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The Joy of Snooping

THE CIA AND THE CULT OF INTELLIGENCE. By Victor Marchetti and John D. Marks. Knopf. 398 pp. \$8.95

By LAURENCE STERN

THERE WAS A PERIOD last year when the timing seemed right, when Congress finally had political grounds to conduct that long-overdue examination of the operations of the Central Intelligence Agency.

High-ranking CIA officials were trooping up to Capitol Hill in frequency and numbers approaching the level of high school seniors at Easter recess. Agency men who not long ago would have rather swallowed the pill than be caught within sight of still cameras were suddenly pirouetting before four separate congressional committees.

The men from the agency came with their impassive faces and sharply circumscribed testimony designed mainly to "distance" their place of employment from the political crimes of Watergate. But as soon as senatorial questioning began blundering into the CIA's own busi-

ness the answers trailed off into calculated obscurity, as a visiting homicide squad detective might be rebuffed for asking the price of the house.

What was the extent of the CIA's role in the Chilean coup? Was it involved in the junta's take-over in Greece? Is there any prospect of more large-scale CIA operations such as the war in Laos? What is the extent of the agency's domestic operations?

The answers came back, engraved with politeness, but ungiven: "To the best of my knowledge, Senator, no." "I would be happy, Senator, to go into that a little more in closed session." "We have no evidence of that, sir."

And yet these questions were all symptomatic of the need for a serious and comprehensive oversight job on what the CIA is up to, what sort of checkreins there are to its covert operations targeted within the United States as well as abroad. The need has existed. The political opportunities are rare.

This is not to question the legitimacy of intelligence gathering or the need for forms of state security in the American government, consistent with what we consider to be the base price that must be paid for maintaining an open society. The requirement for review applies most urgently to the operational programs of the CIA's clandestine services which are conducted beyond the

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pale of public assent to serve often questionable interests in achieving dubious goals by illicit means.

What we are talking about is United States financial manipulation of foreign elections and domestic political processes, the mounting of coups, toppling of governments, bribery of public officials, clandestine programs of political control through blackmail, terrorism, murder, sabotage and "psywar." We are talking about programs of disinformation (a term of the art for counter-propaganda) directed against United States audiences, as well as manipulation of the news media.

the fact that Silbert knew the answer to his own question—Colby might have succeeded in willfully concealing information from a government prosecutor in a pending criminal case.

Watergate must indeed have brought a special anguish to the CIA. For the White House, in trying to put the Watergate monkey on the agency's back, used some of the same techniques that have been employed by the CIA in its own operations. There was the diffuse charter of "national security" through which the White House operatives sought to stall the FBI investigation of Nixon campaign funds through Mexico, to arrange for covert payoffs of the Watergate suspects, to disseminate a cover story that the Watergate burglary was a CIA operation, and so forth.

The agency was, in effect, being targeted as a decoy by the president's office which was dipping into the classic black bag of dirty tricks.

Hunt and his Cuban proteges, then in the pay of the Committee for the Re-Election of the President (CREEP) were so ingrained in the ways of their alma mater at Langley, the Clandestine Services,

that they seemed to be genuinely incapable of drawing the distinction between serving the United States government and carrying out the sleazy schemes of the White House-CREEP Politburo.

As an example of what they call the "clandestine mentality" John Marks and Victor Marchetti cite this exchange before a federal grand jury between Hunt and Assistant U.S. Attorney Silbert. Silbert has asked whether Hunt was aware that he had participated in "what might commonly be referred to as illegal activities."

HUNT: I have no recollection of any, no, sir."

SILBERT: What about clandestine activities?

HUNT: Yes, sir.

SILBERT: All right. What about that?

HUNT: I'm not quibbling, but there's quite a difference between something that's illegal and something that's clandestine.

The Watergate scandal has shown us that the CIA, for all its vaunted acumen at the intelligence game, was played for a patsy (and that is the charitable view) by the White House to help stage a disinformation and espionage operation against Daniel Ellsberg at a time when he was campaigning against the resumption of bombing of North Vietnam.

The presumption of innocence on the part of the CIA shrinks considering the behavior of CIA Director William E. Colby in the fall of 1972 upon being questioned by former Watergate Prosecutor Earl J. Silbert about the identity of the White House official who first requested CIA assistance for E. Howard Hunt. Colby's response, at first, was evasive. He "danced around the room for ten minutes," by his own admission, before Silbert finally pinned him to the wall with a direct question. The answer was John D. Ehrlichman. Colby explained afterwards that he was reluctant to inject a name so controversial as Ehrlichman's into the case.

In doing so, he came within a hairline of obstruction of justice. Had it not been for Silbert's persistence—and perhaps

SILBERT: Well, in your terminology, would the entry into Dr. Fielding's (Daniel Ellsberg's psychiatrist) office have been clandestine, illegal, neither or both?

HUNT: I would simply call it an entry operation conducted under the auspices of competent authority.

These are the values of the apparatus, which had become pervasive among the sad young men of the Nixon White House. It is the moral code of the black side of most espionage services as well as, we must reluctantly conclude, the top side of the CIA.

Congress has had the chance to bite at the apple and run the risk of corrupting its own innocence. But no one was willing to take on a confrontation with executive authority. No one even was able to formulate the right questions other than those bearing on the extrication of the CIA from Watergate.

And so the function of oversight continues to be abdicated to daily journalists and writers of books. It is not an altogether fruitful alternative. Books rarely generate legislation. Daily journalists are not equipped to penetrate the reinforced armor of secrecy by which CIA is shielded from public scrutiny.

Leaks from within are self-serving. What passes for candor by top CIA officials in the congressional hearing room is the frankness of the schoolboy standing before the brained canary and denying all, with his sling shot in his back pocket.

The CIA and the Cult of Intelligence is a welcome addition to the body of literature which constitutes the only form of genuine oversight being currently practiced. Both Marchetti and Marks are former practitioners of the intelligence trade and were privy to some of its secrets. There is the inevitable bias of the analyst against the dirty tricks boys.

John Kennedy learned the dismal lesson in the Bay of Pigs 13 years ago that Clandestine Services tends to operate within its own narrow world of assumptions and political theology. The atmosphere of the clandestine shop is conspiratorial, paranoid and action-prone. It reeks with suspicion of social and political change on the left.

Marks and Marchetti take us through the sometimes familiar, sometimes new, sometimes deleted catalogue of covert interventions and patterns of secret proprietorships and domestic activities which have flourished in a vacuum of resounding public indifference since the agency became a major instrument of executive power in the early 1950s.

The book represents a triumph of determination by its authors, the publishing house of Knopf and the American Civil Liberties Union, which defended the manuscript against a partially successful effort to censor it. Melvin L. Wulf, legal director of the ACLU, notes in the introduction that co-author Marchetti was the first American writer to be served with an official censorship order issued by a United States court.

His case, along with that of Marks, raises two interesting constitutional issues: (1) the power of the government to abridge by a contractual oath of secrecy, the First Amendment rights of government employes; and (2) the authority of an executive agency to classify information by mere post facto declarations that it is classified. In the battle of the book the CIA was able to produce no proof that much of the material it wanted to excise was in fact classified.

At this point in the still-pending appellate court fight the government has prevailed on the first question and the authors prevailed on the second issue.

One of the consequences of the Marchetti-Marks case is that William Colby has asked for new authority to bring criminal charges against any government employee authorized to receive classified information. The proposed legislation also would empower the CIA director to define what is classified—thereby circumventing the district court's ruling in the matter of Marchetti and Marks.

An indicator of the quality of that judgment is that when the CIA's original 339 deletions in the manuscript were submitted to a test of classification they were reduced to 168 by negotiation and then to 27 by judicial review. Unfortunately the book went to press before the judge's final decision and so *The Cult of Intelligence* is adorned throughout with that talismanic word of our time—(deleted)—to tantalize the curious and bolster the sales.

If the Colby proposal were in effect at the time Marchetti and Marks had undertaken publication of their manuscript this review would never have been written. Both would probably be in jail. □