

Chicago Tribune

THE WORLD'S GREATEST NEWSPAPER

Saturday, December 27, 1975

Perspective

Guidelines are needed

The CIA, FBI: How long a leash?

By William Bowe

BEHIND THE revelations of CIA assassination plots and FBI "black bag" burglaries rages a debate over the future missions of this country's intelligence agencies. A recent Washington Conference on Controlling the Intelligence Agencies vented most of the arguments affecting present congressional thinking on the subject.

The outcome of this debate may well be legislation that drastically changes the rules by which the United States seeks to protect its most vital interests in a future world of raw material and energy shortages, international terrorism, and village tyrants running nations possessing nuclear weapons.

The issue of restricting our major intelligence agencies has been touched off by a series of revelations concerning CIA activities in Chile and illegal spying on American citizens by the CIA and FBI.

THE CIA'S MISDEEDS are known to those inside "The Company" as "the family jewels." In violation of its charter, the CIA conducted secret domestic intelligence activities targeted against those who thought Viet Nam was wrong and said so.

In Operation Chaos, over 150 agent sources compiled more than 13,000 subject files and developed an index of over 300,000 American citizens unconnected with espionage. In addition, the CIA illegally opened an average of 13,000 pieces of mail a year for 20 years.

The FBI, in its Cointelpro operation

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Students protest CIA recruitment at University of Wisconsin in 1967.

during the late 1950s, actively engaged in secret attempts to disrupt and neutralize domestic political groups. The FBI also has reported to the Senate Select Committee on Intelligence that it conducted 238 burglaries, or "black bag jobs," in connection with its investigation of various political organizations. The Senate Subcommittee on Constitutional Rights of the Judiciary Committee estimated that as of March 1, 1973, the FBI had almost 6.5 million "intelligence and evaluation investigation" files.

Participants at the Conference on Controlling the Intelligence Agencies includ-

ed intelligence professionals as well as their supporters and critics in and out of Congress. There was a consensus on three major areas of likely reform.

- Limiting the authority of the CIA and FBI to conduct surveillance of American citizens.

Both the Rockefeller Commission on CIA Activities within the United States and the CIA's former General Counsel Lawrence Houston have argued that the legislation which established the CIA in 1947 should be amended to make clear that the CIA is not in the "intelligence" business, but rather in the "foreign intelligence" business. These changes would prohibit the CIA from conducting mail intercepts or functions such as Operation Chaos.

Atty. Gen. Edward Levi has been active in attempting to develop guidelines and legislation to spell out the FBI's role in domestic surveillance. His final proposals are expected to establish a sliding scale of increasing governmental surveillance of political activities of American citizens based on the internal security threat involved. Critics fear this will not significantly alter present FBI practices.

Former Atty. Gen. Ramsey Clark has been more specific. He has proposed that no domestic intelligence operations be conducted unless they are grounded on a criminal investigative basis.

Clark also maintains that we can no longer afford an FBI answerable only to itself. Thus, he recommends that attorneys general be consulted by the FBI before sensitive domestic intelligence operations are undertaken. He also suggests an independent Domestic Intelligence Advisory Board be set up as a further outside check against bureaucratic self-justification.

- Creating a Meaningful Watchdog Role for the Congress.

While past congressional oversight of the intelligence agencies has been slipshod at best, there is a consensus that Congress should establish a Joint Committee on Intelligence. The Rockefeller Commission has recommended this and it is expected that a similar proposal will emanate from the House and Senate Select Committees on Intelligence as they complete their work in early 1976.

Congress does not seem to be of a mind to tie the hands of the President by abolishing the authority of the CIA to mount secret political activities abroad. In a world long on nuclear weapons, but short of energy and food, the likelihood is that such covert action will be restricted, but not eliminated, by sharper outside review procedures.

- Opening the courts to citizens whose rights have been violated.

There is a strong argument that no matter how specific new statutes, directives, and regulations are in defining the proper role of our intelligence agencies, there is still a need for opening up the judicial branch of government to claims of those who are improperly caught in Big Brother's dragnet.

THE CONCERN is well-founded since the fact that many past activities were illegal did not bar intelligence bureaucrats from bowing to improper Presidential whims or doing what they wanted to do regardless of the law. One essential requirement is to have legislation restricting the intelligence agencies contain criminal or civil penalties for violations.

The need for stricter regulation of the CIA and FBI has been clearly established. The question now is how the President and Congress will respond.