but the clarifications in some cases might actu-ally strengthen the agency's ability to participate in domestic securitycases.

The proposed amendments for instance, would say explicitly what many people assumed was already in the law - that the CIA activities must concentrate on 'foreign intelligence'' only.

Yet they would alsogrant the agency explicit authority "for providing guidance and technical assistance to other agency and department heads in pdotecting against unauthorized disclosures within their own agencies and departments."

Language such as "guidance and technical assist-

ance" is subject to stretching when a bureaucracy seeks to expand its role. Would "technical assistance" cover the red wig and spy camera which the CIA provided to the White House pulmbers.

Could the CIA assign undercover agents for "guid-ance" to another federal agency that is chasing domestic suspects?

Likewise, the commission called on President Ford to issue and executive order defining more narrowly that do? issue and executive order defingi? issue an executive order defining more narrowly what domestic surveillance activities the CIA can properly undertake on American citizens.

It is at least arguable that the proposed limits might authorize some of the very spying on domestic political dissidents which rov? dissidents which provoked the current controversy.

The agency would be permitted to collect information, • secretly or otherwise, on any "person or activities" that pose a clear threat to CIA facilities -"provided that proper coordianation with the FBI is accomplished." Who would determine if an individual or organization is a threat? The director of page 2? central intelligence.

"The CIA should not infiltrate dissident groups or

other organizations of Americans," the commission said, "in the as? absence of a written determination by the director of central intelli-gence that such action is necessary to meet a clear, danger to agency facilities. operations or personnel and that adequate coverage by law enforcement agencies is unavailable."

If you turn that proposal inside out, it says the CIA can infiltrate those political. groups if its director says it's all right and the FBI isn't doing the job - which is approxiately the situation which government officials claimed in 1967 when the CIA placed at least 12 infiltrators in at least four, Washington-area anti-war, groups.

