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CIA Violates Constitution?

Article 1, section 9 of clause 7 of the U.S. Constitution reads, "no money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." Yet in 1949, Congress passed the Central Intelligence Act which specifically mandated that the budget of that agency be hidden in the budgets of other federal departments and agencies.

As a consequence, not only is there no "regular statement and account" of the CIA budget, but the entire Federal Budget is full of misstatements and falsehoods where CIA moneys are hidden in other accounts. The level of misrepresentation is variously estimated to be from between \$4 to \$26 billion of your tax dollars.

Two law suits have been filed in response to this clearly unconstitutional situation. The first was filed in 1967 by a man named Richardson in Greensburg, Pennsylvania, and the second and much more far reaching suit was filed here in Washington in August of 1972 by several local activists: Loren Weinberg, a teacher at the Federal City College and a member of the National Steering Committee of the New American Movement; Bill Higgs, formerly of Julius Hobson's Washington Institute for Quality Education; and Arnie Freiman of Communitas, a local experimental college.

Acting in response to the Pennsylvania case, the Supreme Court agreed in the last week of February to decide during its coming fall calendar, whether a taxpayer has the legal standing to sue the CIA. The Supreme Court's consideration of this issue not only enhances the chance of the far-reaching Washington suit of an early hearing in the U.S. District Court here, where it has been sitting virtually unnoticed, but also increases the opportunity of their having an impact on the Supreme Court's consideration of the Pennsylvania case.

The Richardson suit seeks, on constitutional grounds, to enjoin the U.S. Treasury from publishing a false federal budget and seeks to force that department to publish the CIA budget. The suit was filed in 1967 and was denied by the Pennsylvania U.S. District Court on the grounds that Richardson had no standing to file such a suit. But in 1971, the U.S. Court of Appeals, sitting *en banc* (that is, altogether, as they will in major decisions), decided 6 to 3 that Richardson's suit raised a significant constitutional question and that he had standing to pursue his suit. Thus his case was sent back to the U.S. District Court.

But the U.S. Solicitor General, apparently in hopes of avoiding the hearing of Richardson's case in that court, appealed *certiorari* to the Supreme Court to decide itself, the Court of Appeals decision notwithstanding, whether or not Richardson had standing. And the Supreme Court agreed at the end of February to decide upon that issue in its fall calendar.

The suit filed here in D.C. in August of 1971 was inspired by Richardson's suit,

but goes much farther. Instead of just the Treasury Department, the D.C. suit also seeks injunctions against the Office of Management and Budget, the CIA and, as a representative federal department which hides CIA money in its budget the Department of Health, Education and Welfare.

The D.C. suit seeks to enjoin all these departments from publishing a false budget. It also seeks to force the CIA to publish its budget line item by line item, activity by activity, country by country, a stipulation which Richardson's case does not make.

The D.C. suit further seeks to enjoin the CIA from any domestic operations whatsoever on the statutory grounds that the CIA Act of 1949 prohibits such activity when it says, "the agency shall have no police, subpoena, law enforcement power, or internal security power."

The plaintiffs claim that the CIA regularly conducts internal, domestic activities as is evidenced by the existence of telephones listed in the CIA's name in the twenty major cities of the country. The CIA claims that these phones are merely numbers for their recruiting offices, but an independent check revealed, the plaintiffs say, that the offices reached were not prepared for recruitment. And in some cities, the CIA has several numbers listed, only one of which was marked for recruitment. What are those other phones being used for?, the plaintiffs ask.

In addition, they point to revelations made recently by Cong. Koch of New York that the CIA admitted to training police from at least twelve police departments from around the country, including the Washington Metropolitan Police Force. The training included handling of explosives and foreign weapons; audio-control measures techniques and detection of wiretaps; and the filing and retrieving of dossier material.

The Washington suit also raises, although it does not press, the further constitutional question of whether the CIA has been engaged in acts of war in foreign countries, outside of any specific declaration by the U.S. Congress. The plaintiffs point to known CIA acts of aggression in the Dominican Republic, Cuba, the Congo, Guatemala and Laos, among others.

The Washington suit was strengthened considerably last fall when, Benjamin Spock, Charles Cassell of the D.C. Statehood party and Julius Hobson intervened in the suit in a separate motion to the court claiming that the secrecy of the CIA budget interfered with the public's right to know and hampered their constitutional right to vote. The purpose of the constitution, they said, was to guarantee that the public be informed about what their government was doing in order that they could know how to vote. But with the CIA budget secret and the Federal Budget falsely represented, the public, the national candidates claim, does not have the information necessary to carry out their constitutional voting rights.

It is hoped that the issue of the public's

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CIA agent passes latest shipment of prime Cambodian heroin to General Rong Q, sultan of South Vietnam. Rong Q himself will be visiting the US April 2 through 6.