

How Did We Reach This

The FBI was created in 1908. It became a national political police during the red scare that followed World War I. In the late 30s, as World War II approached, fears about the national security led President Roosevelt to give the FBI "temporary" domestic intelligence authority in the areas of "espionage, sabotage and subversion."

In the 1940s, in response to the successful surprise attack on Pearl Harbor and the global hostility between the United States and the Soviet Union, Congress created the CIA, the first peacetime spying agency in our nation's history.

In the atmosphere of the Cold War and McCarthyism, our government began to apply the techniques of counterintelligence and counterespionage, originally intended for enemies from abroad, to "enemies" at home.

The war in Vietnam demonstrated the cumulative effect upon our liberties of the government's zeal to protect what it told us was our "national security." Countries with which we were not at war were spied upon and bombed secretly, without debate by Congress or the people, and lies were told to cover up what was being done.

And finally, the instruments of war were turned back more ruthlessly than ever upon our own citizens. Political dissenters were wiretapped, infiltrated, imprisoned and—at Kent State—shot down. In a culminating episode, one president—Richard Nixon—took unto himself unlimited powers and sought systematically to violate our most fundamental constitutional rights.

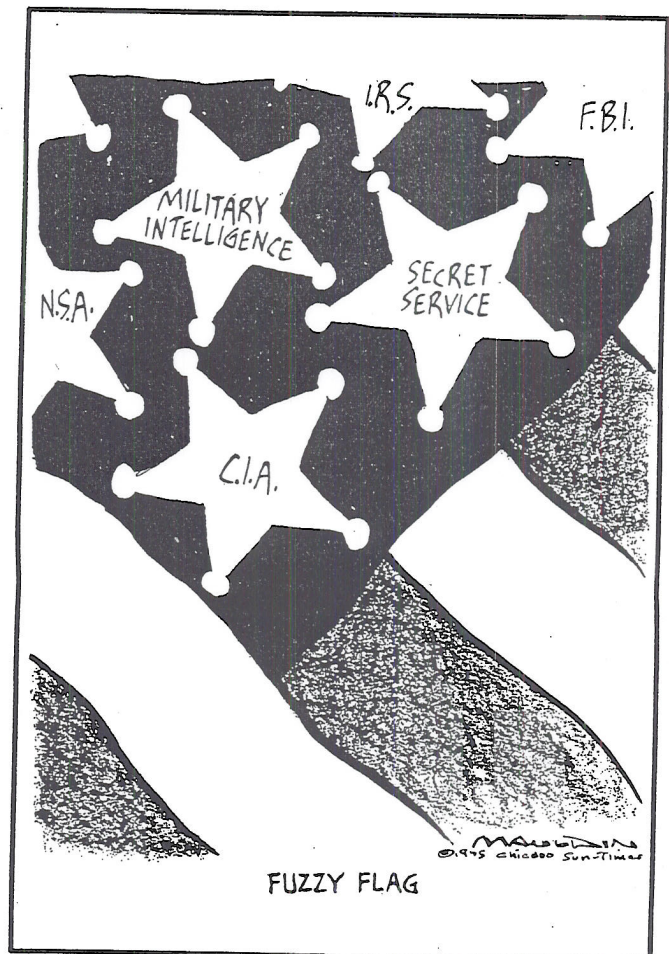
"This is a rough, tough, dirty business, and dangerous," William C. Sullivan, former FBI assistant director in charge of the bureau's intelligence program, recently testified. "No holds were barred We have used (these techniques) against Soviet agents. They have used (them) against us (The same methods were) brought home against any organization against which we were targeted. We did not differentiate. This is a rough, tough business."

In the past few years we have learned a few things about this "rough, tough, dirty business."

Against foreign countries, we now know that our government has:

- attempted the murder of foreign political and military figures;

In its foreign and domestic intelligence operations, the United States government has committed acts not worthy of a democracy.



Crisis?

- helped in the forcible overthrow of governments with which we were not at war;
- manipulated the public opinion and political activities of many countries through under-the-table political funding;
- made spies of travelling American businessmen, members of the press, teachers, religious missionaries and students;
- created a secret government—costing billions—exempt from the political process and not accountable to the people.

Against American citizens, we know that our government has:

- paid informers to spy on the lawful political activities of millions of American citizens;
- spied on groups of Americans regardless of their politics: Carl McIntyre's conservative Christian Action Movement, the John Birch Society, Students for a Democratic Society, and in the middle, the NAACP and even the Chamber of Commerce;
- illegally opened hundreds of thousands of first-class letters;
- listened in—illegally—on millions of telephone conversations;
- audited thousands of tax returns of individuals because of their lawful political activities;
- burglarized homes and offices;
- blackmailed prominent civil rights leaders, including Martin Luther King, in an attempt to weaken their influence;
- disrupted organizations and destroyed individuals by breaking up marriages, prompting firings, and provoking rivalries and quarrels resulting in injury and even death;
- encouraged local police to spy on and violate the rights of people in their communities;
- created permanent indexes and dossiers on hundreds of thousands of law-abiding Americans, solely because of their beliefs and associations.

In its foreign and domestic intelligence operations, the United States government has committed acts not worthy of a democracy. If we allow our government to run a spy network acting outside the law, we will lose the rights and liberties upon which our country was founded.

“Spying is neither efficient nor necessary”

“Human covert sources rarely provide useful intelligence”

“Human covert sources rarely provide useful intelligence in the military area. It is hard enough to recruit an agent who has any inside knowledge on military affairs, but it is even more difficult to recruit one who has sufficient technical background to provide timely and meaningful information on the characteristics of modern weapons.

“Even in the case of highly secure societies, public information and overt means are probably the most important source of political intelligence. Over the years, there have developed a coterie of experts on Soviet society and politics. . . .”

Similar groups, although far less extensive, follow other areas of the world.

“In sum, espionage would appear to have only limited potential as a source of intelligence information. In the national security and military areas, it rarely will supply data of any great value and is a relatively unimportant and less reliable adjunct to technological methods.”

(Herbert Scoville, Jr., former CIA Assistant Director for Scientific Intelligence, October 16, 1975)

“But spying is neither efficient nor necessary for the orderly, intelligent conduct of human affairs. What can be learned by spying is inevitably piecemeal and subject to misinterpretation because it is torn from its context. In order to be effective, what we need to know about the political, economic and social life of any country depends in the first instance on a sound knowledge of the language and culture of that country.

“And what we need essentially is a well-trained and trusted career foreign service, whose members build up a sound working knowledge of particular areas of the world at first hand and who are in good communication with similarly well-trained analysts and policy makers at home. Knowledge that is openly arrived at and openly discussed can always be tested against the realities of the current situation and can be corrected as situations change.”

(Margaret Mead, *Redbook Magazine*, June 1976)

What Are Our Leaders Doing?

The Administration

The Administration wants to make everything legal.

President Ford's Executive Order 11905 gives the CIA, NSA and the foreign intelligence agencies the authority to do what they've been doing all along—without authority. The FBI isn't even covered by the order.

Only assassination is flatly prohibited. Bribery, blackmail, covert interference with foreign governments, CIA infiltration of domestic groups are approved. Wiretapping, burglary and the opening of mail are limited to what existing law allows. But then the Administration claims the right to ignore the law—in the name of national security.

The real purpose of the executive order is more secrecy. Agents who want to tell the people what they know are forbidden. The government can censor their writing even after they have stopped being spies.

"Whistle blowers" are also silenced. The person who sees an illegal activity must report it to the Inspector General. The Inspector General reports it to the Intelligence Oversight Board. The board reports it to the Attorney General or the President. The message can be covered up anywhere along the line. And the public never hears the whistle.

The Church Committee repeatedly warned that secrecy distorts democracy, then recommended that secret intelligence gathering be retained.

Congress

Congress doesn't want to know what's going on.

The House of Representatives voted 2 to 1 not to release its own Pike Committee Report exposing some of the CIA's worst fiascos. They also voted 2 to 1 not to learn the annual budget for spying.

Intelligence expenditures are rumored to be over ten billion dollars a year. By not knowing, the Congress doesn't have to decide whether the money could be better spent on education, health care, jobs or anything else.

The Senate, like the House, places secrecy above democracy. The Church Committee repeatedly warned that secrecy distorts democracy, then recommended that secret intelligence gathering be retained. Even the CIA's own special counsel was disappointed at the ease with which the Senate allowed itself to be manipulated by the intelligence agencies.

Since the end of the intelligence agency investigations, Congress has considered only one important "national security" bill—the Foreign Intelligence Surveillance Act. The bill, which was not passed in the 94th Congress, would permit wiretapping for any "national security" reason, preferably with a warrant, but if necessary without. If enacted, the bill would be a rubber stamp, not a reform.

"The CIA has scored its greatest domestic coup. It has made the House go to war against itself, like some ignorant, underdeveloped country. Henry Kissinger said the investigation was 'self-flagellation.' That's exactly what it has turned out to be for the House of Representatives."

(Mary McGroarty in her *Washington Star* column March 9, 1976 on the House of Representatives vote not to release the Pike Committee report)

What Must Be Done?

The American Civil Liberties Union believes that fundamental change is necessary to end the intelligence agencies' systematic violation of our rights and liberties.

The ACLU advocates a program of legislative reforms which would:

1. End clandestine intelligence gathering except in times of war and in the investigation of crimes.

About ninety-five percent of our foreign intelligence comes from satellites and the analysis of public information, not from spies. The information provided by spies is unreliable because of the constant risk of misinterpretation, double agents and other political intrigue. Espionage is inefficient and a waste of taxpayers' money.

Spying involves the government in secret relationships with individuals and institutions. These relationships weaken the moral fiber of our country and destroy our good name abroad. The covert use of corporations, universities, newspapers and religious groups, all of which help to mold our beliefs, is characteristic of a totalitarian state, not a democracy.

The techniques of spying should be limited to the investigation of crimes and the conduct of war. In all other respects we should end the use of secret police at home and abroad.

2. Make it a crime for intelligence agency officials and senior nonelected policy makers to lie to Congress or the people about illegal or prohibited activities.

For the last quarter century presidents of the United States have regularly lied to the people in the name of "national security."

Eisenhower lied about the U-2, Kennedy about the Bay of Pigs. Johnson had a "credibility gap." Nixon was forced to resign because of his lies, and Gerald Ford told the House Judiciary Committee he too would lie in the name of national security.

The freedom to lie, reinforced by pervasive secrecy, has encouraged government officials to act beyond the law and in ways they know the public would never tolerate if it had the facts. Such lies and deceptions about acts of government are inconsistent with democracy's basic tenet: government depends on the consent of the governed. Only if Congress and the public can get at the truth can there be meaningful accountability.

If candidates for office lie, the voters have the power not to elect them. Making it a crime for government officials to lie will give the public and Congress the power to remove them from their positions of trust. Such a law will reverse the present practice of deceit and help restore the people's faith in their government's word.

"You bring a group of people together, bind them with an oath, test their loyalty periodically with machines, spy on them to make sure they're not meeting secretly with someone from the Czech Embassy, cushion them from the rest of the world with a false cover story, teach them to lie because lying is in the national interest, and they do not behave like other men."

(Tom Braden, former CIA official now a syndicated columnist)

3. Protect "whistle blowers" in order to encourage disclosure of government misconduct.

Both Watergate and the massive CIA and FBI wrongdoings were exposed mainly from the outside. Where were the many government employees who must have known? Why did so few speak out?

No one is in a better position to expose illegal or prohibited conduct than government employees with access to the facts.

Unfortunately, whistle blowers are a rare breed. The risks are simply too high. Ernest Fitzgerald, the Air Force employee who alerted the public to the huge cost overruns on the C5A plane, is still in the courts seeking to regain an equivalent government job after eight years. His legal fees and expenses have exceeded \$400,000. The Air Force fired him, has bitterly fought his reinstatement, and has even circulated to members of Congress and the White House derogatory information about him which it knew to be false. The rule, as Fitzgerald discovered, is that loyalty and team play are valued more than personal conscience.

This must end. We must instead reward and encourage those who reveal abuses of the public trust which others seek to hide. Protecting whistle blowers from retaliation is the first step.

"DISAGREEING WITH ME, EH? YOU MUST BE
SOME KIND OF A NUT"



Copyright 1976 by Herbblock, The Washington Post

4. Establish an independent Special Prosecutor to police the intelligence activities of the federal government.

A massive record of intelligence agency abuses exists, but there have been no criminal prosecutions, and there will be few, if any, under the present system. Many of the abuses occur either on presidential orders or with presidential acquiescence. The President asserts the power to break the law in the name of national security, and he controls the Justice Department.

The executive branch cannot put its own house in order. We need an independent Special Prosecutor who can withstand the pressures of the executive branch. That was what Watergate demanded. The intelligence scandals demand no less.

5. Reduce the secrecy which surrounds the intelligence agencies.

The cloak of secrecy enveloping the intelligence community makes abuses inevitable. Secrecy insulates the agencies from the law, it shields incompetence and it breeds arrogance. Government officials must lie to keep their secrets. Often they must "cover up" the truth, while the people remain in the dark, unable to govern.

To reduce secrecy, it is necessary to change the national security classification system. The existing classification system conflicts with the right of citizens to know what their government is doing. No information should be classified unless its disclosure would cause immediate and irreparable damage to our national defense. Such information is limited to the technical details of weaponry, wartime military operations, and defensive military contingency plans in response to attacks by foreign powers.

This new approach would create a strong presumption that all government information should be disclosed. No other approach is consistent with an open, democratic society.

What You Can Do

The ACLU has made control of the intelligence agencies its top priority. We have fashioned legislative remedies. Now, we are going to try to get them enacted.

We are a permanent organization. We stick with issues. And, we are serv-

ing notice that we will stick with this issue. We will lobby. We call on you, and all other ACLU members, to help us lobby.
To win congressional support, we must create a public demand for our proposals. Here's what you can do:

(1) Urge your U.S. Senators and Representatives to support the ACLU's program. Write one or more Senators on the Select Committee on Intelligence, even if they are not from your state.

Members of the Senate Select Committee on Intelligence

CHAIRMAN	
Daniel K. Inouye	(D-Hawaii)
VICE CHAIRMAN	
Howard H. Baker	(R-Tenn.)
Birch Bayh	(D-Ind.)
Joseph R. Biden	(D-Del.)
Clifford P. Case	(R-N.J.)
E.J. Garn	(R-Utah)
Barry Goldwater	(R-Ariz.)
Gary Hart	(D-Colo.)
Mark Hatfield	(R-Ore.)
William Hathaway	(D-Maine)
Walter Huddleston	(D-Ky.)
Robert Morgan	(D-N.C.)
Robert T. Stafford	(R-Vt.)
Adlai E. Stevenson, III	(D-Ill.)
Strom Thurmond	(R-S.C.)

The mailing address of each Senator is U.S. Senate, Washington, D.C. 20510.

(2) Talk to your friends, neighbors and associates about the intelligence agency abuses and the need for controls. Call your ACLU affiliate to arrange for speakers and literature to be distributed to groups you belong to; encourage them to pass resolutions supporting the main points of the ACLU legislative program.

(3) Volunteer to work for and contribute generously to the ACLU's campaign to end government spying.

American Civil Liberties Union
22 East 40 Street
New York, N.Y. 10016

Enclosed is my contribution of \$ _____ to help the ACLU bring the intelligence community under the control of the people.

Name _____
Address _____
City _____ State _____ Zip _____

(4) The ACLU has joined with a number of civic, religious, labor and educational organizations in a coalition to begin a National Campaign to Stop Government Spying. For further information about the campaign in your local area, contact: Campaign To Stop Government Spying, 201 Massachusetts Avenue, N.E., Washington, D.C. 20002.

In addition to *Civil Liberties*, the ACLU newsletter, the following ACLU publications will report on developments in the campaign to end government spying:

FIRST PRINCIPLES:

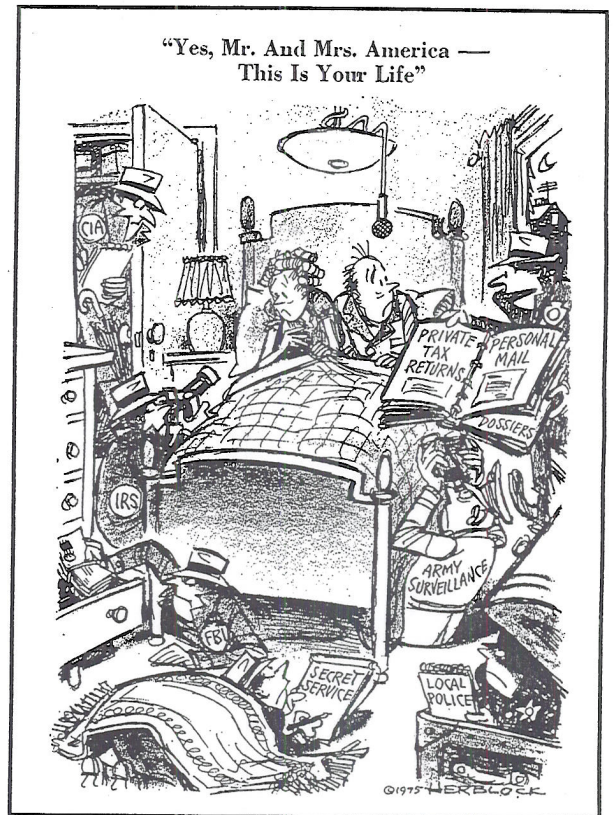
Subscription rates for *FIRST PRINCIPLES*, issued monthly, are \$15 a year regular, \$10 a year for students. Checks should be made payable to the Project on National Security and Civil Liberties, and sent to Project on National Security and Civil Liberties, 122 Maryland Avenue, NE, Washington, D.C. 20002.

The Privacy Report

Subscriptions for the *Privacy Report*, issued monthly, are \$15 a year regular and \$10 a year for students. Checks should be made payable to the ACLU Foundation, and sent to Privacy Report, ACLU Foundation, 22 East 40 Street, New York, N.Y. 10016.

c r A (D)

WILL SPIES RULE OUR COUNTRY?



OR WILL THE PEOPLE GOVERN?

The United States faces a constitutional crisis.

A huge American "intelligence community," expanding without restraint over the last three decades, has become a powerful and secret tool of government. Our spies are used against us to manipulate political events at home and abroad.

Government spying threatens all our civil liberties.

We must end it.

We ended the war in Vietnam. We ended the draft. We ended Richard Nixon's arrogant grasp for unlimited power.

Now we must end the spying.

How Did We Reach This Crisis? →

AMERICAN CIVIL LIBERTIES UNION

National Office:
22 East 40 Street
New York, New York 10016

Washington Office:
410 First Street, SE
Washington, DC 20003

