

CIA Used U.S. Units As Cover

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The Central Intelligence Agency was secretly instructed 27 years ago to carry out covert operations abroad in such a fashion that disclosure, even today, "could prompt attacks on our diplomatic personnel overseas as being spies and covert operators."

Officials of the National Security Council made that claim this week as they reluctantly released an extraordinary and apparently unprecedented public summary of long-classified government documents.

The perceived threat to diplomatic personnel overseas appeared to be based on the long-standing CIA practice of using the Foreign Service and other agencies such as the U.S. Information Agency and the Agency for International Development as cover for CIA officials abroad.

The NSC summary, provided in response to a court order, openly describes for the first time:

The NSC documents in 1948 that apparently comprise the CIA's charter for covert operations; the 1952 Truman memo establishing the super-secret National Security Agency, and the so-called NSCIDs (National Security Council Intelligence Directives) that have since 1947 dealt out broad assignments to U.S. intelligence agencies.

One of the NSCIDs, issued on Aug. 15, 1950, is still so hush-hush, the NSC maintained, that disclosure of anything beyond the fact that

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it is three pages long "would entail the disclosure of classified information."

Descriptions of other documents, especially two 1948 NSC reports "concerning United States covert activities in the interest of national

security," were more explicit.

According to the inventory, filed in U.S. District Court here as an affidavit by NSC staff secretary Jeanne W. Davis, portions of both 1948 documents dealing with "the activities of another country during the cold war" are so harshly worded that "the language employed in the documents could be exploited to affect adversely our relations with that country."

In addition, the NSC maintained, discussions of "coordination with other agencies" in both documents "could prompt attacks on our diplomatic personnel overseas as being spys (sic) and covert operators."

Critics of government secrecy in general and the CIA in particular have consistently assailed such fears as overblown.

"It's a thin argument," said former CIA official Victor Marchetti, author of "The CIA and the Cult of Intelligence."

"Their favorite cover used to be, and I think still is, official cover and diplomatic cover.

"What they're really saying is it doesn't matter if everybody knows this is so, so long as we don't say it officially. Sometimes those instructions (from NSC) could get pretty explicit, but such disclosures are only embarrassing to the phonies who play the game. In reality they're not embarrassing at all," Marchetti said.

The government took a much sterner view, insisting, in effect, that not a line of the NSC documents could safely be released.

The affidavit was submitted to District Judge Thomas Flannery by Justice Department lawyers as the result of a freedom-of-information lawsuit filed in July by a former aide to Secretary of State Henry Kissinger, Morton Halperin, and an associate, David Klaus. The government's pleadings barely acknowledged existence of the NSC documents until last month when Flannery demanded an inventory.

"The government offers no reason why the court and the plaintiffs must continue to stumble about in the dark," the judge said Sept. 18 in calling for a factual summary of the documents.

The earliest study, dated May 10, 1948, is a top-secret report to the NSC in three sections: an NSC staff analysis of U.S. "Responsibilities in the 'cold war' period"; a proposed NSC directive establishing a special office for this purpose, and a proposed revision of an earlier document concerning such operations.

After reviewing U.S. relations with other countries in the cold war, the affidavit said, the NSC staff concluded "that in pursuing its national interest, a nation should be able to engage in both overt and covert activities."

The staff went on to recount "covert activities of other countries and the necessity for a United States response thereto."

The affidavit, which rested heavily on decisions by Lt. Gen. Brent Scowcroft, deputy assistant to President Ford for national security affairs, failed to state why at least portions of the 1948 documents could not be made public.

In detailing the 1952 creation of the NSA, the affidavit cited first an Oct. 24, 1952 memorandum from President Truman to the secretaries of state and defense, which was recently demoted from

"top secret" to "secret" but which, the government claims, still cannot be released even in part "because of the relationship of the material to intelligence sources and methods, communications intelligence and the organization of NSA."

The seven-page Truman memo was described as "the foundation upon which all past and current communications intelligence activities of the United States government are based." Its disclosure, the affidavit asserted,

"Would increase the possibility of penetration of or

interference with such United States (communications and intelligence) activities by a potential adversary so as to limit the effectiveness of our activities."

"Might severely limit the amount of information available to this country and might also affect adversely our ability to act quickly, decisively and with the expectation of success in a crisis situation."

The document also maintained that the government should not even be required to disclose "the organization and function of the National Security Agency," which is supposed to break codes and

monitor foreign communications, but which has also advocated burglaries at foreign embassies and surreptitiously collected information on American citizens.

The final portion of the NSC affidavit dealt with the NSCIDs — orders addressed to the "entire intelligence community" and making broad delegations of responsibility. Fifty-one have been issued since 1947, many of them revisions of earlier directives. Some are classified "top secret" while others are "secret" or "confidential."

Judge Flannery was urged to make none of them public.