

FOCUS: THE POWER OF THE CIA

BY L. FLETCHER PROUTY

CURBING THE CIA DOES ROCKY WANT TO DO IT?

Even before the CIA was created in 1947, people talked about how they were going to control it so it wouldn't become a "Frankenstein." Shortly before he died, Lyndon Johnson told his old friend, Tom Janos, that he knew that the CIA operated a "Murder Inc." in the Caribbean and that he knew the Warren Commission was wrong in reporting that Lee Harvey Oswald was the lone killer of President Kennedy.

These statements, coming as they did from a man who had spent his entire life in the "kill or be killed" arena of big-time politics, mean a lot more in retrospect than they do on first reading.

Johnson did not have to add that when he was President he also found out that he could not control the Vietnam War, its escalation and its tempo. In one of his speeches in March 1968, he announced that he would not run again for President. Of all the uncharacteristic things Johnson did when he was President, this had to be the most startling. Here was a rough and ready freewheeler, strong and robust, giving up—throwing in the sponge. What ailed him?

This proud man had accepted the role of Vice President and sat in a car behind President Kennedy during that fateful parade in Dallas. He saw the President murdered. He saw one of his oldest and

best friends, John Connally, shot. And those shots echoing through Dealey Plaza rang in his ears. They rang for years. The "Discipline of Death" is powerful medicine and LBJ knew in his gut that he must not rock the boat.

People wonder why he did not change the Kennedy cabinet more than he did. They wondered why he did not "take charge" as he had always done on the Hill. Why was it that he permitted the CIA to do things he knew about and knew he should stop? Why did he permit the Warren Commission to turn in a misleading report of the "lone assassin" and then say nothing about it? He knew where the power was, and he played along with the team.

Today the big debate is, "How do we control the CIA?" More than ten years ago people questioned the CIA's role in the Bay of Pigs. During the Vietnam War people who knew what the CIA was doing questioned its troublemaking role there. The "Pentagon Papers" reveal how Allen Dulles would deliver an erudite National Intelligence Estimate to the White House warning about the peril of a ground war in Vietnam (August 1954), and then during that same month Allen Dulles would be secretly building up the clandestine "Saigon Military Mission" (A CIA team and not a military

team) for subversive activities in Indochina.

Other reports have revealed the CIA's role in the My Lai affair, in the Special Forces murder of "reported" enemy agents and of the CIA's role in the horrible "Phoenix" murder and assassination program.

Since Vietnam the CIA has been uncovered in the intervention in Chile and it has been discovered in and around and about the Watergate operations. More recently the *New York Times* has reported that the CIA has been deeply involved in domestic spying along the lines of the discredited Thomas Charles Huston plan.

With all of these things on its record, why is it that the CIA cannot be put under control? Let's face it. The CIA is powerful. The CIA knows how to use its power, and a lot of people in key positions know so little about the CIA that though they could do something, they will not.

Nelson Rockefeller is a good example of this. As head of the president's blue-ribbon committee to investigate the CIA he has unusual qualifications. But, will he use them or permit a whitewash of the Agency?

News reports refer to his service on the president's National Intelligence Advis-

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... as head of the president's blue-ribbon committee to investigate the CIA, Nelson Rockefeller has unusual qualifications. During Eisenhower's first term he was the effective head of the "Forty Committee" a position now held by Henry Kissinger. But will he use his knowledge and experience or permit a whitewash of the Agency? We may be in for a surprise. Things could change drastically at the CIA...."

ory Board. This experience is relatively conventional. What is more important is that during Eisenhower's first term Rockefeller had the job, equivalent to the one Henry Kissinger has today, as National Security Advisor to the president. That is the cover name of the job. It really means he was head of the "Forty Committee" of that period and the man responsible for CIA liaison with the House. In that job, years ago, Rockefeller really had an insider's view of CIA clandestine activity. Significantly, Rockefeller resigned from the undercover job and recommended its elimination.

As I mention below, General Lyman Lemnitzer has had considerable experience with the CIA and with clandestine operations. Many expect that President Ford's committee will whitewash the CIA in the same manner that the Warren Commission smoothed over the JFK murder.

However, we may be in for a surprise. Rockefeller and Lemnitzer have the experience and if they decide to use it, things could change drastically at the CIA.

Two little-known documents of great significance were published by Kennedy in June 1961. They mark the beginning of his plan to put the CIA genie back in the bottle. They were National Security Action Memoranda 55 and 57.

NSAM 55 was entitled "Relations of the Joint Chiefs of Staff to the President in Cold War Operations." Only a few insiders knew what this title really meant. "Cold War Operations" or "Peacetime Operations" are euphemisms for "Clandestine" or "Undercover" operations. Since the military is never supposed to become involved in clandestine operations, it is surprising to see the President addressing the Chairman of the JCS directly on this subject. It was also most unusual in the rigid protocols of Washington to find that President Kennedy signed this document himself, and that he addressed it individually to the Chairman. He sent copies only to the Secretary of Defense and to General Maxwell Taylor, who then served as Kennedy's National Security Advisor, the official contact with the CIA. He did not send a copy to Dean Rusk, his Secretary of State.

It may be tedious to go into so much detail here but in top-level government circles such details are of extreme importance and significance. I was the Action Officer who received this letter from Kennedy and in due course I took it in to the then Chairman, General Lemnitzer, and "briefed" it to him. Lemnitzer, one of the men appointed by President Ford to the CIA Review Committee, was an exceedingly able administrator, and knew exactly what this meant. He directed that I put the

NSAM on the agenda for the next meeting of the Chiefs. It was acted upon and "red striped"—given full approval and recognition. He girded for action to put the CIA under control.

Perhaps the most important line in this rather brief paper was: "The Joint Chiefs of Staff have a responsibility for the defense of the nation in the Cold War similar to that which they have in conventional hostilities."

What Kennedy was doing was informing the JCS that it was they who would be his primary advisers on matters pertaining to "clandestine" operations—and not the CIA. He was not going to have any more Bay of Pigs operations, and one way to do that would be to take the CIA out of that line of business.

Having published this document, he then addressed a similar and related NSAM No. 57 to the Secretary of Defense, Secretary of State, and the Director of the Central Intelligence Agency. This document followed with further details on how JFK planned to limit the activities of the CIA and to get that agency out of clandestine operations. NSAM 57 said that the CIA would, when properly authorized, become involved in "cold war operations" only if such operations were truly of an "intelligence nature," truly clandestine, and performed in such a manner that the United States government would be able to disclaim plausibly its part in the operation and importantly, and only if the operation was very small. The idea was that any truly clandestine operation must of necessity be a small operation—one that would not show the hand of the United States government.

These two strong directives set off a series of very heated meetings. There could be no arguing about the meaning of NSAM 55 but there was endless argument about NSAM 57 and what was meant by "small." This led to an even more intricate argument over transition of control. The CIA's argument went: "If the CIA got into an operation which was truly clandestine and very small, and then its success or potential success required that the operation be continued and enlarged...at what point, if any, would the control of this clandestine operation be transferred from the CIA to the JCS? This argument, which never ended, carried over right into the Vietnam War. There the CIA did transition the war which it had started to the military.

The CIA fought back so hard and moved so deeply into other activities secretly that Kennedy never did achieve real control over the agency and his murder on Nov. 22, 1963, ended the last direct, top-level attempt by any President to put the agency under control.

The CIA can be controlled; but it will require the combined and concerted effort of the House and Senate, of the

President and the support of the Courts. The law that established the CIA, the National Security Act of 1947, was written in such a manner that if it were to be carried out to the letter, the agency could be kept under control. There are only five duties specified for the CIA and to put it under control, the CIA must be strictly limited to those duties, which are:

—"to advise the National Security Council (NSC) in matters concerning such intelligence activities of the government departments and agencies as relate to national security." (This is strictly an intelligence function and is related to "advice" only.)

—"to make recommendations to the NSC for the coordination of such intelligence activities of the departments and agencies of the government as relate to the national security." (Again, intelligence only, and this time the role of the CIA is limited to "coordination".)

—"to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the government using where appropriate existing agencies and facilities: Provided, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: Provided further, That the departments and other agencies of the government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: And provided further, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." (Again basic intelligence—correlation, evaluation, dissemination.)

—"to perform, for the benefit of the existing intelligence agencies, such additional service of common concern as the NSC determines can be more efficiently accomplished centrally."

—"to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

This fifth clause is the one that Allen Dulles and others have leaped upon as the opening to the world of clandestine operations. It means nothing of the sort, and the CIA has never been given that authority legally. Note that this clause says the CIA may carry out other functions from "time to time."

On the master copy of one of the NSC directives on this subject, President Eisenhower had written in the margin in his own handwriting that no department should ever provide the CIA with enough men, material, overseas facilities or money in such quantity that the CIA could ever do more than the one, small operation approved by the NSC. It was the full intent of the writers of this clause that this be the control over the CIA, to assure the (continued on page 108)

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"time to time" character of any of its exploits.

Furthermore this clause stipulates that the CIA be given such authority only by "direction" of the NSC. In official Washington legalese, this is a most important stipulation. Allen Dulles tried to make people believe that if he took a proposed clandestine plan to the NSC and got its approval, that was sufficient. Because he operated in an environment controlled by his Secretary of State brother and an uninvolved Secretary of Defense, Charlie Wilson, he got away with it. And the few people who knew what this most secret work was all about did not question his activity.

However, it is a matter of two different worlds for the NSC to "approve" and for the NSC to "direct." And the law said "direct." When the NSC directs it is because it has come up with a problem, studied and discussed the problem, and then decided to carry it out. At this point the NSC may call in the CIA and say, "You are directed to do thus and so." This is what Congress intended, and this is the only way clandestine operations should ever be carried out.

President Ford will not be able to bring the CIA under control alone. Congress is going to have to demand compliance or cut off funds. The Executive Branch is going to have to demand compliance with the law or prosecute, and the Courts are going to have to back up Congress and the Executive Branch. But more than all of these, all of us American citizens are going to have to insist that this is what must be done.

The Vietnam War was brought to an end by the frustration and demands of the public. Watergate would not be pushed under the rug, because of the demands and insistence of the public. Again the public must be heard. It is possible to return the CIA to its intended role as the "quiet intelligence arm of the President"—and nothing more.

WINING & DINING

the varied antipasto the house affords, or perhaps confine yourself to a homemade pasta dish. It's a good place to try veal cutlet parmigiana, sauteed liver Venetian style, shrimp in wine sauce with tomatoes and onions—not to mention such more robust dishes as pollo Caracalla (breast of chicken sauted in lemon sauce and stuffed with prosciutto and mozzarella), combinations of filet mignon, veal, and chicken, and the fra diavolo combination of lobster tails, shrimp and clams. For dessert, there is a richly filled tube of fried pastry called cannoli. A short list of rustic Italian imports are the favored wines.
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