

CIA on CIA

"I am the head of the silent service and cannot advertise my wares." - Allen Dulles, 1957.

The American Society of Newspaper Editors was flattered that theirs was the forum chosen by Mr. Richard Helms, director of Central Intelligence and concurrently director of the Central Intelligence Agency, for his first public speech in 10 years. "The quality of foreign intelligence available to the United States in 1971," he told the editors in a self-serving assessment, "is better than it has ever been before." It would have been interesting had Mr. Helms attempted a correlation between value and volume. Benjamin Welles in *The New York Times Sunday Magazine* (April 18, 1971) breaks down the daily mountain of intelligence information as "50 percent from overt sources such as periodicals, 35 percent from electronics [satellites and radio], and the remaining 15 percent from agents." How important is the 15 percent?

Mr. Helms noted the "growing criticism" of CIA, but he avoided any discussion of its cause. The "intelligence" function of the agency is not what has provoked all the controversy. Criticism has centered not on "spying," but on CIA's political action abroad - the suborning of political leaders, labor union officials, scholars, students, journalists and anyone else who can be bought. CIA has been criticized for straying from information gathering onto the path of manipulation of foundations and such organizations as the National Student Association or Radio Free Europe or the AFL-CIO. Through liaison with foreign police and security services, the CIA tries to keep track of foreign "subversives," frequently defined as those who want to depose the government in power. Each report it manages to secure from its clandestine sources has a price in terms of closer alliance with one reactionary regime after another - as in Greece and numerous countries in Asia and Latin America. The complicity is no secret to the host government, or to the Communists, only to the American taxpayer.

Mr. Helms' point that "CIA is not and cannot be its own master" is the most difficult to accept, even from the honorable man that Mr. Helms unquestionably is. To be sure, there is a review system, but it is more shadow than substance. The President's foreign intelligence advisory board, which is supposed to analyze a \$4 billion Intelligence program, is characterized by inattention, fatigue and a charming lack of expertise. There is only the most cursory inspection and oversight of CIA by "elements of the Appropriations and Armed Services Committees," which from time to time raise their hands in benediction over any Intelligence presentation. The average congressional "watchdog" is long in the tooth, and prefers not to receive information in advance of the intelligence itself, confessing in advance lack of training in sound security

practices. Such small ad hoc bodies cannot possibly cope with the multi-agencies, their billions of dollars, and their hundreds of thousands of people; in sum, the "Intelligence community." The core question, as with the FBI, is an old one: who guards the guardians?

STATINTL

"The Disease Is the Psychology of the Cold War"

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The Misuse of Power

by Henry Steele Commager

In the historic steel seizure case of 1952 Justice Jackson said that, "what is at stake is the equilibrium of our constitutional system." Now, after 20 years marked by repeated, and almost routine, invasions by the executive of the war-making powers assigned by the Constitution to Congress, we can see that more is at stake even than the constitutional principle of the separation of powers. At stake is the age-long effort of men to fix effective limits to government, the reconciliation of the claims of freedom and of security, the fateful issue of peace or war, an issue fateful not for the American people alone, nor alone for the stricken

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peoples of southeast Asia but for the entire world.

It is not sufficiently realized that the kind of military intervention we have witnessed in the past quarter century is, if not wholly unprecedented, clearly a departure from a long and deeply rooted tradition. Since the Neutrality Proclamation of 1793 that tradition has been one of nonintervention. Washington, and his cabinet, refused to intervene in the wars between France and her enemies even though the United States was far more deeply "committed" to come to the aid of France by the terms of the Treaty of Alliance of 1778, than she was to intervene in Vietnam by the terms of the SEATO Treaty. Notwithstanding almost universal sympathy for the peoples of Latin America who sought to throw off Spanish rule, we did not intervene militarily in that conflict. The ideas of "Manifest Destiny" and "Young America" dictated support to peoples everywhere struggling to throw off ancient tyrannies, but no President intervened militarily in the Greek struggle for independence from Turkey, the Italian uprisings against Austria, the Hungarian revolution of 1848 or other internal revolutions of that fateful year, Garibaldi's fight for Italian independence, the many Irish uprisings against Britain, in Ireland and even in Canada—close to home, that—or even *mirabile dictu*, the ten-year war of the Cubans against their Spanish overlords from 1868-78. Nor, in more modern times, did Presidents see fit to intervene on behalf of Jewish victims of pogroms, Turkish genocide against Armenians, Franco's overthrow of the Loyalist regime in Spain. Whether such intervention was always wise is a question we need not raise here. The

point here is that in none of these situations did the Executive think it proper, or legal, to use his powers as Commander-in-Chief or as chief organ of foreign relations to commit the United States to military intervention in distant lands. With the sole exception of McKinley's unnecessary participation in the Boxer Expedition, that concept of executive powers belongs to the past quarter century. And if it should be asked why the United States should refrain from intervention in the internal struggles of other nations, even when her sympathies are deeply involved and her interests enlisted, it is perhaps sufficient to say that few of us would be prepared to endorse a principle that would have justified the intervention of Britain and France in the American Civil War—on behalf of the Confederacy of course—and that in international law you cannot really have it both ways.

The unlimited power of the Executive in foreign relations is no longer justified as an emergency power, but asserted to be a normal and almost routine exercise of executive authority. Lincoln pushed his authority to the outward limits of what was constitutionally permissible, but confessed, with characteristic humility that the emergency required him to do what he did, and asked Congress to give retroactive sanction to his acts. No such humility characterizes what we may call The Johnson-Nixon Theory of Executive Authority. Thus President Johnson asserted that he did not need the authority of the Tonkin Gulf Resolution to justify his bombardment of North Vietnam, for he already had that: thus President Nixon's assistant attorney general asserted that the President's authority to invade Cambodia "must be conceded by even those who read executive authority narrowly" (June 16, 1970). Why must it be? Certainly not because of the persuasive character of the arguments advanced by this distinguished counsel, for that character is wanting.

The new commitments are not, as generally in the past, *ad hoc* and even fortuitous, but calculated and ideological. Thus we do not drop bombs on Vietnam or Laos because "American blood has been shed on American soil"—Polk's excuse. Nor does the President respond to an imperative like the attack on Fort Sumter or even to U-boat warfare. Nor do recent Presidents presume to act—like President Truman—in response to a United Nations decision. Now Presidents act to "contain communism" or to protect "vital interests" 9000 miles away, or to fulfill "commitments" that are never made clear and that other nations (pledged to