

APPENDIXES

APPENDIX 1.—“THE CIA AND THE CULT OF INTELLIGENCE,” BY RALPH McGEHEE

APPENDIX.—THIS BOOK AND THE SECRECY AGREEMENT

The secrecy agreement that I signed when I joined the CIA allows the Agency to review prior to publication all writings of present and former employees to ensure that classified information relating to national security is not revealed. This provision seems logical and necessary to protect legitimate secrets. However, my experiences in getting this book approved show that the CIA uses the agreement not so much to protect national security as to prevent revelations and criticisms of its immoral, illegal, and ineffective operations. To that end, it uses all possible maneuvers, legal and illegal. Had I not been represented by my attorney, Mark Lynch of the American Civil Liberties Union (ACLU), and had I not developed a massive catalogue of information already cleared by the Agency's publications review board (PRB), this book could not have been published. The review of my manuscript came in two basic stages, first on an initial manuscript that I wrote without editorial assistance, and second on a revised manuscript written following an editor's advice.

On February 26, 1980, I submitted the first version of the manuscript to the Agency for review and on March 21, several days before the mandatory 30-day review period expired, John Peyton, a lawyer of the Agency's general counsel staff who served concurrently as the PRB's legal adviser, called and asked that I come to a meeting on March 26. He moaned audibly when I advised him that Mark Lynch of the ACLU would accompany me to the meeting. At the meeting, held in the general counsel's office on the seventh floor of the Headquarters building in Langley, the government's side was represented by five attorneys—three from the general counsel's office and two from the Justice Department. Had I come to the meeting alone, I would have been the lamb ready for slaughter. Because of his participation in other sensitive Agency cases, Lynch had earlier been granted a high-level “Q” clearance, but even so the Agency required him to sign an agreement before he could participate in that meeting. Peyton then explained that the publications review board had made 397 deletions in my manuscript. I was surprised, because I had been extremely careful not to use classified information in the manuscript. Those 397 deletions exceeded even the 339 passages excised from *The CIA and the Cult of Intelligence*, a book by John Marks and Victor Marchetti that deliberately set out to expose Agency secrets. I later learned that the 397 deletions represented only a fraction of those initially demanded by the Agency's Directorate for Operations. When I notified Peyton that I would be represented by the ACLU, the Agency had quickly retracted its more capricious deletions, resulting in the final list of 397 items.

Lynch suggested that he and I first be permitted to adjourn to a private room to review each item. When we finished the review, the full group reconvened. I said that almost all deletions appeared in some form in the *Pentagon Papers*. Ernest Mayerfeld, deputy general counsel, said if that was true he could not object to their inclusion in the book. The lawyers said that I should get together the next day with the Agency's freedom of information officer, Bob, to consider specific deletions.

After lunch and later at home I reviewed the Agency's deletions and matched each item with my source documents. I was overjoyed: all significant deletions were covered by supporting public data. My joy was premature.

Early the next day I met Bob, who during my last few years with the Agency had served as my boss once removed. A dedicated cold warrior, Bob was a tall, stocky, impressive man in his late fifties who had achieved supergrade status in the Agency and had served as chief of station [19 words deleted].

Bob seemed as agitated as I, and it was obvious that he felt he was soiling himself by dealing with me. In less civilized circumstances we probably would have been happier fighting rather than talking. Early on Bob set the tone. “It's too bad you didn't work for the Israeli intelligence service,” he said. “They know how to deal with people like you. They'd take you out and shoot you.”

Bob then launched into a long monologue covering the vagaries of the secrecy laws, including details of the Carter administration's Official Disclosure Law, the Freedom of Information Act, and the various problems in their application. I impatiently endured this speech. I was most anxious to get on with the review, to produce my public documents, and to get the hell out of there.

We finally moved to the review of the specific deletions. The very first item caused trouble. Inexplicably the publications review board had deleted a reference indicating that the CIA conducted joint operations with Thai authorities. That relationship was so well known that books had been written about it, academic studies discussed it, pictures of CIA station chiefs appeared in the Thai press, and high-level Thai officials openly bragged in the media about CIA support for their organizations. Needless to say, I had not anticipated that the CIA would consider that relationship secret. If I could not admit that such a relationship existed, there was no point to the book since most of my observations were based on my six years with the Agency in Thailand. Fortunately I recalled a document from The New York Times edition of the Pentagon Papers entitled "The Lansdale Memorandum for Taylor on Unconventional Warfare," which discussed specific CIA operations conducted jointly with Thai organizations.

When I told Bob about the Lansdale memorandum being in the Pentagon Papers, he appeared to be surprised. But he recovered quickly and said there was only one official version of the papers—the Department of Defense's 12-volume editions. After numerous phone calls, a secretary brought in 11 of the volumes—the one missing volume, according to the index, was the one that most likely would include the Lansdale memo. This really shook Bob. He suspected that someone had removed the critical volume. Later we did get that volume, but the Lansdale memo was not in it. I argued that the Supreme Court's decision in the Pentagon Papers case had placed that information in the public domain, and it certainly could no longer be considered secret. We argued back and forth and finally agreed to postpone decisions on this and other items relating to CIA joint operations with Thai organizations.

Many deletions caused little problem. In some cases, where an ex-CIA official's affiliation with the Agency was well known, I had used that person's true name. The Agency objected. I felt the point was unimportant and agreed to substitute titles or aliases.

At one point I really became worried. Bob said that I must produce the document from which I had taken a direct quote. If I could not produce it, he warned that I would be accused of stealing secret documents. I had not deigned to steal any of the Agency's classified fantasy, but I was not sure that I could relocate that precise quote. Luck was with me that day, and a short scan of the research materials I had brought with me produced that quoted passage.

We referred the question of joint operations with the Thai police to the general counsel's office, which conceded that such information was probably not deletable. We continued our review based on the premise that I could discuss joint intelligence and counterinsurgency programs with the Thais. Even so, I could not mention my participation in programs with specifically named Thai organizations although I could substitute phrases to describe them. Also I was allowed, via footnoting, to replace a deleted item with information from a source document. By juxtaposition I hoped my meaning would be clear.

The next day I objected to the deletion of my very negative assessment of the Agency's long-term operations against mainland China. I produced a book, *Sub Rosa*, in which a former Hong Kong station chief, Peer de Silva, set forth his own lengthy, negative evaluation of those operations. I said Peer's book had been approved by the PRB and it had permitted him to state his opinion; therefore, I should be given the same privilege. Bob agreed and my critical comments, in modified version, were reinstated. From that point on I searched through books written by former Agency officials and cleared by the CIA, to locate items similar to deletions made in my book. By this tactic I was successful in reinstating numerous deletions.

We had a problem over naming specific CIA stations and bases—other than those already acknowledged—even though those installations were well known. The Agency's objection had nothing to do with secrecy. It instead applied to administering the Freedom of Information Act. Whenever the Agency acknowledged the existence of a station or base, the public could, under the act, demand documents relating to the facility. Although it seldom releases documents in response to such appeals, the Agency must by law physically check all such documents. By not allowing anyone to admit that a station or base exists, it avoids those requests.

Bob and I agreed to a modified version of my book. That weekend I made all the changes. On Monday morning I reviewed those changes with Mark Lynch and sub-

mitted the book to the deputy general counsel, Mayerfeld. In the interim Mayerfeld's office had reversed itself. He said The New York Times' Pentagon Papers had not been officially released, that the Supreme Court only ruled that it could not enjoin publication of those documents. Therefore, my discussion of liaison programs with Thai organizations might again encounter opposition.

That night I searched through the edition of the Pentagon Papers that Senator Mike Gravel of Alaska had entered in the official records of the Senate. I found that it included the Lansdale memorandum and therefore supposed that that constituted official disclosure. The next morning I happily relayed the news to Bob. He said members of Congress could say anything, so the Gravel edition did not count. Official disclosure only occurs when a member of the executive branch of government performs that function. But how finely the Agency interpreted that statement I was yet to find out.

I immediately went to the Reston Regional Library to look for statements made by members of the executive branch relating to CIA operations with Thai organizations. I spent the day going through The New York Times Index, reviewing all entries under Thailand from the present back to 1954. The index mentioned one well-publicized incident, allegedly caused by the CIA, that generated riots in Thailand. Because of the furor, numerous American officials were forced to comment on CIA operations in Thailand. Some press accounts sourced their information to CIA officials in Langley and the United States Embassy. I felt those references constituted executive branch disclosure of CIA activities in Thailand. I called Bob. He asked if the articles named specific American officials—a mere reference to a CIA official in Langley did not count. I said that Ambassador William Kinter had made a statement. He asked if the statement was in quotes. He said reporters could write anything, and if the statement was not in quotes it did not constitute official disclosure. (Later after completing the review process I found a reference to a high-level CIA official making a direct statement concerning CIA operations in Thailand. I called Bob and asked if that did not constitute that ever-elusive official disclosure. He said no. That person had probably spoken unofficially and could be prosecuted for violating his secrecy agreement.) But as I continued to accumulate public evidence of the CIA's relationship with Thai organizations, Bob began to concede that I might retain relevant items in my book.

On Tuesday, April 8, I went to the Agency to rework the items deleted from my resubmitted version. I was not surprised to see that the Directorate for Operations had reversed itself in several key areas. Where its original deletions did not hold up, it merely changed its objections to apply to previously approved information.

China desk had changed its objection to my negative evaluation of its operations. The desk now claimed that the technique itself was classified. That technique, recruiting persons from the other side, was just slightly newer and less well known than prostitution. Of course if I could not discuss the technique, my evaluation would be meaningless. That night I went back to the Reston Library and cleaned out its shelf of books written by ex-Agency officials. Those books, some undoubtedly written at the behest of the CIA, discussed that "forbidden" technique in detail. By adding footnotes to those books, I was allowed to retain my discussion of that technique.

The Thai desk had also changed its position on material not initially marked for deletion—namely, the rural village survey program that I directed with Thai officials. The desk's original objection pertained only to my mention of working in liaison with Thais. When it became apparent it could not maintain that objection, the desk then claimed the technique itself was classified and must be deleted. This was ridiculous. Over the years I had lectured and passed out unclassified handouts describing the method. When documents reporting on those training sessions were located, the Thai desk had to drop its objection.

Forty-six days after I submitted the book, the Agency returned the manuscript with a letter saying that it had no security objections to the publication of that version. Throughout the review one central issue had been in question: reference to CIA operations with Thai organizations. What terrible secret was the CIA so vehemently attempting to hide? On October 6, 1976, Thai security forces overthrew the civilian, democratically elected government in a violent bloodbath. A study by Dr. E. Thadeus Flood published by the Indochina Resource Center said of that bloodbath: "This activist agency [CIA] took the lead in developing a strong apparatus in Thailand. . . . It should be mentioned that in their training, the CIA placed special stress on the Thai Border Patrol Police (BPP). News reports from Bangkok during and after the recent coup indicate that it was the Thai BPP who levelled their heavy weapons at unarmed Thai students, boys and girls, waving white flags, and raked them with fire."

Thomas Lobe describes what happened in more detail: "On that horrible day in October 1976, then the CIA/OPS-trained Border Patrol Police, with some units of the OPS-trained riot squads of the Metropolitan Police, burst into Thammasat University to crush the unarmed students and their fury knew no bounds . . . in meting out humiliations, in mutilizations brutally inflicted, in burning a student alive, and in simple wholesale murder. Thousands of unarmed students were killed, injured, or arrested, and a few days later, most of the liberal to left journalists, scholars, and intellectuals were also rounded up and put in prison or 'rehabilitation camps.'"

After receiving the approved version of the manuscript, I signed a contract with a publisher who wanted extensive rewrites.

I began rewriting the manuscript and submitting each chapter as it was completed. On February 4, 1982, Paul Schilling, a young lawyer on the general counsel's staff, called and asked me to come to the Agency the next day for a meeting to discuss the first chapter. I was annoyed because everything in the chapter had either been approved before, was quoted from the Senate's Church Committee report, or was personal. I prepared myself with documents and met with Paul in one of the little anterooms off the main reception area. Some of the objections were to information that the Agency had declassified and released to the Church Committee, which I easily documented. But the other objections concerned details of my training in espionage and paramilitary operations and details of psychological tests the Agency uses to help identify a specific personality type for possible employment. I was not prepared to rebut those arguments. Paul and I agreed that I would return home and call in the appropriate references.

The rest of the day I phoned around to all Fairfax County libraries to get copies of books by William Colby, Ray Cline, Allen Dulles, Lyman Kirkpatrick, David Phillips, and other pro-Agency authors whose works had received formal CIA approval if not sponsorship. Almost all discussed information that the PRB now claimed was classified. I phoned the citations in to Paul Schilling. I thought that would take care of the matter. A few days later Paul called and asked if I would come in for another meeting. On February 11 we met again in one of the cubbyholes off the packed main reception area. Paul apologized for asking me in again and said that the PRB has agreed that the information I had taken from the Church Committee report was not classified. I relaxed. The PRB was merely recognizing reality.

Paul then said, "But the other material on your training and the psychological test is classified. The board said it had made a mistake earlier when it had approved that information."

To the shock of the people in the reception area I bellowed, "That's tough shit. It can't reclassify information." After calming down, I pointed out that the Agency had cleared similar information on training for its friendly former officers such as Colby, Phillips, Cline, Dulles, Kirkpatrick, and others.

"Yes," Paul said, "but the PRB made mistakes."

I noted that in at least one case the CIA had helped a former officer write his book, and the book contained numerous references to training.

Paul responded, "The Agency's relationship with an author is that the PRB reviews material written by the author, nothing else."

"That's not the case with [the book in question]. It was written as a covert action project by the Agency. I know it was."

Paul continued, "That Agency's relationship with an author. . . ."

I then cited facts relating to the writing of that book.

Paul retorted, "The Agency's relationship with an author. . . ."

Schilling recommended that I consider an appeal to the deputy director of the CIA, Admiral Bobby Inman.

That weekend I called Paul at home and advised him that Executive Order 12065 on classification, Section 1-607, reads: "Classification may not be restored to a document already declassified and released to the public under this order or prior orders." Paul said, "Oh, we're operating under a new order." What Paul was referring to was a draft executive order then being proposed by the Reagan Administration. That order, only later put into effect, allows officials to reclassify information previously declassified and disclosed if it is determined in writing "that the information requires protection in the interest of national security and if the information may be reasonably recovered." The manuscript obviously could not be "reasonably recovered," since I had sent copies to my publisher, my editor, and numerous others.

Paul quickly realized he had jumped the gun on the new executive order and shifted instead to the position that Agency officials had again and again made mistakes in declassifying information in my original manuscript and in other books.

After consultation with Mark Lynch, I prepared and submitted my 35-page appeal on February 19, 1982, noting that many of the deleted items had been approved in the first manuscript, had appeared in the approved writings of other pro-Agency officers, or were available in numerous other publications. On March 12, 1982, I received a letter from the general counsel's office saying, "The DDCI [deputy director of central intelligence] has reversed the board with respect to all . . . passages contested in the appeals," except that, "the DDCI has upheld the board's decision to delete five sentences . . . unless Mr. McGehee can show the Agency has previously cleared such information."

I immediately scanned four approved books and found 24 references to equivalent or identical material as contained in the five sentences. I sent these references to the general counsel. The PRB acted quickly and, rather embarrassed, acknowledged that my five sentences were not classified.

I thought, well, now I have been vindicated and my problems are over. But this was not to be. On March 23, I received another letter informing me that chapter two was so sensitive that it was impossible to identify specific items and the PRB had rejected the entire chapter. I had had enough and contacted George Lardner, Jr., a journalist with *The Washington Post*. He wrote a long article entitled "CIA Veteran Decries Effort to Reclassify Material for His Book." This public embarrassment forced the Agency to reconsider its actions. On April 29, I received a registered letter offering me the services of Bob—my old antagonist—to work together to produce an approved version of the manuscript.

I accepted the offer. We held three long sessions at my office, so we would have instant access to my books and files. The battle over chapter one had been completed, so we concentrated on the remaining chapters that I had turned over in the preceding months. Chapter two, dealing with my tours in Japan and the Philippines, according to the earlier PRB decisions could not be used, but in the interim I had stumbled upon one of the lesser-known books by ex-CIA officials, Howard Hunt's *Undercover*. In it, to my joy, was a chapter dealing with his assignment as a case officer to Japan; the same chapter also discussed the Agency's base at Subic Bay in the Philippines. His book had been approved by the Agency and when I pointed this out to Bob he agreed that I should also be permitted to discuss my activities in those countries. Even so, I was not allowed to include details of my work. I could only give information no more explicit than that given in *Undercover*.

Chapter three also presented major problems. Many of my special designations for places were deemed classified, but by making minor changes I was allowed to retain some points. The discussions of my work at Headquarters processing clearances and file tracers were marked classified and many sentences had to be deleted. Although the Marchetti-Marks and Colby books had discussed the requirements for clearances and traces, they had not gone into details. Unable to locate other coverage of these procedures, I could not retain my material. But I was allowed to quote information on that topic given in Philip Agee's book, *Inside the Company*.

Chapter four, about my tour on Taiwan, gave information in general terms of an agent operation directed at mainland China. Someone had objected to this major element of the chapter. I protested that other approved Agency authors had been allowed to discuss agent operations, some with a great deal more specificity than my account. This argument was finally accepted.

Bob and I reviewed each of the many points in the remaining chapters. In this process I conceded a number of points where the law was clearly on my side. I did this to speed the clearance process and to avoid a long, time-consuming lawsuit.

John Marks and Victor Marchetti's book *The CIA and the Cult of Intelligence*, published in 1974, was the last approved critical book written about the Agency by an ex-employee. In light of my own experiences the reason is obvious: the secrecy agreement and the way it is abused by the Agency. It is virtually impossible to write in an atmosphere where everything is secret until it is deemed otherwise. The PRB, taking its responsibilities seriously, labels just about everything secret until an author who is critical of the Agency can prove this not to be the case. But the situation for ex-employees who are advocates of the CIA is the opposite. They are given almost carte blanche to discuss operations and techniques, and in some instances they are assisted in the research and writing of their works.

Does the secrecy agreement work to protect legitimate classified information? Probably to some small degree it does. But the price we pay for this minor protection is enormous. The Vietnam War is a prime example. This Agency-produced disaster was sold to the American people through massive disinformation operations. Would it not have been better if we had known the truth at an early stage? Similarly, would the American people not be better off knowing the truth about the CIA's current secret war in Latin America? Don't we deserve to know about reckless and

phony covert operations, including Agency-planted "Communist" documents, that help determine our foreign policy?

It is clear that the secrecy agreement does not halt the flow of information to our enemies, for it does not affect the CIA employee who sells information. Look, for example, at England, which has a strict official secrets act and probably the most porous security service in the western world. What the CIA's secrecy agreement does quite effectively, however, is to stop critics of the Agency from explaining to the American public what the CIA is and does. It is sad to say, but the truth is that the primary purpose of the secrecy agreement is to suppress information that the American people are legitimately entitled to. For this reason, I am opposed to the secrecy agreement as it is now written and administered.

Because the major portion of my CIA career revolved around Southeast Asia, where CIA operations were well publicized and even officially disclosed, the Agency could not stop release of much of the information in this book. But my experience should sound a warning. Agency officials show no hesitation in trying to censor embarrassing, critical, or merely annoying information. I cannot speak for the legal aspects of the various laws, but it is obvious that national security has little to do with how the Agency administers the secrecy agreement. As the CIA becomes more adept at applying the law under President Reagan's executive order on classification that went into effect August 1, 1982, all critical information about the Agency will probably be forbidden.

I do not expect that the executive branch or the Supreme Court will be upset by the Agency's attempts to censor information that the public is entitled to. The American people, however, should be worried. Once the Agency is unleashed and the iron curtain of official disclosure falls, we will all suffer its consequences.

APPENDIX 2.—THE WILLARD REPORT

REPORT OF THE INTERDEPARTMENTAL GROUP ON UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION—MARCH 31, 1982

Chairman.—Richard K. Willard, Deputy Assistant Attorney General, Department of Justice.

Members.—Daniel W. McGovern, Deputy Legal Adviser, Department of State; Jordan Luke, Assistant General Counsel, Department of the Treasury; Kathleen A. Buck, Assistant General Counsel; L. Britt Snider, Director for Counterintelligence and Security Policy, Department of Defense; James W. Culpepper, Deputy Assistant Secretary for Security Affairs, Department of Energy, and Ernest Mayerfeld, Deputy General Counsel, Central Intelligence Agency.

EXECUTIVE SUMMARY

Unauthorized disclosure of classified information is a longstanding problem that has increased in severity over the past decade. This problem has resisted efforts at solution under a number of Administrations. Yet the protection of national security information remains a fundamental constitutional duty of the President. The continuing large number of unauthorized disclosures has damaged the national security interests of the United States and has raised serious questions about the government's ability to protect its most sensitive secrets from disclosure in the media. We must seek more effective means to prevent, deter, and punish unauthorized disclosures. At the same time, we must recognize that this complex problem is unlikely to be solved easily or quickly.

The scope of this report is limited to unauthorized disclosures of classified information where there is no apparent involvement of a foreign power. Such disclosures primarily occur through media "leaks" by anonymous government employees, or in publications and statements by former employees. Beyond the scope of this report are the following kinds of disclosures: Clandestine disclosures of classified information to foreign powers or their agents, which is espionage in the classic sense; authorized disclosures of classified information by government officials who are not publicly identified; leaks of unclassified information; and compromise of classified information through negligence.

Although the foregoing kinds of disclosures also present serious problems, we have limited the scope of this report in order to produce a more comprehensible set of recommendations.

It should be noted that some high ranking officials erroneously believe they have the authority to leak classified information in furtherance of government policy. Such disclosures may only be made by persons with declassification authority under Executive Order 12065 or otherwise from the President. Without such authority,