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Cloaks-and-Daggers and the U.S. Constitution

There was an instant flare-up of public opinion when it became known that the C.I.A. engaged in illegal undercover operations inside the United States, violating the rights of American citizens guaranteed by the U.S. Constitution. Why should there not be equal indignation over the violations by the C.I.A. of the rights of citizens of other countries? Indeed, what about the entire range of foreign undercover operations of the C.I.A.? For example, C.I.A. interference in the elections of other countries? What about the hundreds of millions of dollars spent in military operations abroad in direct violation of American constitutional government?

Are such questions to be ignored? Where did the notion originate that we had the right to decide what governments should remain in power and for how long? Who gave Americans the authority to set aside the political and human rights of other people whenever we thought it might be in our national interest to do so?

The fact that we did not foresee the problems that were inherent in a super-secret agency operating with unvouchered funds is a commentary on the apparent ease with which we can depart from the basic principles of Constitutional government.

The C.I.A. was created during the

Truman administration in the late Forties. The wartime partnership between the United States and the Soviet Union had come unstuck. Joseph Stalin was more interested in fomenting revolutionary upheaval all over the world than in maintaining a post-war alliance with the United States. President Truman was persuaded that the best way to counteract the undercover apparatus of the Soviet Union was to operate one of our own.

The tragic fallacy out of which the C.I.A. was established was that it could operate completely outside the Constitution without damaging Constitutional government. The fallacy was perpetuated and enlarged in the way the C.I.A. was funded year after year without public scrutiny.

IN CREATING THE C.I.A., Congress may genuinely have believed that a wall of separation could be constructed between a clandestine agency's actions abroad and its actions at home. But the highest executives of the U.S. government didn't believe it. President Lyndon B. Johnson obviously didn't believe it when he sanctioned the spying on Sen. Barry Goldwater during the election campaign of 1964. (The spy was Howard Hunt, who was later to be a key figure in the Watergate scandals.)

When President Richard M. Nixon and his top aides felt the need to cover up White House involvement in Watergate, they almost instinctively turned to the C.I.A. The fact that C.I.A. officials did not acquiesce in these efforts is a tribute to their integrity. The episode nonetheless highlights the danger that a President could use his appointive powers to rig the top jobs in the C.I.A. in order to smooth the way for his personal or political use of the agency. For the signal fact is not that President Nixon and his aides were unsuccessful in exploiting the C.I.A. but that they thought they could do so. It runs counter to history to expect that all Presidents will resist the tremendous advantages offered by an undercover agency operating with virtually unlimited funds and no direct public accountability.

Apart from matters of personal advantage, Presidents can be falsely persuaded about matters of national security involving the C.I.A. On coming to office, John F. Kennedy was informed of a scheme in progress for overthrowing the Castro government in Cuba. He sanctioned the Bay of Pigs operation based on the confident assurances of the planners that thousands of Cubans would rise up to overthrow the regime. The President pulled back from the venture as soon as he realized the extent of the miscalculation. Next came American involvement in the assassination of President Diem of South Vietnam. The fact that Diem was complicating U.S. policy became so vexatious that we could not resist the temptation to go along with the scheme for his murder.

Most defenders of the C.I.A. recognize that some adjustments must now be made in the operations of the agency to bring it more in line with the original intention. But they are fearful that if the restrictions are too severe, the United States will be at a disadvantage alongside the Soviet Union and China in maneuverings that figure in the complicated struggle for a world balance of power. What they seem to forget is that our position in the world today depends less on a manipulated balance-of-power strategy than on our ability to earn and keep the respect and goodwill of the world's peoples. The kind of leadership we demonstrate in coping with famine, homelessness, and hopelessness will have more to do with America's place in the world than any successes we may score in imitating the terrifying schemes of ideologies we profess to despise. N.C.