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# skeptic

THE FORUM FOR CONTEMPORARY HISTORY

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December 23, 1976

Mr. George Bush  
5161 Palisade Lane NW  
Washington DC 20016

Dear Mr. Bush:

Because of your interest in the subject, I have marked for your attention a feature in the current issue of Skeptic.

If you would like to respond, we would be pleased to consider your comments for inclusion in the letters section of the forthcoming issue.

Cordially,

*Nancy J. Brucker*

Nancy J. Brucker  
Associate Editor

NJB:cmb

*Ben*  
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**skeptic**  
THE FORUM FOR CONTEMPORARY HISTORY

special  
issue  
number **7**  
\$1.25

Opposing viewpoints on the issue of

# SPYING

Have the CIA and FBI  
gone too far this time?

Is there a place for spying  
in a free society?

Can we—should we—  
clamp down on the  
intelligence community?

Featuring:

Morton Halperin

William E. Colby

Philip Agee

Harry S Truman

I. F. Stone

Clarence M. Kelley

Tad Szulc

Allen W. Dulles

New Feature

**SURVIVAL HANDBOOK**

How to deal  
with Big Brother



# WHERE SHOULD WE DRAW THE LINE?

Upon being informed in 1929 that cryptographers had cracked the Japanese diplomatic code, Secretary of State Henry L. Stimson was so incensed that the U.S. was "reading the other gentleman's mail" that he promptly ordered the code-breaking equipment destroyed and the experts dispersed.

A dozen years later, the "other gentleman" repaid Stimson (then Secretary of War) with an unpleasant surprise made possible in large measure by the Secretary's earlier generosity of spirit: Pearl Harbor. Had our intelligence apparatus not been virtually inoperative in 1941, we might have been in a better position to appraise Japan's war-making potential.

Ambivalent as Americans may be about spying — the methods go against our traditional notions of fair play and openness, after all — few of us today would challenge the wisdom of keeping ourselves informed about our antagonists. The current controversy, touched off by an avalanche of allegations of improper and illegal

conduct by the CIA, FBI, *et al.*, is not so much over whether to spy, but in what manner and upon whom.

Should we spy on friends as well as enemies? Should our operatives be limited to the gathering of intelligence? Or should they be permitted to influence events in the U.S.'s favor — even if that involves direct, covert intervention ("dirty tricks") in the internal affairs of other countries? What methods are acceptable? What are the proper limits of spying? How can we best enforce those limits?

We may be confused and troubled about the role of spying in foreign policy, but not about the implications of spying by the government upon us and our fellow citizens. That is clearly unconstitutional, probably illegal and totally unacceptable to most of us. So the center of the storm of controversy rages around the revelations that the CIA, FBI and Army Intelligence conducted extensive surveillance of political groups in this country (dissident and otherwise) and compiled records on hundreds of thousands of

law-abiding Americans, from high school students to U.S. senators.

Critics warn that transgressions by the intelligence community and its politicization by successive administrations brought us to the brink of an Orwellian nightmare. The remedies they propose range from more vigilant oversight and tighter control by Congress to abolition of the intelligence apparatus.

Defenders dismiss the excesses as missteps which arose out of legitimate counterintelligence activities, point out the necessities (and advantages) of spying in a hostile world, underscore the need for counterintelligence to keep the world from spying upon us and argue that tighter control and scrutiny will severely cripple our intelligence operations.

The central question is how to balance the imperatives of national security against those of civil rights. In the months ahead, two congressional committees and a presidential commission will offer up answers.



*SKEPTIC is the journal of the Forum for Contemporary History, an independent, non-political, non-partisan organization formed to provide opportunities for the free expression of controversial and divergent points of view. It grew out of a series of debates-in-print about significant issues. Each debate was initiated by a "Forum Letter" from an individual who, in some way, had made or influenced contemporary history. In turn, qualified spokesmen and Forum members would rebut or comment upon the letter.*

*Although the format has changed, the spirit of debate remains. Each issue of SKEPTIC examines a topic of current interest through articles and interviews which represent a broad spectrum of viewpoints.*

*SKEPTIC exists to help clarify the most important issues of our time . . . to help readers understand the pros and cons, organize their thinking and develop their own opinions. Entirely reader supported, SKEPTIC neither solicits nor accepts advertising.*

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THE FORUM FOR CONTEMPORARY HISTORY

SPECIAL ISSUE NUMBER 7

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ACKNOWLEDGMENTS  
Ron Beaton  
Bernard Berkin  
Roger Boos  
The Composition House  
Curtis Circulation Company  
R. R. Donnelley & Sons Co.  
Suc Drafahl  
Lissa Lee  
Nancy Looker  
Michael Roesch  
Santa Barbara Photo Engraving  
Marshall Savage  
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COVER ILLUSTRATION  
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*Skeptic* is published bimonthly.  
\$7.50 per year, by Forum for  
Contemporary History, Inc., 812  
Anacapa Street, Santa Barbara,  
California 93101. Second class  
postage is paid at Santa Barbara,  
California and additional mailing  
office. Issue No. 7 May/June  
1975. © 1975 Forum for  
Contemporary History, Inc.  
All rights reserved.

For change of address or  
subscription information  
write to: SKEPTIC  
9420-D Activity Road  
San Diego, CA 92126  
(714) 556-3020

ISSN 0093-5050

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# SKEPTIC INTERVIEW:

Interviewer: Ron Ridenour

How does a member of the intelligence community feel about the proper limits of spying when the instruments of surveillance are turned against him? Morton Halperin, once Henry Kissinger's aide, is suing for \$2.5 million

The case of Morton Halperin, vicar and victim, is illustrative of what can happen in a bureaucracy hooked on spying and secrecy. A former New Yorker and graduate of Yale (doctorate in international relations), Halperin, 36, joined the Defense Department in 1966 and soon became Deputy Assistant Secretary of Defense. Henry Kissinger, who had known Halperin at Harvard, later recruited him into the Nixon administration and made him planning group chief of the powerful National Security Council.

The White House in 1969 became increasingly frustrated as a succession of stories about U.S. activities around the world appeared in the media. In an attempt to trace the leaks, Nixon ordered wiretaps on top government officials and newsmen. Kissinger supplied the names of 13 government employees who had access to secret information.

Halperin's open opposition to the Vietnam war stamped him as a prime suspect. So with the help of the Chesapeake & Potomac Telephone Company, the FBI tapped Halperin's home phone in May 1969. No warrant was issued; no entries ever appeared on the "Elsur" (electronic surveillance) index where the FBI normally records the names of those overheard. Yet the tap remained until February 1971, months after Halperin resigned from the government. Summaries of the conversations of Halperin and his family members were sent to Kissinger, Nixon, H.R. Haldeman, John D. Ehrlichman and Alexander Haig.


What did they hear? Family chit-chat, private business, expressions of support for Democratic presidential candidate Edmund Muskie and more about Halperin's views on the war. But no evidence at all of any leaks, according to the House Judiciary Committee's study released July 18, 1974. In fact, FBI agents had suggested two months after the tap was installed that it be discontinued. To no avail; Halperin was kept under surveillance longer than any other suspect.

The Halperins first learned of the wiretap when a news broadcast on their car radio mentioned it in connection with the Pentagon Papers trial. The government was forced to disclose wiretap information in May 1973 by Federal

Court Judge Matthew Byrne. These activities led to dismissal of the government's case against Daniel Ellsberg and Anthony Russo. Indeed, this was the first revelation that the government had used wiretaps to investigate news leaks.

Now, with the help of ACLU, the Halperins are suing Kissinger, Haig, Haldeman, Ehrlichman, Mitchell, Sullivan, unnamed FBI agents and the telephone company for \$2.5 million. The plaintiffs maintain that the tap was obtained without a warrant and was therefore illegal; that their constitutional rights to privacy, freedom of speech and safety from unreasonable searches were violated. This suit is among the major actions resulting from the Watergate disclosures, and may be one in which private citizen Richard M. Nixon is compelled to testify.

Despite his troubles in the Nixon administration and his support for Muskie, Halperin is still a Republican. "I remain optimistic that we can change many of these things," comments Halperin, "and the only conceivable way is through one or both of the main political parties."

SKEPTIC Contributing Editor Ron Ridenour interviewed Halperin in his office at the Center for National Security Studies in Washington, where he is writing a book on government bureaucratic secrecy. 

**SKEPTIC:** *You were the National Security Council's planning group chief and you were Kissinger's aide. Were you privy to any secret information?*

**HALPERIN:** Lots of secret information, but not about the kind of covert operations we've been hearing about.

**SKEPTIC:** *Would it be safe to say that during that period you were pro-war, or you essentially thought it was necessary?*

**HALPERIN:** I went into the government in July of 1966 as an increasingly lukewarm supporter of the Vietnam war. By 1967 I thought we should withdraw from the war. I began working on Vietnam, in fact, about the time that I became totally disenchanted with U.S. policy.

**SKEPTIC:** *How did you express those ideas? Did you do anything publicly?*



# MORTON HALPERIN

**HALPERIN:** No. I was writing memos on Vietnam to my bosses making specific recommendations to stop the bombing.

**SKEPTIC:** *Would you say that your views had something to do with the decision by government officials to tap your phones?*

**HALPERIN:** Oh, yes. There is no question that Kissinger knew my views and he knew that other people knew my views. That played a major role in the decision to tap my phone.

**SKEPTIC:** *J. Edgar Hoover once said that you "could be a leak." What is your response to that?*

**HALPERIN:** The FBI's notion of how to investigate for a leak is to talk to two or three of their friends in the Pentagon, and ask which people in the building don't like the policy and therefore might leak something. They went to journalist Bill Beecher, who broke the story of the bombing of Cambodia. He told them it was the Air Force which leaked to him. They ignored that. But then they went to people who didn't even know who had access to the stories which were leaked. So it wasn't the world's most sophisticated investigation. Some of those people told what they knew to be true, that I was opposed to the war and thought we should get out, and that therefore it was conceivable that I had leaked the story of the bombing to Beecher. But it was just totally uninformed gossip from friends of the FBI in the Pentagon.

I did not leak that story to Beecher. I told that to Kissinger at the time and if the FBI had come to see me I would also have told them.

Then they tapped my phone, which makes the whole thing crazy because you can't learn whether anybody is leaking by tapping his home telephone.

**SKEPTIC:** *Did you know of the tapping?*

**HALPERIN:** No. But Kissinger knew.

**SKEPTIC:** *Why did you resign?*

**HALPERIN:** Because I just didn't want to work with a man who won't tell his staff what he is doing. Kissinger's story is that the tap was put on to prove that his staff was not being disloyal. But how can anyone prove that with a tap?

**SKEPTIC:** *Why do you think they kept a tap on your home phone after you left the government?*

**HALPERIN:** I think the House Judiciary Committee's conclusion is very clear and, if you read the letters the FBI sent to the White House concerning my tap, you come to the conclusion that the purpose was to learn about various kinds of political activities that I was engaged in. But I don't want to suggest that the information was of overwhelming importance to them. I think the point was



**“Kissinger’s story is that the tap was put on to prove that his staff was not being disloyal. But how can anyone prove that with a tap?”**

that as long as the tap was on, why turn it off?

**SKEPTIC:** *Do you think they are still tapping you?*

**HALPERIN:** Henry Kissinger once said that living in Washington is a constant struggle against paranoia, and it is a struggle in which I constantly engage. I must say the government has not made it very easy for me in the last few years. I guess on balance I don't think that my phone is now tapped. On the other hand I don't conduct conversations on the phone that I don't want the FBI to hear.

**SKEPTIC:** *What is your opinion of Kissinger today?*

**HALPERIN:** I think he has done a few good things. I think he has done a great many bad things. For example, he is the person most responsible for our stubborn refusal to end our military involvement in Indochina.

**SKEPTIC:** *Do you think the country would be better off without him in leadership?*

**HALPERIN:** Yes.

**SKEPTIC:** *In a recent interview in U.S. News & World Report, CIA Director William Colby stated that it was necessary to spy on friends and foes alike out of self-protection and state sovereignty. Just what is the case? Do we in fact spy on friendly governments? And if so, for what*



**“I think we, the American people, all share part of the blame. Remember the Bay of Pigs? Very few of us said that we had no right to mount an invasion against another country.**

*purposes?*

**HALPERIN:** I have a problem about what I know from when I was in the government. So I think to clarify things you should assume that what I am saying is what I know from outside the government, and if it is not, I will tell you what the source of the information is. I think it is absolutely clear that we feel free to, and do in fact, spy in various ways on friendly governments. The British, the Australians, New Zealand and Canada are the exceptions. Sort of a white Anglo-Saxon club. There are very specific agreements that we do not conduct spying operations in those countries. But as one learns in the intelligence business, there are wheels within wheels. My guess is that if a high official of the British government came to us, he would not be turned away but would be handled entirely separately so that almost nobody would know that he was in fact giving us information. All governments do it. I think that seems to be part of the game. I think we have a perfect right to try to find out what the British are doing or anybody else. The question is what kind of activities are legitimate to engage in.

**SKEPTIC:** *Colby also said that the National Security Council and the congressional oversight committees do in fact know in advance what the CIA proposes to spend its money on and that there are no secrets withheld from these bodies. Is that true?*

**HALPERIN:** I think what Colby has said about congressional committees is that nothing would be withheld from them. They are told as much as they want to know. But I think he has acknowledged, and certainly the committees themselves have acknowledged, that they didn't probe very deeply and that they didn't know, for example, anything in advance about the intervention in Chile. I think the "40 Committee," chaired by Henry Kissinger for the last five or six years, does perform an oversight function. More than an oversight function, indeed — it often has been the driving energy behind CIA operations. Kissinger certainly was in the case of the Chile intervention. He masterminded it and was the person most anxious to have it happen.

**SKEPTIC:** *Would you say that if we want to assign blame for acts which we don't think are either democratic, legal or moral, we should blame Congress and the President, since they have chosen to ignore what they don't want to know and therefore condone whatever occurs?*

**HALPERIN:** Yes. I think that's right. It would be as if the mayor of a city hired thugs to collect the garbage and then, when the thugs started beating up people who didn't like the way they collected the garbage, blamed the thugs. I think we, the American people, all share part of the blame. Remember the Bay of Pigs? There were very few of us who said that it would have been worse if it had worked and that we had no right to mount an invasion against another country.

I think that is changing. In the past, it has been taken for granted that we have an obligation to defend peoples anywhere who are fighting for their freedom. I think many Americans now take a very different attitude: that what happens in Cambodia, in South Vietnam, in Chile, or Cuba is for those people to determine.

**SKEPTIC:** *What does the NSA do with its billion dollar budget and its 25,000 employees?*

**HALPERIN:** The National Security Agency deserves a lot of attention. It is supposed to break codes for the U.S. and intercept communications. It has been alleged — and I know nothing about this from my own government service — that the NSA monitors all overseas phone calls made by anybody from the U.S. to anywhere in the world and records the conversations. I think that is an allegation which the Senate and House committees ought to look at very closely.

**SKEPTIC:** *Why do intelligence policy makers seem to assume the task of directing the destinies of other countries?*

**HALPERIN:** Partly, it's what they have been told specifically to do and partly it's what they are trained to do. This all comes out of the OSS (Office of Strategic Services) experience in the Second World War, when these guys were working to install the "right" kinds of governments. The OSS types had great success in the 1948 operation in Italy. Italy's government was threatened with the likelihood that the Italian Communists would come to power through an election. The U.S. government moved in with all the techniques of the CIA. Everybody, including President Truman, knew we were intervening in the Italian elections. Many people will say that maybe we shouldn't have intervened in Chile, but that what we did in Italy was right. And it was a great success. The communists were kept out of the Italian government until now. The OSS/CIA people were set up and authorized to recruit and train people in their own image and send them around the world to do the same thing.

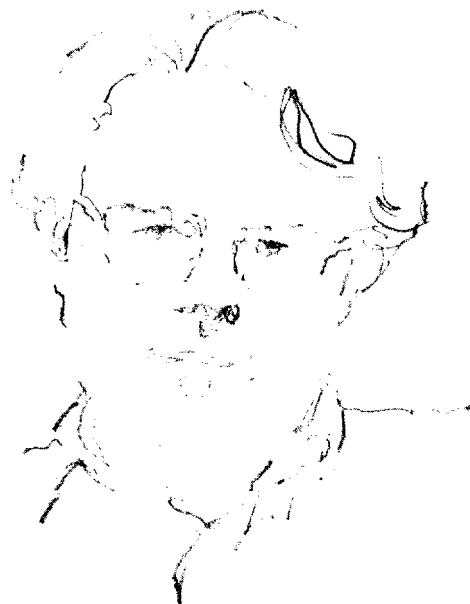
**SKEPTIC:** *Their purpose is to keep the world safe for capitalism?*

**HALPERIN:** I don't think they would think of it that way at all, and many would probably be sympathetic to various kinds of socialism. A lot of people engaged in the CIA, in their private lives, would be liberal democrats.

**SKEPTIC:** *They are just doing a job, in other words?*

**HALPERIN:** I think they think of the job as keeping communist governments from coming into power. Part of the theory, of course, is that totalitarianism of the right often evolves into democracy but communism is irreversible. They believe that by supporting a right-wing dictatorship, they might help it evolve into a democracy. One of the dangers the CIA warns about is that if right-wing governments suppress the people too much, a revolution comes and the communists take over. So the CIA has been actively involved in a number of countries in creating parties on the left trying to establish alternatives to communism. There is also a new idea in American foreign policy, thanks to Kissinger, which is that we don't care about the internal structures of other governments. We don't care in the sense that it doesn't effect our policies; as individuals, we may strongly prefer democracy, but as a government, we shouldn't care about the internal politics of the country. What we should care about is its foreign policy.

**SKEPTIC:** *Does that mean, then, that if we could be assured that America's preferences were followed by communists in Chile, Portugal or wherever, we wouldn't*



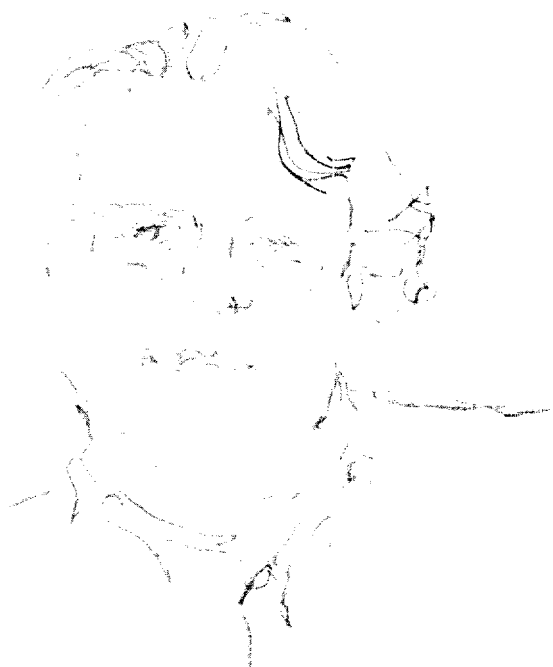
**"It has been alleged that the NSA monitors all overseas phone calls made by anybody from the U.S. to anywhere in the world and records the conversations. That is an allegation which the Senate and House committees ought to look at very closely."**

*try to overthrow those governments?*

**HALPERIN:** No. I think that the argument then would be that the government is unstable. Even if the communist government claims to be friendly it will ultimately end up taking unfriendly actions. Another concern is the precedent it sets for other countries, where communists coming to power are likely to present a threat.

**SKEPTIC:** *What is your opinion of Colby as a CIA leader?*

**HALPERIN:** It is very unfortunate that at this period in its history, the CIA is led by somebody who has been in the covert side of the agency for most of his career, and who comes out of the OSS. In addition, he bears the burden of Vietnam, including the Phoenix program. On the other hand, whatever one thinks of Colby, he has done some things that I doubt Richard Helms and other agency directors would ever have done. He reported to the Congress in ways that ultimately led it to leak — although I don't think that was his intention — on what former CIA



**“Many of the techniques which were later used against the anti-war movement were perfected in the anti-Hoffa campaigns of the Kennedy Justice Department.”**

director James Schlesinger had learned about the domestic activities of the CIA. He has, to a degree, been more open.

**SKEPTIC:** *He has said recently that the investigations into the CIA either do or could endanger the CIA's operation abroad. Do you think that's a valid claim?*

**HALPERIN:** I think the CIA has forfeited the right to make that claim. When an agency like the CIA, which is not supposed to conduct any domestic activities, opens the mail of American citizens, wiretaps the telephones of American citizens, infiltrates agents in domestic organizations — for whatever purpose — it must be thoroughly investigated. If, in the process, some activities that it considers legitimate are in some way jeopardized, that is the price we have to pay to make sure that the agency is not again in a position where it is tempted to engage in illegal and unconstitutional activities. I think the whole notion that the CIA should be exempt from the law because it is engaged in activity that is important to our security is wrong. The agency has shown itself to be potentially — if not actually — very dangerous to our liberties at home. So I consider this charge irrelevant.

**SKEPTIC:** *Does engagement in covert activities tend to make one a political advocate and thereby lessen the significance of intelligence gathering?*

**HALPERIN:** Yes, that's one of the problems with the CIA. It has become an advocate of its own operations rather than a neutral analyst of intelligence. I think the agency ought to get out of covert operations and become an organization which evaluates intelligence and does estimates.

**SKEPTIC:** *Does the FBI engage in illegal acts, in your opinion?*

**HALPERIN:** They engage in acts which are illegal in the sense that they violate people's constitutional rights. Whether they are violations of criminal statutes depends. It was not a federal crime to engage in wiretapping until 1968. Those wiretaps were merely unconstitutional before then.

**SKEPTIC:** *What motivates the FBI to spend so much more of their resources in political belief areas than in organized crime areas?*

**HALPERIN:** That, I understand, has to do with Mr. Hoover, who for a long time denied that there was any such thing as organized crime. People who know something about it claim that he was afraid that if he turned his agents loose on organized crime, they could be corrupted like so many others were by the money that was available to organized crime. I don't know whether that was true, but for a long time he viewed the FBI largely as an anti-communist agency. That was convenient and congenial with his own ideology. And for a long time, it was consistent with the popular mood in the U.S. Similarly, I think the FBI was under great pressure, as the CIA was, from Johnson and then from Nixon, to go after the anti-war movement. Part of the blame for this goes back to Franklin Roosevelt who, after all, is the man who got the FBI out of the business of just investigating crime and into the business of political investigation.

**SKEPTIC:** *It is interesting that it was the most liberal of Democrats, Franklin Delano Roosevelt, who brought the FBI into this area, and Truman who created the CIA.*

**HALPERIN:** And it was John F. Kennedy's attorney general, Robert Kennedy, who decided that all the resources of the government, including the Internal Revenue Service, should be mobilized to find some crime Mr. Hoffa had committed and put him in jail. Many of the techniques which were later used against the anti-war movement were perfected in the anti-Hoffa campaigns of the Kennedy Justice Department.

**SKEPTIC:** *You have written that the executive branch of government thrives on secrecy and the Congress suffers from secrecy. Could you explain that?*

**HALPERIN:** I think Congress can influence what is going on in the executive branch only if the country generates sufficient outrage to convince enough congressmen and senators to take the same position. Congress can then enact legislation and make demands on the executive branch that can be made to stick. When you know something that is secret, you can't pass it along to your constituents. You can't build a consensus in secret.

If a Congressman knows something that is secret, there is nothing he can do with it. Congressman Lucien Nedzi knew of the intervention in Chile and of CIA domestic operations, for instance, but he felt he was given the information under a secrecy oath and therefore could say nothing. He couldn't use it to generate the kind of pressures that have produced the Rockefeller Commission and the congressional resolution which requires that committees, including foreign affairs and foreign relations, be notified in writing by the President before covert operations occur. All of those things got pushed into existence, in part, by the release of information about the domestic operations of the CIA. All that information Nedzi had.

The Executive Branch, on the other hand, wants to keep things secret, wants to keep Congress and the public out of "its" business. Consensus can be built within the Executive Branch about things that are secret because secret documents move freely within the Executive Branch. In Congress, there is no such easy access. It is often the case that things remain secret in order to keep them from the American public rather than to hide them from a hypothetical or real enemy. But the argument over covert operations has to be by definition an argument on the merits and not on the secrecy part. Covert operation is secret interference in the internal affairs of another country. It is nonsensical to say that if we do it, it should be made public. I think, instead, one has to say we don't need it. I think we should not engage in covert operations. But I don't think that's an argument about secrecy. That's an argument about the *substance* of a covert operation. I don't think we should be involved in the internal affairs of other countries without the American people and the Congress being able to approve or disapprove of it. I think there are a lot of other things that are kept secret that should not be, but which probably should continue. For example, the fact that the U.S. flies reconnaissance satellites still is considered by the American government — but nobody else — as secret. That should be made public.

**SKEPTIC:** *If you were the President and had the power to make decisions about the intelligence community, what would you try to establish as a principle, a working policy, for those agencies which deal with foreign countries and for*



**“Covert operation is secret interference in the internal affairs of another country. It is nonsensical to say that if we do it, it should be made public. I think, instead, we have to say we don't need it.”**

*those which deal with domestic intelligence?*

**HALPERIN:** I think there are some simple rules. First, no covert operations. They are inconsistent with the way we should be making decisions. We inevitably end up opposing democratic forces and corrupting democratic processes. Second, I would limit the CIA to Langley, Virginia and put it in charge of analysis, but not let it gather intelligence. And I would limit the gathering of intelligence, except in the case of the Soviet Union and maybe a few other countries, to technical intelligence.

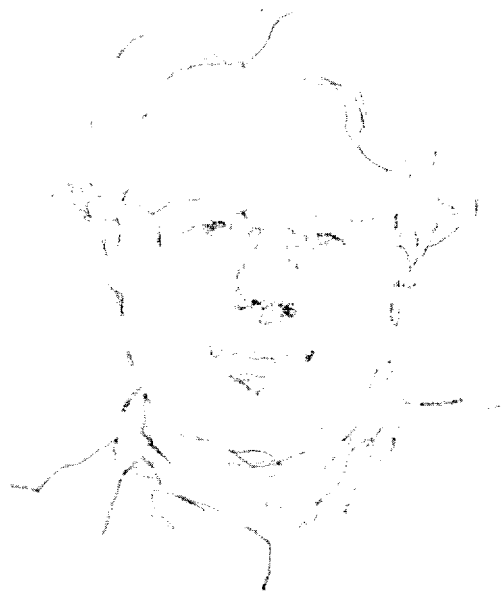
**SKEPTIC:** *You would have actual spy agents?*

**HALPERIN:** If a member of the Politburo of the Soviet Union came to an American official, I see no reason to say “no.” That is very different from active recruitment of people in Ecuador, for example.

**SKEPTIC:** *Why would you make a difference between Ecuador and the Soviet Union?*

**HALPERIN:** Because the Soviet Union has the capacity to destroy the United States in an hour.

**SKEPTIC:** *There are those who would claim that what*



**"For any surveillance, I would require a warrant from a judge, and for some kinds of activities I would require approval from the attorney general."**

*you say may be true in terms of the direct military threat, but that if Ecuador adopted a communist way of life, and then someone else did, it could threaten our security.*

**HALPERIN:** We still don't have the right to interfere.

**SKEPTIC:** *Aren't you asking us to live under a moral code that other countries aren't operating under?*

**HALPERIN:** Indeed. I ask the American government to do a great many things that no other government does. The third thing I would do is make clear that no domestic surveillance can take place except against people who it is believed have committed or are about to commit a crime. For any surveillance, I would require a warrant from a judge, and for some kinds of activities I would require approval from the attorney general.

**SKEPTIC:** *Do you think that the intelligence community is threatening freedom in our country today?*

**HALPERIN:** I think it has clearly weakened it. We know from the Watergate tapes that Nixon felt that he hadn't been ruthless enough in using the instruments in his power in the first administration. Had he not spent his second administration fighting Watergate, he might well have launched programs which would have made his first administration seem very tame. And if he'd gotten away

with that for four more years and selected his successor, it's just not clear to me where it would have gone.

**SKEPTIC:** *Do you think it could have developed into a totalitarian society?*

**HALPERIN:** I try not to be excessively paranoid or pessimistic or hysterical, but I think we ran a risk far greater than any of us understood and far greater than we should.

**SKEPTIC:** *What do you think, realistically, will come out of the current investigations into the intelligence community?*

**HALPERIN:** I am optimistic that they will be thorough and serious. Whether they will lead to the kind of legislative changes that I'd like to see remains an open question.

**SKEPTIC:** *If we were to relax or eliminate our covert operations abroad do you think this would open up our country more to enemies?*

**HALPERIN:** Not in the slightest. One doesn't have to turn around and eliminate efforts to deal with espionage in the U.S.

**SKEPTIC:** *Do you think it is possible that the intelligence agencies, the executive branch of government, and the military are already so powerful that they will not give up any substantive power, and if a serious attempt is made to do so by the public that they will simply resist with the force they have?*

**HALPERIN:** No.

**SKEPTIC:** *If the laws are made, do you think they will abide by them?*

**HALPERIN:** Not 100 percent, but I think you can make very substantial changes. For example, I think the President of the U.S., with much less difficulty than establishing welfare reform, could abolish the covert side of the CIA.

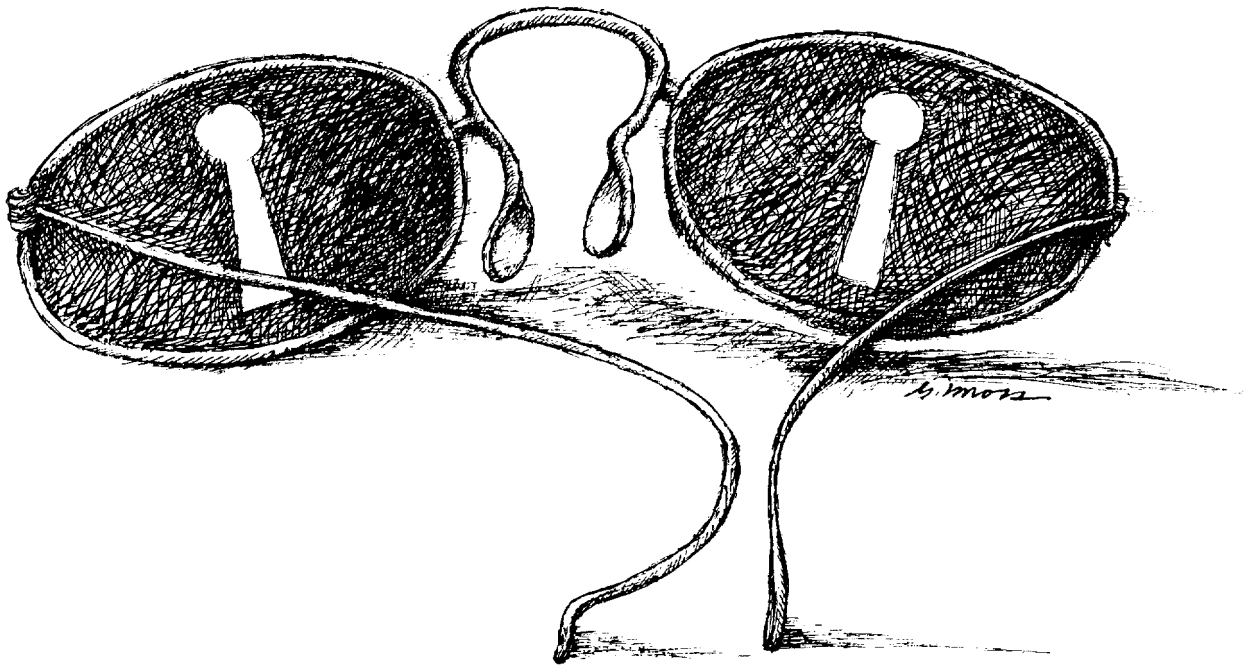
**SKEPTIC:** *Do you think that if Congress makes laws and a president says we are going to abide by these laws — no overthrowing governments, for instance — elements in the CIA might decide they just couldn't tolerate that and simply kill the president or do something equally drastic?*

**HALPERIN:** Lyndon Johnson said he inherited a "Murder, Inc." in Latin America. When you train people to commit political assassination, if indeed we do that; when you train people to think it is legitimate to overthrow governments because you don't like their politics; there is inevitably a danger that they will come home and do the same thing. That, in my opinion, is an unacceptable risk.

■

# The U.S. Intelligence Community

John Hamer



Everyone knows FBI and more people are getting to know CIA, but A-2, G-2, ONI, NSA, DIA and several other agencies play critical roles in the U.S.'s intelligence operations

Intelligence operations have had a long and influential, if little-known, history. Richard W. Rowan wrote in his encyclopedic history of intelligence, *Secret Service* (1967): "Spies and speculators for thirty-three centuries have exerted more influence on history than on historians." Indeed, spying is an ancient function, and the importance of intelligence information to civil and military strategy and decision-making is a concept as old as government itself. In 500 B.C., the Chinese military theorist Sun Tzu, in an ageless treatise on spying called *Roots of Strategy — Art of War*, stated: "Knowledge of the enemy's disposition can only be obtained from other men. Hence, the use of spies."<sup>1</sup> The Bible records that God instructed Moses to send out agents "to spy out

the land of Canaan" (Numbers 13:20), and the provocative tradition of women in intelligence later was begun by Rahab, the harlot of Jericho, who sheltered the spies of Israel (Joshua 2:1).

The creation of a systematic, institutionalized intelligence service in modern times is widely credited to Frederick the Great of Prussia, who transformed the haphazard intelligence-gathering operations of the 18th century into a general military staff function. By the late 19th century, Europe had become a network of spies. Even so, the United States

*This article was condensed from the Editorial Research Report entitled "Intelligence Community," by John Hamer, associate editor for Editorial Research Reports.*

inherited almost no semblance of organized intelligence, relying for many years on diplomats and military attachés for foreign information. The Revolutionary army's spy network was an informal, rag-tag operation. Both sides employed spies during the Civil War, but they were largely ineffectual.

World War I brought about the first significant expansion of U.S. intelligence activity, as the Army's Military Intelligence Division staff grew from a small handful to some 1,200 during the war. It was cut back severely during the isolationist years between the two world wars, however, largely because of congressional skepticism and the lack of emphasis in State, War and Navy Departments on peacetime intelligence. But on Dec. 7, 1941, all that ended.

<sup>1</sup>Quoted by Sanche de Gramont in *The Secret War* (1962), p. 64.

## Central Intelligence Agency: Creation and Growth

It is generally agreed that the CIA traces its beginnings to the gross intelligence failure that made the surprise Japanese attack on Pearl Harbor possible. The attack resulted not so much from faulty intelligence as from the lack of an agency to evaluate intelligence. Many warnings of the imminent assault were received but ignored because officials did not believe that such a mass attack was within Japanese capabilities.<sup>2</sup> President Roosevelt in July 1941 had asked Col. William J. Donovan to set up a new intelligence service for possible wartime use. "You'll have to start from scratch. We don't have an intelligence service," FDR told Donovan. First called the Office of the Coordinator of Information, the service was transformed in 1942 into the Office of Strategic Services (OSS). Originally intended to supplement intelligence-gathering activities of the military, the OSS under the imaginative leadership of "Wild Bill" Donovan quickly gained a reputation for derring-do such as parachuting spies behind enemy lines.

Soon after the war, President Truman abolished the OSS. But the need for intelligence continued, and in January 1946 Truman issued an executive order establishing a successor to the OSS and a precursor to the CIA—the Central Intelligence Group. The new body operated under an executive council called the National Intelligence Authority, consisting of the secretaries of state, war, navy and the President's personal military adviser. At first it was primarily a coordinating group which prepared daily intelligence summaries for Truman, but it also was authorized to perform special intelligence services under the direction of the executive council or the President. The first director of Central Intelligence was Rear Adm. Sidney W. Souers, succeeded

in five months by Air Force Gen. Hoyt S. Vandenberg, who gave way in May 1947 to Rear Adm. Roscoe H. Hillenkoetter.

During lengthy postwar debate in Congress on military reorganization, the form of congressional legislation on intelligence took shape. The National Security Act of 1947 which placed the armed services under a new Department of Defense, also created both the Central Intelligence Agency and the National Security Council.<sup>3</sup> But it is clear from the hearings on the 1947 act that no one knew exactly

**D**ulles was a colorful figure who received wide coverage in the press despite the CIA's intended secrecy and gained an almost legendary reputation as America's "master spy."

what the nature of the new beasts would be. Rep. Fred E. Busbey (R-Ill.) once asked Navy Secretary James V. Forrestal: "I wonder if there is any foundation for the rumors that have come to me to the effect that through this Central Intelligence Agency they are contemplating operational activities."<sup>4</sup> It was a crucial question, but the congressman received a vague reply.

The growth of the CIA in size and scope parallels the development of the Cold War, and the agency's early leaders were military men. Admiral Hillenkoetter remained as director until 1950, when he was replaced by Army Gen. Walter Bedell Smith. The agency became more aggressive internationally under Smith, but the man who was to put his stamp on the CIA was a civilian, Allen W. Dulles, who was named director by President Eisen-

hower in 1953. The younger brother of Secretary of State John Foster Dulles, Allen Dulles changed intelligence from a shadowy business into a respectable professional career, attracting young and liberal intellectuals from all over the nation to join the agency. Dulles was a colorful figure who received wide coverage in the press despite the CIA's intended secrecy and gained an almost legendary reputation as America's "master spy."

During the 1950's, the CIA expanded its activities in the realm of covert political operations. It did this not under the 1947 or 1949 acts, but through a number of super-secret National Security Council intelligence directives which Professor Harry Howe Ransom of Vanderbilt University calls "the real operating constitution" of the CIA and which "only a few high government officials have ever seen."<sup>5</sup> These filled the "loopholes" in the congressional legislation and created what many now call the CIA's "secret charter." Today, through its Directorate of Operations, until this year called the Directorate of Plans, the CIA collects intelligence information and coordinates or engages in extensive secret operations around the world. The other half of the agency, called the Directorate of Intelligence, researches and analyzes the information which is gathered and makes reports to the President and the National Security Council. The agency is believed to have about 18,000 employees and an annual budget of between \$750 million and \$1 billion.

### Expansion Within American Military Branches

Despite its fame, the CIA is neither the biggest of the nation's intelligence services nor does it have the largest budget. Those honors fall to the Defense Department, which oversees the multiple intelligence functions of the Defense Intelligence Agency, the Army, Navy and Air Force intelligence services, the Joint Chiefs of Staff and

<sup>2</sup>When Secretary of the Navy Frank Knox got word of the attack, he exclaimed: "My God, this can't be true. This must mean the Philippines."

<sup>3</sup>See Congressional Quarterly's *Congress and the Nation*, Vol. 1 (1965), pp. 247-249.

<sup>4</sup>House Committee on Expenditures in the Executive Department, hearings on the National Security Act of 1947.

<sup>5</sup>Ransom, *op. cit.*, p. 89.



the National Security Agency. The DIA was set up in 1961 by Defense Secretary Robert S. McNamara to coordinate and eliminate duplication in the separate intelligence units of the three armed services. Although its staff has grown to more than 5,000 and its budget to nearly \$130 million, the DIA still has little independent power and the other three units continue to thrive. In addition, the DIA quietly feuds with the CIA over their roles.<sup>6</sup>

Army intelligence, commonly called G-2, expanded in size during World War II and in prestige after the Korean War. With a staff of some 38,500 and a budget of \$775 million, Army intelligence has been severely criticized in recent years for involvement in domestic surveillance activities. Hearings by Sen. Sam J. Ervin, Jr. (D-N.C.), chairman of the Constitutional Rights Subcommittee, revealed that the Army had some 300 offices and 1,200 agents around the country collecting information on civilian "radicals," "militants," students, politicians and other citizens. The expanded military operations, begun during the Johnson administration, were reported to have compiled vast microfilm files and computerized dossiers on some 25 million individuals.

The Office of Naval Intelligence, with 10,000 personnel and a \$775 million budget, is responsible for gathering information on foreign navies, submarine forces and beach, port and harbor characteristics. It claims to have eliminated spy ships such as the *Pueblo*, captured by North Korea in 1968, and the *Liberty*, attacked and badly damaged in the 1967 Arab-Israeli war. The largest military intelligence unit is the Air Force's A-2, which runs the "spy-in-the-sky" satellite program. It has become perhaps the most important element of the U.S. intelligence effort, employing 60,000 persons and a \$2.8 billion budget, spent mostly on reconnaissance equipment.



MATA HARI (Gertrude Zelle in real life), whose naked dancing led to lucrative love affairs with top French and German officials during W.W. I. She was arrested as a spy by the French and was executed October, 1917.

THE BETTMAN ARCHIVE

<sup>6</sup>One of the best recent books on the intelligence community reveals much about DIA activities: Patrick J. McGarvey's *CIA: The Myth and the Madness* (1972).

### CIA's Legal Foundations

The 1947 National Security Act gave the CIA five specific statutory duties:

"(1) To advise the National Security Council in matters concerning such intelligence activities of the government departments and agencies as relate to national security;

"(2) To make recommendations to the National Security Council for the coordination of such intelligence activities. . . .;

"(3) To correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the government. . . . Provided that the agency shall have no police, subpoena, law-enforcement powers, or internal security functions. . . .;

"(4) To perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

"(5) To perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

The 1949 Central Intelligence Act firmly buttoned up the CIA's cloak of secrecy by exempting it from numerous federal laws which governed other agencies. Congress allowed the agency to disregard laws that required "disclosure of the organization, functions, names, official titles, salaries or numbers of personnel employed by the agency." It gave the director power to spend money "without regard to the provisions of law and regulations relating to the expenditure of government funds."

### National Security Agency; Other Major Groups

Among the Defense Department's intelligence agencies, the ultra-secret National Security Agency (NSA) is almost in a class by itself. It is believed to be primarily responsible for "communications intelligence" — making and breaking codes, conducting electronic surveillance, and applying computer technology to the intelligence field. Created in 1952 by a classified presidential directive, the NSA has about 25,000 employees and its budget is estimated at some \$1 billion.<sup>7</sup>

"NSA's outposts listen to Soviet pilots flying MIGs over the Soviet Union and to Bulgarian army telex traffic — just to cite two examples," a reporter recently wrote.<sup>8</sup> NSA equip-

ment was on the U-2 spy plane shot down over Russia in 1960. The agency has a huge \$40-million complex of buildings at Fort Meade, Md., and several branches overseas.

Sen. Milton R. Young (R-N.D.), a member of the special Senate Appropriations Subcommittee on Intelligence Operations, has commented "As far as foreign policy is concerned, I think the National Security Agency and the intelligence that it develops has far more to do with foreign policy than does the intelligence developed by the CIA." Ransom believes NSA's potential role is more ominous:

The National Security Agency is a symbol of the pervasiveness of technology. Because it chiefly involves machinery, it has managed to stay on politically neutral ground. . . . But NSA is a huge, secret apparatus that bears watching, for it could become "Big Brother's" instrument for eavesdropping on an entire population. . . . "1984" were ever to come in the Orwellian sense.<sup>9</sup>

<sup>7</sup>The *Intelligence Establishment* (1971), p. 133. Ransom's comprehensive volume is an updated version of an earlier book, *Central Intelligence and National Security* (1958).

Other members of the American intelligence community include:

*Atomic Energy Commission* keeps watch on atomic energy development and nuclear weapons capability of other nations.

State Department's *Bureau of Intelligence and Research*, relatively small (335 employees, \$8 million budget), concentrates on gathering and analyzing information relevant to U.S. foreign policy.

*Treasury Department* has about 150 persons involved in intelligence, mostly obtaining economic and narcotics information.

*Bureau of Customs*, with 800 agents, investigates all smuggling cases except those dealing with narcotics.

*Bureau of Alcohol, Tobacco and Firearms* has some 1,600 agents to investigate illegal traffic in spirits, cigarettes, firearms and explosives.

The new *Drug Enforcement Administration* (DEA), as of July 1, 1973, was placed in charge of all federal narcotics investigations. It will have 2,000 agents and a \$110 million budget during its first year.

*Secret Service* investigates counterfeiters and guards the President and other top federal officials. It was accused during the 1972 campaign of providing the Nixon administration with information on the Democratic nominee, Sen. George McGovern. The agency denied the charge.

*Internal Revenue Service* has some 2,300 agents in its intelligence division and a \$76 million budget. The IRS was pressured by top White House staff members to provide politically valuable tax information to the Nixon administration but, according to memos published June 28, 1973, by *The New York Times*, the agency resisted these efforts.

*U.S. Postal Service* has about 1,750 inspectors looking into postal-law violations on a \$9 million budget.

Still other agencies with intelligence functions: the *Agency for International Development*, the *U.S. Information Agency*, the *Federal Communications*

<sup>8</sup>Little documented information exists on the NSA, but one useful book is David Kahn's *The Code Breakers* (1967). In 1960, two NSA employees, Bernon F. Mitchell and William H. Martin, defected to Russia and released a detailed statement on the organization and operations of the agency.  
<sup>9</sup>Iad Szice "The Great American Foreign Policy Machine," *Washingtonian*, June 1973, p. 114.

Commission, and the departments of Commerce, Interior, Agriculture and Justice.

### FBI as Nation's Primary Internal Security Force

Any consideration of the intelligence community must necessarily include the Federal Bureau of Investigation. Primarily responsible for domestic counterespionage, the FBI also has jurisdiction over a wide range of crimes including assassination, bank robbery, kidnapping and interstate auto theft, and is the closest U.S. equivalent to a national police force. The FBI had its origins in Congress's establishment of the Justice Department in 1871. Justice was soon found to have insufficient investigative resources. So Attorney General Charles J. Bonaparte in 1908 set up a small group of special investigators in a Bureau of Investigation. The bureau's reputation sank steadily in the next 15 years under a succession of corrupt and political attorneys general.

With the appointment of J. Edgar Hoover as director in 1924 the bureau steadily withdrew from political or illegal activities. Attorney General Harlan Fiske Stone, who named Hoover to the post, said in 1933 that his appointee had "refused to yield to any kind of political pressure; he appointed to the bureau men of intelligence and education.... He withdrew it wholly from extra-legal activities and made it an efficient organization for investigation of criminal offenses against the United States."<sup>10</sup>

The bureau during the 1930's won its reputation for capturing such "desperadoes" as John Dillinger, "Pretty Boy" Floyd, "Baby Face" Nelson and "Ma" and Fred Barker. In 1935 it was renamed the Federal Bureau of Investigation and in 1936 was given jurisdiction over espionage and sabotage. As the years passed and the gangster threat faded, the FBI turned to such


<sup>10</sup>Quoted by Alpheus T. Mason, *Harlan Fiske Stone: Pillar of the Law* (1956), p. 152.



matters as spying and subversion, civil-rights strife, organized crime and political terrorism. Its record during World War II is almost universally regarded as outstanding; with the onset of the Cold War the bureau turned its attention to Communist subversion. The FBI infiltrated the Communist Party U.S.A. so thoroughly that people joked that the party had more FBI informers than bona fide members, but Hoover soon began to stir criticism as being preoccupied with Communists and insensitive to civil rights in the South. Complaints mounted during the 1960's as many argued that Hoover had grown autocratic and vindictive and was long overdue for retirement.

The late Hale Boggs (D-La.), then House majority leader, charged in April 1971 that the FBI had tapped his home phone. The allegation was never proved. It was revealed at about the same time that the bureau had monitored conversations of Rep. John Dowdy (D-Texas), who was convicted of accepting bribes, and had spied on

1970 Earth Day rallies and on radical leaders. In March 1971, the theft and later publication of documents from the FBI's office in Media, Pa., revealed that the bureau's surveillance activities were much more extensive than had previously been imagined.

Although many federal officials have maintained that domestic surveillance of civilians has ceased, the Watergate revelations have brought new questions to bear on that contention. Many now argue that all domestic surveillance activities should be examined in a public forum, and warn that the vast files compiled in the past by the FBI might be subject to misuse by government officials in the future.<sup>11</sup> "Perhaps the best clue of all," Thomas Powers wrote in *The Atlantic* in October 1972, "is the 35,000 square feet devoted to domestic intelligence files in the FBI's massive new Washington headquarters. All other crimes will get only 23,000 square feet..." 

<sup>11</sup>See "Future of the FBI," *Editorial Research Reports* 1971, Vol. 1, pp. 473-499.

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# WHAT TRIGGERED THE CURRENT CONTROVERSY?

**E**mbarassed by revelations of its cooperation with the White House "plumbers" and its \$8-million role in the overthrow of Chilean President Salvador Allende, the CIA had enough public image trouble already. Then, on December 22, 1974, Seymour Hersh disclosed in *The New York Times* that the Agency had conducted extensive surveillance in the U. S. — apparently in violation of the National Security Act of 1947 which limits it to foreign espionage — and compiled intelligence files on some 10,000 Americans. The CIA's domestic operations reportedly included wiretaps, break-ins and surreptitious interception of mail.

What had been a smoldering brush fire exploded into a holocaust of criticism which quickly spread to the FBI. Two former assistants to J. Edgar Hoover confirmed the long-rumored existence of FBI files on the private lives of public figures, including several members of Congress.

Critics point out that these are only the latest in a long series of illegal — or at least questionable — activities by the U. S. intelligence community.

Through its counterintelligence programs (COINTELPROs), the FBI for many years conducted extensive spying on political groups in the U. S. These programs, unrelated to law enforcement, involved the use of electronic surveillance, informers, *agents provocateurs* and a variety of "dirty tricks" such as notifying credit

bureaus and employers of a group member's illegal, immoral or radical activities.

It was revealed in 1970 that Army Intelligence was heavily engaged in domestic political surveillance of its own, and had amassed files on over 100,000 civilians. The National Security Agency (NSA) is rumored to monitor and record every overseas telephone call originating in the U. S. And according to recent allegations, the Internal Revenue Service was not above being party to occasional political espionage.

The CIA's history of controversial activities goes back at least to 1953, when it organized and directed a coup which overthrew the regime of Premier Mohammed Mossadegh of Iran. Other acknowledged operations: the overthrow of Guatemala's President Jacobo Arbenz in 1954; the attempted overthrow of President Sukarno of Indonesia in 1958; the U-2 incident of 1960; the Bay of Pigs fiasco in 1961; the organization of a secret army of 30,000 in Laos beginning in 1962; the successful coup against President Ngo Dinh Diem of South Vietnam in which Diem and his brother were killed; subsidization of the National Student Association and the channeling of funds through several foundation conduits to other business, labor, church, university and cultural organizations; infiltration of overseas labor movements with the help of AFI-CIO; training of policemen from about a

dozen U. S. police forces in the arts of espionage.

In addition, the CIA has been accused of participating in the coup which installed a military dictatorship in Greece in 1967 and suspected of being involved in the 1970 overthrow of Prince Norodom Sihanouk of Cambodia. According to *Time* magazine, credible sources now insist that the CIA took part in plots to assassinate Fidel Castro (with the help of the Mafia), Rafael Trujillo of the Dominican Republic (successful) and Francois Duvalier of Haiti (unsuccessful).

Tad Szulc suggests that the CIA was far more deeply involved in the Watergate affair than is generally supposed. And he outlines in detail the CIA's \$2000-million worldwide corporate empire, a network of CIA-owned companies that provide "fireproof covers for overseas operations."

Murray Seeger traces the FBI's "authority" for its counterintelligence activities and questions whether the FBI's internal security "mission" should be allowed to continue.

Christopher Pyle, the former army intelligence officer who blew the whistle on Army Intelligence in 1970, follows up his earlier revelations with claims that nothing has really changed, that "military intelligence continues to keep American civilians under surveillance."



# Politicization of the CIA

Tad Szulc

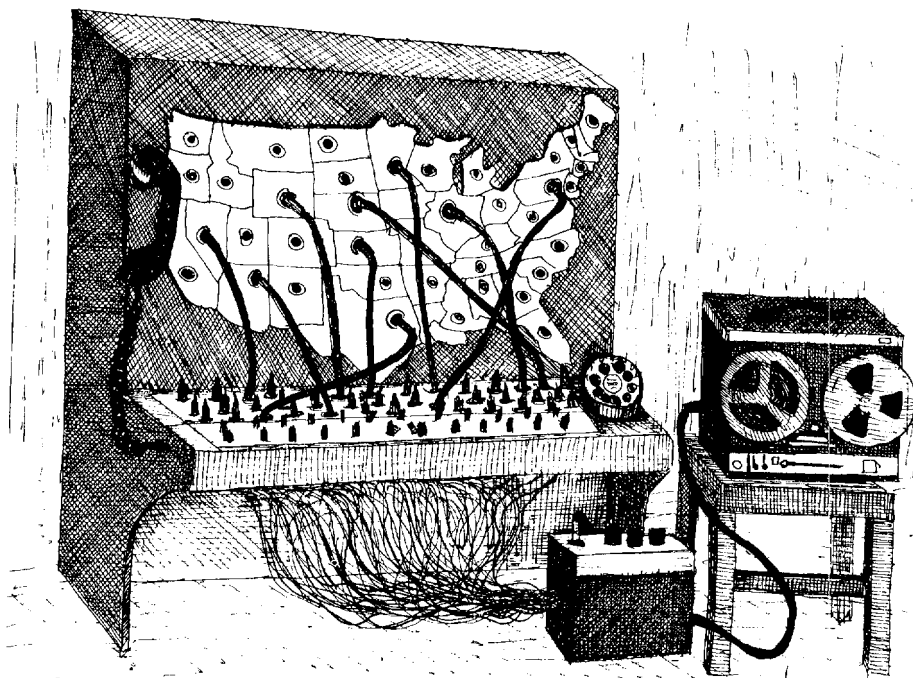
If the probers get to the bottom of the CIA affair, what (and who) are they likely to find?

President Ford no sooner said that he wished to know and tell the whole truth about the illegal domestic operations of the Central Intelligence Agency than he placed this investigation in the hands of an eight-man blue-ribbon commission whose immediate problem may lie in its own unreality. Its chairman, Vice-President Nelson Rockefeller, and several of its most knowledgeable members have long, intimate, and protective ties with the U.S. intelligence community, which could conceivably lead them to see the CIA's controversial doings in a relatively charitable light.

The crucial question to be answered by the commission is this: who knew about the CIA's portion of what John Mitchell characterized as the Nixon White House "horrors"? Was it Richard Nixon himself, orchestrating a comprehensive plan to push the United States toward a police state? Was it former CIA Director Richard Helms? Was it General Robert Cushman Jr., a close associate of Richard Nixon's and, at the time, the agency's deputy director? Or was it Secretary of State Henry Kissinger, the man who, in effect, runs the entire U.S. intelligence community? Charity may not be the most necessary attribute for a group whose mission includes determining whether sufficient safeguards surround the CIA.

In any event, this commission and the newly created congressional inquiry committees can hardly do its work adequately unless, along with the Watergate special prosecutor, it gains access to the treasure trove of Richard Nixon's materials held by the Ford White House.

Federal investigators are convinced



that among the 900 reels of tapes (adding up to some 5,400 listening hours) and 42 million documents in the White House complex there is ample evidence to verify how and why the former president and his associates went about misusing and abusing the American intelligence community for their own political ends — at the expense of the civil rights of American citizens.

*Tad Szulc, a prize-winning freelance journalist and writer, is an authority on the intelligence community. He covered the Russian invasion of Czechoslovakia in 1968 for The New York Times and is a frequent contributor to New York magazine, from which this article is adapted. Among his books are Compulsive Spy: The Strange Career of E. Howard Hunt (1974) and Innocents at Home (1974).*

The CIA, the FBI and military intelligence have been snooping around the United States for a long time, but there has been nothing quite like the carryings on under Nixon. These activities far transcend in importance recently reported "massive" CIA spying on antiwar militants. They included direct domestic police functions in support of local police forces, White House-directed surveillance of selected individuals for political reasons, mail intercepts, the political misuse of the Internal Revenue Service, considerable cooperation with the "plumbers," and the management of a \$200-million-a-year top-secret CIA corporate empire.

The existence of this vast international corporate empire has a new relevance, presumably of interest to the Rockefeller commission. Present foreign aid legislation prohibits the

funding of covert CIA operations abroad unless the president certifies to Congress their need for U.S. national security. The availability of funds in CIA-owned and profit-making businesses could circumvent the intent of Congress.

*New York* magazine has learned details of these and other hidden intelligence operations through recent research and wide-ranging interviews throughout the United States intelligence community. A presidential commission seriously interested in getting to the bottom of things surely could do much more. Curiously, though, the contents of the Nixon cache, which would be the most vital aspect of its investigations, were referred to by neither Ford nor any other senior administration official in the course of announcing formation of the commission. The Nixon tapes would speak for themselves. The CIA will tell as much, or as little, as it chooses to the blue-ribbon investigators, a potentially sympathetic group.

The White House tapes and documents are believed to contain juicy material that would document other areas of Nixon abuses — most notably concerning illegal wiretaps, violations of the Internal Revenue Service's statutes on the secrecy of tax returns, and other startling attempts to subvert the functions of government departments for the former president's political advantage.

When the tapes are obtained, the special prosecutor hopes later this year to come up with new indictments against, among others, those who during Nixon's reign installed what are believed to have been illegal national security wiretaps against administration officials and Washington newsmen, Federal Bureau of Investigation agents, Justice Department Internal Security Division officials, Washington police officers, or even CIA operatives may have done the work. Should the wiretap case go to trial, the special prosecutor is certain to call as witnesses Kissinger and his former deputy, General Alexander M. Haig

Jr., who is now commander-in-chief of NATO forces. Both have already acknowledged recommending the names of those to be wiretapped.

Officials familiar with the situation suggest that new disclosures from the Nixon materials may create acute embarrassment for Henry Kissinger. Inasmuch as the CIA reports to the president of the United States through the mechanism of the National Security Council, headed by Kissinger since 1969, and since he is chairman of the NSC's "40 Committee," concerned with the most secret intelligence

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**T**here  
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 by the CIA and the White  
 House suggestive of a  
 no-holds-barred power  
 struggle within the intelli-  
 gence community, possibly  
 involving Kissinger  
 himself.**

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operations abroad, it is a valid question how much he might have known about the agency's secret operations.

Privately, many officials further argue that Kissinger probably had to be aware of the CIA's domestic activities. For example, the dividing line between the agency's foreign and domestic counterintelligence work — the tracking of foreign intelligence operatives — is completely blurred, particularly since J. Edgar Hoover, the Federal Bureau of Investigation's late director, suspended all counterespionage cooperation with the CIA in 1969. If indeed other CIA units aside from the Counterintelligence Staff belonging to the office of the Deputy Director of Operations (DDO), also known as the Clandestine Services, became engaged in purely domestic operations between 1969 and 1972, it

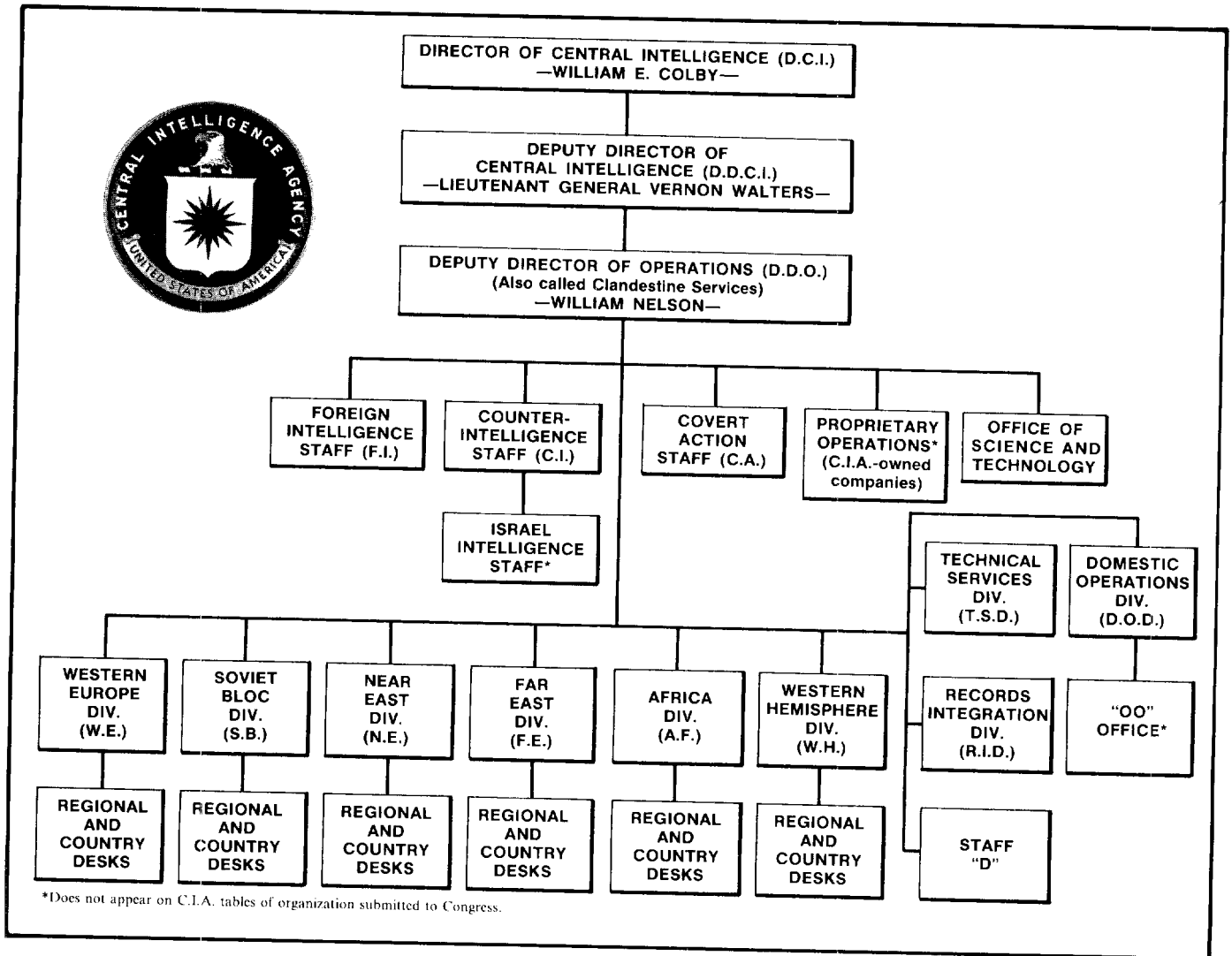
would have been an affront to Kissinger to keep him in the dark. It must be remembered that from the moment he moved into the White House in 1969, Kissinger insisted on maintaining full control of the CIA to the point where successive CIA directors had no direct private access to Nixon; the present director, William E. Colby, usually sees President Ford in Kissinger's presence.

In this sense, then, Kissinger is part and parcel of the whole intelligence controversy. As of now, so is his friend and benefactor, Vice-President Rockefeller.

There are also some reasons to suspect that the whole affair is immensely more complex and sensitive than the simple possibility that the Counterintelligence Staff ran private spying operations against the antiwar movement. There have been a number of unexplained moves both by the CIA and the White House suggestive of a no-holds-barred power struggle within the intelligence community, possibly involving Kissinger himself. Ford's decision to "get to the bottom" of the present CIA affair — an abrupt departure from past White House practice in CIA matters — is an element in the mystery.

One possibility, insiders say, is that the need was perceived at the highest levels of the government to hide the *real* CIA enterprises during and before the Watergate era — such as undertaking direct police functions and dirty work for the Nixon White House. Because bits of information were beginning to surface, these insiders say, it was judged less damaging to go along with the limited charge of "massive spying" against the antiwar movement.

A related possibility is that the "massive spying" disclosures last month were the result of deliberate CIA leaks. Their objective: to help eliminate James Angleton, the head of the Counterintelligence Staff, one of the CIA's most powerful and independent senior officials and long a thorn in Colby's and Kissinger's sides.



Angleton and his Counterintelligence group were initially singled out as culprits in the spying scandal despite the high probability, as it now appears, that an entirely separate CIA branch, the Domestic Operations Division (subsequently renamed the Foreign Resources Division), conducted domestic operations.

The little-known Domestic Operations Division (DOD) and the mysteriously named "Division D" (now renamed "D Staff") carried out the bulk of domestic activities, ranging from wholly legitimate ones to some that were quite shady.

That which CIA officials speaking privately have conceded to be the "gray area" of operations is the

surveillance of American citizens suspected of contacts with foreign intelligence. Although the 1947 National Security Act, which created the CIA, specifically forbids domestic police functions by the agency, it is argued that such activity is simply an extension of foreign counterintelligence.

It is widely known in Washington intelligence circles that the CIA, and especially Counterintelligence, suspected a number of dissident and radical American groups of ties with Communist intelligence services — and not only in the antiwar movement context. The Black Panthers, for example, were under close CIA surveillance based on the suspicion —

never proved — that many of its members traveled to Algeria and Moscow for ideological indoctrination and then to North Korea for sabotage and guerrilla training.

But although it engaged in financing such groups as the National Student Association for intelligence operations abroad, and publishing houses, magazines, and news agencies for foreign propaganda in pre-Nixon days, former Director Richard Helms and the CIA drew something of a line at "targeting" Americans at home. Nor would the CIA busy itself abroad on essentially domestic matters. In the 1960's, for example, Helms personally refused a request from the Internal Revenue to establish surveillance in South Amer-

ica on a tax evader, an American citizen, who had skipped overseas owing hundreds of thousands of dollars in back taxes.

Under Nixon, however, the climate changed totally. In December, 1970, Helms fitted the CIA into the secret Intelligence Evaluation Committee at the White House. The unit grew out of the secret domestic intelligence plan drafted for Nixon by his aide Tom Huston six months earlier. Under enormous White House pressure, the CIA began to become involved in domestic activities, often in clear violation of its own statute. For example:

1. *Police functions.* During the 1969-1972 period of massive anti-war demonstrations, particularly in Washington, the CIA, responding to White House requests, trained and advised local police departments in the arts of intelligence and communications.

There is no question but that this CIA police function, also carried out in New York and Chicago, specifically violated the National Security Act. CIA training of U.S. police forces ended only in 1974.

2. *Plumbers.* The record of Water-gate investigations shows that acting on a telephone call from John Ehrlichman, then Nixon's chief of the Domestic Council, the CIA provided one of the plumbers, Howard Hunt, with disguise equipment on a "one-time basis."

But private investigations suggest that in addition to the help obtained from the CIA headquarters on this particular occasion, the plumbers were equipped for other missions by the agency's clandestine offices in Miami and outside San Francisco.

3. *The corporate empire.* This is one of the CIA's most sensitive secrets. The network of CIA-owned companies was created in 1950, at the height of the Cold War, to provide fireproof covers for overseas operations. In the 1960's, it was used to disguise the financing of such enterprises as the Bay of Pigs

invasion of Cuba, the use of anti-Castro Cuban pilots and B-26's in the Congo, the "secret army" of Meo tribesmen in Laos, and a variety of other covert activities. Under Nixon, funds for domestic operations, including some plumber-type operations, were channeled through the CIA's "proprietary" or front corporations. The most famous, though not necessarily the most important, of them was the Robert R. Mullen & Co. in Washington, where Hunt was "employed" after leaving the CIA.

The holding company for the CIA's corporate empire is the Pacific Corporation located in Washington. Pacific,

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**A**t this point in time, as they say, the CIA looks very much like a public agency of awesome power that is now beyond effective public control.

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whose subsidiaries are said to employ some 20,000 people worldwide, was incorporated in Dover, Delaware, on July 10, 1950, by the Prentice Hall Corporation (no kin to the publishing firm of that name), an incorporating agent for hundreds of firms that enjoy Delaware's tax advantages.

The Pacific Corporation owns such operational CIA companies as Air America, Inc., whose planes supported all the agency operations in Indochina; C.A.T. (Civil Air Transport) Co., Ltd., a Taiwan-based airline often used by the CIA; Air Asia Co., Ltd., specializing in aircraft maintenance; the Pacific Engineering Company; and the Thai Pacific Services Co., Ltd.

CIA insiders say that the Pacific Corporation may own dozens of other companies elsewhere in the United States and abroad. It may be impossible to unravel all the corporate

ramifications of the Pacific firm without a detailed inspection of the CIA's books, something a determined presidential commission could do.

It is known that the Pacific Corporation had about \$200 million in "sales" in 1972. This fact emerged when the Price Commission, engaged in classifying companies by their size for reporting purposes, came upon the Pacific Corporation's tax returns.

Tax returns? Of course. Because the corporation serves as a CIA cover, it has to behave like all other companies. Thus it pays taxes.

The final irony is that the Pacific Corporation actually makes a profit on its different operations; the problem is how to feed it back, discreetly, to the U.S. Treasury. The empire also finances secret overseas operations. To disguise the movement of a large volume of dollars — as was the case in Vietnam and in the preparations for the overthrow of the Chilean regime in 1973 — friendly American banks and currency houses discreetly handle this flow of funds.

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As we have seen, one hand at the CIA often doesn't know what the other does. This surely applied during the Nixon period, when the White House may have been dealing directly with senior CIA officials friendly to it and willing to twist the statute to please the president. But at this point in time, as they say, the CIA looks very much like a public agency of awesome power that is now beyond effective public control. And there is reason to wonder whether the Rockefeller commission may be up to the job of checking it and providing the safeguards promised by President Ford. In the end, the responsibility may be left to Senate and House Select committees looking into everything from the CIA's domestic spying to foreign assassinations. ■

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# Will Congress Exorcise the Ghost of J. Edgar?

Murray Seeger

With J. Edgar Hoover gone, the FBI may be far more vulnerable to its Congressional critics

Like the low, threatening clouds of late winter, the ghost of John Edgar Hoover lingers over Washington nearly three years after his death.

Within the next few weeks, five different congressional bodies will be rummaging through various Hooverian closets as they never dared while he was alive.

There is an atmosphere over Capitol Hill that suggests an imminent storm of disclosures that is likely to forever wound the careful reputation Hoover built over more than a half century of government service.

Many authorities believe that the congressional review also may force fundamental changes in the operation of Hoover's alter ego and living monument, the Federal Bureau of Investigation.

Despite Hoover's half century of involvement in controversial public issues, no congressional group has ever before investigated accusations that he had abused his immense power. His remarkably high reputation plus a subliminal fear among congressmen that "he had something on everyone" has protected Hoover and the FBI from public scrutiny.

The goal of the new inquiries is to find how far from its authority the FBI has strayed. While parallel investigations of the Central Intelligence Agency have taken most of the public's attention in recent weeks, many legal authorities and civil rights spokesmen are convinced that the examinations of the FBI have greater potential impact for most Americans.



J. EDGAR HOOVER at his desk in the 1920's.

THE BETIMAN ARCHIVE

The CIA is under attack for apparently gathering domestic intelligence files on as many as 14,000 Americans in violation of its charter to operate overseas.

By comparison, the FBI has more than 6.5 million files, fingerprints from more than 85 million persons and 58 million index cards in its archives. An undisclosed proportion of the files

*Murray Seeger is a staff writer for the Los Angeles Times, from which this article has been excerpted.*

include information about political activities of individuals and organizations ranging from those blatantly revolutionary and violent to those most pacific.

While the CIA is given modest oversight by two congressional subcommittees and on some activities must get authority directly from the President, the FBI operated under Hoover with no congressional supervision beyond an annual ritual approval of its budget. Congressional probers also will attempt to uncover the

personal files Hoover apparently kept on individuals ranging from the President to FBI file clerks.

FBI Director Clarence M. Kelley, a 20-year bureau veteran and former Kansas City police chief, has been trying to locate these files to satisfy congressional critics, to gain support for his efforts to reform bureau operations and to parry efforts to split away the FBI's internal security function.

"Kelley will need some time to make any real changes, but this Congress may not give it to him," a former bureau official and Hoover critic observed.

Hoover, who officially stood at the fourth level of the federal bureaucracy, was so powerful that none of the eight Presidents under which he served dared remove him even when he was insubordinate.

The portion of the Hoover heritage that is causing most concern is the result of an expansion of FBI activities into the area of internal security and intelligence in 1939 on the basis of a directive from President Franklin D. Roosevelt reacting to the start of World War II.

In his formal 1939 instructions, Roosevelt ordered all law officers to give the FBI "any information relative to espionage, counterespionage, sabotage, subversive activities and violations of the neutrality laws."

The Roosevelt statement was an elaboration of a more limited internal memo in which Attorney General Frank Murphy has asked the President to take steps against the growing problem of "espionage, counterespionage and sabotage."

In developing its huge political intelligence files in the last 35 years, the FBI has acted with authority based on those two statements. But the bureau could also draw on the experience of its director.

Within two years after he entered the Department of Justice in 1917, Hoover was named head of the new General Intelligence Division, watch-

ing "alien agitators." and became deeply engrossed in the chore of tracking down the 400,000 members of revolutionary organizations, particularly the International Workers of the World and Communist Party. Raids coordinated by Hoover resulted in 3,500 arrests and the deportation of more than 700 aliens.

In the months following the raids, a national uproar erupted because of the manner in which individuals were arrested wholesale and deprived of their civil rights. A Senate investigation was conducted with Hoover as a cautious witness.

Hoover admitted arrests had been made without warrants and Attorney General A. Mitchell Palmer blamed individual agents for going beyond

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their instructions. The Senate committee could not agree on a report, however, and the investigation was closed. Warren Harding became President, and Hoover was made assistant chief of the Bureau of Investigation under William J. Burns.

Hoover moved up the final step in his bureaucratic climb in December, 1924, when he was made chief of the bureau and given orders to clean out the political hacks and volunteer agents who had been gathered by Burns.

One of Hoover's greatest skills was ingratiating himself with his superiors. As his prestige and confidence grew, he tended to suffer successive attorneys general and develop direct lines of communication to the White House.

While Hoover believed himself an expert on communism and the Soviet Union, the early target of FBI intelligence activity was the German-American Bund, an association that housed Nazi spies.

With his new authority, Hoover sent his agents to find saboteurs and spies but also investigated strikes in defense plants to see if they were enemy-inspired.


Roosevelt gave him other, even more controversial assignments. "FDR saw nothing wrong in asking the FBI to investigate those opposing his lend-lease policy — a purely political request," recalled William C. Sullivan, the FBI's number three man for 30 years.

From a few scattered records, it is also known that in this period of close association with the President, Hoover started sharing some of the juicier items of gossip his agents and informants picked up about Washington officials in the era of wartime vigilance.

Most critics accept the necessity for the FBI to devote its skillful techniques to control the large number of foreign espionage agents who enter the United States and to protect military and technical secrets.

The widespread concern evolves from the broad interpretation that the FBI has adopted in fulfilling its official function. In 1974 the FBI described its role in this way when asking for its annual budget:

"The FBI's investigative responsibilities in the internal security field cover a broad range of activities which pose clear and present dangers to our society and government. The work in this field continues to mount and requires a heavy commitment of our resources."

The central question for the committees is whether the FBI should continue to have authority over internal security laws and if its responsibility in that field should be more specifically defined. 

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# Big Brother in Olive Drab

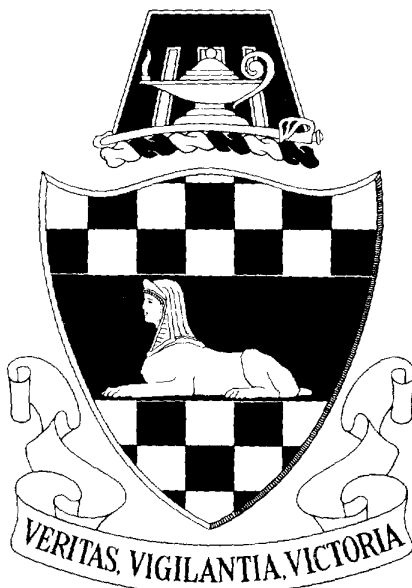
Christopher H. Pyle

## Despite official embarrassment over the disclosures of 1970, U.S. Army surveillance of civilians continues

The U.S. Army still has not learned its lesson. Despite three years of embarrassing publicity, congressional hearings, and court cases, military intelligence continues to keep American civilians under surveillance.

The latest reports come out of West Germany, where army agents have been keeping a close watch on political activists in the American community there. How the agents have been doing this can be seen in *Berlin Democratic Club v. Schlesinger*, a lawsuit filed against the military recently in Washington, D.C. [the case is not expected to be resolved for another two years — Editor]. Plaintiffs in the case, who are being represented by the American Civil Liberties Union, include members of the Berlin Democratic Club (an affiliate of the U.S. Democratic Party), journalists, lawyers, and clergymen. They allege that in 1972 and 1973 army agents infiltrated meetings of the club, tapped the telephone of an American citizen living in Heidelberg, and intercepted privileged communications between American civilian attorneys and their GI clients. They also accuse the army of spying on two Methodist ministers who were counseling GI's, keeping records on Americans who signed a petition calling for the impeachment of the president, and opening the first-class mail of American civilians (a federal crime). The plaintiffs have copies of wiretap logs and other documents to back up their charges.

The way in which the surveillance in Germany came to light followed the pattern set during the recent controversy over the army's monitoring of civilian politics within the United



Insignia of the U.S. Army Intelligence Command, featuring the Golden Sphinx, symbol of eternal silence.

States. Intelligence agents, fed up with what they saw as an abuse of authority, leaked information to the plaintiffs and the press. Confronted with the dis-

*Christopher H. Pyle, a former captain in army intelligence, triggered the controversy over military surveillance of civilian politics with his article in the January 1970 issue of The Washington Monthly. He has served as a consultant to Senator Ervin's Subcommittee on Constitutional Rights and presently teaches government and law at the John Jay College of Criminal Justice in New York. This article, abridged here, appeared in The Civil Liberties Review under the title "Spies Without Masters: The Army Still Watches Civilian Politics."*

closures, Pentagon officials expressed surprise, agreed that the "counterintelligence plan" under which the monitoring was being carried out was "inappropriate," and ordered it withdrawn. In recent months inspection teams from Washington have been visiting other intelligence units at home and overseas in an effort to squelch similar operations before the army is embarrassed once again.

### Past Embarrassments

What is most striking about the latest round of disclosures is not that military intelligence is still curious about civilian politics, but that the Pentagon's civilian chiefs have not yet brought the intelligence bureaucracy under their complete control. The failure has not been for want of trying.

Disclosures of military surveillance operations have been a source of continual embarrassment to the army's secretariat since early 1970. Over and over again, the department's civilian officials have been publicly reminded that during the late 1960's military intelligence had, without their knowledge or approval, undertaken to keep watch over the membership, ideology, programs, and practices of virtually every political protest group in the country. Over 1,500 plainclothes agents, working out of some 300 offices from coast to coast, monitored demonstrations of all kinds, from Klan rallies in North Carolina to antiwar protests at Harvard. Some posed as television reporters and carried bogus press credentials; others developed elaborate cover stories and infiltrated a number of civil rights, antiwar, and counterculture groups. By the end of

the decade, army intelligence was maintaining active files on more than 100,000 civilian protesters at more than 350 record centers.

According to the military, the main reason for its domestic intelligence operations was to assure itself of early warning of civil disorders which it might be called upon to quell. A secondary purpose was to keep track of groups that might solicit soldiers to desert, disobey orders, or otherwise manifest disaffection with military service. A third reason was to keep track of possibly subversive organizations that might promote espionage, sabotage, or sedition.

In approving these general missions, the army's civilian chiefs assumed that military intelligence would tie its inquiries rather closely to the everyday needs of military commanders and would turn to civilian law enforcement agencies when information on civilians was required. The intelligence chiefs, on the other hand, rarely drew sharp distinctions between the various missions, but instead assumed a virtually unlimited power to watch all political protests, no matter how peaceful they might be. The monitoring was not confined, as they said it would be, to liaison with civilian agencies and a close reading of the press. Army agents were assigned to watch demonstrations, attend meetings, photograph and tape-record protesters, and infiltrate civil rights and antiwar groups. The army's card files, dossiers, and computer databanks recorded not only the criminal activities of such violence-prone groups as the Minutemen and Weathermen, but the political expressions of such law-abiding ones as Young Americans for Freedom, Women Strike for Peace, the National Urban League, and the American Civil Liberties Union. Reports on individuals included not only accounts of their public activities, but detailed information on their personal lives as well.

At first, the army's civilian chiefs were dubious on hearing the reports of

this surveillance. However, after making inquiries of their own, they conceded that the monitoring might have gone "beyond the army's mission," and agreed to cut it back.

Pentagon officials were prodded to give high priority to the cutback by repeated disclosures in the press (over 100 former agents eventually came forth), two lawsuits, and a well-publicized series of congressional hearings. The hearings, held before Senator Sam J. Ervin's Subcommittee on Constitutional Rights in February

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and March 1971, also encouraged the Department of Defense to extend restrictions previously imposed on army agents to the intelligence arms of the navy and air force as well. The secretary of defense appointed a special committee -- the Defense Investigative Review Council (DIRC) -- composed of civilian officials drawn from the various military departments to see to it that the new policy was carried out. During the last two years, the DIRC has conducted a series of unannounced inspections throughout the United States. Officials who have participated in these inspections insist that they have put the fear of exposure in the heart of the intelligence bureaucracy.

Yet, while the army's capacity to monitor civilian politics at home was being destroyed, its surveillance of American civilians living abroad continued -- and for a very simple reason: the DIRC let it. As its chairman, Deputy Assistant Secretary

of Defense David O. Cooke explained to the Subcommittee on Constitutional Rights in April:

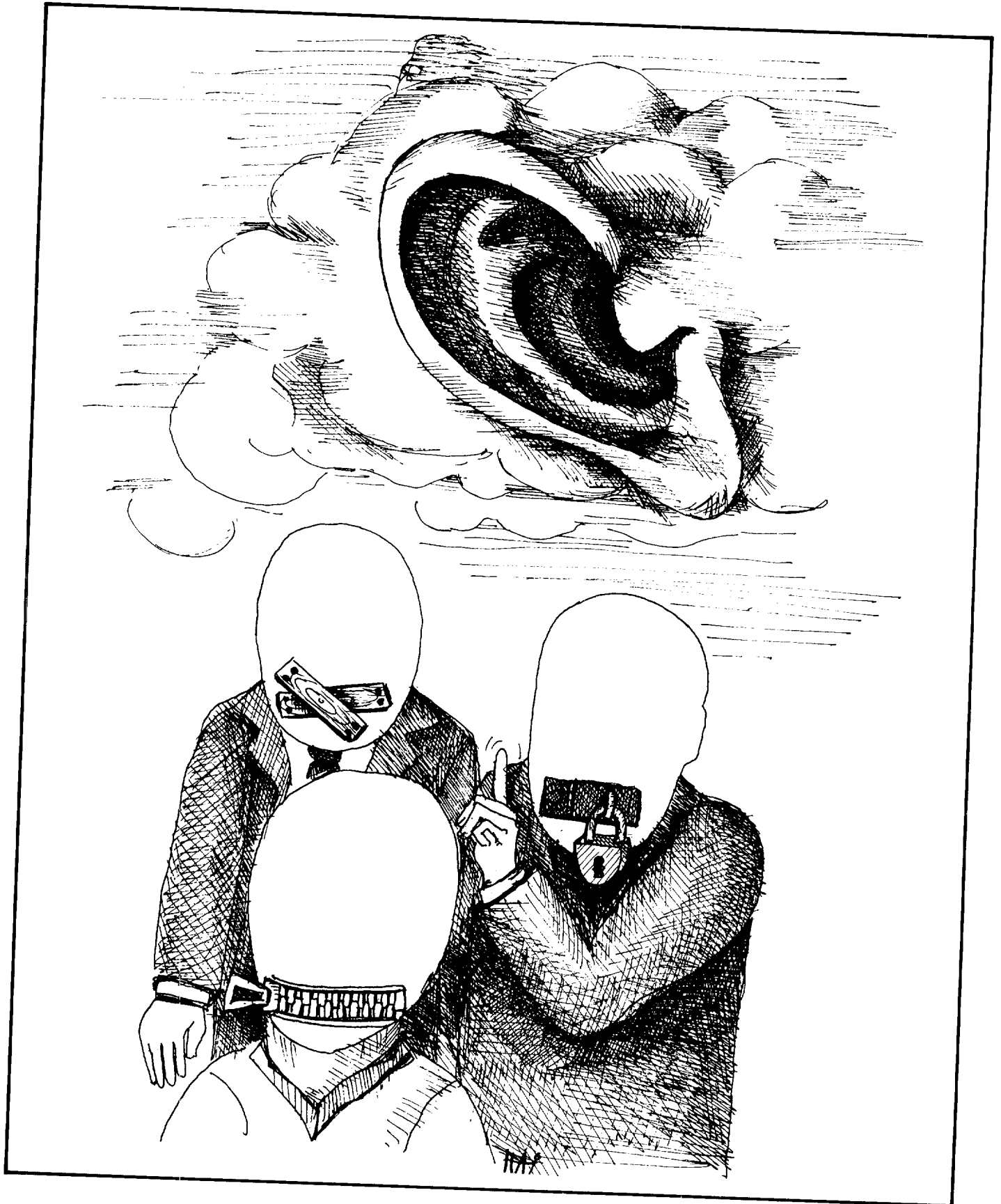
In November 1971, after considering all the pros and cons of establishing investigative and record-retention constraints worldwide, the DIRC decided that this would be inappropriate. Differences in relationships with foreign governments, treaties, status-of-forces agreements, and some unstated or unwritten accords all serve to make application of the [stateside] policies [restricting surveillance] abroad enormously complicated and [would] create more problems than it would solve.

In other words, Cooke seemed to be saying, commitments to foreign governments obligated the army to spy on American civilians overseas.

It was an extraordinary contention for any official to make, but it was not the only remark that left observers wondering about the analytical capacities of the DIRC. Cooke also contended that "in overseas areas the idea of investigative activity is intimately connected with and commingled with foreign intelligence operations and missions, whereas in the U.S. these two functions are easily separable." How sensitive counterespionage investigations came to be commingled with the army's rather indiscriminate and casual surveillance of dissident GPs and civilian activists was not explained, but the failure to draw a sharp line between these very different activities strongly suggests that the watchdog panel still is not on to the jurisdictional shell game which military intelligence has been playing with its civilian superiors since World War I.

#### Jurisdictional Shell Game

Unknown to most Americans, and apparently the DIRC, military intelligence has been watching civilian politics continually since 1917. By making use of one jurisdictional handle or another, it has managed to stay in the domestic intelligence business through both fat years and lean. Only the focus and the scale of the surveillance have changed, accord-



ing to the fears and budgets of the times.

The monitoring began during World War I with the creation of the Corps of Intelligence Police. The corps's primary domestic mission was to ferret out German spies and saboteurs, but before the war was over it had thousands of unpaid civilian volunteers filing reports on the alleged disloyalty of their neighbors. Its agents infiltrated labor unions and other radical groups, and arrested scores of political activists, some of whom were detained for days without charges before being turned over to civilian authorities.

When the war ended, the corps was instructed to cease its surveillance of civilians and destroy most of its files. Instead, it turned to the collection of civil disturbance intelligence, in the belief that socialists and communists were planning a Bolshevik-style revolution. Its commanders also took steps to conceal from civilian officials in the War Department the nature of their surveillance and their continued use of civilian informants. Eventually, socialist and pacifist newspapers revealed some of the corps's activities, and the president, the attorney general, and the secretary of war ordered a cutback. However, as historian Joan Jensen concluded in her 1968 book, *The Price of Vigilance*, "The attempts at restraint...merely drove the military intelligence underground." The surveillance continued until the corps itself was virtually eliminated by postwar economies.

Later in the interwar period, the surveillance was resumed on a much-reduced basis by the intelligence staffs of the stateside army corps. Army agents continued to attend meetings of radicals, and during 1931 and 1932 followed the veterans' Bonus March on Washington. They swapped domestic intelligence reports with the FBI, police departments, and a retired intelligence officer named Ralph Van Deman, who had gone into the industrial security business in 1928.

On the eve of World War II, army intelligence officers urged their civilian superiors to expand the corps's authority to monitor "fifth column" activities within the United States. This authority was not granted, but intelligence units proceeded on their own to monitor every aspect of civilian life. One unit in Chicago went so far as to bug a hotel room occupied by Mrs. Franklin D. Roosevelt. Toward the

South. The new watchword was "civil disturbance intelligence." As riots and mass demonstrations intensified, army agents broadened their sights to take in the entire civil rights, black power, antiwar, and campus protest movements.

In this brief history several patterns may be seen. First, each time the military's surveillance of civilian politics has expanded or been refocused, the initiative has come from within the intelligence bureaucracy itself. Civilian officials, although sometimes approached for general permission, apparently have been kept in the dark about the scope and methods of actual operations. Each time major excesses have come to their attention, usually through the press, the civilians have expressed surprise and disapproval, and have ordered the surveillance restricted. In every instance army intelligence remained in the political intelligence business simply by shifting the focus of its surveillance to some other area of internal security concern.

The recent monitoring of American civilians living in West Germany is a case in point. When the army's civilian chiefs cracked down on the civil disturbance intelligence program within the United States in 1970 and 1971, army agents did not cease watching politically active servicemen and their civilian friends. "Dissent within the military" provided the jurisdictional umbrella under which the surveillance of at least some civilian radicals continued, and reports on antiwar and black power groups, instead of being destroyed, were simply relabeled.

The jurisdictional umbrella looked legitimate, so the Pentagon's civilian chiefs apparently did not peek beneath it. Thus, a legitimate need for information -- to know whether civilian groups were soliciting servicemen to violate orders -- became the justification for copying the names of civilians from an impeachment petition. The off-post counseling of GI's by American clergymen, which under some circumstances might be an appropriate

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**L**ike  
any bureaucracy,  
military intelligence must  
always find new ways to  
justify its existence. If the  
solution is surveillance,  
the problem must be  
conspiracy.

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end of the war, excesses in the surveillance of civilians again prompted the army's civilian superiors to order a cutback, but again the restrictions were not entirely effective.

During the Cold War era, the army's security clearance and counter-intelligence programs provided a new umbrella for the surveillance of civilians. Since the loyalty of many Americans was openly doubted in Congress, army intelligence not only looked into the background of people being considered for clearances, but also amassed huge files for the purpose of checking the political complexion of any organizations with which an applicant for a clearance was affiliated. These "subversive files" were maintained by all major commands, and contained much information on the personal affairs of individuals who in no way were affiliated with the army.

During the 1960's, as enthusiasm for the loyalty side of security clearance investigations waned, army intelligence turned its attention to civil rights and white supremacy groups in the

subject for a preliminary inquiry by civilian authorities, was, under the military's counterdisinformation plan, the occasion for assigning military informants to infiltrate a highly respected church mission. Since the ends of the surveillance program were not questioned, the means by which it could be carried out were not specified. As a result, American agents tapped the telephone of an American citizen in Germany (in violation of the Status of Forces Agreement), listened to the privileged conversations of civilian American attorneys and their GI clients, and systematically rifled the first-class mail of American civilians living in Berlin.

### Military Motives

There is nothing sinister about the army's desire to watch civilian politics. The military has not sought to gather the kinds of information on key political leaders that would facilitate a coup. Rather, it has tried to improve its ability to put down riots when ordered to do so by the president, and to maintain its own security in the face of continual efforts by antiwar and antimilitary groups to undermine the legitimacy of military solutions and the obedience of enlisted men.

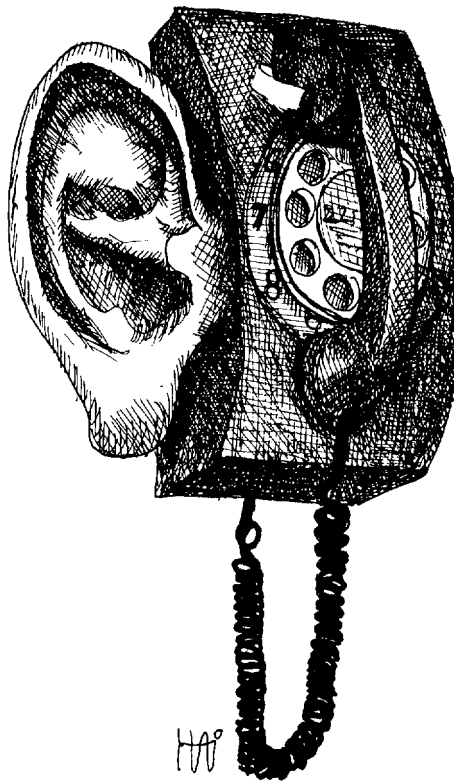
During the 1960's, while doctrinaire anticommunism was declining in American society, military intelligence maintained a strong hostility toward the quasi-marxists and quasi-communists of the New Left. Career intelligence officers continued to regard themselves as keepers of the symbols of allegiance. They were deeply offended by young men who burned the flag, destroyed their draft cards, refused to sign loyalty oaths, and demonstrated under the Vietcong flag. The parochialism of military life continues to foster these resentments.

However, even if the army intelligence bureaucracy were somehow to become a non-ideological cadre of fact-seeking professionals, the impulse to monitor civilians would not disappear. Like any bureaucracy, military

intelligence must always find new ways to justify its existence.

### The Weakness of Civilian Control

Of course, military intelligence could not succeed in monitoring civilian politics if the president and his appointees were fully in charge. However, the most striking fact to



emerge not only from recent disclosures but from the entire history of surveillance is the weakness of civilian control.

This finding contradicts the impression most Americans have had about the way government works. The idea that a policy with far-reaching implications can be made and carried out without the knowledge or approval of elected or appointed officials is alien to our theory of government. Yet that is precisely what has been happening within the domestic intelligence field for 50 years. The lines of communica-

tion and control on which democratic government depends have not existed. Civilian officials have continued to be separated from their intelligence experts by a huge gap in knowledge and assumptions — knowledge about what the agents in the field really do, and assumptions about the nature of the internal security problem and the role that intelligence operatives should play in its resolution.

### Breaking the Cycle

It would be unrealistic to hope that the Pentagon's civilian chiefs will ever be able to bring about more than a temporary pause in the military's surveillance of civilians.

Although opposition to government snooping in all its forms is better organized and more vocal today than at any time since the 1920's, military intelligence, a large surveillance bureaucracy with a weak claim to legitimacy, is not under effective control. In a few years, when the public has tired of Watergate and spy stories, the recent monitoring, like the massive surveillance of civilians that took place during World War I, will recede into history. The civilian chiefs will move on to other crises, and the regulations restricting surveillance they have issued will fade away. When another internal security crisis strikes, the intelligence bureaucracy will once again define the limits of its own authority.

There are two ways in which this cycle can be broken. One would be for the federal courts to rule in favor of the plaintiffs in the *Berlin Democratic Club* case and declare military surveillance of civilians unconstitutional. The other would be for Congress to forbid it. Both would be desirable, but, given the reluctance of the courts to write specific injunctions, a carefully worded statute containing enforceable remedies would provide the best remedy. ■

From the Summer 1974 issue of *The Civil Liberties Review*, published by John Wiley & Sons, Inc. Copyright © 1974 by the American Civil Liberties Review, Inc.

# THE CASE FOR SPYING

**S**pying probably has existed since the first human who perceived that the interests of other humans often conflicted with his, and that like it or not, he was in competition for the means of subsistence. One imagines an early cavedropper hiding behind a rock at the mouth of a neighboring cave in which was being discussed, *sotto voce*, a newly discovered mastodon-hunting ground.

On the face of it, the case for spying is clear and persuasive. We spy in order to discover that which others prefer to conceal from us. If the "others" are hostile or potentially hostile nations, we spy in self-defense. We spy to discern strengths, weaknesses, plans and intentions which are in our advantage to know. We spy because we must; and we spy because we can further our interests by doing so.

We owe our existence as a nation, in part, to a spy network that has been called "rag-tag" but which functioned admirably. As Allison W. Ind observes, George Washington not only appreciated the necessity for spying, he "exhibited that mixture of daring and caution which make up the successful intelligence director.... His was a tight, well-found net that worked perfectly throughout the war."

Spying traditionally has been considered an aspect of war and military operations. Since World War II, however, it has become a full-time

activity, come peace, war or "police action." Critics challenge peacetime spying; the late Allen W. Dulles, Director of Central Intelligence for eight Cold War years, would have countered with the claim that we are not really at peace. He writes, "What has changed is that now, for the first time, we face an adversary possessing the military power to mount a devastating attack directly upon the United States in a matter of minutes or hours...." Dulles argues the whole world is now "the arena of our conflict" and that we "cannot wait for evidences of the likelihood of hostile acts against us until after the decision to strike has been made by another power." He advises that our ability to forewarn ourselves can of its own be "one of the most effective deterrents to a potential enemy's appetite for attack."

To follow this logic is to conclude that our interests are affected by developments in virtually every corner of the globe, however remote. Nor is it any less logical to sharpen our vigilance here at home, by expanding counterintelligence activities against the threat of subversion. Such are the justifications offered by the intelligence community in rebuttal to allegations of improper and illegal conduct.

In his statement before the Defense Subcommittee of the House Appropriations Committee, William E. Colby, Director of Central Intelligence, ac-

knowledged that "there have been occasions when CIA may have exceeded its proper bounds," but that such operations "were undertaken in the belief that they fell within the Agency's charter" and that "any missteps by CIA... have been corrected...." Colby fears that the outcry "will result in serious damage to our country's essential intelligence work."

The FBI traces its authority to engage in domestic counterintelligence activities back to a directive from President Roosevelt in 1939. Director Clarence M. Kelley states that "The purpose of these counterintelligence programs was to prevent dangerous, and even potentially deadly, acts against individuals, organizations, and institutions.... They were designed to counter the conspiratorial efforts of revolutionary elements in this country.... Let me remind those who would criticize the FBI's actions that the United States Capitol *was* bombed...." The FBI's records on private citizens, maintains Kelley, are routine, essentially administrative, entirely legitimate, and would never be used for any questionable purposes.

John Ligonier is distressed that the case for spying hasn't received from its defenders the public airing it deserves. Ligonier warns that we may, as a result, be placing our national security in jeopardy.





# George Washington's Spy Network

Colonel Allison W. Ind

## Espionage during the Revolution may have lacked certain refinements, but modern intelligence could learn a few lessons from Major Tallmadge's group

The official as well as the popular attitude for a considerable period of time was that spying was un-American "reading the other gentleman's mail." This catch-phrase is expressive of a smug attitude, quite at variance not only with thousands of years of espionage reality, but with our own earlier history. Astute espionage repeatedly has served the country and even contributed to her establishment as an independent nation in the first place.

It is highly doubtful that the War of Independence could have been won by General Washington with only meager colonial resources to draw upon. The aid given by France was especially significant in determining the outcome.

Benjamin Franklin, aging as he was, sailed for France once it was obvious that war could no longer be averted. He knew the struggle would be long, bitter, and woefully draining upon the country. Never in history had a valuable colony won against a powerful and determined parent. France must help with money, men, and ships.

Immensely popular with the French, Franklin was also a realist. He knew that Louis XVI was himself hard-pressed; it would take more than charm to convince him of the wisdom of backing the colonies. The king reflected. What was the true depth of American revolutionary spirit? What part of the population did Franklin really represent? What were the colonial resources in men and materials?

To these questions of strategic and tactical intelligence Louis required answers. The so-called "Baron de Kalb" was sent with overt missions to

the colonies. But his secret task was to satisfy Louis's requirements for a critical intelligence estimate.

Meanwhile, with winning social ways, Franklin was playing an informed, sure-handed game of his own at his headquarters in Passy. Not only the activity of the French court, but the



BARON DE KALB

very mind of George III of England was revealed to him. In London a remarkable woman named Patience Wright, formerly of New Jersey, operated a wax museum. So accepted was she at the Court of St. James's that

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*The late Colonel Allison W. Ind was co-founder (with General Douglas MacArthur) and Deputy Director of the Allied Intelligence Bureau in Melbourne, Australia during World War II. After the war, Col. Ind was Director of Technical Laboratories of the U.S. Army Intelligence School. This article was excerpted from his book A Short History of Espionage (McKay, 1963).*

she addressed the royal couple as "George" and "Charlotte." She also addressed many secret communications to Franklin.

But Louis still waited for de Kalb's estimate. When it came, the French king studied it and decided to advance the sorely needed foodstuffs and war matériel. There were some ten million *livres* in money, too, as a gift, and a total of forty millions in loans, about \$200,000 and \$800,000 respectively.

It is only fair to add that Franklin himself was being efficiently spied upon by one who posed as his intimate friend. As a scientist of advanced thinking, Franklin found more than mere congeniality in the person of a certain eminent British chemist named Edward Bancroft, the inventor of a dye process and an amateur philosopher of modest measure. And Dr. Bancroft was genuinely engaged with the massive intellect and winning personality of Franklin. But he was a staunch Tory, too. Perhaps he once had hopes of reconverting the great Franklin to Tory convictions, but failing that, he sought to neutralize Franklin's efforts against King George. The two men apparently became firm friends.

In this atmosphere, it was no hard task for Bancroft to inform himself of Franklin's plans and actions. Bancroft would take his leave on occasion, giving as his reason for going to England his eagerness to act as an agent for the American delegation. He would next be seen in the Court of St. James's. Here he communicated all that he had learned to King George. Then he would return to France to resume his contact with Franklin, revealing to him documents and other

data he allegedly had collected on Franklin's behalf while in London. Actually, the material Bancroft brought had been carefully collated and censored by Lords Wentworth and Suffolk, acting for the King.

If Franklin suspected that he was being tricked, evidence of it has yet to be uncovered. But in the larger scheme Franklin triumphed, and vital French aid came to America.

And now we come to Washington himself, who gave the Continental Army its first intelligence organization, rudimentary as it was. The records indicate that this was in August of 1778, and that the first director, if that is not too grand a term, was Major Benjamin Tallmadge. Tallmadge, a Connecticut cavalry commander, was instructed to recruit agents for missions back of British lines, especially in the headquarters of Generals Howe and Clinton.

General Washington himself exhibited that mixture of daring and caution which make up the successful intelligence director. He bade Tallmadge to report directly to him but on no account to bring along any of his recruited agents. That would constitute an "impropriety" which, if discovered by the enemy, would "blast the whole design."

Resourceful spies on the American side used other means of communication as well. There was Thomas Rivington, editor and printer of the *New York Gazette*. Slow to warm to the colonial cause, he nevertheless came all the way round. But there was nothing in the columns of his newspaper to show it. On the contrary, Tory supporters in New York were delighted with his ever more fiery abuse of the Whigs and all their works. This was but a clever cover for the work he secretly was doing for Washington. With entrée everywhere in occupied New York, he enjoyed many confidences. The vital gist of them found their way to Washington via tissue paper expertly bound in the covers of school textbooks.

Tallmadge learned his business rapidly. For one thing there was always before him the bitter reality of what unsuccessful espionage could mean. Two years before, a college mate of his had died with magnificent courage at a rope's end when convicted by the British of spying. His alleged last words were to stir the hearts of his countrymen: "I regret that I have but one life to give for my country."

Nathan Hale's execution by the British stirred as much controversy as would that of Major John André by the American forces some years later

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## **G**eneral Washington himself exhibited that mixture of daring and caution which make up the successful intelligence director.

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when the treason of Benedict Arnold blew up in the astounded faces of the colonials. Cries of "murder" were angrily hurled against the British commanders when Hale died.

But unfortunately for the accusers, it would appear that Nathan Hale satisfied all the requirements of a candidate for a spy's death. True, he was a captain in a regular Connecticut unit. But when taken by the British he was not in uniform but in the garb of a Dutch schoolmaster. Furthermore, while records of the affair are very sketchy and generally unsupported by documents, it would appear that he had military information on notes secreted in his shoes.

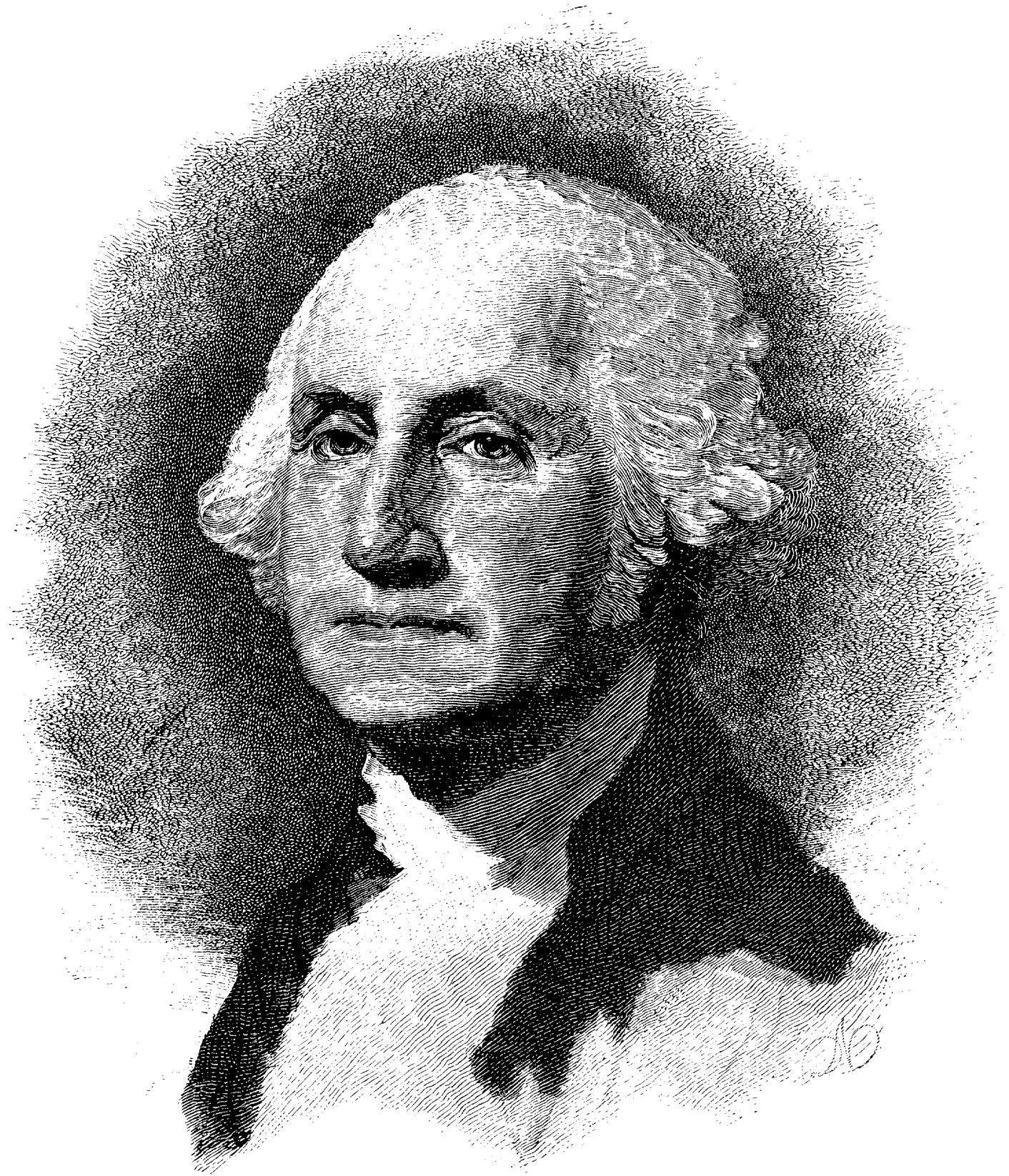
General Washington had been in sore need of information on British disposition and intentions applying to the New York area. He urged individual commanders to get it. Hale, who had both friends and relatives in the area north of New York, apparently believed he could penetrate the British zone.

Accounts vary, but evidently he succeeded in gathering good data and was on his way back. At an inn where he was to await a boatman to ferry him across a stream, he is believed to have been recognized by a Tory sympathizer who knew Hale for a Continental. Awaiting him at the ford was not the friendly ferryman but the redcoats.

He was hanged the next day. It is said that his request for a Bible was refused by the British Commander. Washington was informed of his death by a flag-of-truce courier from Howe's headquarters.

Was it bitterness over the Hale execution that hardened the heart of General Washington four years later when appeals were made directly to him to spare the life of the handsome young Major John André? Even British writers have stated that the American commander-in-chief was too big a man for that. Was it overwhelming disillusionment over the treason of Benedict Arnold? Not likely either. Yet there was ample justification for a pardon had Washington been inclined that way, for André's case turned on a very fine point: when does a military scout become a common spy and therefore a candidate for the noose or firing squad? André was not on a spy mission when taken back of American lines. He was a scout sent by the British to meet the traitorous General Arnold, still in the American uniform he so thoroughly disgraced, and at Arnold's own request.

A vain, brilliant man who from childhood had shown a besetting impatience with anything that did not move rapidly and move in his direction, Arnold had come under severe censure for social conduct unbecoming an officer. Despite exoneration on all but two relatively trivial counts, for which Washington almost apologetically reprimanded him, he apparently nursed injured feelings. Thus when the Continental Congress passed him over for promotion to major general despite an impressive military record, he



indulged himself in a full-blown persecution complex and apparently then decided that he would sell out to the highest bidder.

Washington still believed in him, even after Arnold had taken no pains to hide his displeasure at being given an active field assignment, which normally would have pleased such an able commander. Washington thereupon changed the assignment, naming Arnold to command West Point. It was a fateful decision. West Point was so strategically important that should it be lost by the Continental Army, a wedge would be driven, splitting the sorely-tried new nation north and south. It would be a blow from which Washington's forces probably could not rally and Clinton knew it as well as Washington. But he lacked the force needed to effect such a stroke. Arnold knew it, too. What would the British pay for his cooperation that would guarantee the fall of West Point and the delivery of its garrison?

Arnold sought unsuccessfully to get lists of American spies of the line-crosser type. Presumably he hoped to make use of one or more of them to open a line of communication with Clinton. A woman going to New York ostensibly on family matters and moving under a flag of truce actually was the first messenger for Arnold, knowingly or not.

Clinton then cast about for an absolutely trustworthy and suitably daring scout to make contact with Arnold. His choice fell upon a young Swiss whose parents had settled in London. The military life had not been the choice of André and, but for a maid who had not returned his affections, he might have died quietly in a bed at a ripe age. Broken-hearted, André joined the British military. His excellent qualities marked him for early promotion.

At some time in his career he had made the acquaintance of Benedict Arnold. The schemer apparently felt on safe ground with André. Things proceeded apace. There remained the need for only one final meeting.

The British sloop *Vulture* sailed silently up the Hudson to a rendezvous

six miles below Stony Point. The meeting took place on shore in the dark of midnight.

The final negotiations should have required only a couple of hours. But Arnold was effusive. Doubtless the thought of what he could do with \$20,000 had some bearing on it. He made light of André's nervousness and insisted that the young man breakfast with him at the farmhouse of one Joshua Smith, an intriguer himself. Reluctantly, André agreed.

Hardly had they sat down when the air thudded with the fire of heavy guns. The Americans had surprised the *Vulture*. To André's dismay, he saw her swing about and race downstream.

Again Arnold's optimism prevailed. He would personally escort André to a point where the latter could go through the lines. But first he must change into civilian clothes. After all, an American general and a British major could not be seen strolling about.

André knew the rules of war. Yet once more he let Arnold prevail upon him. Arnold did escort him to a favorable point, then gave him a safe conduct pass under a fictitious name.

André was beginning to think he might get away with it, when he was accosted by three men in the woods. To his great relief, he noted that they wore the greatcoats of British soldiers. He said to them: "Good morning, gentlemen. I hope you belong to our party."

The three stared at him. "What party?" asked one.

"Why the lower party," André replied, nodding toward the British lines.

He was invited to prove it. That was only natural. He explained that he had a pass signed by the American General Arnold. "But," he explained, "my right name is engraved in my watch."

To his astonishment, he was seized. The men were colonials who had come upon abandoned British overcoats and had gladly appropriated them for warmth.

Major Tallmadge now came upon the scene. He is credited with having suspected irregularities around West

Point, although whether he had any definite information concerning Arnold is doubtful. He personally escorted André to General Washington, but the commander-in-chief refused to see him. Tried by a court-martial of ranking officers, he was sentenced to die.

General Clinton immediately wrote to Washington, appealing for André's life. As an enclosure was an astounding explanation written by *Arnold* as to how it came about that André was wearing civilian clothes.

Doubtless Washington was suffering acutely. He remained stonyfaced before a deputation of British officers who appealed to him under a flag of truce. André was hanged, as Nathan Hale had been.

It is history's tribute to André that even the Americans lauded his bravery and high principles while excoriating the opposite qualities in their own general, Arnold.

Arnold escaped to the British and later led enemy troops against the colonials. He died in England, his passing ignored by the press, and in consequence unknown even to some who might have found it in their hearts to plead for mercy upon his soul.

The dismal precedents of Hale and André did not discourage Tallmadge. His was a tight, well-found net that worked perfectly throughout the war. It is noteworthy that all of the men used operational names, Tallmadge's being Mr. John Bolton. None in the Continental service but the commander-in-chief ever knew that the cavalry commander was anything or anyone else than just that. There were others in Tallmadge's organization, of course. But he preferred quality to quantity. That might have had something to do with the fact that there never was a serious compromise in the whole seven years of the struggle. Unfortunately, it was a lesson little noted and less heeded by his successors in the business some generations later. ■

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# The Need for Intelligence

Allen W. Dulles

## In an age of push-button warfare, effective intelligence is our best insurance against disastrous surprises

In our time, the United States is being challenged by a hostile group of nations that profess a philosophy of life and of government inimical to our own. This in itself is not a new development; we have faced such challenges before. What has changed is that now, for the first time, we face an adversary possessing the military power to mount a devastating attack directly upon the United States, and in the era of nuclear missiles this can be accomplished in a matter of minutes or hours with a minimum of prior alert.

To be sure, we possess the same power against our adversary. But in our free society defenses and deterrents are largely prepared in an open fashion, while our antagonists have built up a formidable wall of secrecy and security. In order to bridge this gap and help to provide for strategic warning, we have to rely more and more upon our intelligence operations.

The Departments of State and Defense are collecting information abroad, and their intelligence experts are analyzing it, preparing reports and doing a good job of it. Could they not do the whole task?

The answer given to this question fifteen years ago by both the executive and legislative branches of our government was "No." Underlying this decision was our growing appreciation of the nature of the Communist menace, its self-imposed secrecy and the security measures behind which it prepares its nuclear missile threat and its subversive penetration of the Free World.

Great areas of both the Soviet Union and Communist China are sealed off from foreign eyes. These

nations tell us nothing about their military establishments that is not carefully controlled, and yet such knowledge is needed for our defense and for that of the Free World. They reject the principle of inspection which we have considered essential to a controlled disarmament. They boldly

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proclaim that this secrecy is a great asset and a basic element of policy. They claim the right to arm in secret so as to be able, if they desire, to attack in secret.

Against them the overt intelligence collection work of the State and Defense Departments, though of great value, is not enough. The special techniques which are unique to secret intelligence operations are needed to penetrate the security barriers of the Communist Bloc.

*The late Allen W. Dulles was Director of Central Intelligence for the United States from 1953 to 1961. This article has been excerpted from his book, The Craft of Intelligence (Harper & Row, 1963).*

Today's intelligence service also finds itself in the situation of having to maintain a constant watch in every part of the world, no matter what may at the moment be occupying the main attention of diplomats and military men. Our vital interests are subject to attack in almost every quarter of the globe at any time.

A few decades ago no one would have been able or willing to predict that in the 1960's our armed forces would be stationed in Korea and be deeply engaged in South Vietnam, that Cuba would have become a hostile Communist state closely allied with Moscow, or that the Congo would have assumed grave importance in our foreign policy. Yet these are all facts of life today. The coming years will undoubtedly provide equally strange developments.

Today it is impossible to predict where the next danger spot may develop. It is the duty of intelligence to forewarn of such dangers, so that the government can take action. No longer can the search for information be limited to a few countries. The whole world is the arena of our conflict. In this age of nuclear missiles even the Arctic and the Antarctic have become areas of strategic importance. Distance has lost much of its old significance, while time, in strategic terms, is counted in hours or even minutes. The oceans, which in World War II still protected this country and allowed it ample time to prepare, are as broad as ever. But now they can be crossed by missiles in a matter of minutes and by bombers in a few hours. Today the United States is in the front line of attack, for it is the prime target of its

adversaries. No longer does an attack require a long period of mobilization with its telltale evidence. Missiles stand ready on their launchers, and bombers are on the alert.

Therefore, an intelligence service today has an additional responsibility, for it cannot wait for evidence of the likelihood of hostile acts against us until after the decision to strike has been made by another power. Our government must be both forewarned and forearmed. The situation becomes all the more complicated when, as in the case of Korea and Vietnam, a provocative attack is directed not against the U.S. but against some distant overseas area which, if lost to the Free World, would imperil our own security. A close-knit, coordinated intelligence service, continually on the alert, able to report accurately and quickly on developments in almost any part of the globe, is the best insurance we can take out against surprise.

The fact that intelligence is alert, that there is a possibility of forewarning, could itself constitute one of the most effective deterrents to a potential enemy's appetite for attack. Therefore the fact that such a weapon of warning can be created should not be kept secret but should be made well known, though the means and mechanics of warning should remain secret. Intelligence should not be a tabooed subject. What we are striving to achieve and have gone far toward achieving — the most effective intelligence service in the world — should be an advertised fact.

In addition to getting the information, there is also the question of how it should be processed and analyzed. I feel that there are important reasons for placing the responsibility for the preparation and coordination of our intelligence analyses with a centralized agency of government which has no responsibility for policy or for choosing among the weapons systems which will be developed for our defense. Quite naturally policy makers tend to become wedded to the policy for which

they are responsible, and State and Defense employees are no exception to this very human tendency. They are likely to view with a jaundiced eye intelligence reports that might tend to challenge existing policy decisions or require a change in cherished estimates of the strength of the Soviets in any particular military field. The most serious occupational hazard we have in the intelligence field, the one that causes more mistakes than any foreign deception or intrigue, is prejudice. I grant that we are all creatures of prejudice, including CIA officials, but

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by entrusting intelligence coordination to our central intelligence service, which is excluded from policy making and is married to no particular military hardware, we can avoid, to the greatest possible extent, the bending of facts obtained through intelligence to suit a particular occupational viewpoint.

At the time of Pearl Harbor high officials here and abroad were convinced that the Japanese, if they struck, would strike southward against the soft underbelly of the British, French and Dutch colonial area. The likelihood that they would make the initial move against their most dangerous antagonist, the United States, was discounted. The attacks on Hawaii and the Philippines, and the mishandling of the intelligence we then had, greatly influenced our government's

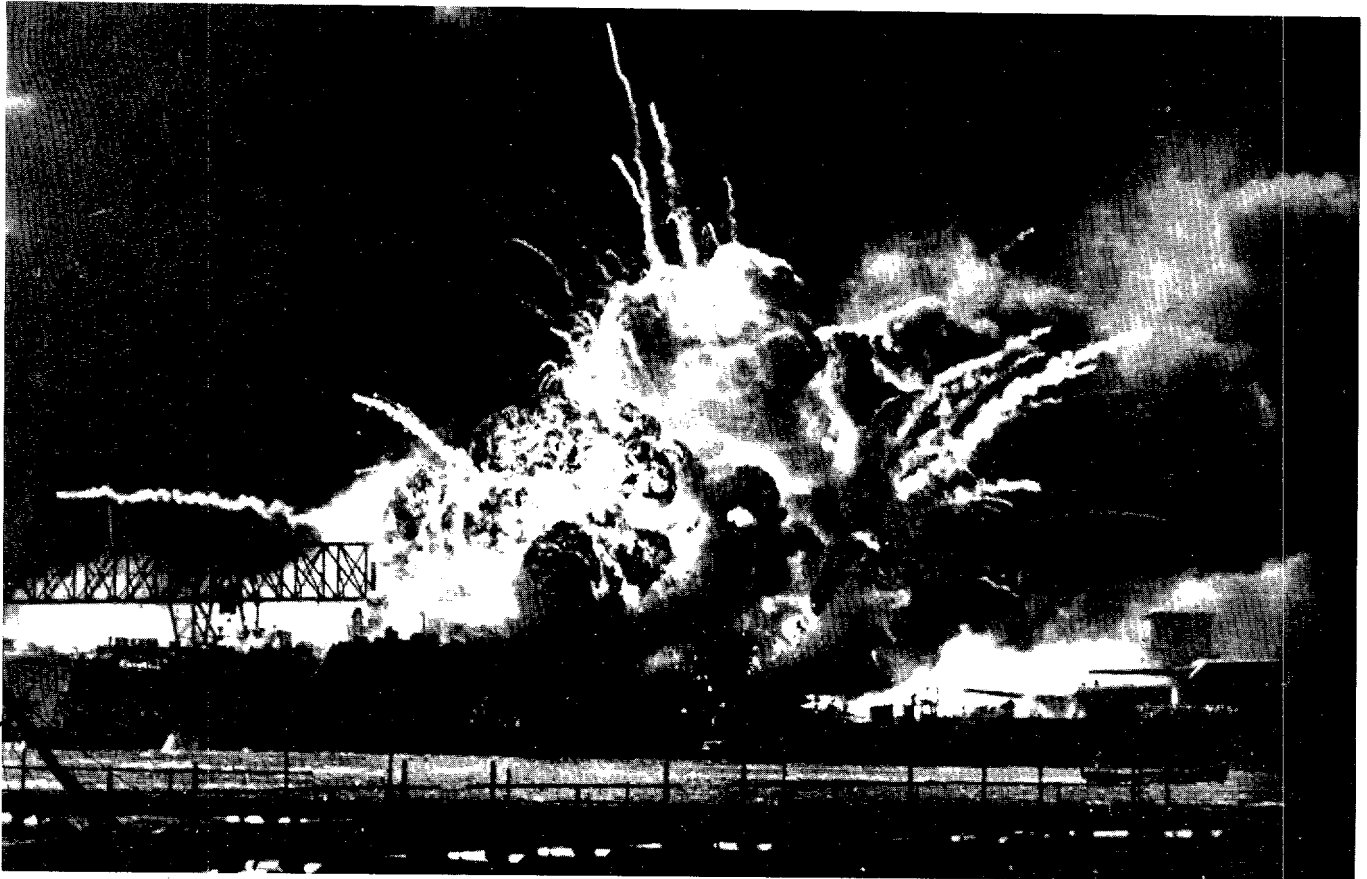
later decision on how our intelligence work should be organized. While the warnings received before the attack may not have been clear enough to permit our leaders to pinpoint Hawaii and the Philippines, they should at least, if adequately analyzed, have alerted us to imminent danger in the Pacific.

If anyone has any doubt about the importance of objective intelligence, I would suggest a study of other mistakes which leaders have made because they were badly advised or misjudged the actions or reactions of other countries. When Kaiser Wilhelm II struck at France in 1914 and was persuaded by his military leaders that the violation of Belgian neutrality was essential to military success, he relied too heavily on their judgment that England would not enter the war — despite the warnings he received from the political side. Here was a gross failure to appraise the intelligence available.

In the days prior to World War II, the British Government, despite Churchill's warnings, failed to grasp the dimensions of the Nazi threat, especially in aircraft.

Hitler likewise, as he launched into World War II, made a series of miscalculations. He discounted the strength and determination of Britain; later he opened a second front against Russia in June, 1941, with reckless disregard of the consequences. When in 1942 he was reportedly advised of the plan for an American-British landing in North Africa, he refused to pay attention to the intelligence available to him. I was told that he casually remarked, "They don't have the ships to do it."

Today a new threat, practically unknown in the days before the Communist revolution, has put an added strain on our intelligence capabilities. It is the Communist attempt — which we began to comprehend after World War II — to undermine the security of free countries. As this is carried on in secret, it



Pearl Harbor December 7, 1941.

requires secret intelligence techniques to ferret it out and to build up our defenses against it.

In the Soviet Union we are faced with an antagonist who has raised the art of espionage to an unprecedented height, while developing the collateral techniques of subversion and deception into a formidable political instrument of attack. No other country has ever before attempted this on such a scale. These operations, in support of the U.S.S.R.'s over-all policies, go on in times of so-called thaw and under the guise of coexistence with the same vigor as in times of acute crisis. Our intelligence has a major share of the task of neutralizing such hostile activities, which present a common danger to us and to our allies.


There is a fundamental question about our intelligence work which, I realize, worries a good many people. Is it necessary, they ask, for the United

States with its high ideals and its traditions to involve itself in espionage, to send U-2's over other people's territory, to break other people's coded messages?

Many people who understand that such activities may be necessary in wartime still doubt that they are justified in time of peace. Do we spy on friend and foe alike, and do we have to do it merely because another less scrupulous and less moral type of country does it to us? I do not consider such questions improper, frivolous or pacifist.

Personally, I see little excuse for peacetime spying on our friends or allies. Apart from the moral issues, we have other and far more important ways of using our limited intelligence resources. Also, there are other ways of getting the information we need through normal diplomatic channels. Of course, we have to take into

account the historical fact that we have had friends who became enemies — Germany on two recent occasions, and Italy and Japan. Hence, it is always useful to have “in the bank” a store of basic intelligence — most of it not very secret — about all countries.

But the answer to the question of the need for intelligence, particularly on the Communist Bloc, is that we are not really “at peace” with them, and we have not been since Communism declared its own war on our system of government and life. We are faced with a closed, conspiratorial, police-dominated society. We cannot hope to maintain our position securely if this opponent is confident that he can surprise us by attacking the Free World at the time and place of his own choosing and without any forewarning. 

From the book *The Craft of Intelligence*. Copyright © 1963 by Allen W. Dulles. Reprinted by permission of Harper & Row, Publishers, Inc.



# Can We Do Without Secret Intelligence Operations?

William E. Colby

## Exaggerations and misrepresentations of the CIA's activities may cripple our intelligence apparatus . . . and our country

Our national intelligence agency, the CIA, is the object of great attention and concern. A series of serious allegations has been made by the press and other critics about our operations and activities.

At the same time, a number of responsible Americans are concerned that a degree of hysteria can develop that will result in serious damage to our country's essential intelligence work.

There is equally serious concern within the CIA itself as to whether its personnel can continue to make their important contribution to our country or will be the target of *ex post facto* sensationalism and recrimination for actions taken at earlier times under a different atmosphere than today's.

I welcome this opportunity to describe the importance of our intelligence, how it works and what it does, and the small extent to which its activities may in past years have come close to or even overstepped proper bounds. We certainly make no claim that nothing improper occurred, but we do think it important that such incidents be given only their proper proportion.

It would perhaps be useful to start by reviewing some of the allegations made recently about the CIA.

The leading charge was that, in direct violation of its charter, CIA conducted a "massive illegal domestic intelligence operation" against the anti-Vietnam war and other dissident elements in recent years. In my testimony to the Senate Appropria-

tions and Armed Services Committees, on 15 and 16 January, I flatly denied this allegation. I pointed out that CIA instead had conducted a counterintelligence operation directed at possible foreign links to American dissidents, under the authority of the

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National Security Act and the National Security Council Intelligence Directives which govern its activities and in response to presidential concern over this possibility. Thus this operation was neither massive, illegal, nor domestic, as alleged.

The same allegations stated that "dozens of other illegal activities," including break-ins, wiretapping, and

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*William E. Colby, who as a member of OSS parachuted behind enemy lines in 1944 to work with a resistance unit in France, has been Director of Central Intelligence since September 1973. This article was excerpted from his statement before the Defense Subcommittee of the House Appropriations Committee on February 20, 1975.*

surreptitious inspection of mail, were undertaken by members of the CIA in the United States beginning in the 1950's. Again I reported to the Senate Appropriations and Armed Services Committees a few such activities that in fact occurred. I pointed out that most such actions were taken under the CIA's general charge to protect intelligence sources and methods against unauthorized disclosure. Whether or not they were appropriate, there are very few institutions in or out of government which in a 27-year history do not on occasion make a misstep, but in CIA's case such instances were few and far between and quite exceptional to the main thrust of its efforts.

Another published allegation was that CIA, through Agency-owned corporate structures organized to provide apparent sponsorship for its overseas operations, manages a "\$200-million-a-year top-secret corporate empire" which could circumvent the will of Congress. This allegation is false. CIA does maintain certain corporate support structures that are essential to conducting its operations and concealing CIA's role overseas. These activities are managed, however, in the most meticulous manner by CIA to ensure the safekeeping of the Government's investment, and to audit these activities to ensure that they stay within proper bounds.

One individual continues to give national prominence to an allegation that CIA was somehow more involved in Watergate and its cover-up than has been demonstrated publicly. His lack





of credibility should cause the charge to fall of its own weight, but in addition I believe the extensive investigations made into this subject, and in particular the tapes most recently released, indicate that CIA's limited assistance in 1971 certainly had nothing to do with the Watergate in 1972, and that CIA was the institution that said "No" to the cover-up rather than be involved in it.

These exaggerations and misrepresentations of CIA's activities can do irreparable harm to our national intelligence apparatus and if carried to the extreme could blindfold our country as it looks abroad. I need not stress the importance of intelligence work to our defense. May I only remind you that our intelligence must not only tell us what threats we face today but also what threats are on the drawing boards or in the research laboratories of potential enemies that might threaten us some years hence.

I would like to stress another aspect of intelligence today — its contribution to peace-keeping. Aside from its assistance to our ability to make treaties to reduce tensions between us and other nations, it has on occasion provided our government information

with which it has been able to convince other nations not to initiate hostilities against their neighbors. This peace-keeping role can grow in importance as our intelligence coverage improves. Correspondingly, it can decline if our

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intelligence machinery is made ineffectual through irresponsible exposure or ill-founded exaggeration.

CIA does carry out some of its activities within the United States. About three-fourths of its employees live and work in this country. Most are in the Washington Metropolitan Area, performing analysis, staff direction,

administrative support and headquarters activities. About ten percent of CIA's employees work in the United States outside the headquarters area. They perform support functions that must be done in the United States, such as personnel recruitment and screening or contracting for technical intelligence devices. They also collect foreign intelligence here. Much information on the world is available from private American citizens and from foreigners within the United States.

CIA's Domestic Collection Division has representatives in 36 American cities. These representatives contact residents of the United States who are willing to share with their government information they possess on foreign areas and developments. They provide this information voluntarily, in full awareness that they are contributing information to the government. They are assured that their relationship will be kept confidential and that proprietary interests, say on the part of a businessman, will not be compromised. This program focuses exclusively on the collection of information about foreign areas and developments.

The Foreign Resources Division of CIA was known until 1972 as the

Domestic Operations Division. Its principal mission is to develop relationships with foreigners in the United States who might be of assistance in the collection of intelligence abroad. In this process it also collects foreign intelligence from foreigners in the United States. It has offices in eight U.S. cities, and its work is closely coordinated with the FBI, which has the responsibility for identifying and countering foreign intelligence officers working within the United States against our internal security.

The Agency's Office of Security has eight field offices in the United States, engaged in conducting security investigations of individuals with whom CIA maintains some relationship -- employment, contractual, informational, or operational. In order not to reveal during the investigation process the fact of CIA's connection with the individual, which might destroy the basis of the relationship, such investigators normally do not identify themselves as working for CIA. Another responsibility of the Office of Security is the investigation of unauthorized disclosures of classified intelligence.

CIA conducts a broad program of research and development, largely through contracts with U.S. industrial firms and research institutes. In many such contracts, CIA sponsorship of the project must be hidden from many of the individuals working on the program itself. This was the case in the development of the U-2 aircraft, for example, so that the ultimate purpose of the aircraft, to fly over hostile territory for photographic purposes, would not be known beyond the necessary small circle. Operations of this sort require complicated cover and funding arrangements. It is for this purpose that the CIA does maintain a variety of arrangements within the private sector.

In addition to these direct activities, the Agency has cooperated and collaborated with a number of governmental elements in the United States. This begins with the extensive collab-

oration and coordination with the other elements of the intelligence community, such as the Department of Defense and the Federal Bureau of Investigation.

As I noted earlier, in the course of these various activities there have been occasions when CIA may have exceeded its proper bounds. I have outlined a number of these in my report to the Senate Appropriations Committee. I think it important to make three points with respect to any such events:

1. They were undertaken in the belief that they fell within the Agency's charter to collect foreign intelligence or to protect intelligence sources and methods.

2. The Agency has held and adhered to the principle that its responsibilities lie in the field of foreign

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**I**ntelligence sources and methods do not have the kind of protection provided by the criminal penalties that apply to the unauthorized revelation of income tax returns, census returns, and cotton statistics.

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intelligence and not domestic intelligence, and any of the above activities were believed to have been related to foreign intelligence.

3. Any missteps by CIA were few and far between, have been corrected, and in no way justify the outcry which has been raised against CIA.

In May 1973 Director Schlesinger issued a notice to all CIA employees instructing and inviting them to report to him or to the Inspector General any matter in CIA's history which they deemed questionable under CIA's charter. This instruction has been made a matter of regulation within

CIA and is brought to the attention of each employee once a year. As a result of the May 1973 memorandum, various incidents were collected and brought to the attention of the Chairman of the House and the Acting Chairman of the Senate Armed Services Committees. They were then used as the basis of a very specific series of internal instructions issued in August 1973 directing the termination, modification, or other appropriate action with respect to such incidents in order to ensure that CIA remains within its proper charter. These instructions have been carried out and are periodically reviewed to ensure continued compliance.

It appears that some version of these matters came to the attention of *The New York Times* reporter who wrote the article of December 22, 1974. A day or two before the article appeared, he contacted me stating he had obtained information of great importance indicating that CIA had engaged in a massive domestic intelligence activity, including wiretaps, break-ins, and a variety of other actions. In response to his request, I met with him and explained to him that he had mixed and magnified two separate subjects, i.e., the foreign counterintelligence effort properly conducted by CIA and those few activities that the Agency's own investigation had revealed and terminated in 1973. He obviously did not accept my explanation and, instead, alleged that CIA had conducted a "massive illegal domestic intelligence operation." I am confident that the investigations of the President's Commission and the Select Committees will verify the accuracy of my version of these events. I also believe that any serious review of my report to the Senate Appropriations Committee will show that I essentially denied his version rather than confirmed it as some have alleged.

These last two months have placed American intelligence in danger. The almost hysterical excitement that surrounds any news story mentioning

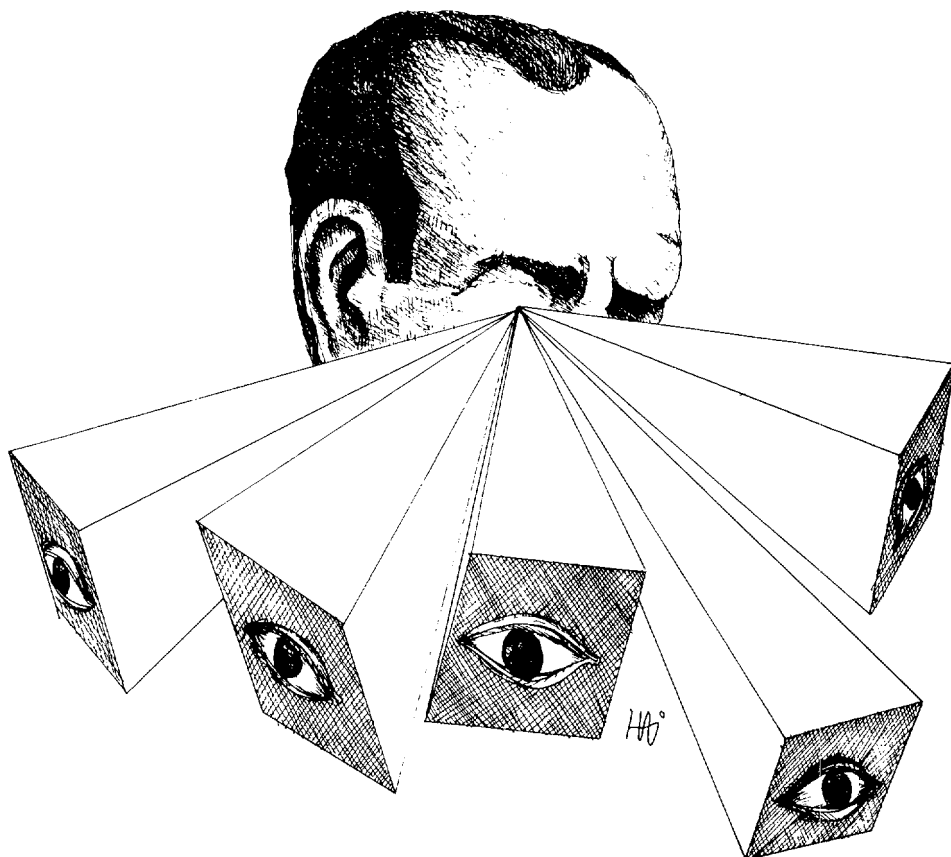
CIA, or referring even to a perfectly legitimate activity of CIA, has raised the question whether secret intelligence operations *can* be conducted by the United States. A number of the intelligence services abroad with which CIA works have expressed concern over its situation and over the fate of the sensitive information they provide to us. A number of our individual agents abroad are deeply worried that their names might be revealed with resultant danger to their lives as well as their livelihoods. A number of Americans who have collaborated with CIA as a patriotic contribution to their country are deeply concerned that their reputations will be besmirched and their businesses ruined by sensational misrepresentations of this association. And our own employees are torn between the sensational allegations of CIA misdeeds and their own knowledge that they served their nation during critical times in the best way they knew how.

I believe it is time for a review of what this nation needs and wants in the field of intelligence and the determination therefrom, of *how*, and consequently *whether*, American intelligence will operate. In this process, I believe four things are necessary.

First, it is essential that a sober and responsible review of our intelligence apparatus take place. By reason of the sensitivity of some of these matters, it is essential that it be conducted without a sequence of sensational allegations and exposures.

Second, the inquiries must be conducted in a manner that protects the secrecy of these sensitive matters *after* as well as *during* the investigations. There must not only be no exposure of our most sensitive material, such as the names of our agents and collaborators and the specifics of our sensitive technical machinery, there must not even be a *risk* that this occur.

Third, I look forward to clarification from these inquiries of the proper authority and limitations of American intelligence.



Fourth, I believe it essential to improve our tools to protect those secrets necessary to the success of American intelligence and even the conduct of foreign policy. I am charged by the National Security Act with the protection of intelligence sources and methods from unauthorized disclosure. But intelligence sources and methods do not have the kind of protection provided by the criminal penalties that apply to the unauthorized revelation of income tax returns, census returns, and cotton statistics. One of our ex-employees has recently published a book abroad, where he is out of range of our injunction process, in which he claims to reveal the name of every individual, American and foreign, that he could remember working with, acknowledging the "important encouragement" of

the Communist Party of Cuba in writing the book. I believe it absurd for anyone to be immune from criminal prosecution for such an act.

American intelligence today, thanks to the dedicated work of thousands of professionals, and in particular my predecessors in this post, has improved in quality to a degree undreamed of a few decades ago. Thanks to it, our government's policy makers can draw on factual information and reasoned analysis in cases where until recently they had to rely only on hunches, circumstantial evidence, and cautious hopes. It is not only helping our government to be better informed about the complex world in which we live, it is also serving the Congress and the people to help them play their full role in American decision making. ■

# The FBI's Rebuttal

Clarence M. Kelley

## Why the FBI counterintelligence programs were necessary ... and why its recordkeeping on members of Congress is neither improper nor hostile

Statement of  
November 18, 1974:

### Counterintelligence Programs

Attorney General William B. Saxbe today has released a report regarding FBI counterintelligence programs. The report was prepared by a Justice Department committee, which included FBI representatives, that was specially appointed early this year to study and report on those programs.

Since taking the oath of office as Director on July 9, 1973, I also have made a detailed study of these same FBI counterintelligence programs.

The first of them — one directed at the Communist Party, USA — was instituted in September, 1956. None of the programs was continued beyond April, 1971.

The purpose of these counterintelligence programs was to prevent dangerous, and even potentially deadly, acts against individuals, organizations, and institutions — both public and private — across the United States.

They were designed to counter the conspiratorial efforts of revolutionary elements in this country, as well as to neutralize extremists of both the Left and the Right who were threatening, and in many instances fomenting, acts of violence.

The study which I have made convinces me that the FBI employees involved in these programs acted entirely in good faith and within the bounds of what was expected of them by the President, the Attorney General, the Congress, and the American people.

Each of these counterintelligence programs bore the approval of the then-Director J. Edgar Hoover.

Proposals for courses of action to be taken under these programs were subject to approval in advance, as well as to constant review, by FBI Field Office and Headquarters officials.

Throughout the tenure of these programs, efforts admittedly were made to disrupt the anarchistic plans

**The purpose of these counterintelligence programs was to prevent dangerous, and even potentially deadly, acts against individuals, organizations, and institutions... across the United States.**

and activities of violence-prone groups whose publicly announced goal was to bring America to its knees. For the FBI to have done less under the circumstances would have been an abdication of its responsibilities to the American people.

*Prior to his confirmation as Director of the Federal Bureau of Investigation in July 1973, Clarence M. Kelley was Chief of Police in Kansas City, Missouri. His background includes 20 years' service with the FBI. The two recent public statements which comprise this article have been slightly abbreviated.*

Let me remind those who would not criticize the FBI's actions that the United States Capitol was bombed; that other explosions rocked public and private offices and buildings; that rioters led by revolutionary extremists laid siege to military, industrial, and educational facilities; and that killings, maimings, and other atrocities accompanied such acts of violence from New England to California.

The victims of these acts of violence were human beings — men, women, and children who looked to the FBI and other law enforcement agencies to protect their lives, rights, and property. An important part of the FBI's response was to devise counterintelligence programs to minimize the threats and the fears confronting these citizens.

In carrying out its counterintelligence programs, the FBI received the personal encouragement of myriad citizens both within and without the government. Many Americans feared for their own safety and for the safety of their government. Others were revolted by the rhetoric of violence and the acts of violence that were being preached and practiced across our country by hard-core extremists.

I invite your attention to the gravity of the problem as it then existed, as well as the need for decisive and effective counteraction by the criminal justice and intelligence communities.

I want to assure you that Director Hoover did not conceal from superior authorities the fact that the FBI was engaging in neutralizing and disruptive tactics against revolutionary and violence-prone groups.

I have previously expressed my feeling that the FBI's counterintelligence programs had an impact on the crises of the time and, therefore, that they helped to bring about a favorable change in this country.

As I said in December, 1973:

"Now, in the context of a different era where peace has returned to the college campuses and revolutionary forces no longer pose a major threat to peace and tranquility of our cities, some may deplore and condemn the FBI's use of a counterintelligence program — even against hostile and arrogant forces which openly sought to destroy this nation.

"I share the public's deep concern about the citizen's right to privacy and the preservation of all rights guaranteed under the Constitution and Bill of Rights."

My position remains unchanged.

Statement of  
January 21, 1975:  
FBI Records on  
Members of Congress

In connection with recent allegations that the FBI is currently improperly soliciting information concerning members of Congress or misusing information in FBI files concerning members of Congress, I wish to state unequivocally that such statements are erroneous and without any basis in fact.

The policy of the FBI is that information concerning members of Congress is collected when members are the subject or victims of an investigation, or a specific background check is requested concerning the suitability for nomination to a position in the executive and judicial branches. Solicitation of information concerning members of Congress is done only as necessary to discharge our investigative responsibilities.

Information concerning members of Congress is maintained in various files at FBI Headquarters in Washington, D.C. Such files exist because they



relate to an investigation or a background check, correspondence with the member of Congress, or information not solicited by the FBI, but volunteered by the public. In this latter category, unsolicited information is received from time to time making allegations concerning members of Congress as well as other individuals in public and private life. If such allegations appear to relate to matters within the investigative jurisdiction of the FBI, they are appropriately investigated. If such matters do not reasonably appear to relate to the investigative jurisdiction of the FBI, a reply letter is addressed to the correspondent advising him that his communication was received, but that the matters related do not appear to come within FBI investigative jurisdiction. Such correspondence and the official reply made by the FBI are retained as a record of official action taken by the FBI. Correspondence of this type is filed for record purposes.

As indicated, Congressmen are treated substantially the same as any other citizen concerning whom the FBI may receive information. However, when information is received concerning employees of the Federal Government, or those serving as

government officers in any of the three branches of government, as a matter of practice it would be submitted by FBI Field Divisions to the FBI Headquarters in Washington so that it would be available in the event a check of our records is necessary. Such routine name checks are conducted frequently concerning persons who are being considered for appointment to positions in the judicial and executive branches. It is not possible to predict, when information is received, whether the individual whom it concerns will or will not at some time in the future be given consideration for such appointments. Therefore, all such information voluntarily submitted is retained for record purposes.

In summary, the FBI's policy is to solicit information concerning members of Congress only when there is investigative jurisdiction to justify the collection of such information. However, unsolicited information received from time to time is appropriately retained for record purposes. Further, it is the policy of the FBI that the use of such information would be limited to assistance in investigations and background checks and is never used to influence the judgment or actions of any member of Congress. ■

# Will CIA Survive this Anti-Intelligence Mania?

John Ligonier

Before we go off half-cocked and lynch the CIA,  
there are a few considerations we'd better keep in mind

The awesome capacity of American democracy to enhance its own destruction has seldom been so exquisitely illustrated as in the current storm over alleged "domestic spying" by the Central Intelligence Agency.

The latest experiment in national self-flagellation was touched off on the front page of *The New York Times* three days before Christmas, when Seymour Hersh wrote that the CIA had mounted a "massive illegal domestic intelligence operation during the Nixon Administration against the anti-war movement and other dissident groups."

Hersh, who won a Pulitzer Prize for uncovering the My Lai massacre, said the CIA operation had apparently resulted in the compiling of "intelligence files" on at least 10,000 American citizens.

He reported the CIA had used wiretaps, mail inspection and break-ins "aimed at suspected foreign intelligence agents operating in the United States."

Both activities — against the dissidents and against the possible foreign agents — were in violation of the CIA's charter, which specifically prohibits the agency from "police, subpoena, law enforcement powers or internal security functions" inside the United States, the *Times* noted.

The Hersh story relied on unnamed "sources," did not name any of the U.S. citizens "on file" with the CIA, and gave no documentation or details on how the intelligence operation was carried out.

President Gerald R. Ford called for, and got within a few days, a report on the matter from CIA Director William E. Colby, which apparently confirmed the essence of the *Times* story. Colby had already assured the President that such activities were not now being carried out by the agency.

Nonetheless, Ford felt constrained to tell reporters flocking after him on his Vail, Colo., ski vacation that "under no circumstances would I tolerate such activities under this

**The CIA controversy eloquently illustrates that many Americans seem more worried about some imagined infringement of their personal liberties than about very real threats to the nation's existence.**

Administration." But by this time the Capitol Hill handringers were already racing for the nearest television camera or microphone to vent their indignation.

Others, who might have defended "John Ligonier" is the nom de plume of a Washington-based journalist. His article, slightly condensed here, was published originally in *Human Events*.

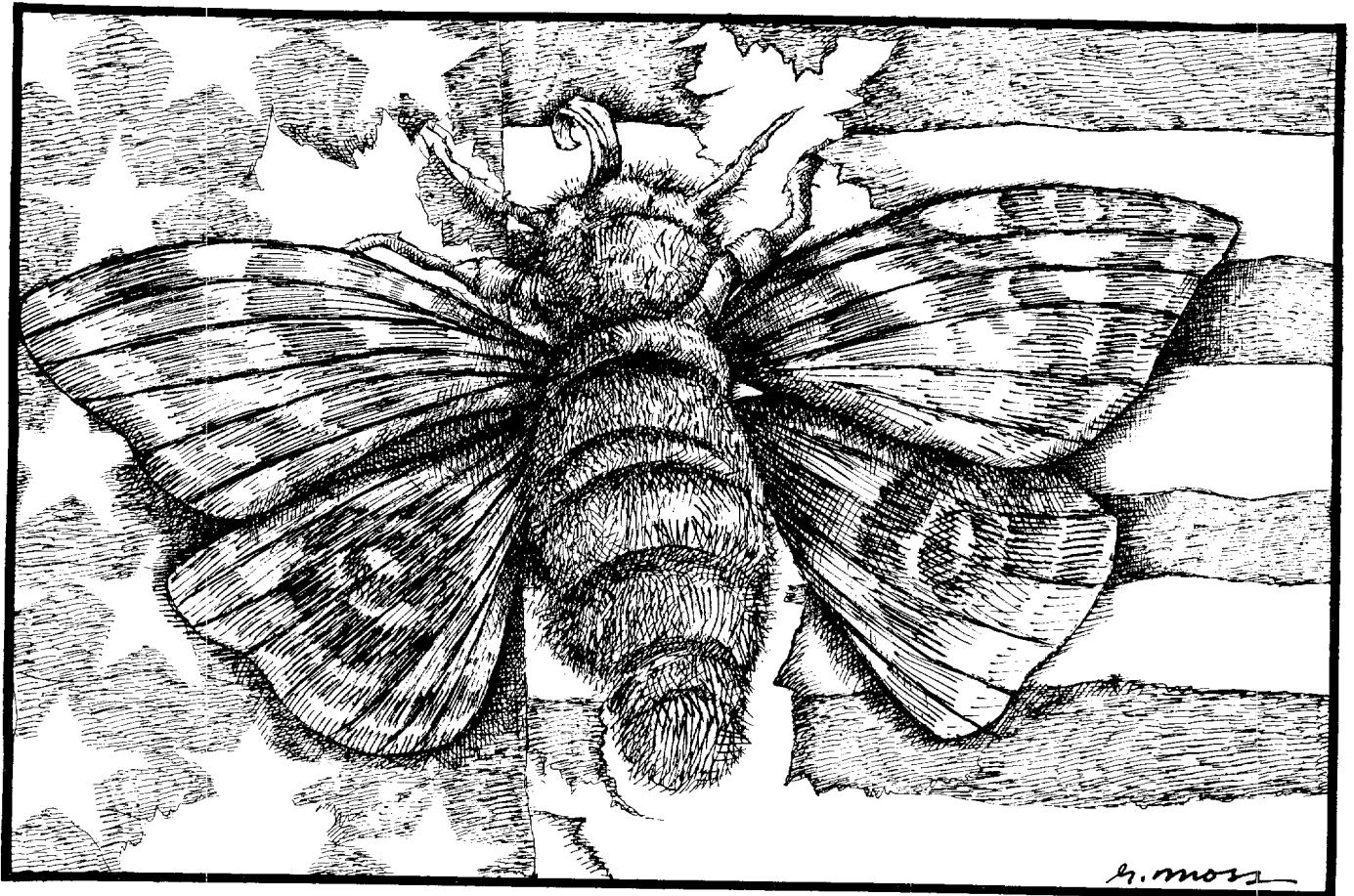
the CIA, kept silent. The entire show was played in an incredible atmosphere in which no one sought to detail the potential internal and external security threats that might have motivated the agency.

As an unfortunate (from a national security standpoint) fallout from the affair, four key CIA men resigned their positions.

Seemingly lost in the hubbub was the fact that the activities in question ceased apparently before 1973. The final stroke against them was made in early 1973, when James R. Schlesinger, now secretary of defense, took over the CIA. He ordered a halt to all "questionable" agency intelligence operations inside the United States.

Also missing from the debate was any hard information that would clarify the issue of the alleged "files," which in and of themselves would not appear to be illegal. Might not these files contain information that does indeed bear on the national security? Might they not contain information routinely "passed along" from elsewhere in the intelligence community? Is it extraordinary to suggest there might in this land of 200 million people be at least 10,000 whose names might have shown up in connection with the wide-ranging clandestine operations of foreign powers?

Even more importantly, neither the *Times* nor the majority of the press tried to put the "spy" charges in the harsh and necessary perspective of the turmoil and confusion being fostered by the left in the United States during



the 1960's and on up to the present time. It is useful to recall a few facts.

First, there was a rising crescendo of increasingly violent demonstrations against the Vietnam War, disruptions on campuses and in Washington itself, and acts of bombing and sabotage against military installations and public buildings.

Communist terrorist literature and operational manuals were finding their way into the country from "Third World" countries in which Soviet and Chinese Communist agents were known to be actively operating.

Rabidly anti-American groups like the Students for a Democratic Society (SDS) were taking on a sinister international character. As the House Committee on Internal Security's staff study on terrorism notes:

"In accordance with [an] increasing fascination with terrorist guerrilla theory, SDS leaders began to make

more journeys to Hanoi and Havana." Some of these trips lasted for many weeks and culminated in 1968 in a "workshop on sabotage" at the SDS convention.

Anti-war coalitions which the

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**S**oviet  
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American press routinely treated as "broad-based" groups of liberals, pacifists and "activists," were in most cases controlled by intensely violence-prone and anti-American organizations which appeared to have important international connections. Case in

point: the Trotskyite Socialist Workers Party (SWP) and its "youth arm," the Young Socialist Alliance.

SWP/YSA members, who regularly attended international Trotskyite conventions such as the Fourth International, completely controlled the National Peace Action Coalition (NPAC) which gulled thousands of "sheep" into disruptive demonstrations all over the country.

During this period, U.S. intelligence units had to contend with many other groups the members of which engaged in extensive foreign travel to countries like North Korea, North Vietnam and Cuba.

Possible foreign influences in the travels, activities and ideologies of these and other groups would certainly have to be considered by any intelligence people interested in the nation's security. And it cannot be overstressed that the CIA would be in a unique

position to examine these activities in the light of special information gathered by its world-wide apparatus.

For example, how should one view the international travel of activists in the light of this paragraph from a top-secret KGB manual entitled "The Practice of Recruiting Americans in the U.S.A. and Third Countries"? (Printed as an appendix in John Barron's important book *KGB: The Secret Work of Soviet Secret Agents*, the Reader's Digest Press, 1974):

...It is particularly important to note the expediency of bringing Americans out of the United States to third countries where the operational climate is more suitable. It is especially desirable to use the People's Democracies and in certain cases even the USSR.

It is useful to remember, too, that the "case load" of the FBI and other intelligence gathering outfits was overwhelming at the time. There is evidence that, although the CIA is supposed to turn over the domestic aspects of its investigations to the FBI, cooperation between the agencies has not always been the best.

J. Edgar Hoover, then director of the FBI, is reported to have repeatedly turned down CIA requests for help on surveillance matters resulting from foreign CIA cases traced back to the United States.

It is hardly implausible to envision names building up rapidly in CIA files:

U.S. citizens contacted by a known KGB or other foreign agent operating under diplomatic immunity as an embassy official.

American associates of a dissident who travels to a foreign country and knowingly or unknowingly meets espionage agents.

Those in the United States connected with an organization that has shown up in a sinister fashion in CIA intelligence gathering overseas.

Here, too, it must be noted that certain gray areas in the CIA charter may have served as a pretext for an agency anxious to preserve the nation-

al security against apparent threats:

"The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

The agency is empowered "to perform for the benefit of the existing intelligence agencies such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally."

Sam Papich, an FBI agent who was liaison man with the CIA for 18 years until his retirement in 1970, told *The Washington Post* the CIA statute ranged "from the vague to the ridiculous." He said CIA operations often

**I**t may well be that the CIA charter of 1947 should be more sharply defined, but this should be done with the realities of the dynamic fluidity of global espionage and sabotage operations clearly in mind.

blended into domestic areas for seemingly legitimate and certainly expedient reasons.

Papich routinely dealt with these domestic activities between the FBI and CIA. Often, he said, CIA experience in various foreign countries was of great value in assisting an FBI domestic investigation with foreign implications. In other cases, the handling of sensitive situations involving defectors called for both CIA and FBI agents.

Noting that each year about 2,000 Americans are approached by Soviet espionage agents here and abroad, Papich gave a hypothetical example:

"If you get a report that Molly

Brown while she was in Moscow was approached, what do you do? Nine times out of 10 she's a good girl, but maybe naive, and nothing happened."

Papich said that nonetheless, the CIA might well open a file on "Molly Brown" even though she was back in this country since it was the CIA that originally uncovered her contact with a Soviet agent.

Despite the continuing evidence of activities directed toward the destruction of the United States, the CIA controversy eloquently illustrates that many Americans seem more worried about some imagined infringement of their personal liberties than about very real threats to the nation's existence.

So far the CIA "spy" debate has been carried on under the assumption that somehow we have magically entered a new era of international tranquillity in which there are no longer "unfriendly nations." How strange it is that no other nation has entered this wonderful era and thus proceeded to tear down its anachronistic intelligence network.

Soviet agents now routinely "work" Capitol Hill and have used congressional staff people for their purposes. Under the guise of working out trade deals, other Soviet operatives work at a subtle and patient espionage. And there is disturbing evidence that American soil has become a battleground for the struggles of various foreign powers. In 1973, the year in which the CIA domestic operation apparently was halted, these news items aroused temporary if any interest among Americans:

*March 6* — Three rental cars, each packed with explosives, were found parked near three Israeli business establishments. A federal grand jury has indicted an Iraqi citizen, Khalid Al-Jawary, now a fugitive, for the crime.

*April 16* — In Washington, D.C., shots were fired into the bedroom window of a New Zealand diplomat's home. Police believe it was an attempt on the life of a Jordanian diplomat



who had recently moved from the house. In red paint beneath the window was a call for "Death to the Zionists and their functionaries," signed "Black September."

*July 1* — Col. Yosef Alon, an Israeli military attaché, was shot to death outside his suburban Washington home by what police believe was "an Arab commando team."

Incidents like these seem to pass quickly out of the memory of press and public caught up in concern that somebody may have been "spied upon." Seldom is an attempt made to evaluate the situation and determine whether or not that particular person might have well merited suspicion.

The CIA case is the crest of a wave of anti-intelligence mania that has swirled around the FBI, the Army, state and local police in recent years. It is not a random thing and it has been carefully orchestrated by the Left. One of the chief motivating forces has been the liberal Center for National Security Studies.

CNSS won some press attention last fall by calling a conference to discuss ways to do away with covert intelligence operations in the United States. Great emphasis was placed on using ultra-liberal congressmen and sympathetic press people to attack intelligence gathering. Washington columnist Paul Scott cites Massachusetts Congressman Harrington and Seymour Hersh as having "close ties with CNSS."

While few dispute that Hersh is a hard-hitting and apparently honest reporter, Washington colleagues are constantly aware that his politics are decidedly to the left.

Even *Time* magazine, after a considerable evaluation of the initial article, reported the "strong likelihood that Hersh's CIA story is considerably exaggerated and that the *Times* overplayed it."

It may well be that the CIA charter of 1947 should be more sharply defined, but this should be done with the realities of the dynamic fluidity of



"PABLO" WABERSKI, a German naval officer, was the only spy sentenced to death in the U.S. between 1865 and 1942 (he was not executed).

global espionage and sabotage operations clearly in mind. Where, indeed, does a "foreign operation" begin or end in these times?

It is certainly hoped that some semblance of sanity will overtake those so zealous about the congressional investigations. It will certainly not be useful to expose our vital intelligence-gathering machinery in an atmosphere

of "circus" hearings. They should be closed hearings, carried out in an atmosphere of reason. We have already made it difficult for our allies' intelligence services to work with us for fear of sudden exposure and embarrassment. ■

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# THE CASE AGAINST THE INTELLIGENCE COMMUNITY

**O**nly in its most virulent strain does the criticism of our intelligence activities challenge the assumption that spying in the national defense is necessary. The case made by most critics is not so much against spying as it is against the intelligence community as it presently functions; most of the arguments have to do with limits, oversight and control.

Just how far should the intelligence community be allowed to go in its operations abroad? Should we spy on our allies? Intercept communications? Dredge up other people's submarines? Is satellite reconnaissance proper? What "dirty tricks" should we permit? Assassination? Overthrow of freely elected governments that are not ostensibly threatening to us? Mounting an invasion? Conducting a secret war?

Should we tolerate domestic surveillance under any circumstances? Where does legitimate counterintelligence leave off and domestic political espionage in violation of constitutional guarantees begin?

Where should the limits be drawn? How can we be certain that the limits are observed? How can we, through our elected representatives, control a worldwide intelligence apparatus that must, by definition, operate secretly?

How can we immunize the intelligence community to politicization by the executive branch? How can we

prevent these organizations, so thoroughly drilled in the skills required to subvert political processes, from accumulating power and influence on their own?

It is the last question which disturbs I. F. Stone. He sees no great likelihood that we will ever be able to control the CIA, "an agency so secretive, so far-flung, and so habituated to doing-in political leaders of whom it disapproves." Stone recommends that we abolish the CIA and rely, instead, on our other intelligence-gathering agencies (which, he declares, have in many cases provided more reliable intelligence than the CIA).

Harry S Truman, who created the CIA when he was President, expressed misgivings about the Agency back in 1963. "For some time I have been disturbed by the way the CIA has been diverted from its original assignment," wrote Truman in an article. "It has become an operational and at times a policy-making arm of the government." He recommended that the CIA be restored to its original role as the intelligence arm of the President and that its operational duties be ended.

Philip Agee, a former CIA officer and one of the Agency's principal living embarrassments, suggests a number of ways in which the "Company" - a "sinister secret police force" in his words - might be rendered inoperative. Key to neutralizing the CIA according to Agee: rip the cloak

of secrecy from its operations. "Take away secrecy," says Agee, "and the CIA officer becomes impotent."

In his article, TRB addresses himself to the threat posed by the FBI's extensive record keeping (81 million Americans and growing, claims TRB). He warns that "an order to Big Brother to prevent disruption of internal security is a license to investigate political beliefs," and illustrates the dangers by reference to the secret files which two former assistants acknowledge J. Edgar Hoover kept on the private lives of political figures. TRB reminds us that most modern nations separate the functions of law enforcement and internal security; England has Scotland Yard on the one hand, MI-5 on the other.

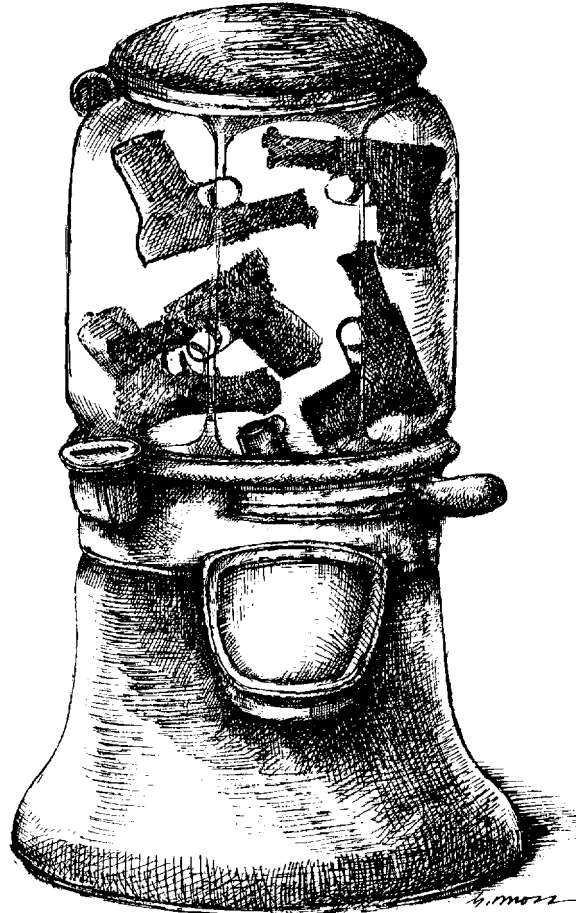
To Frank J. Donner, the central question is one of power -- not only the "almost unrestrained and unreviewed power" of the intelligence community to "determine the nature and scope of their operations," but the "theories of inherent Executive power" which in a "post-Watergate America . . . can no longer serve to justify secret intelligence baronies either at home or abroad."

The possibility that transgressions by the intelligence community were the result of a progressive expansion of executive power is somewhat less terrifying than the possibility they were not.



# A New Solution for the CIA

I. F. Stone



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We haven't controlled the CIA, we'll never control it,  
so we should give it a dose of its own favorite medicine

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Stalin did establish one useful precedent. He made it a practice to bump off whoever served as head of his secret police. He never let anybody stay in this job too long. As a successful dictator, Stalin seems to have felt that anybody who had collected so many secrets would be a No. 1 menace to security if he ever went sour. Stalin thought it safer not to wait.

I think we ought to take Stalin's example one step further. I think we ought to get rid of the CIA altogether, lock, stock, and burglar's kit.

We know from recent revelations

how J. Edgar Hoover in his lifetime tenure as FBI chief collected dossiers on the sexual and drinking habits of congressmen and high officials. The mere rumor that such secrets were in his files made Hoover the most feared man in the capital, the untouchable of US politics. A similar character could build up a similar empire of fear in and

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*I. F. Stone, former proprietor, publisher, reporter, political analyst and editor of I. F. Stone's Weekly, is Contributing Editor of The New York Review of Books, in which this article originally appeared.*

through the CIA.

Those who think it enough to establish new oversight committees should remember that there have been CIA committees in Congress since the agency's formation and they have invariably overlooked the abuses they were supposed to oversee. As for forbidding the agency to engage in "dirty tricks," how enforce such a restriction against an agency so secretive, so far-flung, and so habituated to doing-in political leaders of whom it disapproves? It is hard enough to keep a tight rein on public agencies right here in Washington. How to control,

sometimes 10,000 miles away, the kind of adventurers, screwballs, and intriguers an agency like the CIA naturally attracts?

The U.S. government is inundated daily by tidal waves of intelligence. We have a mysterious electronic NSA which taps and tapes all the communications systems of the world; its huge "ears" in Pakistan and Turkey record the slightest Kremlin sneeze. Even in remotest Siberia, no *babushka* can milk her cow without being caught on candid camera from U.S. satellites on eternal patrol.

In the Pentagon are separate intelligence branches of the army, air force, and navy, each with its own military attachés abroad, and over all of them is a defense intelligence agency, a DIA. The State Department has its own intelligence and research division; the Foreign Service is its eyes and ears abroad. The departments of Commerce, Labor, and Agriculture have attachés of their own in many U.S. embassies. Businessmen and Washington correspondents who use their publicly available studies on countries and commodities know how much more reliable they are than the spooks.

The Treasury has its narcotics and other agents. Internal Revenue, Customs, and the Post Office have their own gumshoe men. There is the FBI and there is the Secret Service. Nobody seems to know how much all this costs or how many are employed. Congress does know that CIA expenditures hidden in certain crevices of the budget add up to several billions of dollars. The exact amount is unknown.

Originally we were told when the CIA was established by Truman in 1947 that it was necessary — as its name implied — to "centralize" all these intelligence activities and summarize for the White House the information flowing in from them. We were not told, and perhaps Truman never intended, that the CIA would soon be engaged in James Bond melodrama around the world, making

and unmaking governments not to our liking, and in the process sentencing other nations' leaders like Mossaddeq of Iran and Allende of Chile to death. Watergate has already shown us that to practice such crime-as-politics abroad is to invite its application sooner or later to politics at home.

As an intelligence service the CIA has been a bust. The Bay of Pigs and the Vietnam war are only the most dramatic demonstrations that public officials would have been better informed — and adopted wiser policies — if they had simply read the newspapers and put all that "classified" information in the wastebasket.

**I think we ought to get rid of the CIA altogether, lock, stock, and burglar's kit.**

The CIA has made the U.S. look like the world's biggest Mafia while helping to trap it into one serious mistake after another. Never have so many billions been squandered on so much misinformation. In its twenty-seven years of existence — even at \$2 billion a year — this giddy operation must have cost upward of \$50 billion. Why not get rid of it before it can do more damage?

Even when, occasionally, the CIA analyses were accurate they have gone into the bureaucratic wastebaskets because they conflicted with what officials higher up wanted to hear. One example is the sour reports about the Vietnam war which turned up in the Pentagon Papers. Another example (see the exclusive in *The Christian Science Monitor*, Jan. 23, 1975) was the studies showing there was "no evidence to suggest" that the anti-Vietnam war movement was instigated from abroad. The Nixon White House

nonetheless ordered the agency to go ahead and compile a list of 10,000 — no less — peaceniks suspected of being foreign agents.

A government, like an individual, hates to hear what it doesn't want to believe. This is why no intelligence agency in any society ever really understands — or can afford to let itself understand — what is going on. The bigger the intelligence agency the more powerfully its sheer inertial weight reinforces the misconceptions of the ruling class it serves. Hence the paradox: the more "intelligence" a government buys the less intelligently it operates. The CIA will go down in the books as a vain attempt to change history by institutionalizing assassination. It deserves a dose of its own favorite medicine. **H**

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# Second Thoughts on the CIA

Harry S Truman

## Why the CIA's changed role disturbed its creator

I think it has become necessary to take another look at the purpose and operations of our Central Intelligence Agency — CIA. At least I would like to submit here the original reason why I thought it necessary to organize this agency during my administration, what I expected it to do and how it was to operate as an arm of the President.

I think it is fairly obvious that by and large a President's performance in office is as effective as the information he has and the information he gets. That is to say, that assuming the President himself possesses a knowledge of our history, a sensitive understanding of our institutions, and an insight into the needs and aspirations of the people, he needs to have available to him the most accurate and up-to-the-minute information on what is going on everywhere in the world, and particularly of the trends and developments in all the danger spots in the contest between East and West. This is an immense task, and requires a special kind of an intelligence facility.

Of course, every President has available to him all the information gathered by the many intelligence agencies already in existence. . . . But their collective information reached the President all too frequently in conflicting conclusions. At times, the intelligence reports tended to be slanted to conform to established positions of a given department. This becomes confusing and, what's worse, such intelligence is of little use to a President in reaching the right decisions.

Therefore, I decided to set up a special organization charged with the collection of all intelligence reports from every available source and to have those reports reach me as President without departmental "treatment" or interpretations.

I wanted and needed the informa-

tion in its "natural raw" state and in as comprehensive a volume as it was practical for me to make full use of it. But the most important thing about this move was to guard against the chance of intelligence being used to influence or to lead the President into unwise decisions — and I thought it was necessary that the President do his own thinking and evaluating.

Since the responsibility for decision making was his — then he had to be sure that no information is kept from him for whatever reason at the discretion of any one department or agency, or that unpleasant facts be

kept from him. . . .

For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times a policy-making arm of the government. This has led to trouble, and may have compounded our difficulties in several explosive areas.

I never had any thought when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations. Some of the complications and embarrassment that I think we have experienced are in part attributable to the fact that this quiet intelligence arm of the President has been so removed from its intended role that it is being interpreted as a symbol of sinister and mysterious foreign intrigue — and a subject for cold war enemy propaganda. . . .

I well knew the first temporary director of the CIA, Adm. Souers, and the later permanent directors of the CIA, Gen. Hoyt Vandenberg and Allen Dulles. These were men of the highest character, patriotism and integrity — and I assume this is true of all those who continue in charge.

But there are now some searching questions that need to be answered. I, therefore, would like to see that the CIA be restored to its original assignments as the intelligence arm of the President and whatever else it can properly perform in that special field — and that its operational duties be terminated or properly used elsewhere.

We have grown up as a nation, respected for our free institutions and for our ability to maintain a free and open society. There is something about the way the CIA has been functioning that is casting a shadow over our historic position, and I feel that we need to correct it. ■

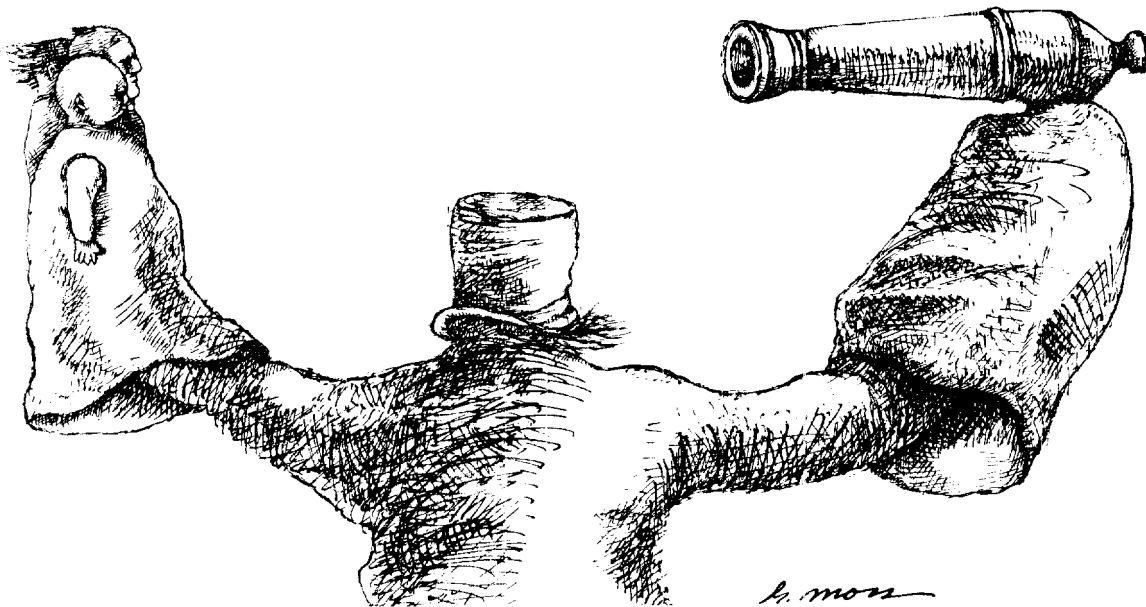


*Harry S Truman instituted the CIA during his presidency. This article, slightly abbreviated here, was syndicated by the North American Newspaper Alliance and published by several newspapers on December 22, 1963.*

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# How to Neutralize the CIA

Philip Agee



Mobilize public opinion and strip away the secrecy, recommends a former CIA operations officer

During the 1960's when I worked as a CIA operations officer in Latin America, I often reflected on the exceptional number and variety of operations that I took over from other officers or initiated myself. At times, more experienced men observed that I was fortunate to be gaining experience in "across-the-board" operations: from political action operations with government ministers to communist party penetration operations, to surveillance teams, telephone tapping, and trade union operations.

One of the keys to my capacity to work on many operations at once, thereby to contribute in a proportionately greater way to CIA goals, was the lack of any opposition of significance. In most of Latin America, indeed in much of the Third World, the local security forces were penetrated and manipulated by CIA — in some cases they were the very creatures of the Agency — in such a manner that they practically never were allowed to

interfere with or jeopardize the (CIA) station's "unilateral" (i.e., unknown to the local service) operations. Similarly, while my name appeared from time-to-time in the local left-wing press as a CIA officer, no one ever demonstrated hostility to me, picketed my home, threatened me if I didn't leave the country, or made me feel uncomfortable in some other way. I was allowed to achieve all the mischief I could, always with impunity, and restrained (sic) only by internal CIA procedures and practices. Officers experienced in

*Philip Agee, who now lives in England, spent 12 years as a CIA operations officer in Ecuador, Uruguay and Mexico. He left the Agency in 1969 and has exposed its workings in his book Inside the Company: CIA Diary (Penguin, 1975), soon to be published in the U.S. This article, abridged here, appeared in Counter-Spy, The Quarterly Journal of the Fifth Estate*

European countries, however, where greater security precautions and procedures were required, were able to handle only a fraction of the operations that we "Third World Officers" could take on.

I used to think that if left-wing Ecuadoreans, Uruguayans, or Mexicans ever found out what I was really up to, they would make it impossible for me to remain in their country. Even bourgeois nationalists would have made life impossible for me. But no one ever bothered me because no one knew, really, the scope of my work, and of the overall station's operational programs wherever I was working.

But times are different now. As each new spate of revelations of CIA operations occurs, the pattern emerges more clearly. These disclosures help to reveal a pattern of CIA support to minority Third World regimes that inflict terrible repression on their own people in order to retain power and privilege. These minority regimes, in

fact, have no other role than to serve their own interests by serving the interests of foreign, particularly U.S., corporations.

No longer can ignorance of CIA's operations and of the purpose and effect of those operations be allowed to delay positive action to defeat them. Now more than ever, concerned Americans, together with the Third World peoples victimized by CIA, can discover what CIA is all about.

What can be done to defeat this sinister secret police force?

One effort could be construction of a set of indicators which would be based on known types of CIA operations that have visible effects. Such a composite model might also include non-CIA factors such as impressions conveyed in U.S. government statements, levels of military and economic aid, levels of credits from international institutions such as the World Bank and International Monetary Fund, as well as private financial institutions. Once the model is constructed a search for appropriate indicators in the country of interest, e.g. Portugal, could proceed. This could provide us with a way to determine — with greater or lesser certainty — whether destabilization programs against a country's left-wing and/or nationalist forces are increasing or decreasing. But in the absence of access to documents or to a CIA employee who wants to talk, such an effort would remain highly speculative.

Other efforts might well be directed toward lobbying against and raising public consciousness against the CIA. But given the overwhelming defeat in October 1974 of Senator Abourezk's amendment to prohibit *illegal* CIA activity, one cannot be sanguine about effective congressional restraints on the Agency — the Congress, after all, created CIA and gave it autonomy to commit all kinds of crimes in the name of the American people. Someday, perhaps, a fair-minded Congress may curtail CIA and other interventionist agencies, but action should be taken

now by those who are concerned.

The most effective and important systematic efforts to combat CIA that can be undertaken right now are, I think, the identification, exposure, and neutralization of its people working abroad. Through careful country-by-country analysis of the U.S. government employees, CIA people can be identified. They could be exposed through periodic bulletins disseminated to subscribers, particularly individuals and organizations in the country in question. With this information, those victimized by the CIA and the

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**The most effective and important systematic efforts to combat CIA that can be undertaken right now are, I think, the identification, exposure, and neutralization of its people working abroad.**

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economic exploitation that CIA enforces could bring pressure on their governments to expell the CIA people. In the absence of such expulsions, the people themselves would have to decide what they must do to rid themselves of CIA.

Some may object that in the face of such a campaign, CIA could simply change its cover mechanisms and make identifications more difficult. This would indeed occur, but so many CIA people can be identified from personal knowledge and through past covers which are already a part of the public record, that more effective cover would be difficult and very slow to develop. Meanwhile, important steps can be taken to weaken the Agency and its support of injustice.

In October 1974 I announced the names and addresses in Mexico City of 35 official cover (Embassy) CIA

people and two non-official cover people. Probably about ten more non-official cover people were working in Mexico City posing as students, businessmen, tourists, or retired people. Within a few days, both the Chief of Station, Richard Sampson, and the Deputy Chief of Station, Jonathan Hauke, were withdrawn from Mexico. Perhaps others on the list will be withdrawn soon, or expelled, or neutralized by the Mexican people. As a former operations officer, I can assure you that such precipitate withdrawals are very disruptive and reduce the effectiveness of the whole station program. Those who remain will have to beware of action by the Mexican people and will have to install greater security devices in their operations — thus reducing their capabilities.

Similar revelations are going to follow, but I believe this campaign should be organized in a systematic way by concerned Americans in the U.S., perhaps in the way that certain of the earlier efforts against the Vietnam war were undertaken.

This campaign could remove the key to CIA's ability to destabilize progressive and revolutionary forces seeking social justice and national dignity in the Third World. That key is secrecy, and when it is peeled away, there, standing naked and exposed for all to see, is the CIA secret policeman, who only hours before was lurking in the darkness to bribe a military officer, a student leader, a journalist, a politician, and a trade unionist. Take away secrecy and the CIA officer becomes impotent.

We know enough of what CIA does to resolve to oppose it. What we should do now is to identify and expose each of the people who execute CIA's programs. People failed to campaign effectively against the CIA in the past because the CIA programs and people were unknown. Now that impediment is being removed. **H**

# A New Home for Your Fingerprints

TRB

To store its records on 81 million Americans, the FBI is building a \$126 million memorial to Top Cop

Big Brother lives on Pennsylvania Ave. He lives in the new, block-size, \$126 million FBI building, which hasn't been dedicated yet but is now one-third occupied.

Every capital needs a fortress at the center to symbolize police power. London has its Tower; France has its Bastille; now the United States has its FBI building.

It is symbolically bigger than the parent Justice Department across the way; it is the biggest building on Pennsylvania Ave. — a style of architecture that inevitably conjures up a wilderness fort, with projecting upper stories the better to shoot down on Indians or modern angry mobs.

That's the "J. Edgar Hoover Building," home of Big Brother. You can get away from the Pentagon, which is across the Potomac, but this is right in the center of things. Every time I pass it in a cab going up to the Capitol, it gives me the creeps.

Two congressional committees are investigating Big Brother now — one in the House, one in the Senate. In addition, the Rockefeller committee at the White House is investigating Big Brother's brother, the CIA. They are twins.

The law says the CIA can't operate domestically; it did just the same. The law doesn't specifically say that the FBI can't use dirty tricks, hire provocateurs, spy on congressmen, slip out scandal on Dr. Martin Luther King, but it did just the same. It got its authority, apparently, from the "inherent power" of the Presidency.

Almost every day now we get new details about Big Brother. The facts about the FBI that didn't come out during Watergate are coming out with

the new attorney general, Edward H. Levi, quietly talking to Congress.

For example, J. Edgar Hoover had a private file on ex-Rep. John J. Rooney, chairman of the committee that handled FBI appropriations; naturally, the FBI got everything it sought. Every congressman wondered

**L**ower your voice when you go past Big Brother's home; he may have something on you.

if J. Edgar had a file on *him*. Three Presidents — John Kennedy, Lyndon Johnson and Richard Nixon — rubbed their hands over the titillating gossip on fellow politicians that Hoover brought to them.

There would be a personal call on a congressman from the director: "Sorry, but I thought you should know what we ran across about your daughter! But don't be concerned. It will never see the light. You can be absolutely confident of that."

Former FBI assistant director William Sullivan told the *Los Angeles Times* in May, 1973, of Hoover, "That fellow was a master blackmailer. He had a file on everybody."

It is assumed that Rep. Ford, when "TRB" is the byline used by Richard L. Strout (of The Christian Science Monitor's *Washington Bureau*) in his commentaries for The New Republic, in which this article appeared under the title "House of File Cards."

he tried to impeach Associate Justice William O. Douglas, got his material from Hoover.

As to the CIA, the twin Big Brother, Director William E. Colby delivered a 50-page report to President Ford at Vail, Colo., late in December about its illegal activities at home. And now it appears that there may be an oral addendum about political assassinations abroad, attempted or successful.

The Rockefeller group is looking into that story, aired by CBS reporter Daniel Schorr. We may not get the details right away, but wait a bit; Washington is a sieve — everything comes out in time.

Lower your voice when you go past Big Brother's home; he may have something on *you*. The building has been under way four years. It was supposed to cost \$60 million. The excavation started in April, 1971, and for a long while was the biggest hole in town: three stories deep and a block wide and long.

Slowly the monument rose to Hoover, the monastic figure with a passion for horse-racing, who stayed in office under eight Presidents and 16 attorneys general. How the founding fathers would look at that building in wonder now at their bicentennial.

More than 7 million sets of fingerprints flow yearly into the FBI from local and state police, and there are records of 81 million Americans, either here or around the country. A year ago former Sen. Sam Ervin said there were over 100 "criminal history" information banks throughout the land.

Suppose your name was in a telephone conversation monitored under court order by the FBI (or





J. EDGAR HOOVER

without a court order under former Atty. Gen. John Mitchell): You may well have a red "C" card (cross-reference) in the index.

The gray filing cabinets with six drawers bulge with 3-by-5 cards. There are now 58 million, with 1.3 million new ones coming in each year and 400,000 pulled out. There are 7,500 cabinets, growing at a rate of 300 a

year. The electronic retrieval system is a marvel. Think of that huge building as a warehouse, wholesaling information on millions of Americans.

The United States is programmed for fear. For years Hoover was the most popular man in the country, an icon, because he alleviated that fear; he was protecting us from espionage, sabotage, subversive activity and

things that go bump in the night.

He was Top Cop, which meant he fought ordinary humdrum crime, but, more important for his mass image, he was also Minister of Internal Security, fighting Black Panthers and Communists and all wicked people. He was incorruptible, in his fashion. He was also the Complete Bureaucrat.

Most modern nations separate the two police functions. The United States should, too, because they trip each other up. England has its ordinary Scotland Yard law enforcement, and it has its separate security service, MI 5. How do you investigate Watergate crimes when the FBI combines law enforcement and political intelligence? (Acting FBI head L. Patrick Gray III destroyed evidence at the request of the White House.)

A thing to remember is that an order to Big Brother to prevent disruption of internal security is a license to investigate political beliefs, for leftists and radicals may become embryonic spies and saboteurs.

The theory is that innocent dupes will be infiltrated by militant agitators. Hoover accepted this. FBI Director Clarence Kelley seems to accept it, too. Hoover formalized it into deliberate harassment, to intimidate and demoralize his domestic targets. It was done, naturally, to protect national security.

No country has had such warnings as the United States. We have seen Big Brother cowing Congress, attorneys general, Presidents; we have seen him exercising unauthorized and illegal powers. For the moment, there is reaction; we have ended warrantless wiretapping, the Subversives Activities Control Board, the House Un-American Activities Committee. We have thrown out Nixon. But when will the next wave of fear come?

Meantime, are we really going to christen that structure the J. Edgar Hoover Building? **■**

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# **A Problem of Power**

Frank J. Donner

## Can we justify secret intelligence baronies in post-Watergate America?

The following observations are set down for possible consideration by the select committees of the Senate and the House, appointed to study the intelligence activities of various agencies and branches of the government. They are also respectfully called to the attention of Vice President Rockefeller, assigned by President Ford to head an Executive panel investigating intelligence activities by U.S. agencies.

(1) The key question of course is one of power. The statute creating the CIA in 1947 is extraordinarily vague. It seems fair to say that never has a single government agency been granted so much power with so few meaningful standards and restraints. The most notable example of its vagueness is perhaps the failure to define the term "intelligence activities." It would appear from the legislative history that Congress thought this referred exclusively to passive data collection, worlds away from the aggressive covert practices which subsequently became the CIA's trademark. The agency is barred, as everybody now knows, from "internal security functions." Congress intended to proscribe secret political police practices on our shores, but surely there are more precise ways of conveying this purpose. The very section which seems to bar internal security functions authorizes the director to protect "intelligence sources and methods from unauthorized disclosure." Was this proviso intended to offer an escape hatch from the prohibition to which it is attached?

(2) That the CIA flouted the congressional intent is hardly open to question. For example, after the widespread furor in the early months

of 1967, in the wake of the disclosure of the CIA's Covert Action Division program of hidden subsidies to some thirty-nine American organizations over a period of seventeen years — after the admissions of impropriety and the hand wringing — the Johnson administration *in the summer of that same year* used the CIA for domestic operations against the anti-war movement. In 1970-71 the Nixon administration commissioned the CIA to turn

**The  
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itself is inherently subject  
to abuse: one investigates  
in order to discover  
whether there is a need  
to investigate.**

up evidence of foreign influence not only on the anti-war movement but on the entire New Left and black militancy.

(3) As the statute now stands, the director of the CIA has almost unrestrained and unreviewed power to determine the nature and scope of its operations. Indeed, this vagueness in the delegation of power was deliberate: it was central to Allen Dulles' format for the new agency. The CIA's legislative warrant creates the very "govern-

*Frank J. Donner is director at the Yale University Law School of the American Civil Liberties Union research project on political surveillance. His article, condensed here, is from The Nation.*

ment of men" which the founders of the Republic feared. The CIA's abuses of power over the years attest to the wisdom of a "government of laws" and the dangers of entrusting decision making to the values and policies of powerful individuals, themselves captives of the mystique of intelligence.

However clumsily Congress may have originally expressed itself, it is incontestable that it did not intend to create in the CIA the autonomous power system it seems to have become.

(4) There is an observable pathology in the process by which intelligence agencies enlarge their powers. For more than three decades Director J. Edgar Hoover maintained that the FBI had been entrusted by a Presidential directive of September 1939 with an open-ended intelligence mission unrelated to law enforcement. When Director Kelley took over in 1973, this claimed Magna Carta for domestic political intelligence was all but abandoned. Similarly, the bureau's political filing practices were justified by an invented intelligence mandate, until the Congress, by a recent statute, required a law-enforcement justification. In the same way, despite the austere language of the Constitution limiting the Army's role in civilian affairs, military intelligence developed a vast civilian surveillance capability, wholly unrelated to its narrow mission of responding to a call-out when, in the judgment of the President, such action was warranted.

(5) The reasons for expansion of domestic intelligence beyond its intended limits are evident. To begin with, intelligence operations typically become the responsibility of zealots, men who are committed to the long

twilight struggle. Further, the intelligence process itself is inherently subject to abuse: one investigates in order to discover whether there is a need to investigate. Every activity of the target, however legitimate and indeed constitutionally protected, is treated with suspicion and monitored: who knows, it may be a vital piece in a sinister not-yet-revealed subversive design. Since, in the intelligence mind, the stakes are so large — our very survival as a nation — overkill is almost deliberate.

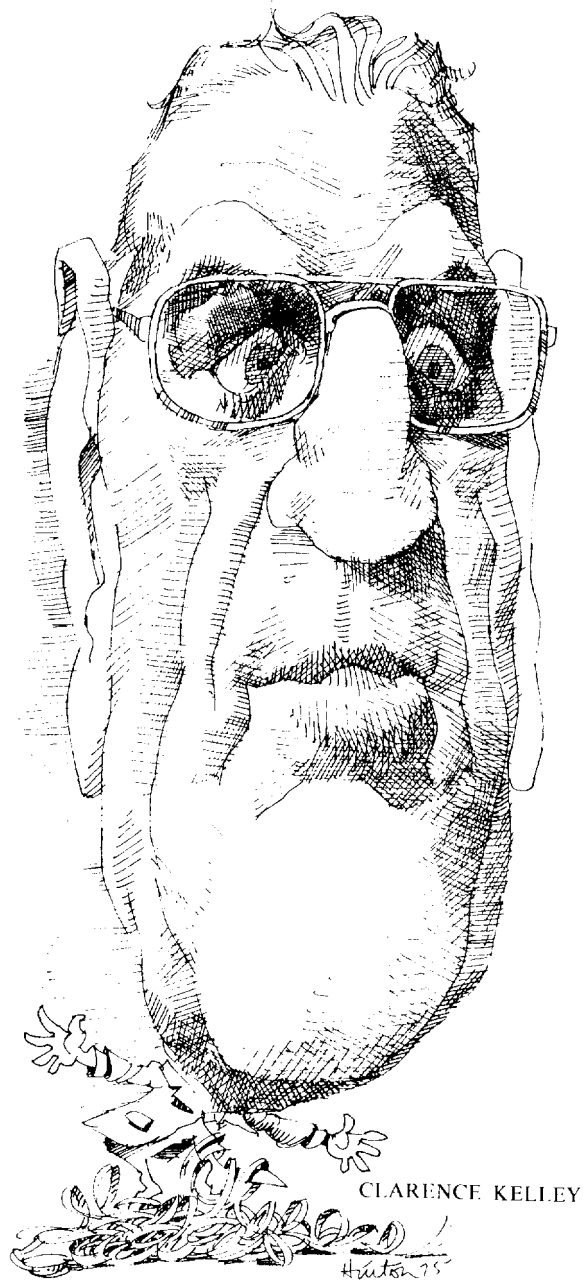
(6) The great *idée fixe* of the intelligence mind is that domestic protest and dissent (“agitation”) are the fruits of foreign plotting and direction. All sorts of domestic intelligence programs in this country, whatever the motivation or authority, are automatically labeled “counterintelligence.” This not only avoids the stigma of affirmatively initiating a program of spying on one’s own nationals but evades problems of authorization and constitutionality.

(7) The 1947 CIA statute simply permits other intelligence agencies to continue domestic data collection. This provision is as tricky as the “intelligence sources and methods” provision already discussed. Did this backhandedly authorize the FBI to engage in practices which are not spelled out in any other more direct mandate to the bureau? It is becoming fairly clear, although Director Kelley is not giving up without a struggle, that the FBI has no ongoing intelligence responsibilities unrelated to law enforcement, at least in the area of domestic intelligence. But the bureau still insists that it is charged with a foreign intelligence responsibility with respect to such matters as the actions of foreign agents and other domestic “subversive activities” with a foreign dimension.

(8) The domestic investigation of political activities by the bureau has been justified either on law-enforcement or intelligence grounds. The Nixon administration developed

the thesis that political investigations for intelligence purposes could be more intrusive and hostile to constitutional rights than could an investigation for purposes of law enforcement. Under this formulation a bomb-laden terrorist under criminal investigation could not be made the subject of a wiretap without the protection of the warrant procedures of Title III of the 1968 law. But an individual merely suspected of “subversive activities” could be electronically monitored with no concern for his rights.

(9) There is an understandable fear that members of Congress have been made special targets of surveillance and filing practices. But the answer to this well-documented abuse is certainly not to immunize legislators, *ex officio*, as it were, from FBI investigation. It will not do to shelter members of Congress from legitimate bureau investigations. What is imperatively needed is a precise formulation of the bureau’s investigative jurisdiction, of its authority for *all* data collection. A recent case in point demonstrates the



necessity. After the director retreated from the claim that his bureau had an ongoing intelligence jurisdiction unrelated to law enforcement, he continued his former practices but simply changed the justification.

(10) It will be quite difficult, if not impossible, to impose meaningful positive standards on the operations of an intelligence agency. A far more realistic course would be to state in unequivocal language what an agency may not do.

(11) A precisely worded quarantine of forbidden areas and practices is imperative for another reason. Every intelligence agency rapidly substitutes for its mandate a "mission." The mission, a key intelligence concept, is a grandiose, ideologized reinterpretation by the agency of its responsibilities; it leads both to abuse of power and to competition with other agencies.

(12) The CIA is a member of an intelligence community in the fields of both foreign and domestic intelligence. Especially over the past decade, surveillance operations, the development and storage of files and dossiers, have become a collaborative endeavor by a constellation of federal, state and urban agencies. An agency that is barred by its mandate or lack of funds from a particular area of domestic intelligence enters into a liaison relationship with other units for the purpose of exchanging data, operational information and files. Thus, when intelligence agencies are not cutting each other's throats in the competition for funding power, they are borrowing each other's capability to accomplish indirectly what they are barred from doing directly.

(13) The Congressional mandate authorizes the select committees to explore the need for "improved, strengthened or consolidated oversight" of domestic intelligence activities. This problem should have top priority. Neither the existing oversight panels nor the President's commission can effectively probe the abuses of the

CIA and its sister agencies in the domestic field. The pattern of legislative response when the CIA comes under attack has been marked by a curious protectiveness. The committee chairman summons the elders of the agency and accepts their justification for its conduct. There is no real will to get at the facts. But it is time for Congress to come to terms with fundamentals: given a residual ambiguity even in a well-drafted statute, the power of the director, the secrecy of the operation and the ease with which oversight committees are coopted, abuses are inevitable and, indeed, will increase. The intelligence functionaries know that in a democracy storms

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---

of criticism periodically strike their sanctuaries. The trick is to hibernate, to confess error, but to survive until the climate changes.

(14) The Watergate and military intelligence investigations, both directed by Senator Ervin, show that Congress can do an effective job of getting at the roots of sensitive and factually complicated problems. But fruitful investigation requires careful preparation and a competent staff. An intelligence agency operating in a politically sensitive area makes certain of its cover in advance, a claim to authorization if the operation is blown. While it may not have taken much to activate the CIA's domestic surveillance, the agency almost cer-

tainly received a signal from some higher authority -- not in writing, of course, but in some form.

(15) The investigation of domestic intelligence practices is child's play compared to a probe of the CIA's covert actions abroad, and there is a particular reason why the two areas should be studied in separate stages of any investigation. The committees should strive to make public as much information as is possible without compromising matters which have a colorable claim to secrecy. It would be unfortunate if foreign-related considerations were used to screen from public view information about domestic activities which have no valid claim to secrecy.

(16) Finally, there is no point even starting without planning to call the insiders, the kinds of people who have contributed to the success of every important Congressional investigation. The committees need to hear testimony from agency staffers, whether now employed or retired. But they must evaluate the testimony, from whatever source, in the light of today's world. A vast intelligence bureaucracy, rooted in the needs and assumptions of the 1940's, is threatened by heaving historic changes -- not only in the world political situation but in the very techniques of data collection. The persons involved will go to great lengths to conform reality to their ideological biases and occupational needs. What legitimate governmental purpose should intelligence, both domestic and foreign, serve? A sound answer to that question will give needed perspective to the problems of authority, coordination, operations and data evaluation.

In a post-Watergate America theories of inherent Executive power can no longer serve to justify secret intelligence baronies either at home or abroad. But does Congress have the will and resources to forge a legitimate alternative? **R**

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# SURVIVAL HANDBOOK

Sandra Stencel

# HOW TO DEAL WITH BIG BROTHER: YOUR RIGHTS AND HOW TO PROTECT THEM

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*There was... no way of knowing whether you were being watched at any given moment. How often, or on what system, the Thought Police plugged in on any individual... was guesswork. It was even conceivable that they watched everybody all the time... You had to live — did live, from habit that became instinct — in the assumption that every sound you made was overheard, and... every movement scrutinized.*

—George Orwell, 1984 (1949)

It's still nine years until 1984, but many Americans seem convinced that Orwell's scenario is already dangerously close to reality. Is Big Brother really watching us? The recent disclosures of massive surveillance of American citizens by the Central Intelligence Agency and the Federal Bureau of Investigation are not very reassuring.

If you've been under the impression that such activities were directed only against political extremists and violence-prone groups, you may be disturbed to learn that many ordinary citizens became victims of government snooping. Participants in civil rights and antiwar activities in the 1960's and early 1970's were routinely monitored by FBI agents, local police officers and even undercover CIA operatives.

One of the most bizarre cases of political surveillance in recent years involved a New Jersey high school student named Lori Paton. In early 1973, Lori, who was then 16, wrote a letter requesting information on the Socialist Labor Party for a paper she was preparing for a social science

course. She mistakenly addressed the letter to the Socialist Workers Party, a left-wing organization which was then the subject of an FBI "mail cover." All mail addressed to the organization was examined by postal authorities and the return addresses recorded and sent to the FBI.

Unbeknownst to her, Lori became the subject of an FBI investigation for possible subversive activities. An



agent visited her school to inquire about her and also checked out her family with the local police chief and a local credit bureau. Although the investigation turned up no information which discredited Lori or her family, agents in the Newark FBI office entered her name in a "subver-



sives" file. There it would have remained had Lori and her parents not learned about the investigation from school officials who had been questioned. Lori and her teacher, William Gabrielson, filed suit against the FBI and won. In August 1974 a U.S. District Court ordered her file destroyed.

## HOW AN INVESTIGATION CAN HURT YOU

Lori Paton was lucky. She found out about the FBI's investigation and was able to have her file destroyed before it did her any real harm. Most victims of government surveillance are not so fortunate. Many people whose privacy is invaded never learn about it. Others don't find out until the investigation has some negative impact on their lives.

"For a significant number of people, the kind of job they can get will be limited by their political dossiers," says Aryeh Neier, the executive director of the American Civil Liberties Union.<sup>1</sup> Information in political intelligence files can keep you from getting a job with the federal, state or local governments or one which requires a security clearance.

Besides limiting your employment opportunities, government snooping can hurt you in other ways. You can



be denied credit and even evicted from your home. Political organizations that come under investigation can expect their membership to decline and contributions to fall off.

The victim of government surveillance suffers intangible injuries as

<sup>1</sup>Aryeh Neier, *Dossier: The Secret Files They Keep on You* (Stein & Day, 1974), p. 157.

well, says Frank Donner, director of an ACLU project on political surveillance at Yale Law School. "We live in a society that is relatively innocent," Mr. Donner told SKEPTIC. "That is, we are not used to being the subject of hostile inquiries by government agents. We think *we* are the government. We don't like to feel that somebody is after us. If you become aware that there is a man who wants to know where you were and when you were there, it has a chilling impact upon you. And the knowledge that your friends, your landlord, your neighbors are all likely to be asked about you is intimidating as well."



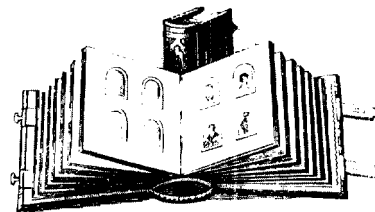
## HOW TO FIND OUT IF YOUR RIGHTS HAVE BEEN VIOLATED

How can you find out whether the government has been keeping tabs on you and your activities? The best vehicle for securing this information is The Freedom of Information Act.<sup>2</sup> The intent of this 1966 law is to force the release of more information from the government to the public. The FOIA provides that all records in the possession of the executive branch of

<sup>2</sup>Title V of the U.S. Code, Section 552.

the federal government<sup>3</sup> must be provided to anyone on request unless they are specifically exempted from disclosure by the act.<sup>4</sup>

In November 1974, Congress amended the FOIA to make it easier, quicker and less expensive to get government information. The amendments, which took effect on Feb. 19, 1975, also remove some of the



restrictions on the kinds of information that can be obtained.

If you want to use the FOIA to find out what information the government has secretly accumulated on you, here's how to do it:<sup>5</sup>

**Making a request.** The first step is to write a letter to the agency you suspect of watching you. Letters to the CIA should be addressed to the Assistant to the Director, CIA, Washington, D.C. 20505. Letters to the FBI should be sent to the U.S. Department of Justice, Freedom of Information Section, Washington, D.C. 20535. If you're trying to get information from any of the other intelligence agencies, the Code of Federal Regulations (which should be available in your public library) can tell you where to send your request. If you can't find this information, just

<sup>3</sup>The FOIA applies only to the administrative agencies of the Executive branch of the federal government. It does not apply to Congress, the Judiciary or state and local governments. Some states have freedom of information (or "open records") laws of their own. If you want records from state agencies, write for information to the State Attorney General or State Secretary of State.

<sup>4</sup>The FOIA exempts nine categories of information from public disclosure. These are classified documents, matters specifically exempted by statute, personnel and medical files, interagency or intra-agency memorandums, trade secrets, geological and geophysical information, internal policy memos, reports prepared by or for an agency responsible for the regulation or supervision of financial institutions, and investigatory records compiled for law enforcement purposes.

<sup>5</sup>For a more detailed discussion of the FOIA and how to use it, see "Your Right to Government Information: How to Use the FOIA," published by the ACLU (22 East 40th St., New York, N.Y. 10016) in February 1975, and "The New Freedom of Information Act & National Security Information," published by the ACLU and the Center for National Security Studies (122 Maryland Ave., N.E., Washington, D.C. 20002) in February 1975.

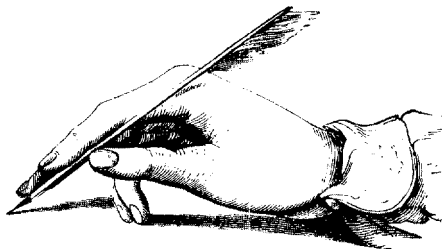


send your letter to the General Counsel of the agency.

Begin your letter by citing the provisions of the FOIA and indicate that this is a formal request for information under the act. Describe the information you want in as much detail as possible. If you know the location and specific identification code of your file or dossier, give it. But don't worry if you don't have this information. The law states that you need only "reasonably describe" the records you are requesting.

If you're not absolutely certain that the agency has a file on you, word your request in such a way that it is clear that you assume they do. You don't have to give any reason for requesting the information, although you may wish to do so.

You should indicate your willingness to pay reasonable fees for securing the requested files. Under



the new amendments fees may not exceed the actual costs of locating and copying the requested documents. You may wish to request a reduction or waiver of these fees, as provided for in the act, on the ground that release of the information would benefit the general public. If the agency decides that the information is exempt from release, they can't charge you anything.

Under the new amendments the agency must decide whether to comply with your request within ten working days. Your letter should state that if for any reason they deny your request, you want to know the reasons for the denial and the names and titles of those responsible for the decision. This will help you in preparing an appeal. You might also state that if some but not all of the material in your file is considered exempt, the remainder should be forwarded to you immediately, al-

though you reserve the right to appeal for the entire file.

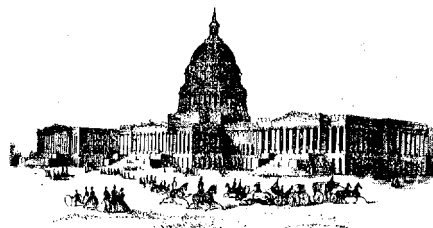
Under ordinary circumstances an individual shouldn't need legal advice to file a FOIA request. But because of the sensitive nature of the material you're requesting and the government's reluctance to make



such information available, it may be helpful to talk to an attorney before making your request.

**Appealing a denial.** There is a good chance that the government will turn down your request to see the material accumulated on you on the ground that the information is classified or that it is part of "investigatory records compiled for law enforcement purposes." Before you can take the case to court, you must file an appeal within the agency in question even if you are sure the appeal will be rejected. The letter denying your request should indicate the person to whom the appeal should be directed.

Your appeal letter should repeat the description of the requested information and indicate that release was

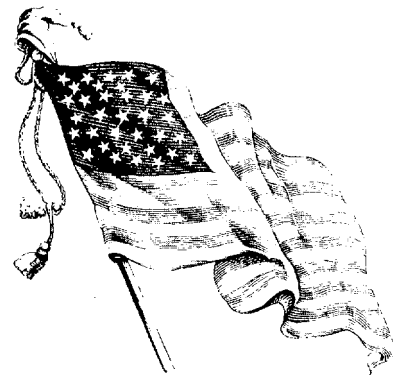


denied. It should request a final decision within 20 working days, as provided for in the act. Your appeal will be stronger if you can rebut the agency's justification for withholding your file. For this you may wish to consult an attorney.

You should state that you intend to go to court if your appeal is denied. The threat of court action sometimes prompts an agency to release information it has initially withheld. In some instances you may be able to persuade a senior official to release the information.

**Getting help.** A lawsuit is time consuming and expensive, so you may wish to try other means of fighting a denial before going to court. Well-known individuals and groups, such as the ACLU, stand a better chance of securing information than you do; consider asking their help in framing your appeal.

Send copies of your initial request, the agency's letter of refusal and your appeal to the Senate Subcommittee on Administrative Practice and Procedure and the House Subcommittee on Government Information. These subcommittees oversee



and monitor agency implementation of the FOIA and they may be able to help you. You can also ask for assistance from your Congressman and the U.S. Senators from your state.

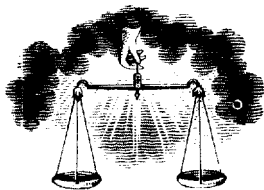
Journalists have an obvious professional interest in the FOIA and can be helpful by publicizing an agency's unjustified attempt to maintain secrecy. The publicity might influence the agency to re-evaluate its decision and release the files. Other sources of help and information are the Freedom of Information Center at the University of Missouri's School of Journalism (Box 858, Columbia, Mo. 65201) and the Center for National Security Studies (122 Maryland Ave., N.E., Washington, D.C. 20002).





**Going to court.** If all else fails you can have your day in court. The law states that you can take your case to the U.S. District Court (1) in the district in which you live or do business, (2) in which the agency's records are kept, or (3) in the District of Columbia.

Get the best legal advice available. It's expensive, but if you're serious about getting your files, it's worth it. Get a lawyer with considerable experience in federal practice and preferably someone who has filed FOIA suits before. For help in securing legal counsel contact John Shattuck, the national staff counsel for the ACLU (22 East 40th St., New York, N.Y. 10016) or the Freedom of Information Clearing House, a public



interest law firm which specializes in this area (Suite 515, 2000 P St. N.W., Washington, D.C. 20036).

The 1974 amendments to the FOIA should make going to court easier. For one thing they place the burden of proof on the government to show that the material you seek is exempt from disclosure. The courts must also expedite FOIA cases and whenever possible, place them at the head of the court's calendar. And if you win the case, the government must pay all litigation costs, including attorney fees.

Perhaps the most important amendment to the FOIA is the one giving judges permission to examine the disputed documents in chambers "to determine whether such records or any part thereof shall be withheld." And the courts are no longer bound to accept an agency's word that certain information is "classified" because it purportedly relates to the "national defense or foreign policy." Now such information can be reviewed by a court to determine whether it is "in fact properly classified." In addition, "investigatory records compiled for law enforcement purposes" are no longer generally

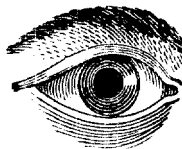
exempt from disclosure, but may be inspected by the courts to determine whether they fall within any of the six categories of investigatory records which are exempt.

## HOW TO FIGHT THE SYSTEM AND SOMETIMES WIN

Okay. You've finally gotten the FBI, the CIA, or whoever, to hand over your file. Your suspicions are confirmed; the government has been keeping tabs on you. Now what can you do about it?

One thing you can do, of course, is go to court. Have your lawyer ask for an injunction barring any further surveillance of you, ordering your file destroyed and awarding you punitive damages. What are your chances of winning? It's difficult to estimate, because political surveillance is a relatively new legal area. Between 75 and 100 lawsuits against various political surveillance practices have been filed since 1969, but many of them are still in the courts.

If you can show that the investigation was conducted without "probable cause" -- in other words, if there was little reason to believe that you were about to commit a criminal act



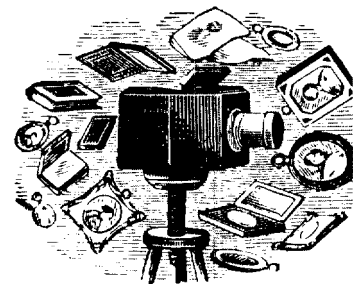
— you stand a reasonably good chance of getting your file destroyed and obtaining a court order prohibiting such surveillance of you in the future.

Collecting punitive damages is more difficult. In Lori Paton's case, for example, the court ordered her file destroyed, but refused to grant her \$65,000 in damages or to destroy the

files of other persons investigated as a result of the FBI's mail cover of the Socialist Workers Party. You stand a better chance of receiving damages if you can show that you've been harmed in some specific way directly related to the investigation — if you lost your job, for example. In addition, if you can prove that you were the victim of an *illegal* wiretap, then under the Omnibus Crime Act of 1968 you are entitled to damages amounting to \$100 a day for each day the tap continued.<sup>6</sup>

The judicial response to government snooping has been summed up by John Shattuck of the ACLU:

*In terms of constitutional doctrine, the political surveillance decisions between 1969 and 1973 are undoubtedly discouraging to civil libertarians. No decision significantly curtailed the power of the government to conduct sweeping investigations of*



*any groups which the police suspect of unlawful activity; . . . to use informers and police undercover agents without judicial supervision; to employ open or covert photographic surveillance; and to maintain dossiers and files on individuals and groups involved in political activities. Furthermore, the Supreme Court in Laird v. Tatum [1972] held that plaintiffs challenging the government's physical surveillance and its dossier systems as violations of their constitutional rights must show — before the courts will review the government's investigative activities — that they have suffered concrete injury to themselves or to their organizations. It is not enough, in other words, to simply allege the*

<sup>6</sup>Under the Omnibus Crime Act the government is not permitted to engage in any kind of electronic surveillance, including wiretapping and bugging, without a judicially authorized warrant which is supported by probable cause of a very specific type.



abridgement of what some courts have called 'abstract' First Amendment rights.

...Beginning in 1973 [however] lower federal courts throughout the country, affected in all probability by judicial concern over the Watergate revelations, have shown a more critical attitude toward the government's claims of power to investigate political groups. So far, this new judicial climate has not produced rulings that hold physical surveillance and the use of informers or dossier systems unconstitutional... What the rulings have done, however, is to reject government motions to dismiss anti-surveillance suits and to uphold requests by plaintiffs that local or federal agencies reveal traditionally secret aspects of their surveillance operations in pretrial discovery proceedings.<sup>7</sup>

Another point Shattuck makes is that whether or not the court eventually orders the surveillance stopped, once you go to court the government agency you sue will generally stop, or at least curtail, the investigation. "They don't want to be in the position of continuing to conduct surveillance and defending the lawsuit at the same time," he said in an interview with SKEPTIC. But this does not prevent them from resuming the investigation at a later date or disseminating derogatory information already contained in your file.

## HOW TO CORRECT INACCURACIES IN YOUR FILE

What if you find that your dossier contains inaccurate or misleading information? What steps can you take to have this material removed from your record? Again, your best bet is to file a lawsuit. Although

<sup>7</sup>John Shattuck, "Tilting at the Surveillance Apparatus," *The Civil Liberties Review*, Summer 1974, p. 62.

there's no guarantee that the court will rule in your favor, two recent decisions by the U.S. District Court of Appeals for the District of Columbia are a hopeful sign. In the first case, *Menard v. Saxbe*, the court ruled that the FBI must strike from



its criminal records information that local police later find to be inaccurate. In the second case, *Tarlton v. Saxbe*, the court ruled that the FBI has a duty to make reasonably certain of the accuracy of the records it sends to other agencies. The court went on to say, however, that there are practical limits to the FBI's responsibility.

Is there anything you can do short of filing a lawsuit? Well you can write to the agency informing them of the error and asking them to correct it. But according to Mark Rosenbaum, a lawyer with the ACLU Foundation of Southern California, without a formal court order you have no guarantee that they have actually made the corrections.

## HOW TO OBTAIN YOUR FBI IDENTIFICATION RECORD

You ought to be aware of the distinction between the FBI's investigatory and subversive files and their identification records. If you've ever been arrested, served in the armed forces, applied for a federal job requiring a security clearance, become a naturalized citizen or been fingerprinted for any other reason, the FBI probably has your prints on file in their Identification Division.

Your FBI identification record, often referred to as a "rap sheet,"

includes the name of the agency or institution which submitted your prints to the bureau and, if they were submitted because of an arrest, the date on which you were arrested, the offense with which you were charged and the final disposition of the case. Unfortunately, local law enforcement officials often fail to update initial arrest charges.

Since 1973 individuals have been able to obtain copies of their identification records. All you have to do is submit a written request to the FBI, Identification Division, Washington, D.C. 20537. Include a \$5.00 fee (in the form of a certified check or money



order payable to the Treasurer of the United States) to cover the cost of locating, identifying and reproducing your file.

In addition, your request must be accompanied by "satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-inked fingerprint impressions taken upon fingerprint cards or forms commonly utilized... by law enforcement agencies."

What if you want to challenge any information in your identification file? How do you go about it? According to FBI Director Kelley, since the FBI Identification Division is not the source of the information appearing in its records, the responsibility for correcting inaccurate data rests upon the contributing agencies. So direct your complaints to the agency whose name appears on the file. Convincing them of their mistake may not be easy, but if you're successful, and if they send official notification of the error to the FBI, the Identification Division will be happy to make any necessary changes.

## HOW TO DEAL WITH AN FBI AGENT

Suppose a man identifying himself as an FBI agent comes to your home to question you. Fearing that you may commit some crime by not talking, your first impulse is to tell him what he wants to know. Actually, you are *not* legally obligated to cooperate with the FBI. There is no law requiring you to talk unless you are subpoenaed by a grand jury. Although the agent may try to make you feel that you are incriminating yourself by not talking, don't be intimidated. Your silence or refusal to answer in this situation can't be held against you.

According to a pamphlet published by the Los Angeles Regional Office of the National Lawyers Guild, your best response is to say, "If you have any questions, I'll listen to them in my lawyer's presence." Then give them the name of your attorney. If you don't have a lawyer, or even if you do, you can simply tell them that you have nothing to say. If they try to question you again, you might want to contact a lawyer just to be on the safe side.

Most people worry that their reluctance to talk without an attorney present will make them look guilty. But if it is a sincere investigation and not just harassment, then they should have no objection at all to your wanting to see a lawyer. What if you have nothing to hide? Most experts still advise people not to talk. Frank Donner, director of the ACLU's Project on Political Surveillance, told SKEPTIC: "Most investigators have what I call a negative bias. That is, they always assume the worse. And therefore you have to almost overcome their doubts, overcome their preconceptions about what you're up to. And that is always a difficult burden."

What if they ask you about people

you know? Won't it make them look bad if you refuse to answer questions about them? The FBI will probably play on this fear to get you to talk. But again the experts recommend contacting an attorney before you say anything about anyone. There's no way of knowing exactly what the FBI wants to know. Perhaps their questioning is just a trick to get information about you.

Most important, you must remember that although you're not required to tell the bureau anything, if you lie to an FBI agent you can be sentenced to five years in prison and a \$10,000 fine.

## IF YOU'D RATHER JOIN THAN FIGHT...

The CIA has recruiting offices in nine cities throughout the country: Washington, New York, Los Angeles, Portland, Austin, Kansas City, St. Paul, Chicago and Boston. You can get an application for employment at any one of them or write CIA headquarters, Washington, D.C. 20505. Most CIA recruiting is done through college placement offices. The agency is primarily interested in graduate students in such areas as economics, political science and languages. A CIA spokesman in Washington explained the emphasis on an applicant's academic background: "Most of the young men and women recruited by the agency will end up being research analysts or report writers. The task here is really to assess foreign information and make assessments on the political and economic dynamics of a foreign country."

But what about all that "cloak and dagger" stuff? How do you get into that? Larry Curran, an intelligence officer with the CIA recruiting office in Los Angeles explained the process. There are various methods of entry

into the CIA. You can have a specialty which the agency needs or you can be admitted to their career training program. To become a "clandestine services officer" (the CIA doesn't have any "spies"), you would ordinarily go through the career training program. You can't actually apply for the program, although you can express an interest in clandestine services to the recruiter who interviews you. If he thinks you have the necessary qualifications, he can recommend you for the program.

What kind of person is the CIA looking for? According to Mr. Curran: "someone with a foreign language capability and a good academic background who interacts well with other people, has good goal orientation, and has exercised good judgment in his affairs."

If the FBI interests you, stop in or write any of the 59 field offices across the country and ask for an application form. To qualify as an FBI agent you must be a citizen of the United States between the ages of 23 and 39 and at least five feet seven inches tall. You must have a valid driver's license and be available for general or specific assignments wherever and whenever your services are needed in any part of the United States or Puerto Rico. As for your educational background you should be (1) a graduate of an accredited high school, (2) a graduate of a four-year college with a major in accounting and at least one year of practical accounting or auditing experience, (3) a graduate of a four-year college with fluency in a language for which the bureau has a current need, or (4) a graduate of a four-year college with three years of professional, executive or specialized experience. Once you're accepted as an agent, you can volunteer for undercover work.

Another way to get into government snooping is to become an informer. According to Frank Donner, an FBI informant can earn as much as \$400 a month in salary plus generous expense payments and special bounties.



# LETTERS



The editor cordially invites readers to comment on the issues and arguments raised in SKEPTIC. Write to the Editor, SKEPTIC, 812 Anacapa St., Santa Barbara, CA 93101.

things are good is akin to playing Nero's fiddle.

**Bart Kort**  
San Francisco, Calif.

Nuclear catastrophe looms more plausible -- whether through design or miscalculation, accident, theft or blackmail."

**Stacey Beckhardt**  
Northfield, Mass.

## Fiddling While America Burns

Wattenberg's wave-the-flag optimism about America's place and progress reads like good election rhetoric but poor analysis. His discriminate use of statistics -- employing them where they do him most good, avoiding them where they sting -- is typical of the misuse of numbers we have evidenced at least since the infamous "Missile Gap" days of the late fifties. If real income is so good, then why is real purchasing power so bad? If educational growth is cause for optimism, then why are young people turning away from higher education in ever-increasing numbers? If our job situation is better than ever before, then why does our system deny participation in such goodness to more than 8% of the working population?

But if there is a hollow ring to Wattenberg's numbers, there is true poverty in his inability to grasp the significance of his own words. Americans, he says, are not alienated or disillusioned with their own incomes or schools or jobs; they're simply alienated from *the nation!* In other words, while their selfish instincts remain undaunted, their social instinct, their feeling for commonality, for America as a land not simply of cars and money but of goals and ideals, lies decimated. To Wattenberg, evidently, this is no cause for alarm. To those of us who see America as more than statistics and income figures, who see the *social* malaise and directionlessness of today's America, to say that

## The Nuclear Threat

India's detonation of an underground nuclear explosion last May ushered in a new era in the atomic age. Arms control experts fear that other minor-league nations -- including Iran, Argentina and Brazil -- could, in the foreseeable future, develop their own atomic arsenals.

Each time a nuclear reactor is built somewhere in the world -- for whatever purpose -- the possibility of a terrorist group stealing enough nuclear material to make a bomb dangerously increases. Noted physicist Theodore B. Taylor, himself a former designer of nuclear weapons, contends that a crude atomic bomb could be built "using materials and equipment that could be purchased at a hardware store and from commercial suppliers of scientific equipment for student laboratories."

In light of these circumstances, I was surprised to see that the dangers of nuclear proliferation rated only a one-sentence mention in the SKEPTIC issue on America's Survival.

Secretary of State Henry Kissinger addressed the question of nuclear safeguards in a speech to the United Nations on Sept. 23, 1974. "The world has dealt with nuclear weapons as if restraint were automatic," Kissinger said. "Their very awesomeness has chained these weapons for almost three decades; their sophistication and expense have helped to keep constant for a decade the number of states who possess them. Now... political inhibitions are in danger of crumbling.

## No Crystal Ball

Your Energy issue was enlightening, informative and intellectually stimulating, except for that banal piece by the Ehrlichs.

Instead of "How to Survive in an Age of Scarcity," it told the reader what to *sacrifice!* It provided no instructive or directional endeavors to be followed in the future when the presupposed shortages *really* arrive. Instead, it repeated the "Rules for Coping" we have heard *ad nauseam* from the government and the media. The Ehrlichs, no doubt, can well afford the thousands of dollars necessary to implement the energy-saving methods they describe, but what can those of us who are less affluent do but eat "cold meals" as suggested?

I'm glad SKEPTIC placed the article in the back of the magazine. It earned that position with this statement: "If you're *open-minded* and have a *clear idea* of what the future is *likely to hold*, you won't have any trouble finding opportunities, although they may require you to learn an entirely new set of skills." The Ehrlichs should also have included a crystal ball and a money-printing machine in their long list of "must do's" for survival.

We were granted the gift of intelligence to *overcome* our problems, not *submit* to them.

**B. Lance Greenfield**  
San Francisco, Calif.

# READING GUIDE



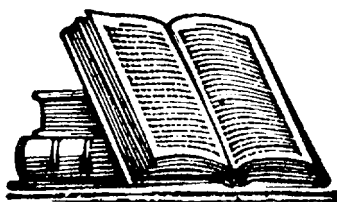
## Richard E. Kipling

Spies and agents, cloaks and daggers, secret missions, messages and midnight rendezvous — the shadowy world of espionage is as fascinating as it is disturbing. The history of intrigue adds to that fascination. Richard Rowan's *Secret Service: Thirty-three Centuries of Espionage* (Hawthorne 1967) is an exhaustive rendering of what Allison Ind, in his lively *A Short History of Espionage* (McKay 1963) calls "the world's second oldest profession." David Kahn's *The Codebreakers* (Signet 1973) chronicles the entire history of secret messages, while F. W. Winterbotham's *The Ultra Secret* (Harper 1974) is a fascinating case history of the British pilfering of the Nazi secret code. For spies and spy capers of more recent vintage, see Andrew Tully's *The Super Spies* (Morrow 1969), the *Army Times' Modern American Secret Agents* (Dodd, Mead 1966) and E. Howard Hunt's "autospionage," *Undercover: Memoirs of an American Secret Agent* (Putnam 1974).

In an area where truth is often stranger than fiction, spy fiction yet manages to offer its allurements. Graham Greene's *The Confidential Agent* (Pocket Books 1967) and Joseph Conrad's finely architected *Secret Agent* (Doubleday 1953) are both classics of the genre. Today's best include Ian Fleming's many James Bond novels (Signet, various titles and dates) and John Le Carré's excellent *The Spy Who Came in From the Cold* (Bantam 1975) and *Tinker, Tailor, Soldier, Spy* (Knopf 1974).

In that often stranger world of fact there are three types of literature: books by intelligence and ex-intelligence agency stalwarts defending agency activities; works by ex-agency apostates decrying agency activities and calling for reform; and books both critical and supportive by members of the academic, journalistic

and legal communities. Agency loyalists' works are led by ex-CIA Director Allen Dulles' Cold War classic, *The Craft of Intelligence* (Harper 1963), and by J. Edgar Hoover's once-hallowed *Masters of Deceit* (Holt, Rinehart, Winston 1958). See also Hoover's thoughts *On Communism* (Random House 1969), Lyman B. Kirkpatrick's inside look at *The Real CIA* (MacMillan 1968) and Miles Copeland's defense of a CIA that he claims is basically *Without Cloak or Dagger* (Simon and Schuster 1974). Ex-agency critics have surfaced with strong-worded condemnations of intelligence community activities. The



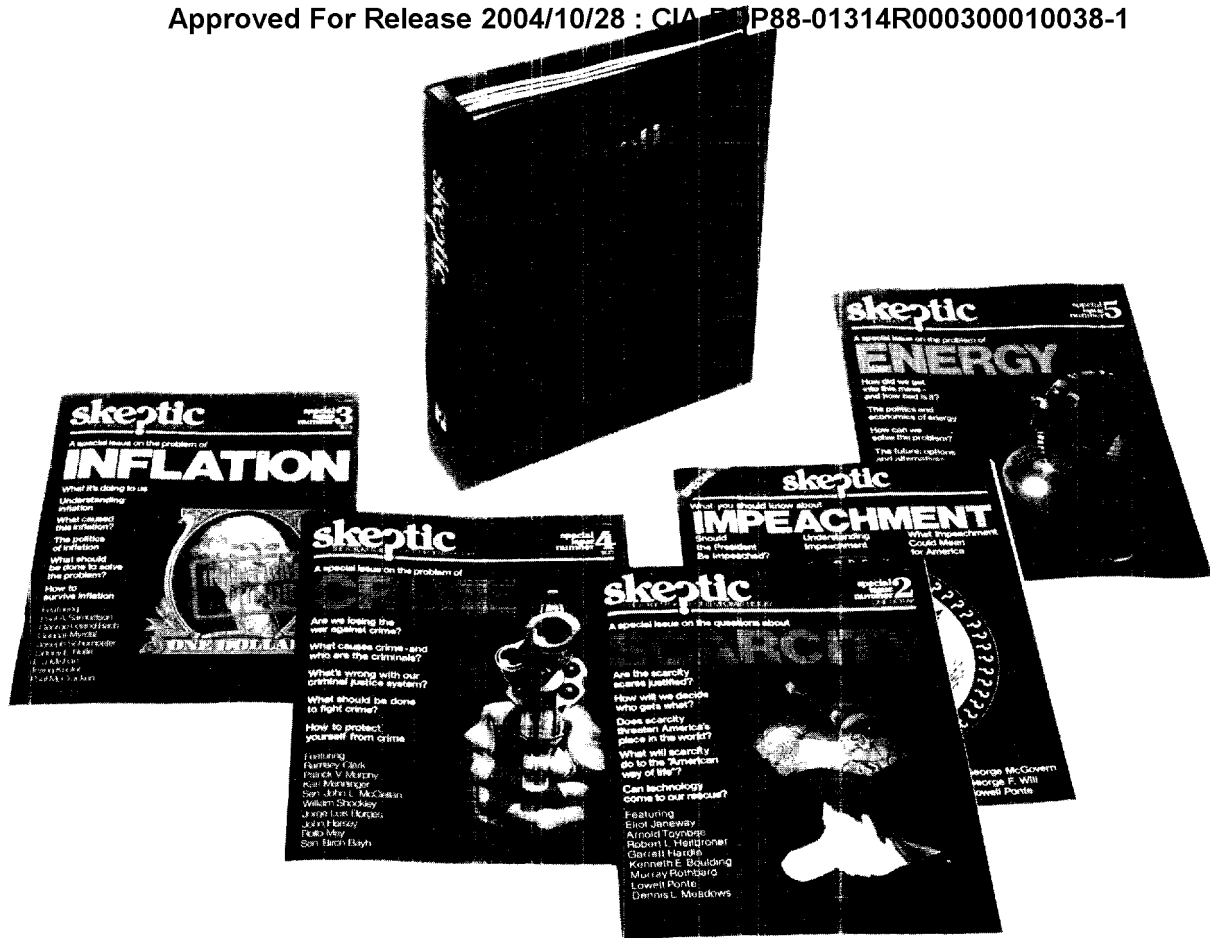
two most sensational are ex-CIA Latin American operator Philip Agee's *Inside the Company: CIA Diary* (U.S. edition to be published in the fall of 1975) and Victor Marchetti and John Mark's CIA-court-contested-and-censored *The CIA and the Cult of Intelligence* (Knopf 1974). Another critical inside glimpse comes from ex-agent Patrick J. McGarvey's *C.I.A.: The Myth and the Madness* (Penguin 1972). The FBI comes in for criticism from ex-agent William Turner who, in his *Hoover's FBI* (Dell 1971), exhibits his distaste for secret operations and such sanctioned illegalities as "bag jobs" and "bugs."

From the pens of scholars, journalists and lawyers have come some outstanding works. Two of the best are *Central Intelligence and National Security* (Harvard 1958) and *The Intelligence Establishment* (Harvard 1970) by Harry Ransom. In *The Invisible Government* (Random House 1964), David Wise and Thomas

Ross do a credible job of leading us through the historical and political labyrinths of the world of American intelligence. Richard Barnett's *The Roots of War* (Penguin 1973) adeptly explores the psychology of the national security/intelligence community. Paul Blackstock looks carefully and critically at CIA covert operations in *The Strategy of Subversion* (Quadrangle 1964), while L. Fletcher Prouty's *The Secret Team* (Ballantine 1974) ruminates against CIA plots and spies everywhere.

The FBI has its critics and supporters as well. Don Whitehead's *The FBI Story* (Random House 1956) was written with J. Edgar's approval, just as Fred J. Cook's *The FBI Nobody Knows* (MacMillan 1964) was not. Harry and Bonaro Overstreet, in their *The FBI in Our Open Society* (Norton 1969), take on Cook and other FBI critics. For an interesting pro/con combination, read the critical *Investigating the FBI* (Doubleday 1973), edited by Stephen Gillers and Pat Watters, and then the Richard O. Wright-edited *Whose FBI?* (Open Court 1974), written largely in response to the former. While you're at it, try the Gillers and Norman Dorsen-edited *None of Your Business* (Viking 1974) for an exploration of secrecy and surveillance at all levels of American government and society.

Finally, no decent evaluation is possible without some understanding of what other intelligence networks are like. To this end, I recommend Wise and Ross' *The Espionage Establishment* (Random House 1967), which surveys the U.S., Britain, China and Russia; Ladislav Farago's *The Game of the Foxes* (Bantam 1973), which explores the Nazi spy machine; and John Barron's authoritative exploration of the Russian secret agency that does battle with the CIA, *KGB* (Bantam 1974). ■



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