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Tightening Intelligence Scrutiny

Proposal for Change Sparks Sharp Debate at House Hearing

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The House Permanent Select Committee on Intelligence began hearings yesterday on a bill that would require the president even in extraordinary circumstances to notify Congress within 48 hours of any "significant" covert activity and to provide in advance to the Senate and House intelligence committees a copy of each directive authorizing any operation.

The bill, introduced by the committee chairman, Rep. Louis Stokes (D-Ohio), and by Rep. Edward P. Boland (D-Mass.), a former chairman, provoked sharply conflicting reactions about the wisdom of changing existing law, which allows the president in certain cases not to give prior notice and to inform Congress later, "in a timely fashion."

The bill was introduced in response to President Reagan's failure, for well over a year, to notify anyone in Congress of his secret initiative to Iran. It is cosponsored by all Democrats of the House intelligence committee and 49 other House Democrats.

The committee debate yesterday appeared to mark the start of an agonizing reappraisal of whether congressional oversight of White House-initiated covert activities has broken down and of what changes, if any, should be made.

Appearing before the panel's subcommittee on legislation yesterday were House Speaker Jim Wright (D-Tex.) and House Minority Leader Robert H. Michel (R-Ill.), who took strongly opposing views on the issue.

Wright said that "the colossal misjudgments" made by the administration in the Iran arms deal confirmed the need for what he called two "very simple changes" in the statutes governing prior notification of covert actions and the presidential directives—called "findings"—that approve such operations.

"We must define what constitutes 'timely notice,'" Wright told the subcommittee.

Michel sharply disagreed, warning that the proposed new requirements are "the functional equivalent of a foreign policy straitjacket" for the president and would weaken his hand in dealing with the Soviet Union.

"What I question is the wisdom of Congress, acting in the emotion of this Iran-contra affair, placing restrictions upon the very institution of the presidency itself, restrictions that are in my view constitutionally dubious and strategically dangerous," Michel said in a prepared statement.

The Stokes-Boland bill would change Section 662 of the 1961 Foreign Assistance Act to require the president to send a copy of each written "finding" signed by him "prior to the initiation of such operation" to the Senate and House intelligence committees, the vice president, the secretaries of state and defense, and the director of central intelligence.

Two former CIA directors, Adm. Stansfield Turner and William E. Colby, also testified yesterday, both warning against any hasty changes in the existing law.

Citing President Reagan's new commitment in his March 4 address to the nation to make the congressional oversight process work, Turner suggested that "at this particular moment, discretion on the part of Congress may be the better part of valor."

In a directive issued Tuesday to implement the recommendations made by the Tower commission, Reagan ordered that the National Security Council study what steps

should be taken to ensure "that all requirements of law concerning covert activities, including those requirements relating to presidential authorization and congressional notification, will be addressed in a timely manner and complied with fully."

Colby testified that the machinery for sufficient congressional oversight of covert activities already existed if it was used properly.

The hearings are to continue Wednesday, when administration witnesses are scheduled to appear.