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Robert L. Borosage has been the head of the Center for National Security Studies since it began last September. He does not advocate an end to the CIA, but merely to its covert activities. The Center is an independent research group organized to educate the public in the abuses that have been and are still being committed in the name of national security. It is supported through grants from the Stern Foundation, the Abelard Foundation, and the Veatch Committee. The following article was edited from an interview with Borosage by Richard Covington.

What we saw in Watergate and in Vietnam was that over the last 25 years since World War II, a series of Presidents, both Democratic and Republican, have developed the notion that in national security matters or what they define to be national security matters, they can pretty much do what they will, through various executive agencies, in secret, without really either informing the Congress or the people. And certainly without restraints by the Congress or the people. And for the most part of the 25 years, the Presidents essentially did these activities without fanfare, without claiming the right to them—they just went ahead and did them.

So the Center's concern is to look at presidential prerogative and these claims of national security—look at the abuses that are connected with them and try to set up a series of guidelines that will bring the Presidency back into the boundaries of the Constitution—back into checks and balances.

The first areas of focus have been on the intelligence community. The flood of revelations about the CIA, FBI and the National Security Agency, and military intelligence has revealed that each of these agencies has committed illegal acts or abused their authority, and committed surveillance of American citizens which they were really not authorized to do. And kind of lost in the flood of specifics that the CIA contracted with the Mafia, or gave LSD to a citizen and killed him, or series of specifics are the themes that are clear from what we now know.

The themes in my view, are kind of the following: One is that, for the most part, the illegal activities of the military intelligence groups spying on Americans of NSA, of the CIA and of the FBI were not isolated instances of an agent going berserk and exceeding his powers and overreacting to a situation and committing an illegal act. But rather, the extraordinary thing is that they were all full-fledged illegal programs—programs designed by either high level

officials in the bureaucracy or by the President himself. So that middle and low level officials, although they're instruments of illegality, are not the cause of it.

They weren't isolated reactions to events, they weren't aberrations, they were ongoing bureaucratic programs. So, for instance, military intelligence went from 1967 to 1972 or '73 when they were stopped, and their files included over 200,000 names of American citizens. The CIA—for 22 years that no one knew about—illegally opened the mail of American citizens, against a specific statutory law.

It's not clear that Presidents knew about all this. It's clear that all the CIA Directors knew about it, all the Post Office Directors knew about it, and I suspect the Forty Committee (CIA's executive review) knew about it. It's not clear, really, what was told the President in any of this stuff. We know that Johnson, for instance, ordered all the intelligence committees to focus on domestic dissent around '65-'67, and they all geared up programs to meet the presidential wish. But it's not clear what a President really knows in terms of what comes back to him about what's really being done. That's one theme—that these are not isolated instances, but ongoing programs of illegal activities in each of the intelligence communities.

The second theme goes to the question of

control. Church has said that the CIA was a rogue elephant thrashing around in the jungle on its own. But what's clear is that all of the formal controls don't work or haven't worked. That is, legislative oversight was always something of a myth because congressmen didn't want to oversee the intelligence community. But even in those instances where they tried, it didn't work, because the intelligence officials were thoroughly prepared to lie or to not appear before Congress if necessary. So when Ervin, for instance, went after military intelligence and really set out to stop the program with a bill that said they could not spy any longer on citizens, his attempt was thoroughly frustrated. First of all, he could never find out who ordered the program because the two commanding generals refused to appear before his committee, and the Nixon Administration said that they were protected by executive privilege.

Secondly, Ervin got a promise from the defense department that all the documents would be destroyed, that all the computer files would be destroyed. Just this year we discovered that the lists and the names went out to 23 federal agencies before destruction. It came out about two months ago, the revelations. So legislative oversight just hasn't worked even when the overseers wanted to oversee it. Now in the case of the CIA, Congress never wanted to find out anything. They only met once a year. They didn't even know the CIA was carrying on a secret war with 100,000 people in Laos. But that was more a question of will. But even when you have the will, when legislators want something to stop, they can't stop it if the military or if the bureaucracy, the secret

bureaucracies want to keep it going.

The second thing is the Executive. The internal oversight mechanisms of the different bureaucracies don't work, so that the CIA has an inspector general who supposedly has access to all documents in the agency and all programs and inspects any violations or abuses. So the CIA in 1957 starts this drug program, testing LSD on unwitting people. In the first year of the program, a guy is given LSD and dies. The inspector general of the CIA, that is, their own internal inspectors organization, doesn't find out about it until 1967—ten years later—with the drug program continuing for that ten years without stop. It goes on for four more years under more restrictive guidelines, before it's finally ended because of the fear of the upcoming investigations.

One of the results of the inspector general's work in the CIA is that when Colby became the director, he limited the I.G.'s authority to investigate CIA programs. Because, although the inspector general's office had found out little, it had found out too much. He wanted that to end. So, the first thing Colby did was limit the office and transfer some of its men to other divisions.

So the other thing that's interesting about each of the intelligence agencies, is that all of them have very unclear charters—legislative and executive charters.

The executive charters are still secret. We really don't know their internal directives. But the legislative charters of the FBI, CIA and military intelligence are very vague, very broad and sometimes non-existent. The programs have all grown up through bureaucratic accretion, so that you find that all of them when asked, "What's your authority for this?" refer back to some slim clause in a legislative charter, which they have totally exceeded.

The other thing that's interesting about each of the programs is how all of them have come to public attention. It's not because the directors have reported them to the President, and the President reported them to the Congress or the people, not because the legislative overseers have reported them to the people, but because middle level officials or low level officials in the bureaucracies, who have some pride in their real work—the intelligence work—get queasy or turned off by the ongoing illegal activities and finally either go public or leak them to Seymour Hirsch or Christopher Pyle. So

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military intelligence becomes public when Chris Pyle, a former military intelligence agent, starts writing articles on what the military is doing toward American citizens.

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The CIA's domestic stuff gets revealed when middle level CIA officials tell the story to Sy Hirsch. The CIA overseas activities are detailed by Marchetti and Agee who leave the bureaucracy to talk about what they've done and report on it and for that Marchetti gets his book censored and himself under a permanent injunction to have all his writings approved by CIA. Agee's afraid to return to the country—he thinks he's going to get prosecuted. So, at this point anyway, the only way the programs become public is by the low level officials leaking them, or going public themselves and writing about them. The interesting thing about the reaction of Colby to all of the exposes about the CIA is that both Colby and the Rockefeller Report have always called only for one piece of legislation. That one piece of legislation is an official secrets act to make it a crime for middle or low level officials to leak any information about the bureaucracy or to go public about the information and write about it. And so the one lesson that the Rockefeller Commission takes from the revelations is that you've got to stop the

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So now, at this point, the revelations have produced the congressional investigations. The congressional investigations are going to be limited. The House has been, as you

know, in confusion from the beginning. First there was the fight between Harrington and Nedzi. Then Harrington and Nedzi left the committee, and Otis Pike has taken over the committee. The House has this position—they're going to do a report by December, when their charter ends. They don't want to extend it. To do a report by December you've got to start writing it by about the middle of November at the latest. They haven't started their hearings until now, they had no staff until the middle of August, so it takes them two months to get a staff together—that's August to September to October. They have one month of actual staff time working and in November, they have to start writing their report.

So their statement right off the top is: we're going to go for a joint oversight committee. That's the legislation we want and what we're going to do is hold hearings which prove the need for more oversight. They've done some good things in their short tenure. Pike issued the first subpoena of any of the committees, and he seems to be ready to force the intelligence agencies to give him the material, and that's very different from the Church committee. So he's been good in that. The point is, that they just don't have the time or the staff to do anything extensive in terms of investigation. So all they're going to do is have some kind of brief moments in the sun, expose a few things in addition to what we know, and call for joint oversight.

The Senate Committee, which has worked harder, has a better staff, has gone on

longer, will go on longer—at least until February 29th—and is doing the assassination report, a study of Chile, and a study of some of the more interesting areas in the intelligence community, is being held back by a couple things. One is that Church is clearly, according to everyone I talk to up here on Capitol Hill, concerned about not discrediting the Kennedys. And to talk, for instance, about the assassination programs of the CIA gets you right into the Kennedy vendetta against Castro. Church doesn't want to take this on. He understands the national myth about the Kennedys and doesn't want to expose them.

The second thing is that Church is very close to Secretary Kissinger, so that when Kissinger says he needs covert action to give the President the necessary flexibility to run a foreign policy, Church, although his public postures are very good, doesn't really disagree with him. So what the Senate Committee is going to come out with is a report on covert action which says essentially we've done too much of it, and we've done too many extensive things with it, and we also need joint oversight in the Congress. Now the executive, Colby for instance, claims that CIA has never taken on a covert action abroad that wasn't in the national interest, and wasn't for purposes of national security. So for them, that kind of language is no different from what they've been doing. So what I expect to come out of the investigations is more facts. We'll learn more about what the intelligence communities have done than we know now, not much more, but we'll learn something, and both the House and the Senate will come out for a joint oversight committee.

A call for joint oversight is a perfect solution for the Congress because it does a number of things. One is it looks like they're making a substantial recommendation. Second, they don't have to tackle any hard problems. It doesn't offend anyone to have joint oversight, not even Colby. It looks like they're doing something, when in fact, they're not. The third thing is that it announces to the public that Congress is going to continue to monitor these agencies so it provides the public with an image of an active Congress, so for that it's a very seductive concept to legislators. The great irony here is that the Congress gets a better seat at backstage. But the result is that Congress legitimates activities that it can't control. So it will always learn about covert activities either after they occur, because they have to remain covert. Or they will learn about them even before, but in such a context that it has no independent source of

information so that it can say that you shouldn't do this. And so it becomes a legitimating instrument for the executive. So in the future when we learn that the United States has covertly destabilized a democratically elected government abroad, the president, instead of saying the Forty Committee did it, I authorize it and I'm going to continue to do it, will be able to say, the Forty Committee did it and was approved by the joint oversight committee of the Congress.

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The other thing is that the legislators all face what is now known as the Harrington problem. When you get classified information from the executive, it is under the condition that you not tell it to anybody. So Lucien Nedzi knew about the assassination attempts and didn't tell anybody; knew about the domestic operations, were not sure they were ended, and didn't tell anybody; knew about Chile, wasn't sure that it was going to go on anymore, and didn't tell anybody, and that's called oversight. The result is that they can continue to do activities that they either admit or don't admit are illegal, or improper, inform the Congress, and the Congress cannot inform the citizens. The oversight increasingly represents, not the citizenry, but the executive agencies that it's supposedly overseeing.

So I'm not very hopeful at this point about that process. Now there is an alternative. That is, Ralph Nader, in operating against or in monitoring the social service agencies, has increasingly started to come to the conclusion that the only way to control bureaucracies is through personal liability of bureaucrats, both criminal liability through the statutory law and civil liability. Increasingly there is a move to do two or three things that may make a difference. One is to try to promulgate criminal codes of personal responsibility for bureaucrats in the national security agencies so that it's plainly illegal for the CIA to surveil any American citizen. Any agent that gets that order from his superior, knows that he is personally, criminally responsible if he carries out that order. And

if you can set up some kind of an independent federal prosecutor for national security agencies, you can then enforce that kind of criminal liability in a way that will have a deterrent effect on officials.

The other thing you can do is: set up a code that gives that lower level official the right to take an order that he thinks is illegal or improper and go either to a Congressman or to a federal prosecutor to get a review on that order. At present, middle level officials when they get an illegal order from their superior, are caught within the secrecy system. They can't object outside the bureaucracy now and don't have any personal responsibility that would give them an incentive to object and cause trouble for their superior.

Now whether or not you can get Congress to set up that kind of an apparatus at this point is doubtful. That depends a lot more on whether the country as a whole gets concerned about the revelations or whether the debate is limited to Washington. And

although there's been a flood of revelations, there hasn't been much public discussion about what they mean or alternative ways of controlling these agencies.

I mean I think the CIA is one of the more un-American institutions in the country. That is, it's secret, it's imperial, it's involved all over the world, it is more foreign to Americans and their ideas of how the country ought to be run and what the country is about than the Communist party. It engages in all the classic activities that they accuse the Communist party of. It subverts organizations, it infiltrates informers, it murders, poisons, does economic sabotage. All the things that we have all along learned that the Soviet Union was engaged in, our CIA is engaged in. If you actually could go out and say to the American people, "what about all these activities, do you want them to go on?" you'd get an overwhelming response saying no. But I don't think that there's any mobilized sentiment at this point saying this has got to stop, this has to be limited, we're not going to put up with it anymore. After the reports on the Chilean coup, after it was reported that the CIA had brought down the government of Salvatore Allende, there was a poll done, by Lou Harris on some 1,000 people. Some 60 to 75% said that the CIA should not have overthrown the Allende government. And some 65% also said the CIA was doing a fine job. So I think that the national image of the CIA as an intelligence collection agency that protects America from a future Pearl Harbor is very hard to overcome. And while all of us would agree that we ought to have intelligence and ought to have protection against any surprise attack, making people understand that there is a difference between that and the kinds of activities that the CIA has been involved in is difficult. You get conflicting stories.

A provision in the agency's 1947 charter

stated that the CIA shall have no domestic internal security, law enforcement, or police functions. This came out of a fear of a domestic gestapo that was running high in early post-Hitler years. Yet in spite of that, two years later the CIA began its mail opening campaign against American citizens, and that expanded in 1967 to extensive file keeping and surveillance of American citizens. And the Agency's argument is that all this was legal because what they were really looking for was the foreign connections of domestic protestors, or foreign intelligence information in the mail of American citizens. And so once again you have, in this case, a very clear provision in the legislative charter that you're not to do this absolutely ignored by the kind of growing bureaucratic programs justified under a different provision.

The budget of the CIA is secret. Only about eight congressmen and eight senators see the figures, even now. And they spend about an hour on the intelligence community budget which includes the CIA, the NSA, all the military intelligence agencies. We know this because we talked to the staff aides about their budgeting review process. You know, because it's a subcommittee of the Armed Forces Committee and of the Appropriations Committee, those two subcommittees overview the intelligence committees' budgets. But they are faced with the mammoth budgets of the military which take up their attention and also attract public debate. Naturally the intelligence community budgets, which are not that big—six billion dollars compared to a hundred billion, and not public, so they don't attract public concern—don't get reviewed to any great extent.

The Center definitely thinks that the charter of any agency, that is, those secret executive orders, be made public and that the budgets also become public. The secret budget of the CIA and other intelligence activities is a direct, flagrant violation of the Constitution. It was litigated to the Supreme Court, and an appellate court found it a flagrant violation. The Supreme Court, on appeal, threw the case out, claiming that a taxpayer didn't have standing to bring a suit

and it did not make any decision on the merits of whether or not it was illegal. We're trying to bring the case now under the Freedom of Information Act demanding a copy of the budget.

Colby has been claiming, and Ford, both claim that the CIA has been doing nothing around the world lately, in terms of covert action, not intelligence, because they have this new reporting function, where they have to report it to the Senate and House committees. They say that if the president has to report covert operations to those committees it becomes public, and so they just can't do anything. So they claim, for instance, that in Portugal the CIA has been totally inactive. In fact, I think that that's probably untrue, that the Agency has had its agents in place and they've continued the kind of day to day activities that Agee writes about in his book where they really control,

you know, the bribe infrastructure of third world countries, in various places. And I think what they haven't done is mounted huge programs. I suspect that they had some kind of a program in Portugal to get money for people that we supported, but I don't think they've mounted the kind of program they mounted in Chile for instance or the kind of program they mounted in Laos while the war was going on.

Agee has written an article, an open letter to the press which stated what he considered to be the CIA's activities in Portugal. And he's been in London and in fairly close touch with people in Portugal. He said that the mission, our Embassy in London, had expanded twofold, I think, since the events had taken place. And it was his theory that a lot of those people were CIA agents. He thinks that we've been putting in money to the social democrats and arms to get at the right wing in Portugal. I haven't seen any proof that I can say that that is true—the interesting thing about the Ambassador to Portugal, Carlucchi, is that he was kicked out of Zaire for allegedly being a CIA agent when he was Chief of Mission there. Michael Harrington did go to the Senate and laid out the record of Carlucchi but they didn't ask those questions. They didn't want to know.

See we don't know really what happens at the low levels, but it is very clear that CIA agents use multinational corporations as cover abroad. John McCloy comes from the board of directors of ITT to Henry Kissinger and says we want to give you a million dollars to run CIA operations in Chile, to overthrow Allende. Kissinger does not report this as a bribe, he sends him to William Broy, who is the head of CIA clandestine services for the western hemisphere. Broy says, well, we're not ready to do that yet, we're developing our own plans, I'll be in touch. And eventually the kind of coordination of multinational policy, American economic policy towards Chile, and the covert operations of the CIA was done through kind of close contact, I'm sure, with the directors of multinational corporations concerned.

Miles Coplan, who makes his living as kind of a PR flack for the agency, has written a book called "With Cloak and Dagger," and in it he says that, in the future, the CIA will increasingly relate closely to multinational corporations, both for cover and because they have a mutuality of interests.

If you want to operate in the grand manner around the world, if you want to maintain America as the world policeman, as meddling in societies throughout the world, then you probably want to have a CIA to do something about it. You certainly want to be able to do it in secret. So it's tough unless politicians become willing to challenge the basic assumption of America as the great imperium. Still, Church will campaign, as will every presidential candidate, I'm sure, on the intelligence committee as being irresponsible and claim it's not going to happen in the future. No more assassination; we'll have congressional oversight. People will accept that the same mistakes won't happen anymore, when in fact that'll be a myth.