

APPENDIX II

ADDITIONAL COVERT ACTION RECOMMENDATIONS

Throughout its inquiry, the Committee received numerous recommendations concerning covert action from many individuals and groups, including:

(a) Clark Clifford, former Counsel to President Truman, former Member and Chairman of the President's Foreign Intelligence Advisory Board, former Secretary of Defense;

(b) Cyrus Vance, former General Counsel, Department of Defense; former Secretary of the Army; former Deputy Secretary of Defense; former Special Representative of the President; former Member of U.S. Delegation to Paris Peace Negotiations;

(c) Morton Halperin, Director, Project on National Security and Civil Liberties; former Deputy Assistant Secretary of Defense for International Affairs; former Assistant for Planning, National Security Council Staff; former Senior Fellow, Brookings Institution;

(d) David Phillips, former Central Intelligence Agency employee; President, Association of Retired Intelligence Officers;

(e) Harvard University Institute of Politics, Study Group on Intelligence Activities. This group was established in September 1975, on the basis of an understanding between the Institute of Politics and the staff of the Select Committee to examine aspects of the National intelligence community's mission and structure. Its endeavor was an entirely voluntary one, with neither party having any former obligations to the other. The group met approximately 11 times between October 1975 and January 1976, and included Graham Allison, Philip Areeda, Francis Bator, Robert Bowie, John Bross, Morton Halperin, Philip Heyman, Ernest May, Jonathan Moore, Robert Pursley, Walter Slocombe, J. T. Smith, and Franklin Lindsay.

(f) The House Select Committee on Intelligence Activities;

(g) The Commission on the Organization of the Government for the Conduct of Foreign Policy (the Murphy Commission).

The Committee also considered suggestions made in numerous journal and magazine articles.

Selected statements, suggestions and recommendations from these sources follow.

A. STATEMENT OF CLARK M. CLIFFORD

I welcome your invitation to appear here today to discuss with your committee the problems surrounding the conduct of covert activities. The public has given much attention to this subject and a national dialogue has ensued. Some contend that it is necessary in the preservation of our democratic form of government to have a full disclosure of operations in this delicate area to ascertain if abuses have occurred. Others contend, with equal sincerity, that such an inquiry damages our country's image in the world and adversely affects the ability of our intelligence services to perform their tasks.

It is my opinion that the inquiry being conducted by this committee became absolutely necessary as the result of certain disclosures which demonstrated that gross abuses had occurred. Our country may sustain some temporary reduction in the effectiveness of its intelligence operations, but I consider this temporary in nature, and an appropriate price to pay in presenting the facts to the American people and in making progress toward the goal of preventing repetition of such abuses in the future. With the right kind of machinery, our country can take those actions which it believes necessary to help maintain freedom in the world and, at the same time, avoid the opprobrium that has been directed toward us as the result of improper activities in the field of clandestine and covert operations.

In 1946, President Truman stated that we must have a formalized intelligence agency. The lessons learned as the result of Pearl Harbor and increased tensions following World War II convinced him that we needed an institutionalized peacetime intelligence agency. As a result, the Central Intelligence Agency was created in the National Security Act of 1947.¹

Because those of us who were assigned to this task and had the drafting responsibility were dealing with a new subject with practically no precedents, it was decided that the act creating the Central Intelligence Agency should contain a "catch-all" clause to provide for unforeseen contingencies. Thus, it was written that the CIA should "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." It was under this clause that, early in the operation of the 1947 Act, covert activities were authorized. I recall that such activities took place in 1948 and it is even possible that some planning took place in late 1947. It was the original concept that covert activities undertaken under the act were to be carefully limited and controlled. You will note that the language of the act provides that this catch-all clause is applicable only in the event that the national security is affected. This was considered to be an important limiting and restricting clause.

¹ Appendix B, Hearing, Vol. 7, p. 210.

However, as the cold war continued and Communist aggression became the major problem of the day, our Government felt that it was necessary to increase our country's responsibilities in protecting freedom in various parts of the world. It seems apparent now that we also greatly increased our covert activities. I have read somewhere that as time progressed we had literally hundreds of such operations going on simultaneously.

It seems clear that these operations have gotten out of hand. The knowledge regarding such operations has become so widespread that our country has been accused of being responsible for practically every internal difficulty that has occurred in every country in the world. Our reputation has been damaged and our capacity for ethical and moral world leadership has been impaired. The need to correct this unfortunate development is long past due.

As one attempts to analyze the difficulty, and hopefully offer constructive suggestions for improvement, he finds much confusion existing within the system. It is clear that lines of authority and responsibility have become blurred and indistinct.

The National Security Council, under the Act of 1947, is given the responsibility of directing our country's intelligence activities. My experience leads me to believe that this function has not been effectively performed. The members of the NSC already have full-time jobs and do not have the time to oversee meticulously the actions of the intelligence community. Even though special committees have been set up from time to time to perform this task, we learn that many covert activities are undertaken without the knowledge of the National Security Council or its special committee. In the staff report on covert action in Chile,² the startling statement is made that only one-fourth of all covert action projects are considered by the 40 Committee.

Another condition exists that helps explain the unfortunate predicament in which we find ourselves. I believe, on a number of occasions, a plan for covert action has been presented to the NSC and authority is requested for the CIA to proceed from point A to point B. The authority will be given and the action will be launched. When point B is reached, the persons in charge feel that it is necessary to go to point C, and they assume that the original authorization gives them such a right. From point C, they go to D and possibly E, and even further, this has led to some bizarre results, and, when an investigation is started, the excuse is blandly presented that authority was obtained from the NSC before the project was launched.

I believe that the present system is no longer adequate to meet the task. The lack of proper controls has resulted in a freewheeling course of conduct on the part of persons within the intelligence community that has led to spectacular failures and much unfortunate publicity. A new approach is obviously needed for it is unthinkable that we can continue to commit the egregious errors that have caused such consternation to our friends and such delight to our enemies.

This inquiry today is part of the broad investigation conducted by this committee to ascertain the facts. This is a preliminary phase which hopefully will lead to recommendations that will help elimi-

² Appendix A, Hearings, Vol. 7, p. 144.

nate the errors of the past, and provide the country with the expectation that we can operate successfully in the future in this sensitive area with dignity and effectiveness. I know that this committee will be considering the means by which we can attain the improvement that is so necessary and is so desired by our people.

In this connection, permit me to present to the committee a brief five-point plan that I believe would make progress toward achieving our goal.

First, the 1947 law creating the CIA should be substantially amended and a new law should be written covering intelligence functions. We have had almost 30 years of experience under the old law and have learned a great deal. I believe it has served us reasonably well, but its defects have become increasingly apparent. A clearer, more definitive bill can be prepared that can accomplish our purposes. By creating clearer lines of authority and responsibility and by carefully restricting certain activities, we can hopefully prevent the abuses of the past.

Second, the creation of an effective joint House-Senate Committee to oversee intelligence operations. I consider this the most important function of a new law. Proper congressional oversight has been sadly lacking. I would hope that a small oversight committee of possibly five members of each chamber might be created. It should be considered an assignment of outstanding importance and the members should be willing to give the necessary time to it. By keeping the committee small, security can be maintained and the possibility of disclosures can be minimized.

With reference to covert activities, I believe it would be appropriate for this committee to be informed in advance by the executive branch of the Government before a covert project is launched. The committee should be briefed and, if it approves, then the activity can go forward. If the committee disapproves, it should inform the President of its disapproval so that he will have the benefit of the joint committee's reaction. If necessary, the President and the committee can confer, after which the President may decide to abandon the project or possibly modify it. If he persists in going ahead despite the committee's disapproval, then the committee might choose to withhold funds necessary to finance the activity in question. It is my feeling that the importance of the decisionmaking process in this very delicate field is such that there should be a joint effort by the executive and legislative branches.

I would assume that this committee will have questions in that regard, and I'm sure it will be valuable for us to discuss it.

Third, a new position of Director General of Intelligence should be created. This man would be the chief intelligence officer of the United States. It would be his responsibility to correlate and synchronize the activities of the various agencies within the intelligence community. Under this concept there would still be a director of the CIA, but his duties would be confined to the day-by-day operation of that agency. The Director General would be responsible for the product that would be produced by the intelligence community, and he would be the chief adviser to the President on intelligence matters.

The Director General would also be charged with the duty of seeing that the various agencies operated effectively and complied with the law. In this connection, he would have under him a number of inspectors who would assist him in carrying out this function.

Fourth, the decision regarding the undertaking of covert projects should be made by the Director General of Intelligence and the National Security Council, and he would have the responsibility of seeing that such covert projects were properly carried out by the CIA and other members of the intelligence community.

In the beginning, there was a separation between the CIA and the group charged with covert activities. In the early 1950's, they were consolidated. I believe that there should be much stricter control over the launching of covert projects, but that after the basic decision is made, then all the assets possessed by the CIA and other agencies should be utilized.

The close supervision provided for in this concept will inescapably diminish the number of covert operations. In my opinion, this is a highly desirable result. Many of the plans launched in the past should have been vetoed at their inception. I am sure that decisions have been made in the field that never would have been made in higher levels of our government. The guiding criterion should be the test as to whether or not a certain covert project truly affects our national security.

Fifth, the new intelligence agency should be forbidden to undertake any domestic operations except to police its own employees. There should not be any type of catch-all provision in the new law which would permit the intelligence agency to spy on American citizens. All domestic operations of this nature should be handled by the FBI. It is equipped to do it and a close cooperation between the CIA and the FBI is desirable and necessary. Certainly one agency charged with the responsibility of domestic surveillance activities is enough.

We have a big job to do in this country. Our people are confused about our national goals and cynical about our institutions. Our national spirit seems to have been replaced by a national malaise. It is my conviction that the efforts of this committee will assist us in regaining confidence in our national integrity, and in helping to restore to our Nation its reputation in the world for decency, fair dealing and moral leadership.

B. STATEMENT OF CYRUS VANCE

Mr. VANCE. I would like to speak briefly to what I believe is the central thrust of this committee's investigation: should there be any covert action? If so, what kinds and under what restraints?

At the outset, I think it is important to underscore the distinction between covert collection of intelligence and covert actions other than collection. I believe that with respect to covert collection of intelligence, the continuation of such collection should be permitted as I believe it is essential to the national security.

With respect to covert actions, I would not recommend that all covert actions be prohibited by law. I believe it is too difficult to see that clearly into the future. I believe it would be wise to enact legislation prohibiting involvement in assassinations, as has been suggested by this committee. In addition, I would be in favor of legislation prohibiting interference with the electoral processes in other countries. I would note that the drafting of such legislation is a complex business, and it would have to be so drafted as not to block covert intelligence collection.

Now, with respect to other covert actions, I believe it should be the policy of the United States to engage in covert actions only when they are absolutely essential to the national security.

The statutes, as now drafted, use the words "affect" or "are important to."³ I think those words are inadequate. I think covert actions should be authorized only when they are essential to the national security. Under such a test, I believe that the number of covert actions would be very, very small.

As to procedures to insure that such a policy would be carried out, I would suggest the following, and in the connection I might note that I agree with most of the recommendations that Mr. Clifford has made.

First, I believe that any proposal for a covert action should first go to the National Security Council, not a sub-Cabinet level committee. The highest level of the Government should focus upon the question, and therefore it should go before the National Security Council.

I would further suggest that the Attorney General of the United States be made a member of the National Security Council. This would insure that the chief legal officer of the United States would be one of those who would be passing upon the recommendation that goes to the President if it is in the affirmative.

I would also recommend that the President be required to give his approval in writing, certifying that he believes the proposed action is essential to the national security. After the President's approval, I would suggest that a full and complete description of the proposed action be communicated immediately to a joint Congressional oversight committee along the lines which Mr. Clifford has suggested. I believe that such a step would then put the committee or any of its members

³ Appendix B Hearings, Vol. 7, p. 210.

in a position to express their disapproval or concerns about the proposed action, and to communicate them to the President of the United States.

I am not suggesting that the committee should have a veto. I do not believe that is necessary. I am suggesting that the committee or its individual members would be able to communicate with the President, thus giving him the benefit of the committee's advice or of the advice of individual members.

I believe this is and would be important to Presidents. I do not believe there would be inevitable leaks from such a committee. I know that the Congress can safeguard security matters which are essential to our national security.

Finally, I believe it's necessary that a monitoring system be set up which would require frequent reports. I would suggest at least monthly to the highest level; namely, the National Security Council and the Congress and to the joint oversight committee as to the progress of any action which has been authorized to go forward. I think this would tend to help in meeting the problem that Mr. Clifford suggested with respect to a covert operation moving from A to B and then from B to C and so on.

Again, Mr. Chairman, I would stress that I believe such actions should and would be very rare and that under such a set of procedures there would be adequate oversight to control such activities.

C. STATEMENT OF DAVID A. PHILLIPS

Mr. PHILLIPS. Mr. Chairman and Senators, for the record I would like to make it clear that any viewpoints that I express today are personal ones. They do not represent the Association of Retired Intelligence Officers, an organization of intelligence people from all services, of which I happen to be President.

I would like to discuss covert action and covert activity. There's nothing new about covert action, the term which describes a variety of hugger-mugger gambits which can be taken to influence another nation's actions, attitudes, or public opinion.

What is new is the current controversy as to whether our country should engage in covert action. This is a valid subject for debate. Even though covert operations have been drastically reduced, American intelligence personnel realize that many of the problems which beset the intelligence community result from historical slips on the banana peels of covert action. The biggest banana peel of all is that vague phrase in the charter of CIA which reads "and other such functions and duties . . ." an ambiguous instruction which should be omitted from future legislation.

There are two dimensions to covert operations. The first is the major political or paramilitary endeavor, such as an attempt to change a government—Guatemala, for instance—or to finance a secret army in Southeast Asia. You might call this covert action with a capital "C," capital "A." King-size.

There is a second level of covert action, in the lower case; covert action with a small "c," small "a." I call this "covert activity." Little money, sometimes none, is spent on covert activity, where cooperative friends are persuaded to influence a foreign government or some element of it. The friend might be a government official responsive to an ambassador's off-the-record request, that the local government tighten up its laws concerning illegal narcotics traffic to the United States. When the friend is met clandestinely by CIA, he is called an "agent of influence." He might be a radio commentator or a local Bernard Baruch whose park bench opinions carry political weight. The agent of influence might be the foreign minister's mistress. Most covert activities utilizing the agent of influence are useful to American ambassadors in achieving low-key but important objectives of U.S. foreign policy. These activities are known in intelligence jargon as "motherhood," and revelations concerning them would not shock or disturb the American public. To proscribe CIA operations in covert activities would be imprudent.

Covert action, capital "C," capital "A", is another matter. In 25 years as a practitioner of covert action and covert activity in seven countries I have found that most of our mistakes occur when we attempt to persuade foreigners to do something which the United States wants more than they do.

The most successful operations have been those in which we were requested to intervene—the percentage of such operations, when a

foreign leader has asked for secret assistance, has been quite high. Some aspects of covert operations are anachronistic. Dirty tricks, such as besmirching the reputation of an individual, have been abandoned and should not be revived. The expensive accessories of covert action in the past, such as airlines and paramilitary units, should not and need not be maintained as secret capabilities.

There is a basic question to be answered: Given the distemper of the times, and the lack of credibility in government following Watergate, can covert operations remain covert? If not, they should be terminated. Macy's window is not the place for secret operations.

Some sort of compromise seems to be in order. If American intelligence operators demand secrecy as essential in covert operations, executive and congressional overseers have the even more important duty of knowing what intelligence agencies are doing.

I am convinced that the CIA is the organization best suited to carry out covert action operations. Despite this, I have reluctantly come to the conclusion that the charter for covert action should rest elsewhere. I say this more in sorrow than anything else. Effective and responsible accountability override practical operational considerations. This will be best achieved in the conduct of covert action by the creation of a new, very small bureau or office. By statute this organization would be staffed by no more than 100 persons.

Some 60 would be in a support role; perhaps 40 officers would be engaged in the planning for and, on request, the execution of covert action operations. All U.S. covert action eggs then, would be in one small basket, a basket which could be watched very carefully. Even if not utilized, such an office would be justifiable in terms of money and effort as a war plans unit, expandable in case of international conflict. A joint congressional committee should find such a unit easy to monitor, and the intelligence personnel working in it could then expect a reduced number of congressional overseers, as opposed to the six committees now observing covert operations.

The office I propose would call on expertise derived from experience. It would not employ airlines or mercenaries or exotic paraphernalia, but would need the capability to provide friends with imaginative advice and what British intelligence officers have sometimes called "King George's cavalry"—money.

Covert action is a stimulating business, a heady experience for those who sponsor it and for its practitioners. If not used in moderation it is as dangerous as any stimulant. But to suggest that covert action be abandoned as a political option in the future is, in my opinion, injudicious, if not frivolous. Some say that covert action should be abolished because of past mistakes. This would be as foolish as abolishing the Office of the President because it has been once abused, or to disband our army in peace time would be.

The committee is aware of the 2-year study recently conducted by the Murphy commission.⁴ A conclusion of this review that:

Covert action should not be abandoned but should be employed only where such action is clearly essential to vital U.S. purposes, and then only after careful high level review.

⁴ Report of the Commission on the Organization of the Government for the Conduct of Foreign Policy, June 1975.

D. PREPARED STATEMENT OF MORTON H. HALPERIN

Mr. Chairman, I consider it an honor and a privilege to be invited to testify before this committee on the question of covert operations. From this committee's unprecedented review of the activities of our intelligence agencies must come a new definition of what the American people will permit to be done in their name abroad and allow to be done to them at home. No problem is more difficult and contentious than that of covert operations.

It appears that I have been cast in the role of the spokesman on the left on this issue. It is an unaccustomed position and one that I accept with some discomfort. It should be clear to the committee that there are a great many thoughtful and articulate Americans whose views on this question are considerably to the left of mine, at least as these terms are normally used. I would not presume to speak for them. Nor, Mr. Chairman, am I speaking for the organizations with which I am now affiliated. I appear, as you requested, as an individual to present my own views.

I believe that the United States should no longer maintain a career service for the purpose of conducting covert operations and covert intelligence collection by human means.

I believe also that the United States should eschew as a matter of national policy the conduct of covert operations. The prohibition should be embodied in a law with the same basic structure as the statute on assassinations which the Committee has already recommended.

These proposals are not put forward because I believe that no covert operation could ever be in the American interest or because I could not conceive of circumstances where the capability to conduct a covert operation might seem to be important to the security of the United States. I can in fact envision such circumstances. However, I believe that the potential for covert operation has been greatly overrated and in my view the possible benefits of a few conceivable operations are far outweighed by the costs to our society of maintaining a capability for covert operations and permitting the executive branch to conduct such operations.

The revelations made by this Committee in its report on assassinations are in themselves sufficient to make my case. I will rely on these illustrations not because there are not many others of which we are all aware but rather to avoid any dispute over facts.

The case against covert operations is really very simple. Such operations are incompatible with our democratic institutions, with Congressional and public control over foreign policy decisions, with our constitutional rights, and with the principles and ideals that this Republic stands for in the world.

Let me begin with the last point. The CIA operations described in this Committee's assassination report are disturbing not only because murder was planned and attempted, but also because the operations went against the very principles we claim to stand for in the world. In Cuba, the Congo and Chile we intervened in the internal affairs of other countries on our own initiative and in the belief that we had the right to determine for others what kind of government their country needed and who posed a threat to their welfare. We acted not because we believed those that we opposed were the tools of foreign powers kept in office by outside intervention; rather we acted in the face of assertions by the intelligence community that the leaders we opposed were popular in their own lands.

In the Congo our efforts were directed at keeping Lumumba from speaking and keeping the parliament from meeting because we believed that allowing him to speak or allowing the parliament to meet would have meant that Lumumba would be back in office. In Chile we preached to the military the need to ignore the constitution and to overthrow a democratically elected government. We warned that the alternative was deprivation and poverty for the Chilean people.

All of these things were undertaken in the name of the United States but without the knowledge or consent of the Congress or the public. Nor could such consent have been obtained. Can you imagine a President asking the Congress to approve a program of seeking to reduce the people of Chile to poverty unless their military, in violation of the constitution, seized power; or the President seeking funds to be used to keep the Congolese Parliament out of session so that it could not vote Lumumba back into office; or the authority to promise leniency to Mafia leaders if they would help to assassinate Castro. These programs were kept covert not only because we would be embarrassed abroad, but also because they would not be approved if they were subjected to the same Congressional and public scrutiny as other programs. That is one major evil of having a covert capability and allowing our Presidents to order such operations. The assassinations themselves may have been an aberration; the means and purposes of our interventions were not.

Another inevitable consequence of conducting covert operations is that it distorts our democratic system in ways that we are only beginning to understand. Covert operations by their nature cannot be debated openly in ways required by our constitutional system. Moreover, they require efforts to avoid the structures that normally govern the conduct of our officials. One obvious area is lying to the public and the Congress.

We should not forget that the erosion of trust between the government and the people in this Republic began with the U-2 affair and has continued through a series of covert operations including Chile. Whether or not perjury was committed—and I see little doubt that it was—it is surely the case that the Congress and the public were systematically deceived about the American intervention in Chile. Such deception must stop if we are to regain the trust needed in this nation; it cannot stop as long as we are conducting covert operations. Given the current absence of consensus on foreign policy goals, such operations will not be accorded the deference they were given in the

past. Critics will press as they do now on Angola and Portugal. And administrations will feel the need and the right to lie.

Surely at this point in time it is not necessary to remind ourselves of the certainty that the techniques that we apply to others will inevitably be turned on the American people by our own intelligence services. Whether that extends to assassination has sadly become an open question but little else is.

The existence of a capability for covert operations inevitably distorts the decision making process. Presidents confronted with hard choices in foreign policy have to face a variety of audiences in framing a policy. This is in my view all to the good. It keeps us from straying far from our principles, from what a majority of our citizens are prepared to support, from a policy out of touch with reality. The overt policies of the American government ultimately come under public scrutiny and Congressional debate long before that they have been subject to bureaucratic struggles in which the opposition of the policy have their day in court.

Our intelligence analysts are free to explain why the policy will not work. With covert policies none of this happens. Intelligence community analysts were not told of the plans to assassinate Castro and so they did not do the careful analysis necessary to support their view that it would make no difference. The Assistant Secretary of State for Latin America was kept in the dark about Track II in Chile so he was not able to argue against it and inadvertently deceived the public.

In fact, I would argue that the route of covert operations is often chosen precisely to avoid the bureaucratic and public debate which our Presidents and their closest advisers come to despise. That is precisely what is wrong with them. Our Presidents should not be able to conduct in secret operations which violate our principles, jeopardize our rights, and have not been subject to the checks and balances which normally keep policies in line.

You will hear, I am sure, various proposals to cure these evils by better forms of control. Such proposals are important, well-intentioned and certainly far better than the status quo, but I have come to believe that they cannot succeed in curing the evils inherent in having a covert capability. The only weapon that opponents of a Presidential policy, inside or outside the executive branch, have is public debate. If a policy can be debated openly, then Congress may be persuaded to constrain the President and public pressure may force a change in policy. But if secrecy is accepted as the norm and as legitimate, then the checks put on covert operations can easily be ignored.

Let me conclude by violating my self-imposed rule to draw only on cases in the assassination report and discuss some rumored current covert operations. I ask you to assume (since I assume that the Committee is not prepared to confirm) that the United States now has underway a major program of intervention in Angola and a plan to create an independent Azores Republic should that prove "necessary". I ask you to consider how the Congress and the public would treat these proposals if they were presented openly for public debate. Congress could, in principle, vote publicly to send aid to one side in the Angolan civil war as other nations are doing and we could publicly invite the people of the Azores to choose independence and gain our support.

But because we maintain a covert operations capability and because such operations are permitted, the President can avoid debate in the bureaucracy and with the Congress and the public. We can be drawn deeply into commitments without our consent and have actions taken on our behalf that we have no opportunity to stop by public pressure or to punish at the polls.

Mr. Chairman, in response to the position I have outlined briefly this morning, one is confronted with a parade of hypothetical horrors—the terrorists with the nuclear weapons, a permanent oil embargo and the like. To these I would reply in part that such scenarios seem implausible and should they occur the likelihood that covert capabilities could make an important difference also seems remote. As to the consequences of legislating a total prohibition in light of the possible unexpected catastrophe, I am content to call your attention back to the committee's excellent treatment of this issue in your assassination report.

This country is not, in my view, in such dangerous peril that it need continue to violate its own principles and ignore its own constitutional system to perpetuate a capability which has led to assassination attempts, to perjury, and to the subversion of all that we stand for at home and abroad. We are secure and we are free. Covert operations have no place in that world.

E. RECOMMENDATIONS OF THE HARVARD UNIVERSITY INSTITUTE OF POLITICS, STUDY GROUP ON INTELLIGENCE ACTIVITIES, FOR REFORM IN THE CONDUCT OF COVERT OPERATIONS AND SECRET INTELLIGENCE TO PROTECT THE BASIC INTEREST AND INTERNATIONAL STANDING OF THE UNITED STATES

Additional safeguards are needed to govern intelligence collection and covert operations in respect to activities that can discredit (1) the United States' objectives, principles and interests; (2) private individuals and institutions within the United States (in addition to constitutional protections); and (3) foreign and international institutions and persons important to the United States. Because of the secret character of these activities, a "surrogate" system of safeguards must be established for the normal safeguards of public scrutiny and open debate accompanying overt government activities. These surrogate procedures include the promulgation of basic guidelines, the strengthening of review and approval procedures within the executive branch, and the proper functioning of the congressional oversight function.

We believe that some capacity for covert operations needs to be preserved and available in suitable circumstances.¹ Thus, such operations should not be abolished or prohibited completely, but should be better regulated and supervised. It is not easy to prescribe rigid rules regarding covert operations. Within limits what is suitable or even permissible will vary with circumstances. Measures which should not be undertaken in peace time or against a democratic state might be permissible during actual or threatened hostilities or against a totalitarian regime. Thus, it would be unwise to freeze safeguards by the rigidity of legislative prohibitions. There is need for some flexibility to adjust to circumstances and to modify rules and procedures according to changes in conditions and experience. Guidelines to govern covert operations should thus be incorporated into executive orders in preference to legislation. The Congress should direct the executive branch to promulgate such orders and might propose the areas they should cover.

1. *Principles to Govern Covert Operations, and to Govern Secret Intelligence and Counterintelligence to the Extent That the Principles Are Applicable*

a. Covert operations must be consistent with, and in support of, openly announced policies and objectives which have been established by the normal processes of government.

b. At best, covert operations can provide tactical support for long-term national policies openly arrived at and openly executed.

¹ Morton Halperin believes that no clandestine operations should be permitted.

c. Covert operations must not be used as a convenient escape from public review, nor to circumvent overt procedures for policy approval where it is possible to accomplish the objective by overt means.

d. Covert operations in peace time should ordinarily be directed to actions which will basically contribute to the strengthening of open societies and to the resolution of international conflicts.

e. Some covert operations can only be justified in war or near-war situations where the security of the United States is directly involved, and where both the probability of exposure and the price of exposure are much less than in peace time.

f. In the present situation, large-scale operations, such as the support of guerrilla forces, which can neither be kept secret nor plausibly denied, should not be undertaken covertly.

g. No covert operations shall be undertaken with the objective of assassination, murder, terrorism or mass destruction (such as creating epidemics or causing food shortages). No clandestine support shall be given knowingly to political or other groups for such purposes, and positive efforts shall be made to prevent any support provided by the United States from being used by others for such purposes. No covert support, advice or assistance will be given to police or other forces used for internal security purposes that systematically use torture, concentration camps, etc. On the other hand, covert relationships have in the past been used to moderate the activities of foreign security forces, and this should not be prohibited. The receipt of information from foreign security forces would not, of course, be barred, but the provision of information to them about their "targets" would be. There is not a consensus on this point; some believe that it is too narrow in application (since funds given covertly or overtly for other purposes would free resources for the tortures); others believe it is impractical, given the need to exchange information and contacts with foreign services regardless of their unsavory domestic practices.

h. Covert operations shall not be used to subvert the results of the democratic processes of other countries. (1) This principle would not, in itself, bar covert funding of open political parties or organizations where the opposition is receiving foreign funds. However, in countries with democratic processes, covert operations should be restricted to backing organizations with genuine prior existence and support within the country; they shall not be used to create groups which would not exist on any significant scale without U.S. backing. (2) This principle will not, in itself, bar covert operations where the government in power—though initially democratically installed—is clearly engaged in destroying those processes. However, the other limitations on covert activities would remain in force.

i. Covert acts of war (coup-staging, guerrilla support, terrorism, training of mercenaries, aerial bombing) should not be undertaken except with congressional approval exercised through the Oversight Committee or Committees (since War Powers Act requires Congressional approval of overt acts of war).

j. Members or employees of private organizations whose integrity can be regarded as major independent national assets should not be used to provide cover for covert agents; nor should such organizations

themselves be used as vehicles for covert operations. The losses, through compromise, in the public acceptance of these groups as independent private activities or as overt government activities, is almost always far greater than the gain from using them as cover for intelligence agents. The types of organizations which should be included in such prohibition are:

- religious organizations;
- the press;
- charitable and educational foundations;
- universities and colleges;
- the Peace Corps and similar government agencies; and,
- any person who is abroad as a scholar, teacher or adviser with overt U.S. Government support.

This prohibition should not exclude such organizations or individuals from transmitting information to overt or covert agencies of the government when it is gained through the normal activities of these organizations.

2. Procedures for Approval of Covert Operations by the Executive Branch

The procedures of the executive branch for review and approval of covert activities must be strengthened. Since it is recognized that in the world in which we live, not all activities of the government can or should be conducted in the full light of public disclosure, a "surrogate" must be established for the normal public scrutiny and open debate accompanying over government actions.

The surrogate procedures must be rigorously defined and followed, and must be equivalent to the impartial scrutiny and judgment that is applied to overt policies through executive branch review and public consideration, congressional debate and legislative action. We recommend that no clandestine action (including not only covert operations but also major secret intelligence projects) should be undertaken except pursuant to the following:

a. The President should appoint a permanent Special Committee to examine and advise on all clandestine activities. The members of the committee should be publicly identified and the Chairman should be appointed by the President and confirmed by the Senate. It should have a small, independent staff.

b. This Special Committee should be composed of persons of broad international or public policy judgment and experience, or both. They should have the freedom from personal political commitments and ambitions and should have sufficient time available to examine any proposed action with whatever degree of time and attention is required to evaluate both the likelihood and the long-term and short-term implications of either success or failure. Further, they should be able to review in whatever depth necessary the intelligence estimates underlying the proposed action and independently assess the likelihood of success and the likelihood of exposure. They need not be full time but they should not have other government responsibilities.

c. All proposals for covert operations should be submitted to the Special Committee in writing and should:

- (1) state the objectives and the specific actions planned;
- (2) show the conformity to the executive order guidelines and overt U.S. policies;
- (3) assess alternative overt means available;
- (4) appraise the prospects for success and the consequences of either success or failure.

d. Any such proposal should be submitted to the Special Committee for appraisal before submission to the President. He should not authorize any such action before he receives the report from the Special Committee showing those approving, those dissenting, and those absent. The Report should make specific findings as to compliance with the guidelines. No proposed action should be undertaken until specifically approved by the President in writing. If he decides to approve the proposal, despite the objection of the majority of a Special Committee, he should set forth his reasons for acting contrary to their advice.

e. The Special Committee shall periodically review all on-going covert operations and major secret intelligence activities to ensure that the original justifications remain valid and that the activities shall conform to the executive order guidelines and should report their findings to the President. The committee should be required to approve continuation, at each review, failing which approval, the President would be required to re-authorize the operation, and should advise the Special Committee of his reasons.

f. Exceptions: When the United States is engaged in hostilities, or is endangered by imminent hostilities or other major threats to its security, the President may approve of specific covert operations directed against the enemy, potential enemy, or other source of threat contrary to the guidelines if he makes explicit findings in writing regarding the conditions justifying the action and files them both with the Special Committee and Oversight Committee of Congress.

3. The Role and Functions of Congressional Oversight Committee

a. The function of Congressional Oversight should ideally be centralized in a single joint committee of Congress, but at most in one committee in each branch of the Congress, in order to minimize duplicating or overlapping responsibilities with present standing committees.

b. Our study group believes that, in principle, the Oversight Committee should be informed of any proposed covert operation before it is undertaken and should be provided with the evaluation of the operation and recommendations of the Special Committee in the executive branch which is recommended above. However, the viability of the principle of advance notification will depend in the long run on the rules for secrecy the Congress imposes on itself and on the effectiveness of these rules in preventing unauthorized disclosure of secret and sensitive information.

Note by Robert Pursley: The Oversight Committee should attempt to ensure that the intelligence community is (1) doing the job effectively; (2) performing efficiently, i.e., costs and benefits are balanced; and (3) acting consistently with foreign policy.

Comment by the Chairman:

I believe all members of the study group would agree with this. However, since there was not time to consult them, the statement is included as a note rather than in the text.

4. Organizational Alternatives for the Clandestine Services

a. Alternatives.—There are four alternatives for location of the clandestine services (CS) of the CIA (in this outline the term clandestine services is used in preference to either DDO or DDP in order to avoid confusion):

1. State Department—The CS could be moved to the State Department and either be consolidated with State Department functions or be organized as a quasi-independent agency under a State Department umbrella (the ACDA model).

2. Department of Defense—The CS could be made a civilian operating agency of the Department of Defense reporting to the Secretary of Defense.

3. Independent Agency—The CS could be established as an entirely independent agency of Government reporting to the President through the National Security Council.

4. Status Quo—The CS could be maintained as part of a central intelligence function. Presumably its size and mission would be reduced.

b. Assumptions.—To discuss the above options rationally, one must make certain assumptions about the future need of the United States for CS. This outline assumes that we will want to maintain: a clandestine collection capacity; an international counterintelligence capability; and an ability to engage in some traditional covert action functions, but that the actual level of covert action will be drastically reduced. It also assumes that we will want our clandestine collection, counterintelligence and covert action capacities to be targeted as efficiently as possible and controlled as tightly as possible. Further, it is assumed that such functions will benefit from improved cover and other safeguards to clandestinity.

c. A Note on the Clandestine Services.—

1. General public opinion stimulated by the Agee book, etc., seems to be that the CIA has engaged in practically wanton intervention in the domestic political affairs of other countries and that this intervention has been a self-sustaining goal of our foreign policy. For the most part, American "intervention" has been motivated by a desire to thwart real or predicted intervention by others—the Soviet Union, China, Cuba. Arguably our policy has been as much or more "counter-interventionist," as "interventionist."

2. It is often forgotten that the CS is not organized solely on geographic lines. A Soviet Bloc division has traditionally stationed case officers in any country there is a Soviet

"presence." The chief purpose of these "specialists" has been to monitor the activities of their KGB counterparts. Informed (though not necessarily unbiased) sources report that "detente" has brought no abatement of KGB activity in Europe, Japan or the less developed countries. This "KGB matching and monitoring" function should probably be at the core of any future CS.

3. Other appropriate roles for the CS include monitoring the activities of internationally operating terrorist groups and exploring third world political intentions regarding economic controls of scarce natural resources.

4. The above functions cannot readily or completely be carried out by overt United States representatives abroad. Such representatives are constrained, as a general proposition, to relations with established elements in the host country. Clandestine representatives can more readily explore the plans of opposition elements. Further, CS officers have carried out important liaison functions with intelligence services of host countries. It is assumed that such liaison should be continued through the CS.

d. A Note about Organization.—The CIA is frequently discussed as though it has two component parts—a CS and a directorate of intelligence, which does analysis, estimating and intelligence production (DDP/DDO and DDI). In point of fact, the Agency traditionally has operated with four directorates. In addition to the DDI and the CS, there have been a support directorate (DDS) and a directorate chiefly concerned with science and technology (DDS&T). The DDS contains a very substantial communications component which not only handles communications for the CIA but also, in many parts of the world, for the State Department. The DDI has contained two major "collection" functions—the Foreign Broadcast Information System (FBIS) and the Domestic Contact Service (DCS). The latter, which overtly contacts Americans who travel abroad in order to pick their brains regarding foreign technical and economic developments has been an important source of intelligence. Any rational plan for "divorcing" the CS and the DDI must perforce include consideration of disposition or re-creation of the functions and capacities which reside in the other two directorates (the DDS and the DDS&T), as well as the DDI collection functions (FBIS and DCS).

e. Goals or Principles.—Any scheme of organization for the CS should be based upon certain rational goals or principles, though it is impossible to define principles that are entirely consistent with one another. Some suggested principles are set forth below:

1. A responsive and effective intelligence analytic function is vital to the United States—the effectiveness and objectivity of this function should not be compromised by operational considerations; nor should its ability to gain the widest possible input be jeopardized by stigmatization which may result from proximity to covert activities.

2. The requirements of the analytic function should be readily communicated to the clandestine collector. Likewise, the

product of the clandestine collection system should be readily communicated to the intelligence analyst.

3. When appropriate, the President and other policymakers should receive raw clandestine intelligence from an agency that is as disinterested a conduit as possible.

4. The CS should be insulated from political misuse or from Presidential zeal, real or apparent.

5. Clandestine functions should be made as accountable as possible to public representatives, recognizing that secrecy can be a legitimate operational imperative.

6. The "cover" under which clandestine collectors operate should be preserved or improved.

7. The location of the CS should enable continuing evaluation of the relative merit of human intelligence as opposed to technical intelligence.

f. The following is an evaluation of the pros and cons of various alternative locations for the CS in light of the assumptions, organizational considerations and goals discussed above.

1. *The State Department Option—*

a. *Pro's*

(i) Might create better unity of foreign service and clandestine reporting, reducing redundancy of effort.

(ii) Might enable better integration of intelligence and foreign policy requirements in general.

(iii) Would enable establishment of independent intelligence analytic function without overlay of operational concerns.

(iv) Would involve placing State's communications back in the State Department.

b. *Con's*

(i) Traditional jealousy or suspicion of foreign service officers toward their CS counterparts might cause substantial bureaucratic friction.

(ii) Insulation from political aberration (*e.g.*, the McCarthy period) which in the past had not existed for the State Department might no longer exist for the CS.

(iii) To the extent the CS is called on to perform "covert" functions, the "taint" which these functions are said to place upon the intelligence analytic function could, in effect, be transferred to the entire foreign affairs establishment of the United States Government.

(iv) There may be a penalty in terms of responsiveness of collection to intelligence requirements if clandestine collectors and intelligence analysts are "divorced."

(v) To the extent the CS collects important intelligence information which contradicts DOD perceptions, DOD might claim CS is infected with a "State Department" bias.

2. *The Defense Department Option—*

a. *Pro's*

(i) In terms of size, the DOD could easily envelop the CS.

(ii) A considerable portion of CS cover is already military in nature. Thus there might be some marginal improvement in cover.

(iii) Location in the DOD would not result in a "tainting" of the DOD since it already engages in intelligence and counterintelligence functions.

(iv) Support and R&D functions for CS could readily be merged with DOD components.

b. *Con's*

(i) A Secretary of Defense's span of control is already very wide—query whether he would have the capacity to give adequate direction to the CS.

(ii) Might result in an increasing focus on military-to-military intelligence liaison as opposed to civilian lines of liaison. Such a change in focus may cause problems for command and control, and potentially can affect intelligence production.

(iii) Insulation from political zeal might very well be imperfect because of the traditional military attitude of "can do."

(iv) Civilian control at DOD of military functions is surprisingly "thin." Presumably the CS, if placed in the Pentagon, would be subject to civilian rather than military control and would tax an already overextended group of civilians.

(v) The intelligence reporting of the CS might become tainted by a military bias, real or perceived.

(vi) Because of the size of the DOD, the thinness of civilian control over DOD functions, etc., the net result of placing the CS in the Defense Department might well be to reduce, rather than enhance, CS accountability to the public and Congress.

3. *The Independent Agency Option—*

a. *Pro's*

(i) If it is deemed imperative to split the CS from the intelligence analytic functions of Government, the independent agency model would seem preferable to the State Department or Defense Department models in light of the "cons" outlined above.

(ii) The independent agency would presumably not be a large agency, at least in relative terms. It might give public assurance that the national policy is not being dominated by a clandestine intelligence colossus.

(iii) Tasking of this agency by the NSC directly might avoid the bias or inefficiency which might result in tasking it through the State Department on the one hand or the Defense Department on the other.

b. *Con's*

(i) Cover problems would result. Stateside cover would be difficult without a broader institutional envelop. The small size of the Agency might reduce "clout" in seeking cover slots from other Departments. This fact in turn could create incentives to use of commercial or even "media" cover with attendant societal costs.

(ii) The new agency would be less insulated from Presidential zeal.

(iii) An entire support mechanism would have to be created for this new agency.

(iv) Relationships of such an agency to the science and technology of intelligence collection would be unclear unless it were to have its own costly R&D function.

(v) It might require its own independent communications function.

4. *The Status Quo—*

a. *Pro's*

(i) Current location can assure closest tailoring of clandestine activities to intelligence analytic requirements assuming adequate direction and control.

(ii) The status quo is an evolutionary product which may reflect the wisdom of time.

(iii) It is hard to find a better location.

(iv) Present location is efficient from the point of view of using extant support, communications and R&D functions.

(v) Present location preserves independence of the clandestine function from potential military bias.

b. *Con's*

(i) The CS has been the dominant directorate in the agency and without a "divorce" this domination cannot be terminated.

(ii) History demonstrates that the present location inadequately insulates from the possibility of Presidential zeal.

(iii) Location of clandestine operations in the same agency charged with analytic and estimative functions may have warped and may continue to warp the intelligence product.

(iv) The status quo may be intolerable in light of the disclosures of the Senate Intelligence Committee. One can argue that a shake-up is needed for the sake of a shake-up.

g. *Conclusions*

1. On balance it seems that the status quo, however imperfect, is preferable than any of the three identified options for change. *If* the status quo is maintained, there nonetheless need to be serious changes within the current organizational arrangement:

a. By executive directive or by legislation, a career CS officer should be precluded from appointment as the principal intelligence officer of the U.S. Government.

b. Covert action should be dramatically circumscribed (if it has not already been as a practical result of the House and Senate intelligence committees' hearings and other recent disclosures and legislation).

c. The CS should be substantially reduced in size—the CS should be a more tightly focused operation, focusing on Soviet and Chinese targets and possible other targets of clear and continuing significance to the United States national security, such as resource cartels, and international terrorist activities.

d. To these ends, the CS must be given more rigorous intra- and inter-agency budget and planning scrutiny. Closer evaluation of the CS intelligence product needs to be made. DDI and DDS&T analysts should be required on a quarterly basis, to estimate the usefulness of CS reporting in terms of its percentage contribution to finished intelligence product.

**F. RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON
INTELLIGENCE CONCERNING COVERT ACTION**

1. The Select Committee recommends that all activities involving direct or indirect attempts to assassinate any individual and all paramilitary activities shall be prohibited except in time of war.

2. The Select Committee recommends that as to other covert action by any U.S. intelligence component, the following shall be required within 48 hours of initial approval.

a. The Director of Central Intelligence shall notify the Committee in writing, stating in detail the nature, extent, purpose, risks, likelihood of success, and costs of the operation.

b. The President shall certify in writing to the Committee that such covert action operation is required to protect the national security of the United States.

c. The Committee shall be provided with duplicate originals of the written recommendations of each member of the 40 Committee or its successor.

3. All covert action operations shall be terminated no later than 12 months from the date of affirmative recommendation by the 40 Committee or its successor.

G. AMERICA'S SECRET OPERATIONS: A PERSPECTIVE

By Harry Rositzke

[From Foreign Affairs Magazine, January, 1975]

I

Thirty-three years after William J. Donovan set up the first genuine American secret service, and as the first generation of American secret operations officers fades away into unclassified retirement, the American Intelligence Service, or AIS,¹ faces a new Administration, new tasks in a new non-confrontation world, and new, as well as old, suspicions. Its belated establishment led initially to a certain amount of hostility both within the foreign affairs establishment and vis-a-vis the internal security organization that had come into being after World War I, and these feelings have never wholly died out. And American secret operations have developed in their brief career an unenviable public image as well, both domestically and abroad.

Designed to cope with the Nazi, then the Stalinist, menace, the AIS has come to be regarded by liberal opinion at home as a haven for reactionaries and stunted cold warriors, as a sinister secret arm of our foreign policy, as a rapist of American civil rights and academic freedom, as co-conspirator with the White House in political skullduggery. Abroad, "CIA" has become a symbol of American imperialism, the protector of dictators, the enemy of the Left, the mastermind of coups and counter-coups in the developing world. It is a strange and remarkable record for an official institution in a democratic society.

What is the action record of American secret intelligence? Where does it stand today? What lies ahead?

II

During World War II the Donovan organization attained, on the whole, a remarkable reputation. Kept out of the Southwest Pacific by a jealous General MacArthur, yielding Latin American responsibilities for the time being to the FBI, occasionally flawed by the high degree of individualism Donovan encouraged, the Office of Strategic Services (OSS) nonetheless rendered signal service in a host of situations. It left a large legacy not only of trained men but of senior officials convinced that such operations could be of great importance in supporting American foreign policy.

For two years after the war the survivors of OSS fought for their official lives. The former Research and Analysis Unit, essentially overt,

¹ I choose this simple term to distinguish the Service sharply from the Central Intelligence Agency (of which it is a lesser part) and to avoid the glut of titles by which it has been designated: Spécial Operations, Policy Coordination, Plans, Clandestine Services, Operations.

wound up briefly in the State Department, while the secret operations fended for themselves. In 1947 the two were brought back together under the umbrella of the Central Intelligence Agency, established by law in the summer of 1947, a marriage of covert and overt that persists to this day.

Those engaged in secret espionage operations found their main target within months of the end of the European war: Soviet military capabilities and intentions. By 1948, as the Berlin blockade signaled the intensification of the cold war, the overriding purpose of the AIS was to provide the White House with early warning of Soviet hostilities, both by strategic bombers and by ground troops through Poland.

In 1946 Washington knew virtually nothing about the U.S.S.R. Four years of concentration on the Germans and Japanese had left the Soviet files empty. Air Force researchers combed the Library of Congress to flesh out the bare outlines of bombing target dossiers. Tens of thousands of Eastern emigrés in Europe were interrogated for the simplest items of basic intelligence: roads, factories, city plans. Intelligence peddlers sprang up by the dozen to satisfy the American market. Any ship that visited a Soviet port was a gold mine.

Almost nothing came out of Moscow. A beleaguered embassy and a few sequestered Western journalists passed on official handouts, read the press, went nowhere, talked to no one. The Soviet Union, like Hitler's Fortress Europe, had become a "denied area." Only secret agent operations carried out by "illegal" entry could penetrate the target area to provide early warning of an attack and, later, information on Soviet progress in its atomic program.

For almost ten years, until the mid-1950s, the AIS dispatched agents into the Soviet Union by air, land and sea from almost every point on its outer periphery between Scandinavia and Japan. Most were equipped with radios and sent in by air, some to make contact with resistance groups in the Baltic States and in the Ukraine (where they survived until the mid-fifties), others to become observers at selected transportation points to give notice of unusual movement, or to collect or measure earth and water samples near suspect uranium-processing plants. A few tried to legalize themselves for permanent residence in urban areas. Agents without radios went on brief in-and-out missions on foot to observe, photograph, and exfiltrate.

At the same time hundreds of agents were being sent in to cover military targets in Eastern Europe from bases in adjacent areas. Border-crossing became the order of the day, easiest from Berlin, more and more dangerous elsewhere as the barbed wire, plowed strips, and alarm systems made the Iron Curtain more dense. Agents were sent in to observe specific airfields or factories, to make contact with old friends and recruit likely prospects, to establish themselves in strategic locations, to act as couriers, to service dead drops, etc.

These cross-border operations involved enormous resources of technical and documentation support, hundreds of training officers, thousands of safe-houses, and, above all, hundreds of courageous men who preferred to fight the Russians or the Communists rather than linger in the DP camps or emigrate to Brazil. Scores of agents paid with their lives for our concern. All this effort, however wasteful in retrospect, was demanded by the requirements of the Pentagon and the field com-

manders in Europe. Their demands reflected the almost frantic fear of a Soviet military move into Western Europe, especially after Korea.

With Stalin's death in 1953 and the easing of legal travel into the Soviet Union and Eastern Europe, the lessening urgency of ground military requirements, and the increased focus on Soviet political intentions, the emphasis in AIS operations shifted to the "legal" approach, the classic form of peacetime penetration. The Soviet official stationed abroad became one target, as his connection with Moscow and eventual reassignment to his headquarters made him a source of the greatest potential value: an in-place agent in or near the corridors of central power in the Party-government. The main agent source on Soviet matters during the fifties was a Soviet military officer whose reporting from 1953 to 1958 provided the U.S. government with detailed documentary information on strategic as well as tactical military matters, including the Berlin crisis. He was succeeded in the crucial years 1961-63 by Colonel Penkovsky, whose coverage of Soviet missile development was of vital strategic value.

From the late 1950s on, agent coverage of military-industrial targets within the Soviet Union was gradually superseded by both photographic and electronic coverage, which in terms of importance and volume far exceeded reporting through human sources.

American operations against Communist parties during the early years of the cold war were mainly designed to uncover their sources of secret funds, to ferret out their underground apparatus, and to establish their paramilitary capabilities and plans. On the political side, an occasionally valuable insight into the councils of Party leaders in Moscow came from their contacts with senior and respected Communist party leaders abroad.

After the 20th Party Congress in 1956, with the shift from direction to persuasion in Moscow's relations with foreign parties, more and more serious political discussions with foreign party leaders took place in Moscow. Senior party officials from Europe, Asia and Latin America became a useful source for the political views and regional intentions of the Soviet leadership. In the past 15 years the penetration of parties in these areas has served, for example, to supply details of the Sino-Soviet rift long before it became public, to record the underlying rationale of Soviet policy toward the Asian subcontinent, and to monitor the advice given the Arab parties during the various Near East crises.

From the late fifties the requirements for intelligence coverage broadened rapidly. Mideast tensions, troubles on the Indian subcontinent, heady events in Africa, the spurt of Chinese activity abroad in the mid-sixties, Castro's overseas programs, coups and counter-coups on four continents, the evolving situation in Indochina—all became grist for Washington's intelligence analysts and targets for agents' coverage.

The U.S. intelligence community soon became a global city desk to support the role of global policeman. The policy-makers wanted to know what was going on everywhere. The intelligence analysts set requirements and priorities that justified the collection of almost any information. Good researchers are omnivorous, and the man on "Paraguayan political" wants to know as much about goings-on in Asuncion as the Czech specialist about affairs in Prague. In the intelligence

sector, as in the public media, the information explosion brought fast communication of more information with lesser interest.

Washington intelligence became an all-source glut: millions of words daily from foreign radio broadcasts, thousands of embassy and attaché reports, a stream of communications intercepts, cartons of photographs, miles of recorded electronic transmissions—and a handful of agent reports. More and more, intelligence collection became devoted to current intelligence, to the minutiae of history that fill the daily and weekly bulletins to keep the policy-makers informed.

The AIS has not been immune to the pressures for such day-to-day coverage. More and more of its assets have been devoted to reporting from behind the scenes on current events, and a great deal of its effort has been expended on the coverage of internal affairs in countries of the most marginal importance to the U.S. interest. As the Service became more tactical, and monthly production the yardstick of accomplishment, it has naturally devoted less time to the strategic operations that normally take years to develop.

III

Counterespionage operations are the hard core and essential resource of any intelligence service, for their primary purpose is to assist in guarding the nation's diplomatic and military secrets, including its own intelligence operations.

In 1946 AIS knowledge of the wartime Soviet intelligence services was confined to a scattering of names and operations culled from captured German and Japanese documents, a brief British organizational study, and a handful of wartime domestic spy cases. The counterespionage files were rapidly filled in the next ten years with the names of tens of thousands of Soviet "agents" that poured in from emigrés, intelligence mills, friendly security services, and AIS contacts. Anyone a "source" did not like became a Soviet agent: Soviet officials, Communist party members, hostile emigré leaders, leftist politicians, liberal journalists and labor leaders, etc. Most of this reporting was trash and treated as such.

During the 1950s hard information on the Soviet services and their operations was gradually built up from direct surveillance, arrested agents, intelligence defectors, and double-agent operations. Defectors were the richest source, and in the early sixties served not only to provide detailed information on Soviet intelligence personnel both at home and abroad and on the organization of the Soviet intelligence agencies and their methods of operation, but to identify hundreds of Soviet agents, mainly in Europe, many in NATO, who were arrested or monitored for further leads. The impressive list of exposures of Soviet penetrations of European intelligence services in the 1960s is directly traceable to leads, sometimes explicit, often vague, from both Polish and Soviet intelligence defectors.

The main counterespionage purpose of the AIS, however, is to detect and neutralize Soviet operations directed against strategic U.S. targets. Soviet intelligence has made, and continues to make, a determined effort to plant or recruit agents in the policy levels of State and Defense, and in such intelligence organizations as the National Security Agency, the CIA and the FBI. Virtually all their

operations against American targets originate abroad (they recognize the security and psychological hazards of recruiting an American official at home), and it has been the task of the AIS to uncover overseas leads and transmit them to the FBI for follow-up once a recruited or potential agent returns to the States.

For some years now the KGB, the Soviet civilian service, has carried on a systematic program to recruit Americans attached to official installations abroad. It is mainly interested in younger personnel, both file clerks and secretaries with access to classified information (code clerks are, of course, top priority) and Marine guards who can be most useful in safe-opening operations or installing concealed microphones. Some two to three hundred cases of direct approach by a Soviet officer are reported each year. Upon occasion an American who is approached may be encouraged to continue the contract if he is agreeable.

To what extent the KGB has been successful in penetrating federal agencies is bound to be a matter of conjecture. Unfortunately, in counterespionage operations what one can be sure about, what one knows about, may be insignificant compared to what one doesn't know about: the parameters of ignorance are limitless. Only if the AIS should secure the cooperation of the American desk chief of the KGB in Moscow could we say with assurance that there is not a Soviet agent in X or Y installation in Washington.

If there is such an agent, it is most unlikely that he is being handled out of the Soviet Embassy in Washington. The principal operational resource of the Soviet services abroad is not their official residents under diplomatic cover, but the "illegals" who have been dispatched to the West in increasing numbers during the past 15 years. These illegals, normally well-trained Soviet citizens with false Western documents and a carefully build-up legendary past, live and act as normal citizens in their country of residence, and have their own separate communications with Moscow. They are almost impossible to uncover by the usual investigative methods. Unless they make a mistake, or give themselves up (as his assistant resident did to implicate Colonel Abel), they are as safe as any secret agent in an open democratic society can be. The search for illegals continues to be a frustrating priority for both the European and American services.

Meanwhile, the role of some Soviet intelligence officers under diplomatic cover ("legals") is changing. The highly touted percentages of intelligence officials in any overseas Soviet installation—50 percent, 60 percent, 70 percent—can no longer be equated with the volume of Soviet espionage or other clandestine activities. More and more, experienced KGB officials have been assigned in recent years to duties other than running spies and working secretly with student and labor leaders.

Soviet diplomatic requirements in political, economic, trade and propaganda matters have grown dramatically since Khrushchev's day, and have outstripped the capacity of the Soviet Foreign Office. Experienced KGB officers are now often assigned to work as diplomats devoted to making friends in the Soviet interest without breaking the law. They are now, both in New York and in the great cities of Europe, hard at work developing friendly contacts with persons of influence

across the spectrum of public and private elites: politicians of the Center and the Right as well as the Left, labor leaders of all political complexions, key editors and journalists of all hues, and prominent members of the business and banking communities.

These Soviet contacts can be loosely called agents, but not spies. They are "agents of influence," persons who can sway national decisions on truck-assembly plants, loan terms, or Siberian investment projects in the Soviet interest. The new Soviet "diplomats," knowledgeable, sophisticated, linguistically competent, are earning their keep far better than by running a handful of spies in military establishments that have few secrets left. The KGB has become for Washington a diplomatic service to compete with as well as an espionage service to counter.

The Soviet services remain a formidable adversary on the espionage front. Their overall investment in secret work abroad has not declined since the days of "capitalist encirclement," and even today their operational personnel, both legals and illegals, number at least five times those of the American and European services combined. Ironically, as more and more military, technical and industrial information in the Western world has become freely available to Moscow, Soviet recruitment efforts against American and European targets have increased.

IV

No chapter in the history of the CIA is as public or controversial as its covert action program. When, in 1948, spurred by the Communist takeover in Czechoslovakia and the Italian political crisis, the National Security Council gave the CIA the responsibility for "political, psychological, economic, and unconventional warfare operations," the straightforward espionage mission of the AIS was enormously broadened, if not distorted. Known within the Service as "the PP mission," and originally carried out by a separate operating component within the CIA (the Office of Policy Coordination), these action operations and the new personnel responsible for them were soon integrated into the espionage and counterespionage service. This merger had a significant and enduring effect on the conduct and public image of American secret operations.

The cold war rationale for the covert action mission was simple: help stop the Russians. With Soviet troops poised to overrun Western Europe and "international communism" threatening the "free world" in France and Italy, Greece, Iran, Vietnam and China, with the military establishment severely reduced and State's diplomatic initiative stalemated, the White House gave its own new "secret arm" the offensive mission to fight the Russians with their own weapons.

If the size of Soviet intelligence operations can be estimated as roughly five times the size of their Western counterparts, the comparative scale of Soviet clandestine political operations has been even more disproportionate. The use for front organizations, an old Soviet staple, rose to new heights in the late Stalin period, and through them, as well as by direct subsidies to Communist parties and labor unions, the Soviets poured vast resources into the attempt to install Communist or friendly leftist governments in Europe, in Asia and in Latin America. An important adjunct was the use of wider prop-

aganda-type organization to sell the Soviet line and to denounce the West, especially the United States. The danger posed by these activities in the 1950s was not an illusion, and "covert action" became a popular expedient for taking American initiatives in the cold war without obvious official involvement. Presidents from Truman to Nixon were not reluctant to use it.

The secret offensive was three-pronged:

(1) To attack the enemy of his own terrain by supporting internal resistance movements (in the Ukraine, the Baltic States, Poland, and Albania); by supporting anti-Soviet or anti-Russian emigrés abroad, especially in Europe; by weakening the morale of the Soviet citizenry through propaganda delivered over the air (Radio Free Europe, Radio Liberty), by balloons, or through rumor campaigns.

(2) To contain, or roll back, "communism" in the "free world" by subverting Communist, crypto-Communist, or radical leftist governments (the labels were attached by the National Security Council) in Iran, in Guatemala, and, finally, in Cuba; by supporting non-Communist governments threatened by Communists in the Third World, culminating in Laos and South Vietnam; and by supporting "democratic" parties, labor unions, and intellectuals mainly in Europe during the shaky 1950s, and in Latin America during the 1960s. The case of Chile exemplifies the full range of political action operations from all-out support of a "friendly" Frei government to covert, as well as overt, actions designed to weaken an "unfriendly" Allende regime.

(3) To counter Soviet propaganda and international Communist fronts on the global scene by founding and funding publications, supporting anti-Communist editors and journalists, and orchestrating international propaganda campaigns; by building up "democratic" front organizations to counter the Communist fronts among students, youth, teachers, labor, etc.; by subsidizing American student and labor organizations to fight the Communist fronts abroad; by penetrating and upstaging Communist-organized World Peace meetings, youth rallies, and assemblies.

This broad assortment of propaganda, political and paramilitary operations was assigned to the secret intelligence service in order to hide their official sponsorship. The operations themselves, of course, from radios to invasions, were public events. The task was to cut the line from sponsor to actor, or at least to obscure it enough to place Washington in a position to deny official participation with a straight face.

("Plausible denial" was an oft-used phrase in the 1950s, and much ingenuity went into the planning of cover-stories or alternate explanations for proposed operations. Yet it was, even then, a hollow phrase, for it was impossible to deny operations that were exposed. In some, mainly large-scale paramilitary operations (the Guatemalan and Cuban invasions), denial was incredible. In others (the funding of Radio Free Europe), denial was implausible or pointless. Still others (support of the National Student Association) were undeniable when blown by participants. It is difficult to say in each case for whose benefit the operations were to be denied. The Russians? Our allies? The American public? World opinion?

It is simple enough to say now that what was worth doing in the 1950s (and early 1960s) should have been done openly—we could

have invaded Cuba as we did the Dominican Republic, subsidized anti-Communist radios and publications openly as we do now, and so on. Yet the arguments against such a course at the time were not trivial or without merit. With the Soviets managing to conceal their hand on many occasions, a public American response would have led to the application, to America's grave disadvantage, of the double standard that many in the world have all along been inclined to apply to Soviet and American actions. And, for a time, the anti-Communist sentiment of the Congress and public was so indiscriminating that would have been impossible to conduct, under the open eye of both, the kind of reasonably sophisticated operations needed to appeal to important forces abroad that would not accept the full range of American views or practices, yet were determined to resist being taken over by Communist forces.

As the years passed, these initial reasons largely lost their force, and it was a cardinal mistake not to have reacted to the change in circumstances before exposure finally forced the government's hand in the mid-sixties. Thus, the NSC assignment of the charter for covert action operations to the CIA has served to bring both the AIS and the CIA as a whole into the public disrepute it now enjoys. There is little point in arguing whether the White House was right or wrong in using the CIA as the "third leg" of our foreign policy mechanism. The cold war Presidents who allowed the Departments of State and Defense to shunt distasteful operations off on the "secret arm"—and the CIA Directors who, eagerly or reluctantly, accepted these incompatible tasks—felt the stakes requiring action were high. As time went by, however, they ignored not only the need for change but the drastic impact of lumping "noisy" action missions with secret intelligence operations. What was always an uneasy pairing became in time a self-defeating amalgam of disparate missions, and the damage not only to the reputation of the CIA but to the conduct of secret intelligence became progressively more serious.

V

In assessing the present and future state of the AIS, its action responsibilities provide the crucial matter for debate and decision. Covert action operations have declined steadily since the early 1960s outside of Indochina. Under Presidents Kennedy and Johnson, the use of covert methods to support particular candidates for office, or aspirants for power, in nations abroad became the rare exception, and today the practice has virtually died out—so that the ratio of charge to reality, in this area at least, is now extremely high. Yet the CIA charter remains in force and AIS action capabilities still exist. It is covert action psychological, paramilitary and political—that raises not only pragmatic but political and moral issues.

Psychological warfare operations not only do not belong in a secret service, but they are an anachronism in today's world. They should be discontinued.

Paramilitary operations pose a more serious question. That the United States must keep a paramilitary capability in being for war-time use will probably not be questioned by most observers. What has

become clear, however, is that a secret intelligence service is not the most suitable vehicle for running paramilitary operations. With the special privileges granted it by Congress, the CIA has been able to develop a highly efficient logistics machinery for moving personnel, equipment and funds rapidly and secretly around the world. It has therefore been called upon to carry out even large-scale paramilitary programs that would more logically fall to the Department of Defense.

There is little reason why the paramilitary charter should not be transferred to Defense, where all three services have appropriate specialized personnel, equipment and training facilities in being. All that is needed to make Defense effective in covert operations is to convert a small section of its command structure into a special operating unit which can be given congressional authority to move funds, personnel and equipment outside the bureaucratic system. This re-assignment of responsibility would also bring future paramilitary operations under established congressional oversight and review.

If the AIS were to be stripped of its psychological and paramilitary operations, it could again become a truly secret service even if it retained a modified responsibility for political action.

Here, in the sphere of secret political action, the moral-political question appears to outweigh the pragmatic. How far should one nation interfere in the internal affairs of another nation?

In practice every major nation interferes daily in the affairs of other nations: by military and economic aid (or its denial), diplomatic arguments, short-wave broadcasts, fellowships and travel grants, etc. In short, Washington, like Moscow, is in this broad sense interfering all over the world all the time.

The more realistic way to phrase the issue is perhaps: to interfere *secretly*. And here no clear line can be drawn, for much of our official interference is secret: for example, the Ambassador's or military attaché's private conversation with a local politician, labor leader, or general. Perhaps the issue should be even more narrowly phrased: to interfere with *money*. Yet money is involved in many acceptable forms of international dealings—travel grants, say, or American fellowships. Perhaps the issue finally becomes: to interfere with *secret money*. Put in its most loaded form: should Washington bribe a foreign politician or labor leader to act in the American interest?

Here the line between "right" and "wrong" becomes cloudy indeed. When do private understandings with a chief of state become sinister? When does the passage of money or air tickets become bribery? It is at this level that the moral issue has to be settled if it ever will be—for noninterference is one of the vaguer terms in the vocabulary of co-existence.

It was proposed in a recent issue of this journal that the government "should abandon publicly all covert operations designed to influence political results in foreign countries" and restore the American Service to its original intelligence mission.² I would assent to this proposition with one exception and with one caveat.

The caveat first. If the President announces publicly that the CIA will no longer carry out secret political operations, no one will be-

² Nicholas deB. Katzenbach, "Foreign Policy, Public Opinion and Secrecy," *Foreign Affairs*, October 1973.

lieve him—not the Russians, not our friends and foes around the globe, not the American public or press. “CIA” has become as much a symbol of American imperialism abroad and of secret government at home as the KGB has become, with American assistance, the symbol of Soviet imperialism and domestic repression. It is far too useful a symbol for anyone to give up, and no one will. A public statement that the U.S. government has now returned to the path of pristine democratic practices would be a quixotic, if not a slightly humiliating, gesture.

The exception is more controversial. Propaganda and paramilitary operations do not belong in a secret service—even if they are worth doing—nor, under today’s conditions, do secret operations designed to sway elections or to overturn governments. Yet the kind of clandestine contacts that are still required, simply to keep on top of complex and important situations, cannot on occasion avoid having political overtones. The justification is, as it has been, to combat what remains the very large political activity of the Soviets and their allies. Their large-scale support for political elements in many countries of the world often leaves opposing non-Communist political figures naked and without adequate support. For the United States to stay in close touch with such elements is an elementary precaution, and there will continue to be occasions when support of a few individuals for intelligence purposes cannot (and should not) be separated from a measure of support for their political ends. There is little reason to rob the President—or the local Ambassador—of the chance to provide confidential support to a politician or labor leader who cannot afford to accept American largesse publicly.

Nor can we avoid the occasional political implications of intelligence liaison relationships with the secret services of other countries, the great bulk of which are with friendly nations whose services are under proper democratic control. In some cases such liaison has been conducted with governments whose independence has seemed, as a matter of national policy, to outweigh their failure to live up to democratic norms. It is inevitable that on occasion such governments will turn, by our standards, very sour indeed, as in the case of the Greek colonels, and it is a regrettable fact that an intelligence liaison aimed at external targets can then place the United States in the position of being attacked for an unintended degree of support for the local government. The key point here, however, is that intelligence liaison, like military or economic aid, is part of overall national policy, and reflects that policy: it does not normally operate in a vacuum. Indeed, in a few cases this service-to-service relationship has become the sole channel of communication with Washington for a government that has cut off diplomatic relations.

Two fundamental questions face the AIS today: can it remain a professional service and can it become a truly secret service? Neither question can be isolated from a consideration of its structure and its mission.

Relatively modest and independent in its beginnings (as the Office of Special Operations), the AIS doubled, then tripled in size with the creation of a parallel action office (Policy Coordination) and in the overall post-Korean expansion. It went the way of the entire intelligence community: a large bureaucracy with large staffs, interminable coordination, and countless echelons of decision-making.

The lethargy and timidity normal to a civil service bureaucracy exact a particularly heavy cost in an intelligence service where taking chances based on personal judgment is its main business. A Service is as good as its agents, and its agents are as good as the competence and initiative of the case-officer on the spot. Faced with a hypercautious, if not anxious, headquarters, the case-officer soon learns not to take chances. He plays it safe by keeping the bread-and-butter agents he has and not invading dangerous new ground—like the local foreign office or security service. The Service suffers.

As the AIS grew in size, it also became more and more closely integrated into the large-scale civil service bureaucracy that is the Central Intelligence Agency. Relatively independent at its inception, with its own administrative support structure, the AIS gradually became dependent on the CIA for its logistics, staff recruitment and training, personnel and accounting procedures, etc. Its integration into the Agency was capped by the move of all CIA components into a single headquarters building in Langley, Virginia, a move strongly opposed by many senior AIS personnel on security grounds. This objection was overruled with the assurance that the larger overt Agency elements would provide useful cover for the secret operators. Too many people inevitably came to know more than they needed to know about agent sources as compartmentalization broke down in the togetherness of researchers, administrators, and operators.

These and other considerations have led some AIS officers over the years to raise the notion of a separate truly secret intelligence service. The aim is a small elite professional service devoted exclusively to recruiting high-level agents against carefully selected long-term strategic targets. There would be no pressures for current production, no wholesale reporting requirements, no leaks to analysts, journalists or Soviet officials, no bureaucracy to hold up recruitment, no vast intelligence community to "service." Its foreign operatives would live under private, mainly commercial cover, reporting by unofficial communications to a small head office in, say, New York, whose anonymous chief would be directly responsible to the Director of Central Intelligence in his capacity as the President's head of the intelligence community.

The present Operations Directorate of the CIA would remain the integral part of the intelligence community it has become. It cannot be extracted from its present structure—as, for example, it would be administratively simple to extract the Federal Bureau of Investigation from the Department of Justice. Nor should it be. Although the Operations Directorate would no longer be depended upon to provide agent coverage of strategic intelligence targets, it would continue to function abroad on a reduced scale and with a more innocuous mission: to maintain liaison with local security and intelligence services, to protect the Embassy from hostile penetration, to handle agent or defector walk-ins. It would also serve as a channel for confidential communications between the Ambassador and the President or between the host government and the State Department, and supply local support for other elements of the intelligence community, including the National Security Agency, the military services and the FBI. Wherever feasible, and with deference to the sensitivities of the local situation, the CIA station chief might be overtly accredited as the CIA rep-

representative. He would, in any event, act as the Ambassador's overall assistant for intelligence matters.

However quixotic on the surface, a small American secret service separate from the federal bureaucracy is not at all impractical—given the will in high places. The concept of such a service is not too far removed from the Soviet system of illegals: carefully selected personnel, hand-tailored communications, small-scale operations, select priority targets. It would remain professional and secret.

(The present Central Intelligence Agency, shorn of its strategic espionage mission, would not be affected in its structure or main functions. It would continue to carry out its overt and technical collection operations, to provide its extensive services of common concern to the entire intelligence community, and to do current and in-depth analysis and research. It would, above all, continue to focus on its main central function—to give the White House intelligence estimates on situations and trends abroad that are as objective as men can make them. Only an agency exclusively concerned with intelligence can avoid the intrusion of bias into honest judgments that comes from the pressure in the Departments of State or Defense to support a specific diplomatic tack or a larger military budget.)

This proposal would simplify the vexing issue of congressional oversight. With overt and unexceptionable covert activities more clearly separated from truly covert ones, the supervision of the CIA itself would be substantially freed of the fear of exposing those operations that almost all members of Congress agree should remain secret. Present committees could thus operate more effectively. The truly secret operations of the AIS might best be reviewed by an ad hoc group of the top majority and minority members of the key committees who would weigh the policy implications, not the operating details, of the secret program.

Setting up a separate espionage service is only one side, and the simpler side, of the problem. What would be its mission? What targets would it be directed to cover that would justify its cost?

Sensibly limiting information requirements could halve the size of the intelligence community devoted to collection. Only against a clear-cut yardstick of essential information can a congressional oversight group or a presidential advisory group measure the effectiveness of our intelligence effort. (With covert psychological warfare a relic of the past, with paramilitary operations (if any) handled by the Pentagon and subject to the usual congressional scrutiny, with secret political actions carried out only at the express direction of the National Security Council, there would remain only the espionage and counter-espionage operations of the new AIS for the Congress to "oversee." And here the task should be to test performance by the product: raw agent reports measured against the government's requirements.)

Requirements properly come from outside the intelligence community. Intelligence exists to serve the decision-makers, and agent reports (ideally) fill the gaps in other coverage. For a small strategic AIS to carry out operations of real value requires that the policy-makers project with some concreteness their foreign policy objectives well into the eighties. Only then can they articulate, by countries or categories of information, their priority intelligence targets. As the

simple confrontations of the cold war give way to the more complex alignments of today, as economic and fiscal questions replace military hardware as topics of major interest, the intelligence needs of the White House are bound to shift. Is the Tokyo-Moscow axis a top priority? Are the Swiss bankers—or the German industrialists—a more important target than the Chinese General Staff?

Who will answer these questions?

It is possible, in a sanguine moment, to see a select joint congressional committee sitting down with the National Security Council and talking about the problems America faces in the decades ahead. They should confer until they come up with a clear statement in simple English of our long-term national objectives and a concrete list of specific areas and countries vital to our nation's interest.

In an even more sanguine moment one can envisage a broader, more representative body sitting down every two or three years and examining the *performance* of our foreign affairs and intelligence activities abroad. Such a group, chaired by the Vice President and supported by the National Security Council's administrative machinery, would ideally include not only Congressmen, but security-cleared citizens from business, labor, the media, academia. Their report to the American people might add a welcome breath of fresh air to the stale words from Washington.

Any decisions on our purposes in this faltering world can come only from the top and not out of the bowels of our foreign affairs bureaucracies. And those decisions cannot come by two-year or four-year executive fiat. They should be reached with the widest possible participation. The new President with his close ties to Congress is the ideal man to broaden the base for executive decisions in foreign policy. He should take the initiative in inviting the Congress to share his "awesome" responsibility for foreign affairs—perhaps even go so far as to first invite a systematic national debate. He can raise the level of that debate by being more open with the public on now-classified intelligence available within the executive branch. There is much to be gained, and—properly screened—little to be lost by publishing some of our excellent satellite photographs, or select national estimates on strategic situations as they arise, or current intelligence reports on significant events abroad.

The system of American democracy need not be exhausted by its present institutions, nor should the citizen sit on his hands as the complex pressures of an industrial society force the cancerous growth of the executive. No President in the future should be allowed to say on his own that the Dominican Republic or Cuba or Vietnam is vital to the American interest.

Once set, and amended, long-term national objectives lead to strategic intelligence as well as diplomatic targets, to a clean-cut mission for the new AIS. It is likely that these targets may lie in Zurich and Tokyo as well as Moscow or Bucharest or Cairo and concern themselves as much with goods and currencies as with war and politics. It is even possible that the AIS might on occasion, like the KGB in the recent Soviet grain deal, pay for its own budget by saving the taxpayer money.

H. WHAT'S WRONG WITH THE CIA?

By Tom Braden

[From Saturday Review, Apr. 5, 1975]

We are gathered, four of us CIA division chiefs and deputies, in the office of our agency's director, an urbane and charming man. He is seated at his desk, puffing nervously on his pipe and asking us questions.

Allen W. Dulles is fretting on this morning in the early fifties, as, indeed, he has fretted most mornings. You can't be in the middle of building an enormous spy house, running agents into Russia and elsewhere, worrying about Joseph McCarthy, planning to overthrow a government in Guatemala, and helping to elect another in Italy, without fretting.

But on this particular morning, Dulles is due for an appearance before Sen. Richard B. Russell's Armed Services Committee, and the question he is pondering as he puffs on his pipe is whether to tell the senators what is making him fret. He has just spent a lot of money on buying an intelligence network, and the network has turned out to be worthless. In fact, it's a little worse than worthless. All that money, Dulles now suspects, went to the KGB.

Therefore, the questions are somber, and so are the answers. At last, Dulles rises. "Well," he says, "I guess I'll have to fudge the truth a little."

His eyes twinkle at the word *fudge*, then suddenly turn serious. He twists his slightly stooped shoulders into the old tweed topcoat and heads for the door. But he turns back. "I'll tell the truth to Dick [Russell]," he says. "I always do." Then the twinkle returns, and he adds, with a chuckle, "That is, if Dick wants to know."

The reason I recall the above scene in detail is that lately I have been asking myself what's wrong with the CIA. Two committees of Congress and one from the executive branch are asking the question, too. But they are asking out of a concern for national policy. I am asking for a different reason. I once worked for the CIA. I regard the time I spent there as worthwhile duty. I look back upon the men with whom I worked as able and honorable. So for me, the question "What's wrong with the CIA?" is both personal and poignant.

Old friends of mine have been caught in evasions or worse. People I worked with have violated the law. Men whose ability I respected have planned operations that ended in embarrassment or disaster. What's wrong with these people? What's wrong with the CIA?

Ask yourself a question often enough, and sometimes the mind will respond with a memory. The memory my mind reported back is that scene in Allen Dulles' office. It seemed, at first blush, a commonplace, inconsequential episode. But the more it fixed itself in my mind, the more it seemed to me that it helped to answer my question about what's wrong with the agency. Let me explain.

The first thing this scene reveals is the sheer power that Dulles and his agency had. Only a man with extraordinary power could make a mistake involving a great many of the taxpayers' dollars and not have to explain it. Allen Dulles had extraordinary power.

Power flowed to him and, through him, to the CIA, partly because his brother was Secretary of State, partly because his reputation as the master spy of World War II hung over him like a mysterious halo, partly because his senior partnership in the prestigious New York law firm of Sullivan and Cromwell impressed the small-town lawyers of Congress.

Moreover, events helped keep power flowing. The country was fighting a shooting war in Korea and a Cold War in Western Europe, and the CIA was sole authority on the plans and potential of the real enemy. To argue against the CIA was to argue against knowledge. Only Joseph McCarthy would run such a risk.

Indeed, McCarthy unwittingly added to the power of the CIA. He attacked the agency and when, in the showdown, Dulles won, his victory vastly increased the respectability of what people then called "the cause" of anti-communism. "Don't join the book burners," Eisenhower had said. That was the bad way to fight communism. The good way was the CIA.

Power was the first thing that went wrong with the CIA. There was too much of it, and it was too easy to bring to bear—on the State Department, on other government agencies, on the patriotic businessmen of New York, and on the foundations whose directorships they occupied. The agency's power overwhelmed the Congress, the press, and therefore the people.

I'm not saying that this power didn't help to win the Cold War, and I believe the Cold War was a good war to win. But the power enabled the CIA to continue Cold War operations 10 and 15 years after the Cold War was won. Under Allen Dulles the power was unquestioned, and after he left, the habit of not questioning remained.

I remember the time I walked over to the State Department to get formal approval for some CIA project involving a few hundred thousand dollars and a publication in Europe. The desk man at the State Department balked. Imagine. He balked—and at an operation designed to combat what I knew for certain was a similar Soviet operation. I was astonished. But I didn't argue. I knew what would happen. I would report to the director, who would get his brother on the phone: "Foster, one of your people seems to be a little less than cooperative." That is power.

The second thing that's wrong with the CIA is arrogance, and the scene I've mentioned above shows that, too. Allen Dulles's private joke about "fudging" was arrogant, and so was the suggestion that "Dick" might not *want* to know. An organization that does not have to answer for mistakes is certain to become arrogant.

It is not a cardinal sin, this fault, and sometimes it squints toward virtue. It might be argued, for example, that only arrogant men would insist on building the U-2 spy plane within a time frame which military experts said could not be met. Yet in the days before satellite surveillance, the U-2 spy plane was the most useful means of keeping the peace. It assured this country's leaders that Russia was not plan-

ning an attack. But if arrogance built the plane quickly, it also destroyed it. For surely it was arrogant to keep it flying through Soviet airspace after it was suspected that the Russians were literally zeroing in on overflying U-2s.

I wonder whether the arrogance of the CIA may not have been battlefield-related—a holdover from World War II machismo and derring-do. The leaders of the agency were, almost to a man, veterans of OSS, the CIA's wartime predecessor. Take, for example, the men whose faces I now recall, standing there in the director's office.

One had run a spy-and-operations network into Germany from German-occupied territory. Another had volunteered to parachute into Field Marshall Kesselring's headquarters grounds with terms for his surrender. A third had crash-landed in Norway and, having lost half his men, came up, nevertheless, blowing up bridges.

OSS men who became CIA men were unusual people who had volunteered to carry out unusual orders and to take unusual risks. Moreover, they were impressed, more than most soldiers can be impressed, with the absolute necessity for secrecy and the certain penalty that awaited the breach of it.

But they had another quality that set them apart. For some reason that psychologists could perhaps explain, a man who volunteers to go on an extremely dangerous mission, alone or with one or two helpers, is likely to be not only brave and resourceful but also somewhat vain. Relatively few men *volunteered* to jump into German or Japanese territory during World War II. Those who did volunteer were conscious that they were, in a word, "different."

Once these men had landed behind the lines, the difference took on outward symbols. They were alone, Americans in a country full of French or Greek or Italians or Chinese. Often they were treated with great respect. Sometimes, as mere lieutenants, they commanded thousands of men. At a word from them, American or British planes came over to drop supplies to these men. They earned the love and respect that conquered people felt for the great democracy called America. Inevitably, they began to think of themselves individually and collectively as representing the national honor.

Is it not possible that men who have learned to do everything in secrecy, who are accustomed to strange assignments, and who think of themselves as embodying their country, are peculiarly susceptible to imperial Presidencies such as those of Lyndon Johnson and Richard Nixon? Have they not in fact trained themselves to behave as a power elite?

To power and to arrogance add the mystique of the inside-outside syndrome. That scene in the director's office defines the problem. Dulles was leveling with his assistants, and they were leveling with him. An agent or a station chief or an official of the CIA who didn't level—who departed in the slightest degree from a faithful account of what he knew or what he had done—was a danger to operations and to lives. Such a man couldn't last a day in the CIA.

But truth was reserved for the inside. To the outsider, CIA men learned to lie, to lie consciously and deliberately without the slightest twinge of the guilt that most men feel when they tell a deliberate lie.

The inside-outside syndrome is unavoidable in a secret intelligence

agency. You bring a group of people together, bind them with an oath, test their loyalty periodically with machines, spy on them to make sure they're not meeting secretly with someone from the Czech Embassy, cushion them from the rest of the world with a false cover story, teach them to lie because lying is in the national interest, and they do not behave like other men.

They do not come home from work and answer truthfully the question, "What did you do today, darling?" When they chat with their neighbors, they lie about their jobs. In their compartmentalized, need-to-know jobs, it is perfectly excusable for one CIA man to lie to another if the other doesn't need to know.

Thus it was ritual for Allen Dulles to "fudge," and often he didn't have to. Senator Russell might say, "The chairman has conferred with the director about this question, which touches a very sensitive matter." The question would be withdrawn.

Another technique for dealing with an outsider was the truthful non-response. Consider the following exchange between Sen. Claiborne Pell (D., R.I.) and Richard Helms. (The exchange was concerned with spying on Americans, an illegal act under the terms of the law that created the CIA.)

Senator Pell (referring to spying on antiwar demonstrations): "But these all occurred within the continental shores of the United States and for that reason you had the justifiable reason to decline [to] move in there because the events were outside your ambit."

Mr. Helms: "Absolutely, and I have never been lacking in clarity in my mind since I have been director, that this is simply not acceptable not only to Congress but to the public of the United States."

No doubt that answer was truthful. No doubt Helms did think that domestic spying was not acceptable. But he was doing it, and he didn't say he wasn't.

Finally, of course, there is the direct lie. Here is another excerpt from 1973 testimony by Helms:

Senator Symington (D., Mo.): "Did you try, in the Central Intelligence Agency, to overthrow the government of Chile?"

Helms: "No, Sir."

Symington: "Did you have any money passed to the opponents of Allende?"

Helms: "No, Sir."

Helms was under oath. Therefore, he must have considered his answer carefully. Obviously, he came to the insider's conclusion: that his duty to protect the inside outweighed his outsider's oath. Or to put it another way, the law of the inside comes first.

Allen Dulles once remarked that if necessary, he would lie to anybody about the CIA except the President. "I never had the slightest qualms about lying to an outsider," a CIA veteran remarked recently. "Why does an outsider need to know?"

So much for the lessons of memory. Power, arrogance, and the inside-outside syndrome are what's wrong with the CIA, and to some extent, the faults are occupational and even necessary tools for the job.

But the events of the Cold War and the coincidence of Allen Dulles' having such enormous discretionary powers enlarged occupational risks until they became faults, and the faults created a monstrosity.

Power built a vast bureaucracy and a ridiculous monument in Langley, Va. Arrogance fostered the belief that a few hundred exiles could land on a beach and hold off Castro's army.

The inside-outside syndrome withheld the truth from Adlai Stevenson so that he was forced to make a spectacle of himself on the floor of the United Nations by denying that the United States had anything to do with the invasion of Cuba. The same syndrome has made a sad and worried man of Richard Helms.

It's a shame what happened to the CIA. It could have consisted of a few hundred scholars to analyze intelligence, a few hundred spies in key positions, and a few hundred operators ready to carry out rare tasks of derring-do.

Instead, it became a gargantuan monster, owning property all over the world, running airplanes and newspapers and radio stations and banks and armies and navies, offering temptation to successive Secretaries of State, and giving at least one President a brilliant idea: Since the machinery for deceit existed, why not use it?

Richard Helms should have said no to Richard Nixon. But as a victim of the inside-outside syndrome, Helms could only ask Watergate's most plaintive question: "Who would have thought that it would someday be judged a crime to carry out the orders of the President of the United States?"

A shame—and a peculiarly American shame. For this is the only country in the world which doesn't recognize the fact that some things are better if they are small.

We'll need intelligence in the future. And once in a while, once in a great while, we may need covert action, too. But, at the moment, we have nothing. The revelations of Watergate and the investigations that have followed have done their work. The CIA's power is gone. Its arrogance has turned to fear. The inside-outside syndrome has been broken. Former agents write books naming other agents. Director William Colby goes to the Justice Department with evidence that his predecessor violated the law. The house that Allen Dulles built is divided and torn.

The end is not in sight. Various committees now investigating the agency will doubtless find error. They will recommend change, they will reshuffle, they will adjust. But they will leave the monster intact, and even if the monster never makes another mistake, never again overreaches itself—even, indeed, if like some other government agencies, it never does anything at all—it will, by existing, go right on creating and perpetuating the myths that always accompanied the presence of the monster.

We know the myths. They circulate throughout the land wherever there are bars and bowling alleys: that the CIA killed John Kennedy; that the CIA crippled George Wallace; that an unexplained airplane crash, a big gold heist, were all the work of the CIA.

These myths are ridiculous, but they will exist as long as the monster exists. The fact that millions believe the myths raises once again the old question which OSS men used to argue after the war: Can a free and open society engage in covert operations?

After nearly 30 years of trial, the evidence ought to be in. The evidence demonstrates, it seems to me, that a free and open society cannot

engage in covert operations—not, at any rate, in the kind of large, intricate covert operations of which the CIA has been capable.

I don't argue solely from the box score. But let's look at the box score. It reveals many famous failures. Too easily, they prove the point. Consider what the CIA deems its known successes: Does anybody remember Arbenz in Guatemala? What good was achieved by the overthrow of Arbenz? Would it really have made any difference to this country if we hadn't overthrown Arbenz?

And Allende? How much good did it do the American people to overthrow Allende? How much bad?

Was it essential—even granted the sticky question of succession—to keep those Greek colonels in power for so long?

We used to think that it was a great triumph that the CIA kept the Shah of Iran on his throne against the onslaught of Mossadegh. Are we grateful still?

The uprisings during the last phase of the Cold War, and those dead bodies in the streets of Poland, East Germany, and Hungary: to what avail?

But the box score does not tell the whole story. We paid a high price for that box score. Shame and embarrassment is a high price? Doubt, mistrust, and fear is a high price. The public myths are a high price, and so is the guilty knowledge that we own an establishment devoted to opposing the ideals we profess.

In our midst, we have maintained a secret instrument erected in contradiction to James Madison's injunction: "A popular government without the means to popular information is a farce or a tragedy, perhaps both."

As I say, the investigating committees will prop the monster up. I would suggest more radical action. I would shut it down. I would turn the overt intelligence function over to the State Department. Scholars and scientists and people who understand how the railroads run in Sri Lanka don't need to belong to the CIA in order to do their valuable work well.

I would turn the paratroopers over to the army. If, at some time, it becomes essential to our survival to mount a secret attack upon a foe, the army is capable of doing it, and, with some changes in command structure in order to bypass bureaucracy, the army could do it as swiftly and secretly as the CIA. Under the command structure of the Department of Defense, congressional oversight would be possible. Then, if the army got caught fielding a secret division in Laos, and if the American people did not want a secret division in Laos, the American people would know where to turn.

I would turn the psychological warriors and propagandists over to the Voice of America. Psychological warriors and propagandists probably never did belong in a secret agency.

And, last, I would choose a very few men to run spies and such covert operations as the passage of money to those in other lands who cannot afford to accept American support openly. But I would limit covert operations to passing money to "friendlies."

I would house these spy masters and money-passers in some obscure tool shed, and I would forbid, by law, any of them from ever calling

himself "director." They would not work for the CIA. Because I would abolish the name CIA.

As their chief, the President should choose for a term of six years some civilian who has demonstrated staunchness of character and independence of mind. I would make him responsible to a joint committee of Congress, as well as to the President, and I would not permit him to serve more than one term.

Thus, we might get rid of power. Without power, arrogance would not be dangerous. Thus, too, we could prevent the inside-outside syndrome, so essential to secrecy, from making a mockery of representative government.

As for the house that Allen Dulles built at Langley, we might leave it standing empty, our only national monument to the value that democracy places upon the recognition and correction of a mistake.

I. RECOMMENDATIONS OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY (THE MURPHY COMMISSION) CONCERNING COVERT ACTION

Covert Action: A Special Problem. To this point we have addressed only the intelligence activities of the intelligence community. But, in addition to those endeavors, the community—specifically CIA—has also been responsible for another activity which poses special problems of oversight and control. This is covert action, activity abroad intended not to gather information but to influence events, an activity midway between diplomacy and war. It has taken many forms, from the financial support of friendly publications to the mounting of significant paramilitary efforts.

The Commission has considered whether covert action should any longer be authorized at all. It recognizes that there are many risks and dangers associated with covert action. Partly for these reasons the use of covert action in recent years has markedly declined.

But we must live in the world we find, not the world we might wish. Our adversaries deny themselves no forms of action which might advance their interests or undercut ours, as quite recent as well as past events demonstrate. In many parts of the world a prohibition on our use of covert action would put the U.S. and those who rely on it at a dangerous disadvantage. We conclude, therefore, that

covert action cannot be abandoned, but that it should be employed only where clearly essential to vital U.S. purposes and then only after a careful process of high level review.

The current process for approval of covert action involves the submission of proposals to the 40 Committee. The Committee approves or disapproves, and its chairman, the Assistant to the President for National Security Affairs, issues appropriate instructions. In recent years, however, as authorizations have decreased in number, the procedures of the Committee have become quite informal, and it has met infrequently.

We believe present practices are inadequate. The sensitivity and risks of covert action require appropriate review and consultation. The Committee therefore proposes that .

—Covert action should only be authorized after collective consideration of its benefits and risks by all available 40 Committee members, and that

—Besides granting initial approvals, the 40 Committee should regularly review the continuing appropriations of activities still being pursued.

In addition to requiring careful review within the executive branch, the Commission believes that covert action should be reported to the

Joint Committee of the Congress on National Security proposed in Chapter 14. We also believe that the current requirement of law that the President personally certify to the Congress the necessity for all covert actions (the Hughes Amendment to the Foreign Assistance Act of 1974, P.L. 93-559) is harmful in associating the head of State so formally with such activities. We propose, therefore, that:

P.L. 93-559 be amended to require reporting of covert actions to be proposed Joint Committee on National Security, and to omit any requirement for the personal certification of the President as to their necessity.