

Domestic Spying Questions

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Loopholes in the Findings

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CIA (d).

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 provoke new debate over how to control the secret agency.

A
News
Analysis

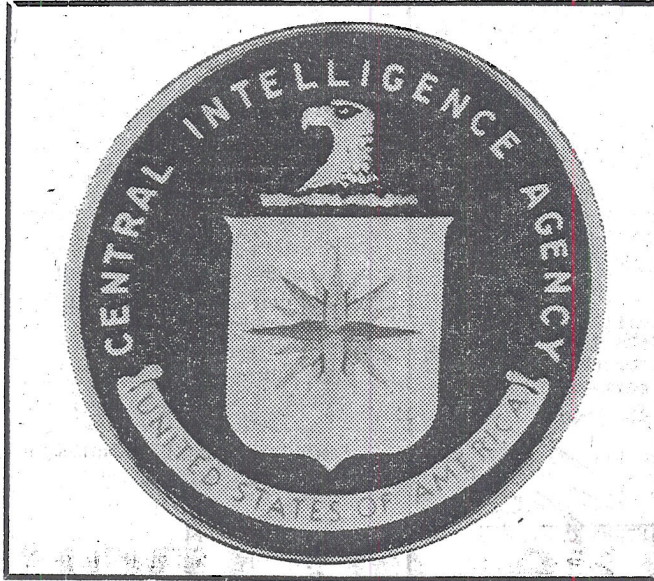
The investigation compiled and analyzed a mountain of previously secret data, made public yesterday, on the domestic activities which got the CIA in trouble last winter when they were first revealed.

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 conflict in testimony of high officials over who authorized these enterprises. The blame 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 burglary to mail opening, should be perma-



nently forbidden, its recommendations 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 dominated by Cold Warriors long associated with the "intelligence community."

Now that the commission's report is public, questions seem likely to continue.

The commission proposed amendments to the National Security Act of 1947 to eliminate "ambiguities" about

what the CIA can and cannot do, but the clarifications in some cases might actually strengthen the agency's ability to participate in domestic security cases.

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 also grant the agency explicit authority "for providing guidance and technical assistance to other agency and department heads in protecting 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 plumbers.

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

Likewise, the commission called on President Ford to issue an executive order defining more narrowly that do? issue and executive order defining? 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 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 coordination 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 absence of a written determination by the director of central intelligence 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 approximately 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.