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## It Would Have Been a Nice Trial: The Helms Case

CHRISTINE M. MARWICK

As the article on page 5 details, Richard Helms established a record of lying repeatedly under oath while giving testimony concerning three of the CIA's more sordid theatres of operation—its assault on the democratic process in Chile, its targeting of the American anti-war movement, and its involvement in the Watergate caper. These are three explosive issues, and the plea bargaining between Helms and the Carter administration must be viewed as a refinement in the process of official coverup.

A criminal trial would have been extremely interesting, with Helms' saavy lawyer, William Bennett Williams, bringing forth all manner of evidence to support Helms' claim that his testimony, while perjurious, was nevertheless standard operating procedure for the Agency, and to be forgiven. In the process, testimony might well have brought out important facts available in no other forum, for many CIA orders passed by word of mouth, without ever having left a paper trail for outsiders to trace.

Instead of a fair trial, the public was given a proceed-

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### THE ARRANGEMENT BETWEEN HELMS AND THE DEPARTMENT OF JUSTICE

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ing where the Justice Department acted more as a defense attorney than as a prosecutor.

After several months of bargaining, it was arranged that, if he would plead *nolo contendere* and forego his right to a jury trial, Richard Helms would be allowed to follow in the tradition of Richard Kleindienst: his perjury charges (a felony) would be reduced to a misdemeanor, the refusal to testify fully and accurately. The misdemeanor charge carried a possible two year sentence and two thousand dollar fine with it, so there was still some risk that, even with his plea bargaining, Helms might have had to spend some time in jail. The Justice

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*It is at all times necessary, and more particularly so during the progress of a revolution and until right ideas confirm themselves by habit, that we frequently refresh our patriotism by reference to first principles.*

THOMAS PAINE

Department, however, did everything possible to keep the proceedings strictly symbolic.

When they went before District Judge Barrington D. Parker, Assistant Attorney General Benjamin Civiletti urged the judge "with all the strength and conviction which I can muster on behalf of the Attorney General and the Department of Justice" that there be no jail sentence. And Helms, when he entered his plea, stated that he understood that "there is to be no jail sentence and I will be able to continue to get my pension from the U.S. government."

Judge Parker stated that, "This court does not consider itself bound by that understanding," and insisted on a sentencing procedure. But in the end, the Judge accepted the recommendations of the Helms camp. For admitting to lying repeatedly under oath to Congress, the former Director of Central Intelligence was let off with a one year suspended sentence, a two thousand dollar fine, and the tongue-lashing which the judge gave him: "You now stand before this Court in disgrace and shame."

And exhibiting the amount of deference which is required before a judge, Helms' attorney seemed to agree while in the courtroom that the sentence was grave: "Richard Helms will bear the scar of a conviction for the rest of his days. . . ." But minutes later, before the TV cameras outside the courthouse, Williams and his client were crowing: "He's going to wear this conviction like a badge of honor. He will wear it like a banner." It was a sentiment that Helms seconded: "I don't feel disgraced at all." And indeed, when Helms attended a meeting of retired CIA employees later that day, he received a standing ovation and his \$2000 fine was raised by passing around the hat. It turns out that Judge Parker's tongue-lashing was the strongest penalty imposed on Helms. The Justice Department put all of this in the best possible light, as when Civiletti stated, "What matters is achieving the principle of being accountable to the law while eliminating the risks." It remains a curious remark from a prosecutor.

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## THE UNRESOLVED PROBLEMS

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One thing that is clear is that using available channels to establish the guilt or innocence of a few officials is not the way to reform the situation. The Helms case brings up many issues—and leaves them unresolved. Here we will mention only a few of them.

### Richard Helms: A "Most Distinguished Career"

In pleading for leniency, Civiletti cited Helms' distinguished career, thirty years in government service. And while it is true of course that Helms rose very high, it is also true that he did so in no small part through his willingness to become involved in some of the CIA's most questionable enterprises. Helms' career includes such highlights as his direct, personal involvement in

- the assassination efforts against Castro;
- undermining free elections in Chile and the overthrow of Allende;
- drug testing and mind control programs and ordering the files of the program destroyed;
- Operation CHAOS, which targeted Americans, and his insistence that the program continue despite extensive opposition within the CIA and his acknowledgement that it violated the CIA charter;
- the CIA mail-opening program (for which the Levi Justice Department declined to prosecute anyone);
- the burglary of a business in Virginia (which the Justice Department likewise declined to prosecute);
- withholding information on the Watergate coverup from the FBI;
- destroying tapes and documents which were evidence in the Watergate episode.

Richard Helms' distinguished career is checkered with activities both questionable and indictable. The perjury charges (which after all, stemmed from an affront not to particular individuals, foreign nations, or political movements but to the legislative branch of government) were the last chance to hold a Director of Central Intelligence to the same standards of justice that other citizens are expected to follow. The *nolo contendere* plea is, in all important ways, merely a gloss on the old DoJ/CIA non-prosecution agreement—where Justice would let the CIA determine whether or not a CIA employee who ran afoul of the law should be prosecuted. Under this agreement, even alleged heroin smugglers have apparently been let off, because the CIA claimed a fair trial might have compromised the "national security" activities that such people had been involved in.

### Special Treatment for the Influential


The Washington press had been for months full of accounts of the pressures on Bell to "go easy" on Helms, and the former DCI was a man with friends of influence—Robert McNamara, Averell Harriman, Eric Sevareid, Henry Kissinger, James Schlesinger. And at the

same time, there were the threats, implied and otherwise, that if Helms were put in the dock, he would take as many notables with him as possible, starting with Kissinger.

And here we come to the important question—precisely what were the nature of the secrets which the Justice Department has now protected? We know the sordid overview of what happened in Chile. What we don't know are the internal details of who was responsible for precisely what. And it is the same thing with the CIA domestic activities and with Watergate—we more or less know what happened, but we have not been able to call specific people into account for violating the law.

And perhaps the columnists Evans and Novak were

entirely too accurate when they noted, in their defense of Helms, that "a nightmarish Helms trial would expose U.S. secrets that would make this country the laughing-stock of the world." The real problem is not one of jeopardizing the safety of the country (the CIA's own National Intelligence Estimate, for example, on the Allende/Chile situation had stated that an Allende government would not have jeopardized U.S. security), but of exposing our ungainly intelligence apparatus to an apparently well-deserved mockery. And we should note that under current and proposed classification systems, embarrassment to officials—whether due to foolishness or illegality or impropriety—is not a legitimate standard for exercising a classification stamp. The Helms case



YOUR HONOR, MY CLIENT SUBMITS THAT IT IS TRUE THAT HE GOT A LITTLE DRUNK, STOLE A CAR AND DROVE THROUGH A COIN LAUNDRY BUT SAYS THE REASONS FOR HIS BEHAVIOR, DUE TO A PRIOR OATH, MUST REMAIN LOCKED INSIDE HIMSELF FOREVER AND REQUESTS THE SAME KIND OF BADGE OF HONOR MR. HELMS RECEIVED!

becomes, among other things, an ongoing example that the secrecy system is still out of control.

### The Question of Self-Interest

Helms' attorney had explained to the judge that the difference between the Watergate cases, where officials actually have gone to jail, and Helms case was that, "Self-interests were at work in those cases. There was no self-interest at work in this case. There was no self-gain." And this has evidently been one of the major obstacles in calling high officials to account. It has long been established that an official with sticky fingers may well go to jail. And the Watergate story included a great deal of CREEP money, laundered and otherwise, and was orchestrated in order to keep for the people of a specific administration the advantages of office. With the high intelligence bureaucrats the gains have not been so clear. The rewards of their activities have not been election to political office or a fattened bank account, but power.

The highlights of Helms' "distinguished career" which we cited above are all examples of getting carried away with the secret powers of the CIA. Such excesses have been justified by appeal to a higher good, but that does not change the fact that the reason we have laws regulating the government, public officials and private citizens is precisely to protect the body politic from just such excesses of power. Had the Watergate caper or Operation CHAOS accomplished everything which they set out to do, we would be faced with serious damage to our history of constitutional government. The fact that they were not as effective as they had wanted to be does not change the facts.

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## THE NEED FOR REFORMS

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The Helms case makes the need for legislated reforms all the more clear. The Carter administration may in fact have better intentions than its predecessors, but the net

result has been little different. Whatever else may be said of it. The case of Richard Helms does not provide an example of a high government official with a long list of dubious actions on his record being held accountable under the law in the same way that ordinary citizens are. It is, instead, an argument for a law which would trigger a special prosecutor in situations where there is any suggestion of a conflict of interest within the Justice Department.

The proposed Carter Executive Order to reform the intelligence agencies (replacing the Ford E.O., see *First Principles*, March, 1976), is said to make the Attorney General the watchdog for the CIA. Yet the Helms case makes that role seem more like a tailwagging watchpuppy, anxious to please everyone, and confusing his responsibility as guardian of the law with his role as guardian of agency reputations and as a member in good standing of the Washington Establishment. This should not be surprising, for it is a commonplace that the demands of an office will shape in peculiar ways the person who fills it.

Meanwhile, the Carter administration has already taken steps to increase the power of the Director of Central intelligence. In the present climate and with the present Director, this may not be as dangerous as it would have been a few years ago, but there is no guarantee as to what this will mean a few years from now when the current furor has died down and the post-Watergate mentality has become old hat.

Nor has the Carter administration shown much initiative with the secrecy problem. The proposed Carter Executive Order on classification (see last month's *First Principles*) would include a provision preventing officials from blowing the whistle on illegal and improper activities.

The signs are clear—if there are to be any changes, if we are to have learned anything about the dangers of a too-powerful clandestine arm of government, those changes will have to come in the form of legislation which squarely addresses the disasters of the past. ■

# The Case Against Richard Helms

MORTON H. HALPERIN

Former CIA Director Richard Helms has had many vocal defenders in his recent appearance before the bar of justice, but few have contended that he had not actually committed perjury before congressional committees carrying out lawful investigations into CIA activities. Instead, his defenders have found it politic to trivialize the lies, to make them seem but small misrepresentations against a framework of awesome dangers to the nation's security.

Since the Helms case will now be over, for all practical purposes, as soon as the dust settles, we take this moment to offer a last timely review of precisely what conduct it is that he will be wearing like a "badge of honor . . . a banner." And in going over it again, we might ask ourselves what kind of trial, with what kinds of issues, these charges would have provided. How much of a "national security" defense would there, in fact, have been?

The momentum for calling Helms into account for his testimony began in early 1975, in the office of the then-Deputy Attorney General Laurence Silberman, in what was one of the most extraordinary meetings in the con-

tinuing investigation of the abuses of the intelligence agencies. His visitor was Director of Central Intelligence William Colby. Colby began the meeting by alluding to a long-standing secret agreement between the CIA and the Justice Department under which the CIA was not obliged to report evidence of possible violations of the law by its employees to the Justice Department. Silberman stated that he had never heard of such an agreement and the two men quickly agreed that it could not be valid. Colby then presented to the Deputy Attorney General evidence in his possession suggesting that Richard Helms, his predecessor, had committed perjury in testimony before Congress.

The exact nature of the evidence Colby presented about Helms that day is not known; it is known that it was the subject of a lengthy investigation by Justice. There appear to have been three areas in which testimony by Helms under oath misled the Senate Foreign Relations Committee and may well have constituted a violation of the perjury statute: US intervention in Chile, CIA domestic surveillance, and the CIA role in Watergate. Helms was questioned on all three subjects during the hearings held February 5 and 7, 1973 prior to his confirmation as ambassador to Iran. When evidence was made public casting doubt on Helms' testimony, the Senate Foreign Relations Committee called him back to explain, first on May 21, 1973 and then on January 22, 1975. On both occasions Helms' "explanations" appear to have been deliberately misleading and perjurious.

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This article is a revision and update of Morton Halperin's earlier piece, "Did Richard Helms Commit Perjury?" published in *The New Republic Magazine*, March 6, 1976, pp. 14-17, Copyright 1976 by *The New Republic*.

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## U.S. Intervention in Chile

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Helms testified before the Foreign Relations Committee on his nomination to be ambassador to Iran in public session on February 5, 1973. He was not sworn, the questioning was polite and very brief (running 16 pages altogether in printed form). The sole reference to Chile was a passing comment in a question pertaining to the International Telephone and Telegraph Company. Helms assured the committee that the CIA's relations with ITT were "for the purposes of the acquisition of information and things of this kind."

Then a story appeared in the press alleging that the CIA had trained the police forces of about a dozen cities and counties in the US. The committee called Helms back for an executive session. This time he was sworn and the questioning went on for some two hours. The departing CIA director was pressed on a number of subjects including Watergate, domestic surveillance and the CIA role in Chile during the Allende period.

At the time of the hearing nothing was known publicly about the CIA's activities in Chile. Administration officials were denying that the US was involved in any way and Helms repeated those denials in an exchange with Sen. Stuart Symington (D-Mo.):

Sen. Symington: *Did you try in the Central Intelligence agency to overthrow the government of Chile?*

Mr. Helms: *No, sir.*

Sen. Symington: *Did you have any money passed to the opponents of Allende?*

Mr. Helms: *No, sir.*

Sen. Symington: *So the stories you were involved in that war are wrong?*

Mr. Helms: *Yes, sir. I said to Sen. Fulbright many months ago that if the agency had really gotten in behind the other candidates and spent a lot of money and so forth the election might have come out differently.*

When Helms was called back to testify almost two years later on January 22, 1975 the letter written by Rep. Michael Harrington (D-Mass.) summarizing Colby's testimony on CIA activities in Chile had been made public. The committee asked Helms to explain his previous testimony in light of Colby's description of intervention in Chile after Allende came to power. The committee now knew that some money had been given to political groups in Chile during the election campaign. Helms explained contritely his previous "no" answer to the question, was "any money passed to the opponents of Allende" in this way: "perhaps I should have answered it in a

much more extensive way. May I say, right here and now, that I think I made one mistake in that testimony; maybe it is a serious mistake, but I should probably have asked either to go off the record or asked to discuss this matter in some other forum."

Helms said he had thought that Symington's question related to the two men who had actually run against Allende in the presidential election of 1970. Helms noted that the CIA had given money directly to Allende's opponents in the 1964 election and he assumed the question related only to such direct transfers. The former CIA director testified that as far as he knew no assistance had been given to political parties in 1970.

The question relating to overthrowing the government of Chile was more difficult for Helms to field, and he needed help from friends on the committee: "By the testimony I wish you gentlemen would help me because I have a sensation here sometimes I am walking into a bog, that maybe somebody has come up and said something else, which makes it seem as through [sic] I am not being forthright." He then went on to deny that there had been anything more than a probe at the request of the Nixon administration to see what could be done:

*The Allende government was not even in at the time the probe was made, just to see if there were any forces there to oppose Allende's advent as President. It was very quickly established there were not, and therefore, no further effort was made along those lines, to the best of my knowledge, at least I know of none. Even though we had been charged to try and find out, I believe a report came back that there was no way to do this . . .*

*Looking back at the various things that certainly were done, I cannot understand how anyone could interpret them as an attempt to overthrow the government or believe that they stood a chance of doing so. So that is what I meant when I answered Senator Symington's question there was really no effort made to overthrow the government of Chile.*

Helms ended his exchange with the committee on this subject by confessing that he was less than candid but had not lied: "I didn't want to seek refuge and say I lied in the national security interest. I didn't run into any situation where I thought that was required."

### The Facts on the CIA in Chile

By the end of the year, however, the cover of secrecy had been lifted from the CIA's operations in Chile, revealing facts which contradicted Helms' testimony. The most authoritative accounts of the CIA role in Chile are two reports of the Senate Intelligence Committee, one on *Alleged Assassination Plots Involving Foreign Leaders*, released November 20, 1975, and one on *Covert Action*

in Chile 1963-1973, released in December, 1975. The Chile report supports Helms' assertion that no money was passed directly to political parties running candidates against Allende in the presidential campaign. But the report stated that the CIA did spend one million dollars "on covert action to affect the outcome of the 1970 presidential election," with about half of the activities approved by the Forty Committee, on which Helms sat. One major activity was a "scare" campaign designed to equate an Allende victory with violence and Stalinist repression. The Helms denial that "any money had been passed to the opponents of Allende" amounted, at best, to a play on words.

The Church committee assassination report provides extensive detail on the CIA effort to overthrow the government of Chile after the presidential election of 1970 but before Allende actually came into office. The order to do whatever was necessary to prevent Allende from coming to power was given to Helms by President Nixon at a meeting on September 15, 1970. As Helms testified before the Church committee, "If I ever carried a marshal's baton in my knapsack out of the oval office, it was that day." He told his staff the next day that "the President asked the agency to prevent Allende from coming to power or to unseat him" The order sent to the station in Santiago was equally explicit: "Purpose of exercise is to prevent Allende assumption of power. Parliamentary legerdemain has been discarded. Military solution is objective." According to the Church committee this objective was implemented in a program that included creating a coup climate by propaganda, disinformation and other activities designed to motivate a coup and by informing coup-minded officers that the US would give them full support. Helms was fully aware of these activities.

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## CIA'S DOMESTIC OPERATIONS

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The testimony dealing with CIA activities against the democratically elected government of Chile might arguably have won some of a jury's sympathies. Helms could have made exaggerated claims about national security threats, and the mere fact that the target had been a foreign nation might have led a jury to give Helms the benefit of the doubt on a "national security" defense. It is possible that a jury might have thought that he had a point about keeping secrets from an "enemy," even though by the time of his second appearance Allende and his supporters had all been killed, jailed, or dispersed, and the degree of plausible threat was skimpy indeed.

The two other areas of perjured testimony dealt not with threats—however inflated—from abroad, but with the CIA's illegal operations at home. Testifying openly and fully would not have given information about foreign intelligence sources and methods, but about targeting the democratic political process in the United States.

At the time of Helms' confirmation hearing in February 1973, nothing was known publicly about the domestic surveillance programs of the CIA. It was known that the army had conducted a massive domestic surveillance program focused on the antiwar movement because of intense presidential pressure. Sen. Case thus was moved to ask if the CIA had come under similar pressure and if it had yielded. This exchange took place.

Sen. Case: *On another matter, back to the CIA, if I may, I expect the President can ask the CIA to do anything he wants it to do. Of course, whether the CIA does it or not, I suppose, depends upon many things.*

*It has been called to my attention that in 1969 or 1970 the White House asked that all intelligence agencies join in the effort to learn as much as they could about the antiwar movement, and during this period, US Army Intelligence became involved and kept files on US citizens.*

*Do you know anything about any activity on the part of the CIA in that connection? Was it asked to be involved?*

Mr. Helms: *I don't recall whether we were asked, but we were not involved because it seemed to me that it was a clear violation of what our charter was.*

Sen. Case: *What do you do in a case like that?*

Mr. Helms: *I would simply go to explain to the President this didn't seem to me to be advisable.*

Sen. Case: *That would end it?*

Mr. Helms: *Well, I think so, normally.*

When Helms reappeared in January 1975, the committee knew nothing about Operation CHAOS and other CIA domestic activities. Sen. Case recited the testimony quoted above and indicated the Helms' answer had turned off further inquiry about CIA activity and "was disingenuous at least." Helms offered this explanation:

*Now I distinctly remember when I was asked that that I wanted very much to clear up any impression in your mind that we had done like Army Intelligence, that I was addressing myself to the part of the question where you said, "And during this period US Army Intelligence was involved and kept files on US citizens." I wanted to correct any impression you might have had that the CIA was doing the same thing.*

*And believe me, the first part of the question had simply gone out of my mind and in my desire to set your mind straight on something which I thought was very explosive indeed, that we go out and take photographs of war protestors, dissidents, and things of that kind because we had not done so.*

### The Facts on CIA Domestic Operations

It was not long after Helm's denial of domestic CIA operations that the cover began to slip. First the Rockefeller Commission Report, and later the Church Committee Report, refuted Helm's claims that the CIA had honored its charter.

There is now extensive documentation detailing that the White House requested the agency learn everything it could about the antiwar movement. Far from rejecting these requests, Helms directed a major operation that included keeping "files on US citizens" and taking "photographs of war protestors." Beginning in the Johnson administration, there was continuous pressure on the CIA to investigate the antiwar movement. The CIA responded not by rejecting the demands but by preparing reports and by establishing Operation CHAOS. That project produced 7200 personality files on American citizens who were the targets of its collection. Its computer called HYDRA included the names of more than 300,000 Americans. More than 6000 memoranda were produced daily, many of them concerning antiwar activity within the United States.

Helms appears to have had no doubts that these activities were, to quote his testimony, "a clear violation of what our charter was." Indeed, he used similar language in sending a copy of one report on "Restless Youth" to White House National Security Adviser Henry Kissinger:

*In an effort to round-out our discussion of this subject, we have included a section on American students. This is an area not within the charter of this agency, so I need not emphasize how extremely sensitive this makes the paper. Should anyone learn of its existence it would prove most embarrassing for all concerned.*

These two reports state that Helms was fully aware of the activities of Operation CHAOS, as well as other CIA programs designed to gather and analyze information about the antiwar movements, and that "photographs were also taken at several major demonstrations in the Washington area and at protest activities in the vicinity of the White House."

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### CIA INVOLVEMENT IN WATERGATE

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Helms' testimony on Watergate is, for several reasons, not as clearcut and simple to analyze as his testimony on Chile and domestic dissidents. The testimony is much more extensive. Helms had two chances to explain, in May 1973 and in January 1975 (when he dealt also with Chile and domestic dissidents). Finally there is remarkably, no authoritative account of the CIA role in Watergate. Nonetheless there are exchanges with senators at the confirmation hearings and the subsequent sessions that raise questions about whether Helms told the truth.

Two sets of exchanges in the confirmation hearings

raised questions that the committee explored when Helms was called back. The first concerned CIA relations with Watergate conspirators E. Howard Hunt and G. Gordon Liddy. It came at the end of a discussion of whether any of the Watergate burglars had been employees or had other relations with the CIA:

The Chairman: *Was E. Howard Hunt, Jr., an employee?*

Mr. Helms: *He also had been an employee of the agency.*

The Chairman: *In a similar situation?*

Mr. Helms: *He also [sic] but my recollection is that he resigned rather than retired. I am not sure exactly. It was one or the other.*

The Chairman: *About when?*

Mr. Helms: *About two, two and-a-half years ago.*

The Chairman: *He had no relationship to the CIA since then?*

Mr. Helms: *No, sir.*

The Chairman: *What is G. Gordon Liddy's relationship with the agency?*

Mr. Helms: *None.*

The Chairman: *Never?*

Mr. Helms: *Never under any circumstances.*

The Chairman: *He never has been. I see.*

Mr. Helms: *Never.*

Later at the end of the hearing, committee chairman William Fulbright alluded to the famous "Sullivan episode." It seems William Sullivan, a career State Department official, had testified often before the Foreign Relations Committee about Laos but had never told the Committee about the secret war, the massive American bombing program in Laos. When the committee finally heard about it, Sullivan was asked why he had never testified about the secret war. His answer was that the committee had never asked the right question. Fulbright asked Helms: "Is there something that I should have asked you about that I didn't to which you might like to reply?" Helms answered, "Sir, let me in an effort to sort of close this, about this, Watergate business, you have asked all the relevant questions. I have no more information to convey and I know nothing about it. Honestly, I do not".

There was a brief exchange following and then Helms asked to go off the record. The hearing ended.

Helms was called back to testify in May 1973, just after the Watergate bubble had burst. The committee then knew about the aid to Hunt and Liddy used in the Fielding break-in (Daniel Ellsberg's psychiatrist's office), the preparation of the Ellsberg psychological profile, and the White House effort to get the CIA to request that the FBI limit the scope of its Watergate investigation. Fulbright pressed Helms on his statement that Hunt had no relationship with the CIA after his retirement and that Liddy had never had any. Helms explained:

*But Mr. Chairman, in the context of the questions I was answering, this had to do with an agency's fiduciary or hiring or employee relations with Hunt and Liddy, and I*



"THEY WON'T DO ANYTHING TO US.  
WE KNOW TOO MUCH"



*answered those questions absolutely honestly.*

*This man [Hunt] was not employed by the agency at the time he came out to get these equipments. He was employed by the White House.*

*Now in retrospect and in hindsight one can stretch the word "relationship" very much more widely than I construed it at the time because all the preceding questions had to do with who was on the payroll and who was not on the payroll, and under what circumstances.*

When Helms returned in January 1975, the Watergate questioning focused on the still unresolved issue of when the CIA cut off aid to Hunt and Liddy. Helms knew that they were engaged in a burglary operation, yet Helms denied that he knew.

In fact there is no question that CIA had a "relationship" with Hunt and Liddy. Whether Helms' answer on that question deceived the committee intentionally depends on whether he could reasonably believe that the question pertained only to formal employment. The termination of CIA aid to Hunt and Liddy just after the agency processed photographs for the Fielding break-in remains a mystery and it is not clear how much Helms knew and when.

As for the "Sullivan" question, there were a number of things that Helms knew in January 1975 about Watergate. These include:

- The White House meeting at which the CIA was asked to go to the FBI and request a curtailment of the Watergate investigation.
- The CIA assistance to Hunt and Liddy included the provision of false identification documents of the kind found on the Watergate burglars.
- The letters the agency had received from conspirator James McCord warning that an effort was underway to cover-up the Watergate burglary and blame it on the CIA.
- The committee would have also wanted to know that, according to testimony before the House Armed Services subcommittee on intelligence, Helms personally ordered that the McCord letters and the CIA file on aid to Hunt and Liddy not be turned over to the FBI agents investigating the Watergate case.

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## THE HELMS CASE: WHY WE NEEDED A SPECIAL PROSECUTOR

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The Helms perjuries (or, as the more delicately

phrased misdemeanor charges called it, his failure to testify fully and accurately) were something that it took the Justice Department approximately two and a half years to investigate and bring to court. The delays were accompanied by a succession of excuses, such as the claim that it was waiting for information from the Senate Intelligence Committee.

But no doubt Helms had other pressures at work. For 20 years there was an agreement between the Department of Justice and the CIA never to prosecute CIA people. To break it retroactively may seem unfair. Helms was hired to lie for his country and no one told him that that did not include lying to Congress. Moreover, in a criminal prosecution the trial must be public. Helms would have had every right to make public all of the details of these episodes in an effort to show that he did not actually lie. Particularly in the case of Chile many in the administration must have felt that such additional revelations would damage the national security. Beyond these factors Helms is said to have told friends that if indicted he would not remain silent but would implicate others. William Safire in a recent *New York Times* column suggested that those whom Helms would blow the whistle on include a senior US senator, reportedly Stuart Symington, and a former cabinet officer, clearly Henry Kissinger.

In these circumstances the Attorney General's role becomes exceedingly difficult, for an AG is not only the nation's chief law enforcement official, but also very clearly an important political figure. And in any administration, be it the Ford Republicans or the Carter Democrats, there is a realization that a high official's right to play games with the truth, to control the flow of information to the public and to its watchdogs, is a source of the presidency's political power. Anytime enforcing the law would put limitations on that power, there is a clear and unavoidable conflict of interest. With Helms, the Justice Department ended up asking the public to be satisfied with nothing more substantial than a tongue lashing as a deterrent to future officials who will take liberties with the truth.

A special prosecutor, free from the Justice Department's stance as an arm of the presidency, would have produced a very different result, a very different example of accountability. And the case of Richard Helms does not entirely fade away, but becomes another argument for new legislation which would provide a mechanism for an impartial special prosecutor to handle such difficult situations. ■

## In The News

**ARMY INTELLIGENCE/BEHAVIOR MODIFICATION.** Recently declassified documents show that in 1961 Army intelligence administered LSD without consent to an American soldier, James R. Thornwell, in an attempt to locate classified documents Thornwell had been accused of stealing. Nine Europeans and seven Asians, believed to be foreign espionage agents, were also given LSD as part of an interrogation operation. (*New York Times*, 10/7/77, pp. A1 & A3)

**CANADA/POLICE SURVEILLANCE.** The Royal Canadian Mounted Police, which acts as a combination CIA and FBI in Canada, has recently come under attack for questionable activities in the name of Canadian national security. Charges have been made by members of the opposition party that the RCMP has carried out break-ins, burglaries, wiretaps, arson and theft. (*Washington Star*, 11/1/77, p. A6)

**CIA/BEHAVIOR CONTROL.** Additional documents have been released detailing techniques employed by the CIA's mind control program between the years 1949 through 1972. One memo describes a proposal for spending hundreds of thousands of dollars to develop the use of electric shock and surgical lobotomy techniques to "dispose of unwilling interrogation subjects after they had been questioned. The proposal was rejected eventually as being inhumane and against "the American way of life." Other documents reported the agency's investigation of the use of isolation and sensory deprivation techniques to break down unwilling subjects of interrogation. (*Washington Post*, 29 Oct. 1977, p. A2)

**CIA/GLOMAR INCIDENT.** Heavily censored documents released under the FOIA have revealed that publishers, editors, and reporters from the major U.S. news organizations, including the *Washington Post* and *New York Times* cooperated with the CIA's attempts to halt publication of articles revealing the effort of the CIA and Howard Hughes' *Glomar*

*Explorer* to retrieve a sunken Russian submarine in 1974. The press was told that disclosure of the project would damage national security. Despite the CIA's efforts the story was made public in March 1975, but it took a lawsuit to release the record of the CIA's manipulations of the domestic press. (*Washington Post*, 10/23/77, p. A1 & A10)

**CIA ON CAMPUS.** Despite Congressional hearings, the extent of CIA-sponsored MK-ultra research on university campuses in the 1950's and 1960's is still not known. Eighty unnamed universities have been notified by the CIA that they were involved in some way, knowingly or unknowingly, with the CIA research; 26 have publicly acknowledged participation so far. Several schools, including Stanford and the Univ. of Denver, have pieced together and publicized their CIA involvement, and others are in the process of adopting guidelines for their relationships with intelligence agencies. (*New York Times*, 10/10/77, p. 78)

**FBI/COOPERATION WITH INTERPOL.** Documents released by the FBI under the Freedom of Information Act show that the FBI identified fugitive Americans as being Jewish for Interpol as late as 1940. Interpol, a private criminal information system, was taken over by the Nazi police system in 1938. According to its charter, Interpol is forbidden to concern itself with religious or political matters. (*Washington Star*, 10/24/77, p. A2)

**FBI/ILLEGAL PRACTICES.** FBI sources have alleged that these same practices of illegal wiretapping, burglary and mail opening which were used in internal security cases were used in FBI investigations of organized crime. These activities were known to the Justice Department's organized crime division, but were never criticized or investigated by the Department. (*New York Times*, 10/6/77, p. A1 & A23)

**FBI NOMINEE.** The Senate confirmation hearings of Judge Frank M. Johnson, Jr. as FBI Director were postponed following a relapse in Johnson's recovery from abdominal surgery last summer. Committee aides who examined Johnson's financial data could find no hint of conflict of interest and no committee members are expected to oppose Johnson's nomination when the hearings are rescheduled. (*Washington Post*, 10/11/77)

**FBI/WEATHER UNDERGROUND.** The *New York Times* obtained a closely held FBI report prepared in 1976 which alleges that Cuban espionage agents operating in the U.S. supplied limited aid to the radical antiwar group the Weather Underground. On the whole, however, the report shows that the aid provided was negligible. The report contains no indication that Communist intelligence services in the Soviet Union, China or Eastern Europe ever made any active attempt to incite American dissidents. (*New York Times*, 10/9/77, p. A1 & A24)

**HUMAN RIGHTS/NICARAGUA.** The Carter Administration's use of financial aid as an instrument in implementing its human rights policy has produced garbled results in its first efforts in Central America. In Nicaragua, ruled by the notorious Somoza regime, U.S. efforts to meet congressional deadlines and coordinate procedures of various federal agencies resulted in withholding of economic aid to ease poverty but the granting of military aid which supports the regime's hold. (*Washington Post*, 10/24/77, p. A1 & A8)

## In The News

(continued)

**HUMAN RIGHTS/SUPPRESSION OF WRITERS.** A list of 606 writers in 55 countries who are targets of repressive government action because of their dissident views has been released by the writers' organization, P.E.N. Argentina, the Soviet Union and Chile lead the list of offenders with 119, 78 and 57 writers imprisoned respectively. The U.S. is charged with acting against six people. The list will be submitted to the U.N., the Belgrade conference, and various world leaders. (*New York Times*, 11/3/77, p. 10)

**HUMAN RIGHTS/U.S. POLICY.** According to State Dept. testimony given before a congressional committee, the Carter administration's human rights policy has resulted in, among other developments, the release of political prisoners in at least a dozen countries. Other gains were open political trials, inspection of jails, and a general relaxation of politically repressive policies. Deputy Asst. Sec'y of State Mark L. Schneider conceded, however, that some of these improvements might have occurred without administration pressure and that some "clearly are only cosmetic efforts to lessen external pressure." (*New York Times*, 10/27/77, p. A2)

**KCIA.** According to transcripts being reviewed by the Senate Intelligence Committee, the National Security Agency intercepted communications between the South Korean government in Seoul and its Washington Embassy which indicated a grandiose plan to influence Congress. Although high Justice Department and White House officials were routinely given copies of these transcripts over the years, no attempt was made to investigate the lobbying effort. (*Washington Post*, 10/7/77, p. D29)

**SECRECY/CENSORSHIP.** Robert Lamphere, a former FBI agent who worked on counterespionage for the bureau during the Cold War is being prevented from publishing a book about the KGB and the FBI. Although the Justice Dept. has cleared the book, the NSA contends that portions of the book contains national secrets. (*Washington Post*, 10/27/77, p. A1 & A24) The Interagency Classification Review Committee, the executive's arbiter of official secrets, has agreed to take up the issue of the attempted suppression. (*Washington Post*, 10/28/77, p. A2)

**SECRECY/CLASSIFICATION OF PRIVATE RESEARCH.** The National Security Agency, has been charged with harassing computer scientists and mathematicians whose research touches on secret codes. The private scientific community alleges that the NSA, in an effort to bring certain types of research under NSA control, has threatened official action to cancel research grants or criminal prosecution for violation of security laws. The complaining scientists assert that they must take the NSA threats seriously because of the vagueness of existing law. (*Washington Star*, 19 Oct. 1977, p. A7)

**TERRORISM.** A study released by the CIA on the causes and effects of terrorism concludes that because of the propaganda value of attacks and the prospect of rich ransom rewards, American business concerns abroad can expect ever-increasing terrorist raids in the future. The study also holds little hope for effective international control of terrorists. (*New York Times*, 10/9/77, p. A11)

**TERRORISM.** Participants in a conference called to discuss ways to control terrorism agree that the key to controlling terrorism lies in the kinds of surveillance and infiltration of dissident groups for which the CIA and FBI have been criticized lately. The steps some European governments have already taken to check terrorism show "how easily democracy can sustain limitations in the name of security." [The panelists included spokespersons from right-wing groups such as "Research West" and evidently did not address the question of the ways that secret police have historically generated terrorism. See First Principles, March 1977.] (*Washington Post*, 10/19/77, p. p. A8)

**WIRETAPPING.** Jack Anderson reports that American Telephone & Telegraph had to appeal directly to the White House in order to prevent the publication of a do-it-yourself wiretapping manual prepared by the Office of Telecommunications Policy at a cost to the government of \$47,000. White House aides agreed that publication of the manual would not be in the public interest. Exactly why the wiretapping instructions were compiled in the first place remains a matter of dispute. (*Washington Post*, 10/14/77, p. C17)

**WIRETAPPING.** Charges that between 1968 and 1970, the progressive New Haven Chief of Police James Ahern and his brother illegally monitored thousands of telephone conversations have surfaced in current police board hearings in New Haven. The wiretaps, in which the police were aided by the FBI, were directed at the city's large antiwar and black militant communities. The local FBI was simultaneously carrying on its own set of taps under orders from Attorney General John Mitchell and FBI Director J. Edgar Hoover. (*Washington Star*, 10/16/77, p. A10)

## In The Literature

### BOOKS

Burleson, Clyde W., *The Jennifer Project* (Englewood Cliffs, N.J.: Prentice-Hall 1977). An account of the CIA's unsuccessful 1974 attempt, with the aid of Howard Hughes' *Glo-Mar Explorer*, to recover a Russian submarine that sank in the Pacific in 1968. The book provides a technical description of the Project, but does not treat behind-the-scenes issues such as the CIA's decision-making and direction of the Project.

Corson, William R., *The Armies of Ignorance* (New York: Dial Press, 1977). Written by a former Marine Intelligence officer, this book details the workings of the U.S. intelligence establishment, including J. Edgar Hoover's defiance of Presidents from Coolidge to Nixon, congressional conflicts with the intelligence community, and the CIA's international financial connections.

National Lawyers Guild, *Raising and Litigating Electronic Surveillance Claims in Criminal Cases*, (Lake Law Books: San Francisco, 1977) \$27.50. Includes chapters on history of electronic surveillance; nature, extent and technology; motions; challenging government denials or partial admissions, court authorizations, surveillance of attorneys, and warrantless national security surveillance; and taint hearings.

Rositzke, Harry, *The CIA's Secret Operations: Espionage, Counterespionage, and Covert Action*, (Reader's Digest Press: New York, 1977), 273 pp. A CIA man's discussion of the agency's activities, goals, some of its failures, and some recommendations for changes.

### ARTICLES

Aronson, Harvey, "The Informers," *Cosmopolitan*, Oct. 1977, p. 251. A survey of the activities of over 40,000 persons working for the government as informants, including in political surveillance.

Bernstein, Carl, "The CIA and the Media," *Rolling Stone*, 20 Oct. 1977, pp. 55-67. Bernstein's widely-publicized report of 400 American journalists who have in the past 25 years carried out secret assignments for the CIA. A full range of clandestine services were provided by a diverse group including Pulitzer Prize-winning reporters, free lance writers, and full-time CIA operatives posing as journalists abroad.

Borosage, Robert L. "The New, Improved FBI," *In These Times*, 5-11 Oct. 1977, p. 6. An outline of the challenges that will face Judge Frank Johnson in reforming the FBI after Johnson is confirmed as the new FBI Director. This piece also contains a profile of Judge Johnson by Linda Parnham.

Brown, Lester R., "Redefining National Security," *A Worldwatch Paper*, Worldwatch Institute, 1776 Massachusetts Ave., NW, Washington, DC 20036. Published Oct. 29, 1977. The current focus on military definitions of "national security" may well disrupt more basic human rights, such as the need to maintain a viable environment and food supplies.

Cohan, Jeff, "My Tennis Partner Was an Agent!" *In These Times*, 19-25 Oct. 1977, p. 24. An account of an undercover police officer's infiltration of the Los Angeles-based Campaign for Democratic Freedoms.

Cohen, Stu and Stein, Jeffrey, "The South Korean Papers," *Boston Phoenix*, 11 Oct. 1977, p. 8. The South Koreans developed their own enemies list in 1974, and developed a plan for dealing with Japanese and American opponents, such as Edwin Reischauer, of South Korean President Park Chung Hee's regime.

Eichman, Barbara, "A Bibliography on Privacy," *The Privacy Report*, Sept. 1977, pp. 2-15. An annotated bibliography listing books, articles from law reviews, professional journals and popular magazines, publications by government agencies and private organizations, and reference and teaching materials pertaining to data collection and the right of privacy. Available from ACLU, 22 E. 40th . NY, NY 10016.

Hanrahan, John D., "Foreign Agents in Our Midst," *The Progressive*, Nov. 1977, pp. 31-35. Under a quid pro quo arrangement, foreign secret police agents are free to operate in the U.S. with the understanding that the CIA will have a relatively free hand in their countries. As a result, thousands of naturalized citizens and aliens are subjected to intimidation, threats and other forms of political harassment. Most of the agents of such foreign operations as DINA, KCIA, and SAVAK are registered as diplomats and therefore immune from prosecution.

Hosenball, Mark, "England Boots a U.S. Reporter," *MORE*, Oct. 1977, pp. 40-5. The author relates the curious circumstances surrounding his and Philip Agee's deportation from England earlier this year, and shows how intelligence secrecy and the Official Secrets Act can produce bizarre results. He believes the purpose of the deportation was to restrain investigations of British intelligence, but its effect has been the opposite.

Horrock, Nicholas M. "Under Turner, Spy Business Is Not What It Was," *New York Times*, 30 Oct. 1977, p. E4. It is claimed that Carter's executive order, expected soon, will streamline U.S. intelligence activity, end bickering between various intelligence agencies, and protect the civil rights of citizens. It is not expected, however, to settle the struggle for control of the intelligence apparatus between CIA Director Turner and Defense Secretary Harold Brown.

O'Toole, George, "This is Your Life, As Documented by Government and Private Agencies You Never Dreamed Were Peeking," *High Times*, Sept. 1977, p. 58. Although such laws as the Freedom of Information and Privacy Acts have opened up government files to public scrutiny, the private sector's dossier establishment is, with the single exception of retail credit bureaus, completely unregulated. Private file builders such as corporate security departments or private detective agencies are free to collect every sort of gossip, misinformation or outright lies about a person.

Roark, Anne C. "The CIA on the Campus," *The Chronicle of Higher Education*, 26 Sept. 1977, p. 7. A summary of the CIA's MK-ULTRA program, on a school-by-school basis.

## In The Literature

(continued)

Shapely, Deborah. "Who's Listening? How NSA Tunes In On Americans' Overseas Phone Calls and Messages," *Washington Post*, 9 Oct. 1977, pp. C1 & C4. Advances in computer technology have allowed the National Security Agency to intercept satellite-transmitted international communications, retaining huge quantities of information in computerized data files in what amounts to a covert, intrusive surveillance of citizens.

Stein, Jeffrey. "The Letelier-Moffitt Mystery," *The Progressive*, Nov. 1977, pp. 36-9. In the year since the assassination of former Chilean Ambassador Orlando Letelier and his aide Ronni Moffitt, the Justice Department and the media have conducted investigations marked by ineptitude and political intrigue. And despite evidence that Cuban exiles, trained by the CIA and working for the Chilean junta, were responsible for the deaths, the Carter administration is strengthening its ties with the Chilean government.

Zulc, Tad. "Why Rockefeller Tried to Cover Up the CIA Probe," *New York*, 5 Sept. 1977, pp. 8-10. In 1974 CIA Director William Colby was asked by then-Vice President Nelson Rockefeller not to reveal too much to the Rockefeller Commission which was investigating illegal intelligence operations. Was this because as Eisenhower's Special Assistant for Cold War Planning Rockefeller had personally approved those same programs?

Theoharis, Athan. "Double-Entry Intelligence Files," *The Nation*, 22 Oct. 1977, pp. 393-7. This article describes FBI and other agencies' use of elaborate procedures to keep material out of regular filing systems in order to prevent public/congressional knowledge of questionable or illegal activities.

Volkman, Ernest and Cummings, John. "Murder As Usual," *Penthouse*, Dec. 1977, p. 112. The authors allege that the CIA undertook a Chilean-style destabilization program in Jamaica starting in 1975 which included inciting violence and making three attempts on the life of Socialist Prime Minister Michael Manley.

Wicker, Tom. "A Green Light for the Junta," *New York Times*, 28 Oct. 1977, p. 31. Despite claims by the Carter administration (see *In The News*, p. 12) that its human rights policy has led to the release of political prisoners in (among other countries) Chile, opponents of the military junta of Gen. Pinochet continue to be arrested, detained, and tortured. Wicker suggests that the U.S. pressure Chile into accepting—for the first time ever—a UN mission to investigate human rights in that country.

"Did Hunt Pen 'Times' Column?" *MORE*, Oct. 1977, p. 6. Former CIA officer and Watergate conspirator E. Howard Hunt says that an article he wrote in 1967 on Soviet spies at the request of then-CIA Director Richard Helms was published virtually unchanged in the *New York Times* under the byline of C. L. Sulzberger. Sulzberger would not comment specifically on the article in question but denied that he had ever worked for the CIA in any capacity.

### NEWSLETTERS

Nicaragua Update and Nicaragua People's News. The first is a bi-monthly publication reporting on corruption and human rights violations in Nicaragua and documenting U.S. support of Somoza. The latter is a monthly informational bulletin designed to communicate events as they happen in Nicaragua, as well as local and international activities to remedy the situation there. Contact D.C. Nicaragua Solidarity Group, P.O. Box 32308, Washington DC 20008.

## In The Courts

FBI/COINTELPRO. *Kenyatta v. Moore*, Civ. No. J 77-0298(R) (S.D. Miss., Complaint filed Aug. 24, 1977). Suit seeking damages for constitutional violations by FBI under COINTELPRO.

FOIA/CIA RELATIONS WITH OUTSIDE ATTORNEYS. *Halperin v. CIA*, Civ. No. 77-1859 (D.D.C., filed Oct. 28, 1977). Suit for CIA files on relations with outside attorneys.

FOIA/COURT RECORDS. *Cooper v. IRS*, Civ. No. 77-920 (D.D.C., Memo and Order of Oct. 26, 1977). Documents placed in the public record of a trial court cannot be withheld under FOIA even if a statute would prohibit or permit withholding under exemption (b)(3) had the documents not been introduced into the public record.

FOIA/PERSONAL FILES. *Flower v. FBI*, No. SA-76-CA-349 (W.D. Tex., Memo and Order of Oct. 12, 1977). FOIA case for personal files. In face of cross motions, the court orders discovery to proceed and government to submit documents for *in camera* inspection, along with index to be given to plaintiffs.

STATE SECRETS. *U.S. v. ATT and Moss*, No. 76-1712 \_\_\_\_ F.2d \_\_\_\_ (D.C. Cir., decided Oct. 20, 1977). In case involving House Committee subpoena to phone company for records relating to national security electronic surveillances, the court (per Levanthal, J.) seeks again to promote a compromise. The court does hold that the executive branch claims to conduct national security surveillances are subject to court review when they conflict with "an equally legitimate assertion of authority by Congress to conduct investigations."

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suggest that the problem has gone away.

In the case of journalists agency spokesmen repeat a ritual phrase which, while it seems to end all CIA use of journalistic cover, leaves at least these loopholes: freelance journalists who contribute regularly to American journals of opinion; employees of news organizations, such as Reuters, which operate extensively in the United States but are not American owned or run; those who simply pretend to work for non-existent news organizations, and executives of news organizations. The documents released in the *Phillippi* FOIA lawsuit and which record the CIA efforts to suppress the *Glomar Explorer* story show that many such executives still see themselves as working with, if not for, the CIA.

In the case of the secret CIA agents on campus (an issue explored but not explored in the Church Committee report) the Agency is now confronted by guidelines from Harvard University which requires that agents to publicly identify themselves. In response the CIA has reportedly told Harvard that it recruits all of its "staff" by open means. That is, of course, simply a definition since the CIA labels those recruited as "non-staff" with titles such as "assets," "operatives," "agents" and the like.

In both cases the CIA is not only continuing to do things that it wants the public to think it has stopped doing but it is also showing its continuing disrespect for the democratic process by its twisted and convoluted use of words to mislead public debate and scrutiny.

CIA background investigations of Americans whom the Agency says they are considering for potential recruitment is probably the single largest set of CIA operations now directed at American citizens. Such investigations involve gathering information by various surreptitious means — such as disguising agents as employees

of credit bureaus — to gain information on an individual who does not even know that he or she is being "considered" for a possible assignment by the agency and who has not given permission for the investigation.

In *Weissman v. CIA*, an FOIA case involving the files of an activist, the Court of Appeals for the D.C. Circuit concluded that such investigations are a violation of the Act of Congress which set up the CIA. Yet the CIA and the White House decline either to amend the Executive Order which authorizes such investigations or to say clearly whether there has been any change in CIA practice. Indeed the government is now arguing that, if the *Weissman* decision had had far reaching implications, the Justice Department would have asked the Supreme Court to review the decision. Since *Weissman* was not appealed, the administration seems to be saying, it cannot mean what it appears to mean.

Admiral Turner, the Director of Central Intelligence, is showing a desire to focus his attention, as he should, on producing a better intelligence product. He clearly would prefer that the issues of covert operations abroad and spying on Americans went away, but they will not. The debate on covert operations is some time off and will almost certainly await the results of the inquiries by the oversight subcommittee of the new House Intelligence Committee.

The debate on the CIA at home is on and it will not end until the agency comes clean and states precisely what it claims it has the right to do and then accepts the new legislation that results, even if that legislation goes further than the Agency wants. The new charter may well, in fact, do what Congress intended to do in 1949 — prohibit the CIA from surveillance of any American who wants to be left alone. ■



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*"Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."* JAMES MADISON TO THOMAS JEFFERSON, MAY 13, 1778

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## Point of View

# The CIA at Home

MORTON H. HALPERIN

Some universities in the U.S. have chosen to make public the details of covert CIA drug testing programs which had been sent to their officials (see *In The News*, p. 11) and these revelations remind us once again that the CIA views the United States as a workshop to test its "sources and methods." Getting the facts out is part of the remedy, but the focus on drug testing has had an unfortunate side effect — it centers attention on the past and reinforces a sense that all of this is over. It fosters a belief that, whatever the CIA may be doing abroad against foreigners, it no longer spies on Americans. This is what most of us believe and all of us would like to believe. It remains far from the truth.

The details of ongoing operations remain secret but there can be little doubt that the Agency still spies on Americans in a variety of circumstances: its agents roam the campus seeking potential recruits, it conducts secret background investigations on "potential assets," it investigates journalists with whom it hopes to share information, and it targets Americans traveling abroad who are judged to be a "threat" to national security.

Executive Order 11905 issued by President Ford (see the Mar. 1976 *First Principles*) and still in effect authorizes each one of these operations for an agency that was set up to operate only abroad. Press reports indicate that a new executive order on the CIA which is being drafted by the Carter administration will do

no better than continue the restrictions (riddled with loopholes as they are) in the Ford order and may even expand the CIA's authority to spy on Americans.

CIA activities abroad which target American citizens are probably least understood. There is much circumstantial evidence that the CIA on its own and in cooperation with foreign intelligence services conducts electronic surveillance of Americans without meeting the constitutional requirement that there be probable cause (or even any suspicion) that they have committed a crime.

Such activities in the past are now under litigation in a suit (*Halkin v. Helms*) directed at Operation CHAOS. The Justice Department has obtained a gag order (which has been appealed) that prohibits discussion of the documents released to the plaintiffs' attorneys in that case. However, the fact that the Justice Department has now hired private attorneys for the defendants in that case suggests that, based on their past practice in avoiding conflicts of interest, the Department believes that illegal actions may have taken place. And since no new restrictions have been put on the CIA abroad, this raises serious questions about what is now going on.

With problems of journalists and of secret agents on college campuses, the CIA continues to use doublespeak in an effort to

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