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4

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Secrets are a problem in land of the free

from ANTHONY SAMPSON in Washington

'A DEMOCRACY,' wrote de Tocqueville, 'has little capacity for combining measures in secret and waiting patiently for the result.'

The bitter American debate about the CIA, which came to a new climax last week, has resurrected the old dilemma, and found no solution.

The two Congressional committees which have been investigating the CIA are in confusion. The House Committee under Mr Otis Pike, has prepared a detailed report which reveals among other things that the intelligence services cost $10,000 million a year—three times the official figure—and were beyond the scrutiny of Congress. Much of the report was promptly leaked to the Press, whereupon the Committee solemnly voted to keep it secret until the President approved it.

In the meantime, Senator Church, the Chairman of the Senate Committee on intelligence, has now proposed that all intelligence plans should be approved by a special committee of nine Senators: a formula which, as the CIA's supporters have quickly pointed out, would lead to almost instantaneous leaks.

The two committees found themselves in growing embarrassment: for, while they accept that some secrecy is essential, they cannot devise a system which provides safeguards against too much disclosure. And, while they have been sitting, the tide of opinion has begun to swing back towards the CIA, which proclaimed a new era of respectability with the swearing in of its new director, Mr George Bush.

The turning-point evidently came with the murder of the CIA agent Mr Richard Welch in Greece a month ago, after his name had been publicised in an Athens newspaper. His naming has nothing to do with the Congress committees, but his martyrdom was made much of by the CIA, with an elaborate funeral in Washington. The public was reminded that the CIA was part of patriotism, and Senator Church's supporters detected a setback in his campaign for the Presidency.

The murder of Mr Welch also provided ammunition for some limitation of the Press, and some politicians have even begun to argue the case for an official secrets Act on the British pattern, which would punish those responsible for disclosures. It is this issue that goes to the real heart of the de Tocqueville dilemma—the conflict between freedom of speech as embodied in the First Amendment, and the continuing need for secrecy.

The Press and the liberal Senators have argued that it is not the newspapers' fault, but the CIA's, if the names of agents are revealed; and Senator Church and others now support legislation to punish ex-agents who reveal secrets. But any industrious journalist can discover, by careful scrutiny of diplomatic lists, which members of embassies are likely to be spies; and can, like the journal *Counterspy* (or *Time Out* in London), make a provocative issue of naming the names and thus (it's said) endangering the lives of the agents. The protection of agents, then, appears to depend on some co-operation and self-denial by the Press.

But for American journalists, brought up on the First Amendment, and still in full cry after the victories of Watergate, such a restriction is intolerable. The revelations this week that the CIA has disguised spies as journalists have been received with even more indignation than that which attended the allegations about British journalist-spies. In the words of Mr George Crile, the author of a book on the CIA, 'The Press now adopts the same tone of [illegible]

But the political dilemma caused by the CIA is not simply about disclosure; it is also the recurring problem of control. And the complaint is not really that the CIA has got out of control but that it has been too easily controlled—by the President or by the Secretary of State. Its ugliest operations, most notably in Chile, have been at the insistence of the White House.

The most serious lesson of Watergate was that the agencies could so easily become the personal weapons of the President: and liberal Senators objected to the nomination of Mr Bush on the ground that, however honest and well-meaning, he remained a politician vulnerable to pressure from above. But what kind of man can be found who will be able to stand up to the President and to be accountable to Congress, while maintaining determined policies and 'waiting patiently for the result'?

The problem is more acute with the arm of intelligence which has received much less publicity, but spends much more money and employs more people, than the CIA. The National Security Agency is responsible for the technological side of intelligence, including bugging, telephone tapping, satellites and all forms of monitoring. The problem of controlling the NSA was described to me by Gary Hart, a liberal young Senator on the Intelligence Committee, who is now visiting London to discuss the British approach to intelligence. 'The NSA is not so much a rogue elephant, as a runaway technology: and the technology can always be turned against people at home. The problem of oversight is that the enemy wants to know, not so much what has been found out, as *how* it's been found out: so that the danger in disclosure is much greater.'

It is the NSA, much more than the CIA, which represents the nightmare vision of the future: a form of intelligence far removed from the traditional spy-thriller of false beards or dirty tricks, with computers and electronics taking over the roles of humans.

At present, the NSA is part of the Department of Defence, but the House Intelligence Committee has now recommended that it should have an independent head, and the Senate Committee is likely to reach the same conclusion.

But the impartial wise man, immune to pressure yet sensitive to personal liberties, is not a marked feature of the current Washington scene. And there is a recurring danger that the sophisticated technology will run away not only with the enemy's secrets, but with liberties at home.

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