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The CIA and Congress

Six years ago Congress added the now famous and controversial Hughes-Ryan amendment to the Foreign Assistance Act. This required the president to report to eight committees of the House and Senate "in a timely fashion" about covert Central Intelligence Agency activities. The CIA has been seeking ever since to reduce the number of committees from eight to two. Members of the intelligence community say that the fact that so many members of Congress are looking over their shoulders scares away many foreign contacts and makes planning covert acts almost impossible.

The CIA wanted so much to do away with Hughes-Ryan that it was willing, reluctantly, to go along with the writing into statute of a comprehensive charter for itself. Such is greatly needed, we believe. We were pleased when the Carter administration and the Senate Intelligence Committee worked out a good, if by no means perfect, Intelligence Act—172 pages spelling out what the CIA (and other intelligence agencies) could and couldn't do and making clear the lines of executive responsibility for and congressional oversight of intelligence operations. For example, assassination was prohibited; private institutions such as the press and religious and educational groups were protected from abuse by agents needing such "cover" (though the protection in the draft act was not as great as is needed); the right of private citizens to be secure against surveillance and searches was given much higher procedural protection than now exists, including court

orders in many cases; responsibility for "special" intelligence activities was made explicitly that of very high level officials, including the attorney general and the president. And so on.

Then early this month the committee "streamlined" that bill down to four pages—giving the agency what it wanted on Hughes-Ryan and doing little else. The rest of the charter can be dealt with next year, its sponsors said. Apparently senators on the committee were reacting to pressure generated by American failures in Iran. Nothing in current law caused the CIA to fail, if it did, in Iran. But the agency and its supporters made clever use of the frustrations generated by the Iranian situation (and Afghanistan) by arguing that Congress must now "unleash the CIA!"

Reformers say they are getting something from the streamlined bill. Where Hughes-Ryan just called for the president to report to the eight committees "in a timely fashion," the proposed change would require that the two committees be kept "fully and currently informed" of CIA covert activities, including advance notice in almost all cases. That is something for reformers—but not enough, when you consider that once Hughes-Ryan is overturned, the CIA would not go along with getting a charter passed, and thus there would be no charter. Because of that reality, we would prefer to see Congress do nothing this year, and try next year when times may be more tranquil, to trade off Hughes-Ryan for a charter.