

On Reaching the End of an

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My apologies to you, National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research.

I didn't know where to find you and—sad to say—began to doubt in your existence.

I called presidential press secretary Ron Nessen and other authoritative White House sources and they couldn't help. Nessen wondered aloud, after vainly scanning his copy of the U.S. Government Organization Manual, whether it could be that you were a . . . CIA front.

It began Wednesday with a reference to you in President Ford's executive order on United States intelligence activities.

The order, which is supposed to set limits on domestic spying by foreign intelligence agencies, said the CIA could no longer conduct drug experiments on human subjects unless it followed—in Mr. Ford's words—"the guidelines issued by the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research."

That put me on your trail. It was the beginning of an alphabetical odyssey through the Washington bureaucratic maze.

First the phone book. You eluded me, somewhere between the National Commission for the Review of Federal and State Laws Relating to Wire Tapping and Electronics and the National Commission on Water Quality.

A perusal of the Congressional Directory index, independent agencies, deepened my sense of defeat.

Nessen returned a call. "Have you tried the U.S. Government Manual?" he asked with a touch of smugness. "It's probably under Quasi-Governmental Agencies. Let me try."

"Hmm," said Nessen as he came to a dead end at the National Commission on Water Quality. "What about Private Organizations? No—not there either. It's got to be somewhere. Unless, you don't suppose. Could it be a CIA front?" He promised to check further.

The next call was to the Office of White House counselor John O. Marsh Jr., where an aide took the inquiry. "This thing was worked out very carefully, very precisely with HEW and the agency," he said. "But I'm afraid I'll have to get back to you."

Well into the evening a call came from the friendly official source in the

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White House counsel's office. "Look," he said, "I've checked this out with the agency and HEW. It's a little strange, but the national commission is technically not yet in existence. It's just about to be established—like within hours, days. The whole thing is very carefully worked out and ready to go. Really."

"Could it be a CIA proprietorship?" I asked.

"I've been wondering the same thing," he mused. "But they've given us every assurance."

That was where matters stood Wednesday night.

Yesterday morning the truth began to seep out. The phone rang at breakfast time and a friend, a syndicated science columnist, said:

"I can't believe that neither you nor the White House are aware of the Commission on Protection of Human

Subjects," she exclaimed, taking liberties with the full majesty of your name. "They've just had public hearings." She told me you were part of the National Institutes of Health and, armed with this crucial fact, I found you.

"We were just roaring at your story when you called," said one staff member at your official hideaway on River Road near the Kenwood Country Club. "We thought it was hysterical that the White House didn't know about us. But actually I tried to find the commission once myself and when I called HEW they said that it wasn't one of theirs."

Everything fell quickly into place. You came into existence in 1974 under the sponsorship of Sen. Edward M. Kennedy (D-Mass.) to investigate abuses of medical experimentation with human beings.

Your staff includes a lawyer, a doctor, a sociologist, a political scientist, as well as what the table of organization describes as two "bio-ethicists" and a part-time "philosopher-ethicist."

Furthermore, your temporary two-year legislative charter expires soon unless an amendment by Kennedy to extend your life passes in this session of Congress.

The administration, however, now solidly behind your continued existence, according to White House sources, because you are now part of President Ford's intelligence reorganization.

"We're obviously going to have to support the Kennedy amendment," said an informed White House official yesterday after he, too, succeeded in unravelling the mystery of your identity.

Judicial determination.

"The committee seems neither able to keep secrets nor its agreement," Mr. Colby said.

He was questioned extensively on accounts of the House report published in today's New York Times. The report has not yet been released by the committee.

"From the draft of the committee report that I have seen and the news stories about it, I believe it totally biased and a disservice to our nation," he said.

"By selective use of the evidence provided, by innuendo and suggestive language, the committee implies that intelligence has deceptive budgets, has no accountability and has not complied with a direct order of the President. I deny these flatly."

Under questioning by reporters, however, Mr. Colby acknowledged that the C.I.A.'s estimation of costs of arms being secretly sent to Angola probably undervalued the aid by \$1 million or \$2 million. Several days ago a senior intelligence officer estimated the cost at \$2 million.

Mr. Colby strongly disputed the idea that undervaluing the equipment might have doubled the value of covert support from \$32 million by last November to \$64 million.

He said that he agreed with the House committee chairman that "the best way to stop this leakage and the dangers to the United States it involves is by a rapid dissolution of this committee."

Ironically, Mr. Colby told a reporter for The Associated Press in an interview today that he had told The Washington Star in November 1973 that the C.I.A. infiltrated the news media.

"That particular story came from a discussion with the [Star] editorial board and the question was asked whether we had any relationships with journalists. I felt I had to speak straight with the people on the editorial board, that I couldn't be in the position of telling them something false. So in the process I did tell them, yes," he said in the interview.

Representative Robert McClory of Illinois, the senior Re-

publican on the House Intelligence committee, also attacked the leaks of stories that appeared in The Times.

"I must confess that at this point I am not confident a House committee could be trusted with this information," he said.

He said he was particularly vexed because his minority opinion on the report was not carried by The Times.

"Then leak it to us now," a reporter suggested. Mr. McClory declined.

The acting chairman of the House committee, Representative Robert N. Giaino, a Connecticut Democrat, said the leaks disturbed me and every member of the committee.

"I don't know where the leaks come from," he said. "They could have come from the staff or from the executive branch."

A. Searle Field, the staff director, said: "As far as I can see, it didn't come from the committee. There's literally dozens of copies [of the report] at the State Department, at the executive offices, the Pentagon. It is a very severe blow."

Mr. Colby later denied that anyone at the C.I.A. had leaked the information.

According to a copy of the committee's final report made available to The Times, the House committee found:

¶That the funds and operations of intelligence agencies were virtually unchecked.

¶Set the C.I.A. and other intelligence agencies had used deceptive budgeting methods that undervalued costs of intelligence when reported secretly to Congress. The price tag for the intelligence apparatus was set at \$10 billion.

¶That the C.I.A. violated a 1967 order by President Johnson that forbade it from infiltrating colleges and private educational foundations.

¶That Senator Henry M. Jackson, Democrat of Washington, secretly advised the C.I.A. on how to protect itself from an investigation by Senator Frank Church, Democrat of Idaho, and members of a Senate Foreign Relations subcommittee.

¶That Secretary of State and Mrs. Henry A. Kissinger received personal gifts from the beleaguered leader of Kurdish rebels who had been supplied with arms by the C.I.A. on the secret order of President Nixon.

Senator Jackson acknowledged that he did give C.I.A.

officials advice in 1973, but he said it was procedural in nature and not designed to help them cover up wrongdoing.

Associates of Mr. Kissinger said he had reported the gifts to the White House and they were not in his possession.

Mr. Colby has told Congress, the press and the public many times that leaks may harm national security. He said, again, that foreign intelligence services that cooperated with the United States were advising the C.I.A. that they did not want to continue these relationships because of security breaches.

But he has never named an intelligence service that has actually ended its relationship with the agency over the leaks and has offered little evidence that this in fact has happened.

Mr. Colby is expected to vacate his office either late tomorrow or early Wednesday after Ambassador George E. Bush is confirmed as Director of Central Intelligence.

In a private ceremony today, President Ford awarded Mr. Colby the National Security Medal and praised his leadership during a time he called the agency's "most troubled period."

A CIA cable from the COS to the Director, 94 22 March 1975, does not refer to the program... from [the ethnic leader]... Two additional messages received by radio from [the] headquarters are forwarded this morning... and underscore the seriousness of [their] situation, the acute anxiety of their leaders and their emotional appeal that the USG use its influence with [our ally] to get an extension of the case file. This would permit the present passage of... refugees to return... Hence, if the USG... [our ally] to do so... interview with CIA official, by J. Book, Oct. 18, 1975, copy on file with S&I, Comint on Intel.

Over 200,000 refugees managed to escape into our ally's country. Once there, however, neither the United States nor our ally extended adequate humanitarian assistance. In fact, our ally was later to forcibly return over 40,000 of the refugees and the United States Government failed to accept the remainder... The United States had a political system open even though they qualified for such admission...

The political action program included the distribution of 50,000 campaign-type buttons identifying the wearer as a supporter of Roberto's FMLA. The United States has found itself in similar situations on other occasions. Having supported colonial power politics in previous years, they are constrained from developing a report with indigenous independence movements. Once the colonial power relinquishes control, the well-organized, well-financed, Soviet backed group is ready to step into the breach. The United States is forced at that point to support, around looking for a rival faction or leader to support. The U.S. has often chosen leaders who had a prior relationship with the colonial power and whose national credentials are thus somewhat suspect, or leaders who have spent most of their time in exile. The point is that many of the U.S.-backed groups begin with a variety of factors working to their disadvantage.

The lack force was composed of African experts within the Department of State, DOD officials, CIA officials, and others. Officials from the Department of State have told this Committee that the majority of that task force recommended diplomatic solutions to the problem. After they had prepared their report for the Secretary of State containing this recommendation, they were informed by National Security Council aides that it was improper for them to make a recommendation on policy. Instead, they were instructed to simply list diplomatic efforts as one option among many in their final report. Thus, the African experts who prepared the recommendations were not to be included by the Forgy Committee.

The Committee attempted to determine the difference between the three contending factions in Angola. Mr. Colby responded to questions of that nature: "They are all independent. They are all for Black Africa. They are all for some fuzzy kind of social system, you know, without really much articulation, but they are all for Black Africa." The Committee also attempted to discern why certain nations were supporting different groups if they were all similar in outlook.

"MR. ASPIN. And why are the Chinese backing the moderate group?"
"MR. COLBY. Because the Soviets are backing the MPLA is the simplest answer."
"MR. ASPIN. It sounds like that is why we are doing it."
"MR. COLBY. It is."

2. Intelligence Collection

Human and diplomatic risks are not confined to cover action. Certain aspects of intelligence-gathering are also subject to the same risks. Intelligence of the Constitutional rights of Americans... The Committee has examined both technical and non-technical intelligence-gathering programs and has concluded that the risks accompanying them are often unacceptably great; that information obtained often does not justify the risk; the policy-makers have been insensitive to dangers, especially of the violation of U.S. citizens' rights; and, that there are inadequate

budget needs in the last ten years, over 110 people of the submarine navy nuclear weapons... The program clearly produces useful information on our adversary's military exercises, weapons testing, and general naval capabilities. It is also clear, however, that the program is inherently risky. Committee staff's review of the program suggests if both Congress and the Department of the Navy were sufficiently motivated to provide the funds, technical capabilities could be developed which would make the program a net benefit to the state data through the hardware means.

The Navy's own justification of the program as a "low risk" venture is inaccurate, and has, therefore, not met or resolved the Committee's inquiries. Documents provided the Committee by the Defense Department indicate that, while risk assessments are made prior to operations, they are qualitative and not quantitative. In fact, their judgment risk assessments do not vary despite constant changes in political conditions. Intelligence agencies possess the ability to detect the presence of U.S. submarines. During the hundreds of missions these submarines have conducted, the Navy has never assessed military risk as anything but "low."

The Committee is, therefore, troubled by the completely pro forma nature of the mission risk assessment as it is presently accomplished. Just as the Navy's assurances that the program is secure are inconsistent with the collisions, apparent decisions, and press reports, their claims that the sensitive missions are "low risk" are belied by the regular communications gaps. Once a U.S. submarine enters the 12-mile limit of another nation, communications security and the lack of certain technical capabilities make it impossible to independently verify the location of a submarine at any given moment. Many of these difficulties result from factors which are inherent in the nature of this covert operation.

Naval inspection procedures and other operational guidelines are being reviewed and revised. The dark on changing operational conditions. Thus, it took a field initiative, Northward investigation, conducted after three collisions in 1970, to determine that presentation training and operational guidelines for U.S. submarines on this type of sensitive mission needed revision and upgrading. If Washington-based reports had been made to the Committee that the US submarines were following other submarines too closely, in addition, staff found no evidence which would indicate that commanders of submarines colliding with hostile vessels have ever received disciplinary action of any kind. At times, commanders have escaped censure despite recommendations to that effect by a review panel.

The Committee noted the procedure implemented by the Navy to insure the safety of the mission and the crew in situations which are inherently risky. Washington-based control, review, and coordination of this program has been an evolutionary matter over the years. At present it appears to be extremely well managed, with the exception of the risk assessment phase and the failure to forward the results of the investigation for Washington.

In reviewing past investigations and formal reviews, the Committee noted the Navy's implementation of the previous suggestion for change. There is, however, no unfortunate exception. A previous review of this program suggested that the Department of the Navy make a firm commitment to the necessity of maintaining an intelligence capability with U.S. submarines by allocating funds for research and development by the Navy to insure the security of their missions. The Navy has paid only lip service to this commitment.

Given these facts, the Committee urges a thorough review of this program's product and hazards, to avert another Pueblo, or worse, and to insure that important intelligence collection continues with significantly less risk than presently exists.

b. Interception of International Communications

The National Security Agency (NSA) systematically intercepts international communications, both voice

found on international amateur traffic, and radio calls and other intercepted Americans. The Committee's preliminary investigation reveals at least one new area of non-political and non-military emphasis in international intercept—economic intelligence. Communications interception in this area has rapidly developed since 1972, partly in reaction to the Arab oil embargo and the failure to obtain good information on Russian grain production and negotiations for the purchase with American operations.

The Committee is not convinced that the current commercial intercept program has yielded sufficiently valuable data to justify its high cost and intrusion, however inadvertent, into the privacy of international communications of U.S. citizens and organizations. Inasmuch as the technical complexity of the program defies easy or quick evaluation, the Committee is hopeful that a permanent oversight mechanism will be developed and competently scrutinize the operation to determine whether the risks are necessary and acceptable.

c. Manipulation of the Media

The free flow of information, vital to a responsible and credible press, has been threatened as a result of CIA's use of the world media for cover and for clandestine information-gathering. There are disturbing indications that the accuracy of many news stories has been undermined as well. Information supplied to the Committee suggests that the CIA has manipulated the media in the US as well.

Intelligence agencies have long prized journalists as informants and identity-covers. Newsmen generally enjoy great mobility, and are often admitted to areas denied to ordinary businessmen or to suspected intelligence types. Not expected to work in one fixed location, both free journalists and newspaper intelligence officers have considerable access to important foreign leaders and diplomats.

CIA, as no doubt every other major intelligence agency in the world, has manipulated the media. Full-time foreign correspondents for major US publications have worked concurrently for CIA, passing along information received in the normal course of their regular jobs and even, on occasion, traveling to overseas locations in the Agency's public relations program. The CIA's practice of retaining free-lancers and "stringers" as informants could supply stories to a newspaper, radio, and a weekly magazine, none of whom can justify a full-time correspondent. This may make the use of stringers even more invidious than exploitation of full-time journalists.

The Committee has learned that the employment of newsmen by CIA is usually without the knowledge or agreement of the employers back in the US. Publishers have been unable, despite strenuous effort, to learn from the Agency which, if any, of their employees have had a clandestine intelligence function. Newsman-informants apparently do not even disclose this relationship to their editors. The Committee has learned that news editors have been kept in the dark as to the position of another without ever making employers aware of their past or present CIA status.

CIA acknowledges that "stringers" and others with whom the Agency has a relationship are often directed to insert Agency-composed "news" articles into foreign publications and wire services. US intelligence obstacles do not rule out the possibility that these planted stories may also be picked up by other news sources from other countries. The CIA does not intentionally propagandize in this country. CIA insensitivity to the possibility of its subverting news digested by Americans is indicated by its frequent manipulation of Reuters wire service dispatches—which regularly appear in US media. Because Reuters is British, it is considered fair game by the CIA. A number of CIA officers employed by US and foreign publications is a "cover" for CIA. The CIA makes possible full-time clandestine work for the Agency. With these arrangements, the employer's operation has been obtained so.

After the Washington Star-News discovered a CIA media relationship in 1973, Director Colby ordered a review of these practices. Subsequently, the Agency terminated the informant relationships of the full-

