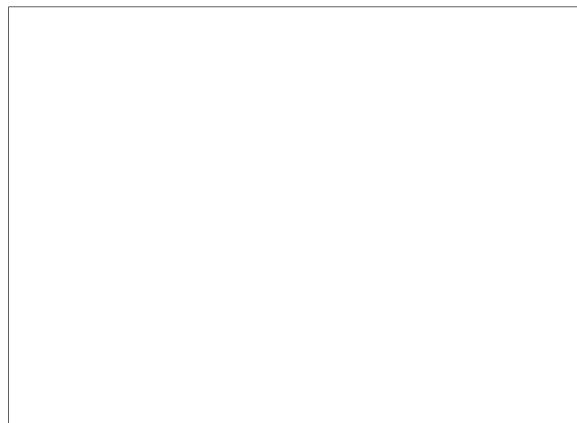


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STAT



THE CIA "PRESS": HOW THE CIA ZAPPED TRUMAN
by John Kelly



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"...we are a service-oriented board, we are not censors."
Herbert Hetu

Former CIA careerist Ray Cline once told Congress that the First Amendment of the U.S. Constitution was "only an amendment." At the time, Cline did not elaborate. CIA testimony has now elucidated Cline's cryptic remark. Quite apparently, the CIA operates as if the First Amendment did not exist and acts against U.S. citizens according to this belief.

On March 6, 1980, Herbert E. Hetu, Director of the Office of Public Affairs and Chairperson, Publication Review Board of the CIA, testified before the House Permanent Select Committee on Intelligence. Accompanying Hetu, and also testifying, were Charles Wilson, Ernest Mayerfeld, John Peyton, L. Cole Black, and Marlene Bozan, all CIA employees.

Hetu stated that in June 1976 the CIA established "the Publications Review Board (PRB) and laid out the duties of that board, the membership, and the means by which they would clear manuscripts, I mean, review manuscripts. We do not clear manuscripts. Hetu and the others then proceeded

to describe a censoring and clearing process, even slipping into using the word, "cleared."

For CIA employees, the CIA's First Amendment policy is cut and dry. The CIA imposes "reasonable restrictions on employee activities that in other contexts might be protected by the First Amendment." Of course, the CIA determines what is are "reasonable restrictions." One is reminded here of the illustration of the Constitution stamped with: "VOID WHERE PROHIBITED BY LAW."

Representative Edward Boland: "Does the CIA press all former employees to provide material for review with equal diligence?"

Herbert Hetu: "Yes, sir...."

Former CIA employees are required to submit their writings to the PRB ostensibly to prevent the publication of classified material. This questionable but reasonable-sounding stricture is exposed for what it is by the exemption of some former employees. CIA testimony revealed that the spy novels of E. Howard Hunt, the newspaper columns of Thomas Braden and Cord Meyer, some of Miles Copeland's books, and the lectures of Lyman Kirkpatrick were not being reviewed by the PRB. As Mayerfeld put it:

It is obvious that we have greater concern about people like Snepp... We have less concern that Mr. Meyer

would deliberately reveal of a secret
or would deliberately do harm.

When Hetu was asked why certain former CIA employees were not reviewed, he simply said, "I don't know the answer to that."

Former CIA officer, Frank Snepp is the author of the book, Decent Interval which the CIA had the Justice Department take to the Supreme Court solely because Snepp did not submit his manuscript to the PRB for prior review. In court, the Justice attorneys did not argue that Decent Interval contained classified information. As the following dialogue shows, the CIA operates under the conviction that material not reviewed by PRB, by that fact alone, threatens national security.

Mr. Aspin: I guess why I am puzzled is that you are saying that it is the act of publishing without being reviewed that is detrimental?

Mr. Mayerfeld: Precisely that.

Mr. Aspin: But it is not the material that could be detrimental.

Mr. Mayerfeld: Only if it is classified would it be detrimental to the national security.

...

Mr. Aspin: Let me ask about another part of the Supreme Court decision. That is the part on page 5 where it says both the District

Court of Appeals found that a former intelligence agent's publication of unreviewed material relating to intelligence activities can be detrimental to vital national interests, even if the published information is unclassified. What is your view of that?

Mr. Mayerfeld: Oh, I most emphatically agree with that statement. That, indeed, is the whole point of the Snepp case, and I think Director Turner, in the course of the trial, testified to this eloquently.... It doesn't matter whether there is anything in there or not which in fact hurts,..."

Despite this testimony, Mayerfeld contended that:

...the Marchetti case, which remains the law on this issue, remains quite clear, that we can only delete or prevent the publication of classified material.

And, what, according to Mayerfeld, is a classified document?

It has got to have a stamp on it, it has got to be dated, and the identity of the classifier has got to be disclosed.

In short, Mayerfeld said that based on the Marchetti decision the PRB could prevent the publication of only classified material.

"But it is in his head. We can't classify his head."
Herbert Hetu

But, wait. Hetu brought up the following hypothetical situation.

...you might have an author who is a former intelligence officer, case officer, say, in the case of Cord Meyer who, for the first time ever, writes about an operation. It is no place written down, it has never been classified per se. He is the first one ever to put it down in a manuscript, and it is in his book....

And what, according to Hetu, happens to this unclassified material? Quite simply, it "becomes classifiable."

Committee Chief Counsel, Michael J. O'Neil protested: "But Marchetti suggested you cannot excise that material."

"No," retorted Mayerfeld, "I am not sure that is correct."

"Is the contention that it could then be classified and therefore made the subject of strictures under the agreement?" asked O'Neil.

"Yes, indeed," responded Mayerfeld.

Well, how can this be? Quite simply, according to Mayerfeld,

...the Fourth Circuit when it said those words in the Marchetti case, did not perceive the problems that you perceive right now. It said "classified" and meant "classifiable."

In addition to being able to read the minds of judges, Mayerfeld proffered the following consolation.

There aren't many questions about this, and that is one reason why John Peyton is on this board because he knows what the courts will permit to claim, or where the courts will uphold our claim of classification. There is not much gray area there.

Hence, the PRB believes it can prevent publication of classified and classifiable material. Still, Hetu claimed that

...we consider ourselves negotiators. We often sit down with authors and work out the differences. In other words, it is not an arbitrary, cold-blooded process.

And, what about whether or not something is properly classified? Well, according to Charles Wilson:

...it would be incorrect to assume that we are negotiating the classification of the proposed deletion. This is not debatable.

CIA's testimony also brought out that the entire review, if you will, including appeals, occurred within the CIA with the CIA's Inspector General representing both the author and the CIA during an appeal. Wilson, an attorney, called this procedure "impartial" while proffering the following piece of self-congratulatory puff.

I know that you would say, perhaps, that the Inspector General within the CIA, is a CIA mechanism and therefore is tainted. However, as far as the rest of us within CIA who are not within the IG component are concerned, it is impartial and in a position to look at both sides of the issue and go into it in some depth, which was done in this one instance. It was an excellent piece of staff work in my opinion on the part of our IG who forwarded a very fair set of documents to the Deputy Director for his final decision on that, and in this case, there were three items at issue, and the Deputy Director upheld the decision of the PRB on all three of those...."

In addition to its self-proclaimed impartiality,

Mayerfeld claimed that:

...it would be our contention--and I think the courts have really supported us on that, that it is the people who classify the information, the people who own the information (my emphasis) are in the best position to make a determination whether or not anything is classified.

Owning information is the literal antithesis of free speech. The concept of owned information has not been generally upheld or supported by the courts. If the CIA owns information, then any persons who obtain this information, whether or not they publish, could technically be prosecuted for stealing property. But then, the First Amendment is "only an amendment." Besides, "there

is the comfort of Wilson that one "can write the article or make the speech at his possible peril."

Mr. Aspin: "...How about suing Bill Colby for the proceedings from the French edition?"

Mr. Wilson: "We could not sue him on the same grounds as Snepp, in my opinion..."

At the hearing, Hetu also put forth the consolation that:

Indeed, in 6-2, Admiral Turner insisted that the one line be put in there that says approval will not be denied solely (partially?) because the subject matter may be embarrassing to or critical of the Agency. That was one of the refinements in the regulation, and that is assiduously followed.

While this may or may not be true with regard to present and past CIA employees, it is not true for the general public. What the hearings did not mention was that the CIA tries to "review" all publications by anyone about the CIA. Not only does the CIA review; it also takes action against its critics ranging from bad-mouthing to attempts to neutralize, retract, or discredit a given publication. This operation is seen in the following narration about an article entitled, "Limit CIA Role to Intelligence" published in The Washington Post on December 21, 1963 by former President Harry S. Truman.

This article contained nothing even resembling classified information and, of course, Truman had never been an employee of the CIA. The article was, however, critical, so the CIA went into action--after all, the First Amendment is "only an amendment."

On January 7, 1964, Dulles wrote Truman a thank-you note for his "kind comments" about The Craft of Intelligence.

Dulles used this occasion to immediately light into Truman by saying "...I was deeply disturbed by the concluding paragraphs of your article."

Then, after agreeing that the CIA's "primary mission" should be intelligence, Dulles disagreed with:

what you say about CIA being injected into peacetime cloak and dagger operations and your admonition that CIA should terminate "its operational duties"... also I differ with your comment that CIA has become 'at times a policy-making arm of the government.'

(A few weeks earlier, Dulles had intervened with Representative John V. Lindsay (D-N.Y.) to stop a pending Congressional resolution.)

Dulles then tells Truman why he should not be calling for the termination of the CIA's peacetime cloak and dagger operations. It is not because his call is based on an inaccurate assessment. It is because:

...you (Dulles' underline), through National Security Council action, approved the organization within CIA of a new office to carry out covert operations directed against secret communist subversion.

Dulles then claims, without substantiation, that "communist subversion" in the form of "wars of liberation" still necessitates CIA's covert operations. Still, Dulles' primary reason for opposing Truman's call is that Truman started covert operations. Truman was not wrong. Simply because he had been involved, Truman should not be criticizing the CIA. That Dulles was reacting strongly was seen in the filing of his correspondences and Truman's article with the CIA under its "CIA Attacks File." Dulles defined as a CIA attack an article by the man Dulles called the "father" of the CIA.

Dulles followed his ad hominem rebuttal with a disturbing rebuttal indicating, at best, his incomprehension of democracy.

I do not believe these operations as your article suggests, present any danger to our free institution so long as they are subject to high policy guidance.

In the United States, the government is suppose to be run with the consent of the governed not secretly by a few so-called high officials. Moreover, the CIA has

conducted some of its most reprehensible operations, such as its war in Laos, when it was most subject to high policy guidance.

It may be argued that Dulles implied to Truman that he was abetting communism since,

Throughout this period the Soviets have ~~deavored~~ deavored by every form of attack (my emphasis) to drive us out of the business of countering their subversive operations.

But, even if Truman's CIA recommendations would not aid the Soviet Union, they would, of course, according to Dulles, "seriously prejudice our national security."

As with the CIA's PRB, the criterion for censorship is national security as defined by them.

Dulles' concludes his letter by saying he would like to visit Truman to reveal "highly secret." details which he could not mention in "open mail." The implication was that these "highly secret" details would convince Truman of his errors.

"You guys are going to have one hell of a budget. It means that every time anybody who is a former CIA employee writes anything, a column or makes a speech or anywhere mentions the word 'intelligence' or CIA, he is going to have to submit that to you for review."

Representative Les Aspin

There is no indication that Truman responded to Dulles' letter or request for a personal visit. Dulles' however, was not to be deterred. He telegraphed Truman on April 13, 1964, to request a visit. Truman's secretary called back to grant the request.

Before sending his telegram, Dulles had been in contact with CIA General Counsel Lawrence Houston and had obtained a "working memorandum" from Cord Meyer to use in his visit with Truman. Cord Meyer, among other things, oversaw the CIA's censorship of the press. He personally attempted to prevent publication of the book, The Politics of Heroin in Southeast Asia by Al McCoy. Although the book was published unchanged, Meyer did manage to get Harper and Row to give the CIA a pre-publication copy of the manuscript for censoring. Harper and Row did so after a letter from CIA General Counsel Lawrence Houston, which stated, in part, that

...I find it difficult to believe...that a responsible publisher would wish to be associated with an attack on our government involving the vicious international drug traffic without at least trying to ascertain the facts.

Meyer had also attempted to censor an up-coming article by his former CIA partner, Thomas Braden. In this attempt, Meyer tried to solicit Dulles' assistance, by sending him an advance copy of the article and noting that:

I think Tom meant well but obviously it is going to be very damaging. I really can't understand why he did it.

Despite this assessment, the CIA did not have Braden taken to court before or after publication.

The bizarre element of this CIA intervention was that Braden's article was directed at neutralizing the effects of the recent CIA exposés. As Braden told the New York Times:

It seemed to me that it was time to put the record straight and that's why I wrote what I did....

I think it is important to answer outrageous charges against the CIA...even if the publicity makes the agency uncomfortable.

CIA censorship knows no rhyme or reason which makes it all the more dangerous.

I don't see how an independent and, if you will, an impartial body can make a determination as to whether a piece of CIA information requires protection under the Executive Order.

Ernest Mayerfeld

Regarding the Meyer memo, which listed covert operations under Truman, Dulles later told Houston that: "I did not suggest to Mr. Truman that it was other than a working memorandum I (my emphasis) had prepared." Apparently,

the CIA lies to, and does not trust, even former presidents. Indeed, when Truman asked to keep the Meyer memo, Dulles "said that this had several items that he might not wish to keep, including the last page, which I eliminated from the memorandum..." Dulles then told Truman to mark the document "secret" and "asked him to destroy it and not add it to his files..." Not satisfied, Dulles told Houston that, "Later I spoke to his personal secretary, Miss Rose Conway and told her to keep her eye on the memorandum and to see that it was in absolutely safe hands until it was destroyed."

Houston had also been in contact with CIA Director, John McCone regarding the matter and had given Dulles a copy of a memo he had written to McCone.

Given McCone's involvement, it seems accurate to say that Dulles was carrying out a CIA assignment particularly in light of Dulles' following retirement statement.

At the request of the president and of Mr. John A. McCone, I will make myself available as a consultant to my successor as he may wish."

For his trip to Truman, Dulles "motored" from Kansas City to Independence with several current CIA officers including Mr. H. A. Mountain whom he introduced to Truman. Shortly after his visit, Dulles sent a four page memo to Houston detailing his version of the visit. Footnoted to

Dulles' memo was that one copy of the memo was sent to the "Truman file"--presumably indicating that, for exercising his freedom of speech, the CIA had secretly opened a file on a former president and the very man who had created the CIA.

These and other factors, warrant saying that Truman had become a CIA target. This, despite his referring to Dulles and McCone in the Post article as "men of the highest character, patriotism and integrity...."

According to his report of the visit, Dulles first buttered up Truman by telling him "he was one of my heroes...."

Dulles was apparently a bit put off, however, because "...I found Mr. Truman more quick and alert than I had been given to believe he would be." (Dulles did not mention who gave him this assessment.)

Persevering, Dulles made the same point as his letter of January 7, 1967, viz., Truman had created covert operations. He then pulled out a copy of the Post article "which I suggested seemed to me to be a misrepresentation of his position." After looking at the article, Truman, according to Dulles, was "astounded," "highly disturbed," said this was "all wrong" and "several times said he would see what he could do about it."

One has to wonder here about Dulles' report. It is difficult to believe Truman would be astounded, highly disturbed, and call all wrong his own article which had been widely published some four months earlier. If Truman had considered it all wrong, why had he published it, and why had he not already done something about it? Even Dulles brings into question this part of his report since he concludes, "It is even possible, maybe probable, that he (Truman) will do nothing when he thinks it over." (This is some analysis of one's hero.)

The subsequent facts also question Dulles' description of Truman's reactions since Truman did nothing about the article. He did not even have published a letter-to-the editor. Even if Truman had been "induced" by someone else --which Dulles, without substantiation, asserted was the case--, it is difficult to believe he would not have taken some action about something highly disturbing and all wrong.

Dulles ended his report urging continued CIA pressure on Truman through his "old friend Clark Clifford"; a birthday message from McCone "referring to President Truman in connection with the organization of the CIA;" and "possibly in other ways."

Ten years later the CIA was still following up the Truman article even though both he and Dulles were dead.

As the CIA then saw the article:

The starter's flag had been dropped, and the contestants raced into the field.... It was open season on CIA over the 1963 year-end holidays, and for more than nine years since then the article in question has been stock-in-trade for writers of books and articles attacking (my emphasis) CIA,..."

To hear only the CIA, one would not realize that the article had no reforming effect on the agency and not a single one of Truman's recommendations came close to being effected. On the contrary, since Truman's article, the CIA escalated one of its biggest covert operations, the secret war in Laos.

Like Dulles, the CIA, ten years later, asserted that Truman, "the source for these attacks" should not have written the article since he had initiated covert operations. Also like Dulles, the CIA did not question the accuracy of Truman's assertions or the validity of his recommendations.

The CIA then proffered the following.

Had Truman written the statement? It developed he had not (CIA emphasis), but as the Germans say "Lies have long legs," and by the time a denial could have been obtained, the impact of the original statement was so widespread that a denial never would have caught up with it.

We are suppose to believe that the CIA, with its own long legs in the media, decided not to respond to Truman's "attack" even after determining that someone else had written the article.

The truth of the matter was that the CIA could not justifiably denounce Truman's article as a lie because Truman believed what it said whether or not it was written by him. This became apparent during a CIA follow-up six weeks after Dulles' visit. Lt. General Marshal S. (Pat) Carter Deputy Director of Current Intelligence and his executive assistant, Enno H. Knoche were at Truman's house ostensibly to provide him with his regular briefing as a former president. According to a Knoche memo, prior to the briefing, Truman's assistant, David Noyes "admitted quite freely the authorship of the Truman article on the CIA which was published on 22 December 1963..." Knoche then speculated that:

It is highly doubtful whether President Truman ever saw the article prior to its publication, as he was already beginning to age considerably at that time. (Six weeks earlier, Dulles had found Truman "quick and alert.")

At the briefing, Carter again reminded Truman that he had initiated covert operations. According to Knoche:

Truman broke in on the General's statement to say yes, he knew all that, it was important work, and he would order it to be done again under the same circumstances. He went on to add, however, that he had

set up the CIA to pull together basic information required by the presidency but which had been denied to him by State and Pentagon handling procedures. He said this was the main purpose.

"General Carter dropped the subject at that point, and went on with the briefing," according to the CIA. Thus, there was no denial to catch up with a lie that did not exist. And, the only one with long legs was the CIA which ten years later was still reviewing Truman's article.

It is clear from the Truman episode that the CIA is not just "going after" its past and present employees. The CIA is "going after" any and all critics despite Ernest Mayerfeld's testimony that the CIA considers "as an important First Amendment right which ought not to be abridged, the right to criticize one's government." If a former president of the United States is not free to criticize the CIA, who is?

The past two years have also made clear that the CIA is escalating its assault on the First Amendment. Ernest Mayerfeld testified that while the CIA was "happy" with being awarded the royalties from Decent Interval, it does not believe civil damages are an adequate "deterrent." "The reason why we brought this litigation was to get an effective deterrent," said Mayerfeld. (What happened to protecting national security?) And, some people who simply want "to hurt us" (the CIA that is, not necessarily national security), ~~emoaned~~ Mayerfeld, are not deterred by fiduciary damages. Therefore, the CIA

is "seeking...legislation to criminalize the publication."

In its "seeking," the CIA, which is forbidden by law to make policy, wrote a bill for Senator Patrick Moynihan which authorized prison sentences for anyone publishing certain, classified and unclassified, information about the CIA. Even the Department of Justice, which has always looked the other way with respect to CIA crimes, gagged at this bill and testified that it was probably unconstitutional. Tom Wicker of The New York Times summarized this and other CIA-instigated bills as "a quasi-Official Secrets Acts that would surely have been used against the press as well as 'leakers' of secrets."

The CIA's assault on the First Amendment exposes its ambition to be an invisible government. This, in turn, speaks to the CIA's destabilization of democracy at home. For as a founder of our country, James Madison, wrote:

A people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both.

Democracy in the United States is a farce and non-existent unless it rests upon the most basic principle of the Declaration of Independence, "consent of the governed." And, consent or lack of consent does not exist unless the governed know to what they are consenting. Thus, when the CIA resumes its

assault on the First Amendment, it is crucial to democracy at home that Congress and the people not only resist but also open up the CIA as Jimmy Carter swore he would do.

To Congress, I would repeat the urging of the late Senator Wayne Morse in 1956 long before many of the CIA's crimes were known.

...it is long overdue that the Congress of the United States should assume its clear responsibility in this matter. We should proceed, without hesitation, to give the people of the country a service they are entitled to have from us, ...thus bringing the CIA under the surveillance of the Congress, and putting an end to this type of government by secrecy on the part of the president of the United States.

To my fellow Americans, I would also quote the urgings and warnings of Senator Morse.

When the President of the United States says that the matter of the CIA is too sensitive for Congress to take up, he shows the American people what many of us have long known, namely, his lack of understanding and appreciation of the legislation process of the Government, and the check and balance system of the Constitution.... It is about time the American people made that clear to the President.... dangerous shoals lie ahead, shoals which can easily wreck our whole ship of freedom which has been built up under our great Constitution.... It can happen in America, if we do not stand on guard in relation to the principle of checks and balances under the Constitution.