

ARTICLE APPEARED
ON PAGE 37

THE WASHINGTON POST
24 February 1980

Les Aspin

Covert Acts Need Even More Oversight

From the stories I've been reading in the papers lately, I get the distinct impression that the greatest danger to our intelligence system is the U.S. Congress.

Every week there are more expressions of shock and concern over the fact that the Central Intelligence Agency has to tell eight committees about any covert operations it is undertaking, that the Freedom of Information Act is forcing the CIA to divulge its secrets and, consequently, that leaks and information released under the act have paralyzed the CIA at a time when we need to undertake more covert action.

I believe there is a case to be made that Congress needs to revise the way it oversees covert action. But the problem is not that congressional oversight is too strict already; the problem is that it is not strict enough yet.

The popular CIA argument—that the 1974 Hughes-Ryan amendment, which requires that covert actions be reported to eight congressional committees, prevents covert action because of fears of leaks—is a red herring.

Contrary to published reports, the Hughes-Ryan amendment does not mean that 160 or 200 members of Congress and staff are told of these operations. In fact, only three of the eight committees (the House and Senate Intelligence committees and a House Appropriations subcommittee) systematically review covert actions. In the other committees, notification is limited to a few members. In all, notifications in the House go to 27 congressmen and nine staff members and in the Senate to 19 senators and eight staff members.

This is not an unreasonable number to be briefed about so crucial a matter of public policy as covert actions. The key to avoiding disastrous covert action is the assurance that a cross section of people will consider it. A number of covert operations blew up in our faces in the past because they were terrible ideas to begin with. They were put together by a handful of true believers who prevented anyone who might question their judgment from having a say. The Nixon administration, for example, set up the 40 Committee to oversee intelligence operations. But when the White House had an inspiration it thought some members of the committee might find less than inspiring, it simply bypassed the committee. That's how we got Track II in Chile and how we first helped and then cynically shut off help to the Kurds.

To be sure, the requirement to brief congressional committees is no guarantee that foolish covert actions will be avoided. The committees do not have and are not seeking the power to veto an intelligence operation, nor do they have any unique wisdom. But bringing more people into the process forces those

Rep. Aspin, a Democrat from Wisconsin, was a member of the Pike Committee, which investigated the intelligence services in 1975-1976, and is now chairman of the House subcommittee that oversees covert operations.

doing the planning to think through what they want to do, to confront arguments against it and opens them up to opposition or ridicule if they have a dumb proposal. A reporting requirement probably would have prevented some of that foolishness against Castro, for example.

Of course, the more who know of an operation, the greater the opportunity for leaks. But where are all these leaks supposedly caused by Hughes-Ryan? We are doing a fair amount of covert operations now and have been for some time; they are not being leaked. I have sat through whole days of briefings on covert actions and never seen anything about them in print. What I do see, however, are articles saying the nation is paralyzed because of Hughes-Ryan.

There is a need to change Hughes-Ryan. But such changes should be aimed at strengthening oversight. Two are of particular importance.

First, Hughes-Ryan says that, unless Congress is notified, no money may be spent by "the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence."

That neatly provides two loopholes. One is that covert operations could be assigned to intelligence agencies other than the CIA—and there are lots of them. (How many people are aware that the Drug Enforcement Administration has intelligence agents all over the world?) The other loophole is that sensitive intelligence collection operations are exempt from such review, although one of the biggest intelligence flaps in modern history—the downing of Gary Powers' U2—involved an intelligence-collection operation.

Hughes-Ryan erroneously assumes that intelligence collection is neutral and that foreign policy can only be tripped up by covert action—defined in the profession as programs designed to influence the outcome of events through clandestine activity ranging from propaganda to paramilitary.

Hughes-Ryan should be amended so that congressional committees—be they two or eight or something in between—are informed of both covert action and intelligence collection mounted by any agency of the government.

Second, Hughes-Ryan says that Congress should be notified "in a timely fashion." This is a term of art that doesn't tell us whether congressional committees should learn about an operation while it is being planned or only after it has gone into effect. It can be interpreted to mean that Congress will be notified after the event has taken place. One wag has suggested that "Congress should at least be told before the operation blows up in our faces so they get hit by some of the shrapnel too." Hughes-Ryan should be amended so that Congress is informed before any covert action is launched.

CONTINUED

Many in the intelligence community would prefer to return to the good old days; the fewer people it has to go to the better, in its eyes. I might note that most school superintendents would prefer not to have to run their ideas past school boards. Most corporate presidents would just as soon skip those meetings with the board of directors.

But whether we plan covert operation, corporate strategies or congressional campaigns, we're better off in the long run if our ideas get sponged down by outside critical minds. It might not be great for the ego, but it provides a better end product.