

utilized, such an office would be justifiable in terms of money and effort as a war plans unit, expandable in case of international conflict. A joint congressional committee should find such a unit easy to monitor, and the intelligence personnel working in it could then expect a reduced number of congressional overseers, as opposed to the six committees now observing covert operations.

The office I propose would call on expertise derived from experience. It would not employ airlines or mercenaries or exotic paraphernalia, but would need the capability to provide friends with imaginative advice and what British intelligence officers have sometimes called "King George's cavalry"—money.

Covert action is a stimulating business, a heady experience for those who sponsor it and for its practitioners. If not used in moderation it is as dangerous as any stimulant. But to suggest that covert action be abandoned as a political option in the future is, in my opinion, injudicious, if not frivolous. Some say that covert action should be abolished because of past mistakes. This would be as foolish as abolishing the office of the President because it has been once abused, or to disband our army in peace time would be.

The committee is aware of the 2-year study recently conducted by the Murphy commission.¹ A conclusion of this review is that:

Covert action should not be abandoned but should be employed only where such action is clearly essential to vital U.S. purposes, and then only after careful high level review.

I agree. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Phillips. That was a very interesting presentation. And now, Mr. Halperin.

STATEMENT OF MORTON H. HALPERIN, FORMER DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL AFFAIRS; FORMER ASSISTANT FOR PLANNING, NATIONAL SECURITY COUNCIL STAFF

Mr. HALPERIN. Thank you, Mr. Chairman.

It's a great honor to be here and especially by the fact that I'm appearing on a panel with two gentlemen under whom I had the great honor of serving in the Department of Defense, Mr. Vance and Mr. Clifford.

I have a somewhat longer statement than the others, Mr. Chairman, and I would, therefore, propose to summarize it. But I would ask that the full statement be included in the record.

The CHAIRMAN. Very well.

[The prepared statement of Morton H. Halperin follows:]

PREPARED STATEMENT OF MORTON H. HALPERIN

Mr. Chairman, I consider it an honor and a privilege to be invited to testify before this committee on the question of covert operations. From this committee's unprecedented review of the activities of our intelligence agencies must come a new definition of what the American people will permit to be done in their name abroad and allow to be done to them at home. No problem is more difficult and contentious than that of covert operations.

¹ Report of the Commission on the Organization of the Government for the Conduct of Foreign Policy, June 1975.

It appears that I have been cast in the role of the spokesman on the left on this issue. It is an unaccustomed position and one that I accept with some discomfort. It should be clear to the committee that there are a great many thoughtful and articulate Americans whose views on this question are considerably to the left of mine, at least as these terms are normally used. I would not presume to speak for them. Nor, Mr. Chairman, am I speaking for the organizations with which I am now affiliated. I appear, as you requested, as an individual to present my own views.

I believe that the United States should no longer maintain a career service for the purpose of conducting covert operations and covert intelligence collection by human means.

I believe also that the United States should eschew as a matter of national policy the conduct of covert operations. The prohibition should be embodied in a law with the same basic structure as the statute on assassinations which the committee has already recommended.

These proposals are not put forward because I believe that no covert operation could ever be in the American interest or because I could not conceive of circumstances where the capability to conduct a covert operation might seem to be important to the security of the United States. I can in fact envision such circumstances. However, I believe that the potential for covert operation has been greatly over-rated and in my view the possible benefits of a few conceivable operations are far out-weighted by the costs to our society of maintaining a capability for covert operations and permitting the executive branch to conduct such operations.

The relevations made by this committee in its report on assassinations are in themselves sufficient to make my case. I will rely on these illustrations not because there are not many others of which we are all aware but rather to avoid any dispute over facts.

The case against covert operations is really very simple. Such operations are incompatible with our democratic institutions, with Congressional and public control over foreign policy decisions, with our constitutional rights, and with the principles and ideals that this Republic stands for in the world.

Let me begin with the last point. The CIA operations described in this committee's assassination report are disturbing not only because murder was planned and attempted, but also because the operations went against the very principles we claim to stand for in the world. In Cuba, the Congo and Chile we intervened in the internal affairs of other countries on our own initiative and in the belief that we had the right to determine for others what kind of government their country needed and who posed a threat to their welfare. We acted not because we believed those that we opposed were the tools of foreign powers kept in office by outside intervention; rather we acted in the face of assertions by the intelligence community that the leaders we opposed were popular in their own lands.

In the Congo our efforts were directed at keeping Lumumba from speaking and keeping the parliament from meeting because we believed that allowing him to speak or allowing the parliament to meet would have meant that Lumumba would be back in office. In Chile we preached to the military the need to ignore the constitution and to overthrow a democratically elected government. We warned that the alternative was deprivation and poverty for the Chilean people.

All of these things were undertaken in the name of the United States but without the knowledge or consent of the Congress or the public. Nor could such consent have been obtained. Can you imagine a President asking the Congress to approve a program of seeking to reduce the people of Chile to poverty unless their military, in violation of the constitution, seized power; or the President seeking funds to be used to keep the Congolese Parliament out of session so that it could not vote Lumumba back into office; or the authority to promise leniency to Mafia leaders if they would help to assassinate Castro. These programs were kept covert not only because we would be embarrassed abroad, but also because they would not be approved if they were subjected to the same Congressional and public scrutiny as other programs. That is one major evil of having a covert capability and allowing our Presidents to order such operations. The assassinations themselves may have been an aberration; the means and purposes of our interventions were not.

Another inevitable consequence of conducting covert operations is that it distorts our democratic system in ways that we are only beginning to understand. Covert operations by their nature cannot be debated openly in ways required by our constitutional system. Moreover, they require efforts to avoid the structures

that normally govern the conduct of our officials. One obvious area is lying to the public and the Congress.

We should not forget that the erosion of trust between the government and the people in this Republic began with the U-2 affair and has continued through a series of covert operations including Chile. Whether or not perjury was committed—and I see little doubt that it was—it is surely the case that the Congress and the public were systematically deceived about the American intervention in Chile. Such deception must stop if we are to regain the trust needed in this nation; it cannot stop as long as we are conducting covert operations. Given the current absence of consensus on foreign policy goals, such operations will not be accorded the deference they were given in the past. Critics will press as they do now on Angola and Portugal. And administrations will feel the need and the right to lie.

Surely at this point in time it is not necessary to remind ourselves of the certainty that the techniques that we apply to others will inevitably be turned on the American people by our own intelligence services. Whether that extends to assassination has sadly become an open question but little else is.

The existence of a capability for covert operations inevitably distorts the decision making process. Presidents confronted with hard choices in foreign policy have to face a variety of audiences in framing a policy. This in my view is all to the good. It keeps us from straying far from our principles, from what a majority of our citizens are prepared to support, from a policy out of touch with reality. The overt policies of the American government ultimately come under public scrutiny and Congressional debate. Long before that they have been subject to bureaucratic struggles in which the opponents of the policy have their day in court.

Our intelligence analysts are free to explain why the policy will not work. With covert policies none of this happens. Intelligence community analysts were not told of the plans to assassinate Castro and so they did not do the careful analysis necessary to support their view that it would make no difference. The Assistant Secretary of State for Latin America was kept in the dark about Track II in Chile so he was not able to argue against it and inadvertently deceived the public.

In fact, I would argue that the route of covert operations is often chosen precisely to avoid the bureaucratic and public debate which our Presidents and their closest advisers come to despise. That is precisely what is wrong with them. Our Presidents should not be able to conduct in secret operations which violate our principles, jeopardize our rights, and have not been subject to the checks and balances which normally keep policies in line.

You will hear, I am sure, various proposals to cure these evils by better forms of control. Such proposals are important, well-intentioned and certainly far better than the status quo, but I have come to believe that they cannot succeed in curing the evils inherent in having a covert capability. The only weapon that opponents of a Presidential policy, inside or outside the executive branch, have is public debate. If a policy can be debated openly, then Congress may be persuaded to constrain the President and public pressure may force a change in policy. But if secrecy is accepted as the norm and as legitimate, then the checks put on covert operations can easily be ignored.

Let me conclude by violating my self-imposed rule to draw only on cases in the assassination report and discuss some rumored current covert operations. I ask you to assume (since I assume that the committee is not prepared to confirm) that the United States now has underway a major program of intervention in Angola and a plan to create an independent Azores Republic should that prove "necessary". I ask you to consider how the Congress and the public would treat these proposals if they were presented openly for public debate. Congress could, in principle, vote publicly to send aid to one side in the Angolan civil war as other nations are doing and we could publicly invite the people of the Azores to choose independence and gain our support. But because we maintain a covert operations capability and because such operations are permitted, the President can avoid debate in the bureaucracy and with the Congress and the public. We can be drawn deeply into commitments without our consent and have actions taken on our behalf that we have no opportunity to stop by public pressure or to punish at the polls.

Mr. Chairman, in response to the position I have outlined briefly this morning, one is confronted with a parade of hypothetical horrors—the terrorists with

the nuclear weapons, a permanent oil embargo and the like. To these I would reply in part that such scenarios seem implausible and should they occur the likelihood that covert capabilities could make an important difference also seems remote. As to the consequences of legislating a total prohibition in light of the possible unexpected catastrophe, I am content to call your attention back to the committee's excellent treatment of this issue in your assassination report.

This country is not, in my view, in such dangerous peril that it need continue to violate its own principles and ignore its own constitutional system to perpetuate a capability which has led to assassination attempts, to perjury, and to the subversion of all that we stand for at home and abroad. We are secure and we are free. Covert operations have no place in that world.

Mr. Chairman, let me say again how grateful I am for this opportunity to participate in this historic debate. I have published two articles on this subject which I have attached to this statement and which I request be made part of the record of your hearings.

I look forward to your questions.

Mr. HALPERIN. Mr. Chairman, my view is really very simple. I believe that the United States should no longer maintain the career service for the purpose of conducting covert operations or covert intelligence collection by human beings.

I also believe that the United States should outlaw as a matter of national policy the conduct of covert operations, and I think this prohibition should be in a law similar to the assassination statute that the committee has already proposed.

Now I do not put forward these proposals because I believe that there never would be a situation in which the United States might want to conduct a covert operation or indeed, that there might not be a situation where that would seem important to people.

I do so because I believe that the evil of having a capability for covert actions, the harm that has come to our society and to the world from the existence of that capability, and the authority in the President for using that capability far outweighs the possible potential benefits in a few situations of using covert means. And I believe that in such situations the United States will have to use other means to promote its interest.

I think that the revelations made by this committee in its assassination report are sufficient to make that case, and I will therefore draw my illustrations from those.

It seems to me that covert operations are incompatible with our democratic institutions with congressional and public control of foreign policy decisions, with the constitutional rights of American citizens, and with the principles and ideals that we thought this Republic stood for in the world.

Let me begin with the last item.

The CIA operations described in this committee's assassination report are disturbing, not only, I would say, much less because murder was planned and attempted, but because these operations went against all of the principles that we believe in and stand for in the world. In Cuba and the Congo and in Chile we intervened in the internal affairs of other countries on our own initiative because we thought that we knew better than the people of those countries what kind of government they should have and whether they should be prepared to resort to assassination to change the kind of government that they seemed to be getting.

We acted not in the belief that the leaders of those countries were tools of the Soviet Union or of the international Communist con-

spiracy. Our intelligence agencies were telling us correctly that these men were popular leaders at home who had broad support within their societies, whether or not we liked their policies.

Indeed, it seems to me the case that we acted against them because we feared their popularity, we feared that Lumumba was a spellbinding speaker and so on.

In the Congo our efforts were directed at keeping Lumumba from speaking and directed at keeping the Parliament from meeting. We thus violated basic principles of American values, that a society should determine its course by free speech and by parliamentary democracy.

These are the things precisely that we feared and that our agents sought to defeat.

In Chile we preached to the military the need to ignore the constitution and to overthrow a popularly elected government. We warned them that the alternative would be the deprivation and starvation of the people of Chile. And then we carried out that plan after they ignored our proposals.

In my view these proposals and these operations were covert, not only because we would be embarrassed abroad if they came out, but precisely because they would not and could not be approved by the Congress and the public if they were revealed.

This is in my view the major evil of having a covert operations capability and permitting our Presidents to order covert operations, namely that they will order things that they know this society would not condone and that the Congress would not condone if they were made public.

Another inevitable consequence of conducting covert operations is that it distorts our democratic system, it distorts the way we should make decisions and normally do make decisions in this society, and it distorts the way public officials are supposed to deal with the Congress and the public.

One obvious area and one very disturbing area is lying. I think it is clear that lying is an essential part of covert operations, and the history of that bears it out. I think we should not forget, Mr. Chairman, that the erosion of confidence between the President, the executive branch, and the people in the society, in my view, started with the U-2 affair. We learned then that Presidents lied to us about what we do to other countries and what the United States is about. And that has continued through a long series of covert operations, the latest of which is perhaps Chile, or perhaps now Angola.

In my view, in the case of Chile, actual perjury was committed before Senate committees. Whether or not that is the case, it surely is clear that the Congress and the public were systematically deceived and systematically lied to about what we had done in Chile.

Now in my view such deception needs to be stopped if we're going to regain the trust that we need in this society. It cannot stop as long as we conduct covert operations. Given the current lack of consensus in our society about what our foreign policy interests are, every major covert operation will produce controversy inside the executive branch. It will produce controversy among those few Congressmen and Senators who are told about it, and the inevitable results will be press

leaks and the inevitable response to press leaks will be additional lies or additional deception of the American people.

Now, Mr. Chairman, I wrote those remarks before I read the committee's report on Chile, and I must say that reading that very much reinforces this view, and I would like to just call your attention back to the description in this committee's report on covert action in Chile.

From independence in 1818 until the military coup d'etat of September 1973 Chile underwent only three brief interruptions of its democratic conditions. From 1932 until the overthrow of Allende in 1973 constitutional rule in Chile was unbroken.

[See Appendix A, p. 144.]

Mr. Chairman, we are all aware of the precious few number of countries in which that is true, and I think all of us believed that the function of American policy in part was to maintain those kinds of institutions in those kinds of countries, and indeed, apologists of covert operations tell us that that is the purpose of covert operations.

But if one looks at the objective of the American covert operation in Chile during this period, they were not designed to maintain that system.

Our objective was not to preserve a free democratic election process in Chile. Our objective was very simple. It was to keep Salvador Allende from coming to power. We tried to do that by intervening in elections. We tried to do that by buying newspapers. We tried to do that by creating false propaganda which would scare the people of Chile. And when all that failed, when Salvador Allende received the vote and was going to be elected President of Chile, we went to the military of Chile, and said, you now have a higher duty. It is the duty to prevent him from coming to power by overthrowing the constitution, by overthrowing more than 40 years of constitutional democratic rule and the tradition going back more than a century.

We told them that if they did not violate those conditions, that we would do everything we could to destroy the economy of Chile, and when Salvador Allende came to power we did everything in our power to destroy the economy of Chile. And then we were told by the administration that we were not responsible for the coup because the day before the coup the generals who carried it out did not come to us and say, "should we carry out the coup?"

I think our responsibility for the coup in Chile, for the fascist dictatorship that exists there now, for the repression that exists there now, is very clear and is very clearly spelled out in the committee's report on covert action in Chile. We are told in that report that the actions in Chile are striking, but not unique. Unusual, but not unprecedented.

And I must say, Mr. Chairman, that in my own view, what the United States did in Chile would stand as a reason to abolish covert operations almost on its own.

I think we also know how these techniques can be turned back on our own people. The false propaganda, the surveillance, the COINTELPRO operations of the FBI, are of a piece with the things the CIA was doing abroad. Moreover, the existence of a covert operations capability inevitably distorts the decisionmaking process both within the executive branch and outside.

When the President proposes to do something overtly, he must consult with a large number of people within the executive branch. There is often an opportunity for debate. Officials on the intelligence side of the CIA can give their views and are consulted, and then the President must come before the Congress and debate the issue.

All of this can be avoided, all of this is avoided with covert operations. A very small number of people, most of whom are career officials who have spent their life planning covert operations, propose these things, and then four or five very busy senior officials, we now learn, by telephone approved these operations.

The United States is now conducting operations throughout the world which had been subjected to a telephone vote of senior officials based on the recommendation of career covert operators. Indeed, I would argue, Mr. Chairman, that one of the reasons Presidents choose covert operations is precisely to avoid the bureaucratic and public debates that they come to despise. They want to do things quickly. They want to do things without debate. Covert operations provide a way to do that, and that is why they choose those policies, and that is my view of what is wrong with them.

Now, Mr. Chairman, in response to the proposal that we should abolish covert operations, one is confronted with a parade of hypothetical horrors. The terrorists armed with the nuclear weapon, a permanent oil embargo, and the like.

To these I would reply that these scenarios seem to be exceedingly implausible, and should they occur, the likelihood that a covert capability would make an important difference also seems to me to be remote.

And if there is an unexpected total catastrophe, I would refer the committee back to its own dealing with this subject in the question of assassinations. The Constitution is not a suicide pact. The President does have the responsibility to act if it is genuinely necessary to save the Republic, and then he has the obligation to do what Lincoln did, to come before the congress and the public and to say openly, "Impeach me, don't reelect me. Stop this operation."

With covert operations as they now exist, the President never has the responsibility to come before the Republic to say what he did and to ask that it be approved or ratified.

Just to conclude, in my view this country is not in such dangerous peril that it needs to continue to violate its own principles and to ignore its own constitutional system to perpetuate a capability which has led to assassination attempts, to perjury at home, and to the subversion of all that we stand for in the world.

In my view, Mr. Chairman, we are secure and free and I do not believe that covert operations have any place in that world.

Thank you very much.

The CHAIRMAN. Thank you very much, Mr. Halperin.

I think I will begin my questions with you, if I may. The committee chose the Chilean case as a case history of a covert operation which should be made public because of its belief that it contained all of the elements, nearly all, that are normally associated with covert operations, and for that reason it is a highly instructive kind of report to issue. Second, because in the view of most members of this com-

mittee, at least, it contained the most drastic examples of abuse conflicting with all of our professed principles as a Nation and interfering with the right of the Chilean people to choose their own government by peaceful means in accordance with their own constitutional processes.

Now, you have suggested that all covert activity be banned. Would you include in that clandestine collection of information important to the intelligence needs of the country?

Mr. HALPERIN. I would not, but I do not believe we can collect intelligence information vital to the security of the United States by having human agents in the developing parts of the world. We could have a spy in the Kremlin. I'm quite prepared to have that. But as the committee report itself shows, if we send people to Chile to find out day to day whether there's going to be a coup, they end up influencing that coup just in the way they respond to the information, thus the Chilean military learned that we would want a coup.

In my view, the only purpose for which information of that kind is essential is to carry out coups, and if we give up covert operations in the Third World, then I think we can give up the presence on a routine basis of individuals in those countries who collect information.

Now, there may be cases where one can in fact collect very important information about the Soviet Union by having an agent in Paraguay. I would suggest that those be done on a case-by-case basis. I would say no agents abroad except if they are approved on a case-by-case basis to collect information about countries of genuine concern to us, and then put under very tight control.

The CHAIRMAN. In other words, you are not actually proposing a total ban on all covert operations but you would impose severe restrictions, even on the use of clandestine agents, for the purpose of collecting intelligence information.

Mr. HALPERIN. I am proposing, without the exception I mentioned, a total ban on all covert operations. I am suggesting that we greatly control but not eliminate human collection.

The CHAIRMAN. I personally believe that in our society, sooner or later, any covert operation of any scale is going to surface. It's just a question of time, and since that is one of the attributes of a free society, and a price that we are willing to pay, we might as well face up to it. This means that sooner or later any sizable covert operation that we undertake in a foreign country is going to come to light one way or another.

It is also my personal view that since that is true, and has indeed happened, the cumulative effect of these exposures has had an extraordinarily damaging effect on the good name and reputation of the United States throughout the world.

I'm concerned about the propriety, however, of writing into law an absolute ban for two reasons. The first you have covered. Who can forecast the future? We might be on the brink of some horrifying nuclear holocaust, and a covert operation of some kind might prevent the destruction of civilization. You say in that case don't worry because the Constitution is not a suicide pact and the President has and could draw upon his constitutional authority to preserve the Republic.

But I see a second case, unrelated to the imperatives of national survival, and that is a case like Portugal, where 85 percent of the

people have expressed themselves against a Communist regime and are struggling to achieve some kind of democratic government.

Now, assume in that case, that a very small and militant Communist minority covertly supported and financed by the Soviet Union is attempting to impose such a regime against the express will of a commanding majority of the people. Now, in that kind of case, if we were to elect to attempt to assist the democratic parties in the struggle, and the facts surfaced some months or some years later, that's not the kind of thing that we would have to plausibly deny in accordance with that doctrine. It would be a case that we can say, "Yes, we were there and we are proud of it, because what we tried to do clearly conformed with our traditional values as a nation. We stand for that."

I think that kind of covert activity would not be damaging to the good name and reputation of the United States, given those circumstances.

Now, my question to you is, what about cases of this kind in connection with your recommendation of a total ban?

Mr. HALPERIN. Let me answer that in two ways, Mr. Chairman. First, I would say that one has to weigh whatever benefits you think might accrue from that kind of activity in those situations against the cost of having the capability and having the President able to use it.

Second, my recommendation is not that we do not interfere in the affairs of other countries, but simply that we not do it by covert operations.

In my view the United States and the countries of Western Europe have quite properly interfered in the affairs of Portugal by saying to the Portuguese people, if you maintain a democratic, open system, we will give you some substantial economic assistance. If you get a government we consider closed and repressive, we will not. And I would say that we might well want to step up and increase that aid.

Now, as far as covert aid, I would say first of all I would not go to them, I would let them come to us. And then I would say, we will do it, but we will not do it covertly, and you have to choose between taking the aid openly or not taking it at all. It is no secret, for example, that the socialist parties of Western Europe give aid to Portugal, and Portugal takes it.

The CHAIRMAN. The difficulty I find with your answer to the situation I posed is simply this. It is easy to say in such situations, "Do it openly." But in the situation I described, there is a struggle going on for the kind of government that is going to be established, and overt, open foreign interference in that struggle would probably be highly counterproductive. It would be resented the way open, foreign interference in the political process in the United States would be resented. Doubtless it would backfire on the very groups we sought to help. Thus, I think that answer is too easy. It is too easy to say in such a situation, "let it be overt, let it be open, let them come to us and we will give them economic assistance or foreign aid," when that doesn't really address itself to the kind of situation that exists there.

The Russians, if it were profitable for them to come in openly, would be doing it openly, but they recognize, I suppose, that such open intervention would be counterproductive to their cause. I'm saying that there may be situations where the United States could act covertly, but would not be embarrassed later when it became known because our

action was in line with our best traditions, helping people when they needed help to achieve free government.

The problem I see with covert operations in the last 20 years is that they have been utterly directed toward the opposite objective, keeping all kinds of despotisms, corrupt, rotten regimes in power all over the world. When we have been exposed in having done it, we have been severely damaged, and we have really lost our capacity for moral leadership.

Mr. HALPERIN. If you say that, if the situation is one in which the aid could only be given secretly, I would think one would have to weigh how often you think it will occur, how important you think that will be against the consequences which we have seen in the past of having a covert capability, and whether you think you can correct it. But I agree that is a hard balance, and my view is that we can help those people enough in open ways that we should not take the course of having covert operations.

The CHAIRMAN. Would any other members of the panel care to comment on this particular question?

Mr. CLIFFORD. Might I do so?

The CHAIRMAN. Please.

Mr. CLIFFORD. I find Mr. Halperin's eloquence on Chile very impressive. The main reason I find it so is that I agree with him completely insofar as Chile is concerned. I think we never should have gone into Chile. I think that our so doing violates the restriction that we should use covert operations only when the national security of the United States is involved.

I do not believe the national security of the United States is involved in Chile. I think we never should have gone in. So when he talks about Chile, I agree with all that he says, and I agree also with the emotional factor that is present there in his comment. At the same time, we must be careful when we feel emotionally about a situation of that kind that we don't permit ourselves to be affected when we must reason out a legislative enactment for the future.

We cannot foresee what lies ahead. We must be very careful that we do not restrict ourselves because of the lack of prescience that we have as to what the future will bring.

Now, I know there have been covert activities on the part of our Government that have been very valuable. Almost the first one that we took, the first step that we took was in early 1948 under President Truman, when it was entirely possible that the future of Western Europe was at stake. You will remember that he enunciated the Truman doctrine message in 1947 that saved Greece and Turkey, most historians believe, and then in the spring of 1948 there was an enormously important election in Italy. The Communists were very prominent. It looked as though they were going to win. If Italy had gone Communist, at that time, the Mediterranean could have very well gone Communist, and the impact on France and Belgium and other countries in Europe would have been very profound.

The United States saw fit to conduct a covert operation in Italy. Had they done so openly, it not only would have been counterproductive, but I think it would have assured a Communist victory.

The United States is not liked in a great many parts of the world. It isn't particularly liked in South America, for instance, and as soon

as the United States presence is known, then its allies in that particular country are under suspicion. I think, for instance, one of the curious results of our efforts in Chile is probably to reduce substantially the standing of the Socialist Democratic Party which we were attempting to help. And that's what we have to be so careful about.

So, because there have been failures, we should not restrict ourselves because there have been successes. We should not freewheel. We should find a middle ground so that we profit from the mistakes of the past but still leave ourselves open to the opportunities of the future.

Thank you.

The CHAIRMAN. I have just one followup question for you in that regard, Mr. Clifford, and then I will turn to other members of the committee.

You have given us some recommendations concerning changes that need to be made, and one of those recommendations was to establish a joint congressional oversight committee which would participate in future covert action decisionmaking.

I take it from what you said that this is not a matter that can be likened to the present law in which the Executive decides to undertake covert action and afterward simply reports that decision to six different committees of the Congress, but that your concept would be such that a new committee would at the very least have a consultative role. In other words, it would be advised in advance of the initiation of any new significant covert operation. This proposed committee would be given an opportunity to express its own opinion either for or against it, and thus bring its influence to bear on the final decision of the President. It would have the tools, that is, the fiscal tools, if an administration persisted in going against its advice, to reduce appropriations or to retaliate in some way that is consistent with the congressional control of the purse strings.

Mr. CLIFFORD. Yes, Mr. Chairman. I think that on this particular issue, the whole future of the efforts of this committee and the future of our country insofar as covert activities are involved, depend on that major premise. You cannot be assured of proper oversight if you leave it all to the executive branch of the Government. It doesn't work that way. The power of the institution of the Presidency is so great in the executive branch of the Government that he can avoid almost any kind of oversight that you might set up within the executive branch. He, as a member of the National Security Council, appoints the other members of the National Security Council, so they become his men.

They in turn appoint the 40 Committee, so he has complete control over them.

The Rockefeller Commission suggested that the President's Foreign Intelligence Advisory Board be greatly strengthened and that they could constitute the oversight. I disagree. It is very limited, the function that they can perform. They are all appointed by the President. If the President chose to, technically he could just appoint individuals whose views he already knew, and whose attitudes were exactly similar to his.

So there is no real protection there within the executive branch of the Government. If you're going to get the protection that we have to have, you'll get it only, I believe, from the legislative branch of our Government. In this regard, if I might say with all respect, I believe

the Congress has failed up until now because since the enactment of the National Security Act of 1947, 200 bills have been presented in the Congress of the United States looking toward greater control and oversight. Of these, about 147 of them had to do with setting up a special committee of the kind that we are talking about.

Out of 200 bills, all of them died in committee, I think, except two, and those two got to the floor and were very substantially defeated.

Now, what the background of that is I do not know. Lots of time I don't understand the legislative mind, but I'm telling you only what the result is of those particular efforts.

Now, what we must do is recognize that this is where the oversight must be. I think that we can arrive at a plan which is constitutional and does not involve the encroachment upon the executive branch, as you suggest. If the President is under the obligation of referring a covert plan to the special committee, I would hope it would be a small committee, and after referring the plan, the committee has a chance to study it. They then report to the President, and they could report to him that they are opposed to it.

Now, that cannot control the President under our Constitution, but he certainly proceeds at his peril after that. He might choose to abandon it if he finds that the oversight committee refuses to approve it. He might choose to modify it in such a manner that he would gain their consent. If, however, they still say we reject it, and he chooses to go ahead, he must have that right to do it under our Constitution. Then, however, the Congress, through this committee, can choose to exert its appropriating capacity, and can refuse to appropriate the money.

In this way I think we get a kind of oversight that we need. We know that the whole CIA operation has been abused in the past because of the enormous power of the President. This plan, I believe, in this area will prevent the kind of concern that Mr. Halperin properly has about many mistakes of the past that we have engaged in. Thank you.

The CHAIRMAN. Thank you. Do you have any comment you'd like to make, Mr. Vance, on that aspect of the committee's function?

Mr. VANCE. No. As I indicated in my opening remarks, Mr. Chairman, I agree with what Mr. Clifford suggested.

The CHAIRMAN. Let's go then to Senator Hart.

Senator HART of Michigan. Maybe my asking you to define national security is asking the impossible, but if it is, the Congress won't be able to define it either. So we ought to face it. So I ask you, Mr. Clifford, what do you mean by "national security" specifically? Today in Angola? Years ago in the Congo?

We're told that Soviet aid and Cuban military people are in Angola, and there are a lot of financial resources there. If the national security of this country involved—

Mr. CLIFFORD. Senator, there is no definitive decision or definition of the expression "national security" and there cannot be. What is a national security problem today might not be a national security problem at all 6 months from now, and vice versa. But we have to have an inclusive type of expression of that kind so that those who are in charge of our Government will be faced with the responsibility of determining whether the threat that exists is such that it has a profound impact upon the continued existence of our country.

I give a rather serious and rather restrictive connotation to the expression. At one time it was said that we were in Southeast Asia because our national security was involved. I think that was erroneous. I don't need to go back over that whole thing, but I think our national security was not involved in Southeast Asia. I believe our national security was never involved in Chile.

Now whether Portugal involvement is a matter of national security is a question that must be left to our country's leaders who have the information to understand what other countries are doing there, who understand how serious the threat is, whether there would be an impact upon NATO, and whether to have a communist country within the confines of the NATO organization would lead us into a posture where we would be concerned about the continuation of that program in Europe.

Also, Senator, I think our country's leaders must have a general idea of where our country's interests lie in the world.

Now we know, for instance, that all that happens in the northern hemisphere is of importance to us. We're very concerned with what happens in Canada and Mexico, and perhaps in the Caribbean. That's an area of immediate concern to us. Also, Europe, traditionally after two world wars, we know, is an area of enormous interest and concern to us.

I think we have come to know the Middle East is. I think we know that the position that Japan occupies in the Pacific is a matter of continuing concern.

So I believe we have to have some general concepts in our mind as to where the areas in the world are that really involve our national security. This then eliminates a lot of areas in the world where we are spending a lot of money now and spinning our wheels and I think doing it improperly.

Senator HART of Michigan. But your answer suggests that there are many factors which, forgetting the geographical location, could be assigned as justification for the conclusion that there is national security sufficient to justify covert action.

Several of you have spent time in the White House. Is there something about the White House that generates the tendency to view as a grave threat activities and developments which are seen by outsiders as merely intense economic competition? Is there something about the responsibility, perhaps attached to the Executive that produces this kind of dynamic that you and I outside would think was just hard-nosed diplomatic convenience, but if you were the President you would regard it as—

Mr. CLIFFORD. I'm not conscious that such an attitude exists, Senator. To a great extent the attitudes within the White House are controlled by the attitude of the President of the United States. And if a President has, as a part of his makeup, a feeling of concern over certain types of developments in the world, if, for instance, on occasion, he feels that his personal reputation is involved in some international imbroglio, those attitudes will be reflected by the men who work for him in the White House.

We've had some men in the White House who reacted very conservatively to developments abroad and handled them very intelligently. We've had some dire emergencies like American planes being

shot down or ships being sunk, and some men reacted violently to such incidents and some reacted, I think, with great maturity.

So that there is no generalization that can be made. We've had a recent incident, as you know, that I think to a great extent divided the American people, and that was the decision that was made with reference of the *Mayaguez*.

Senator HART of Michigan. That wasn't covert.

Mr. CLIFFORD. But I'm talking about the general reaction to danger that occurs in the world. Some felt that that was the thing to do, and I thought it was a disaster from the standpoint of our country. But that's the way different men look at it. So there is no generalization that I think can be made.

Senator HART of Michigan. Mr. Vance, do you have a memory of those days?

Mr. VANCE. Yes. In addressing the first question that you put to Mr. Clifford, I don't know whether it really helps but I think I would define national security as a matter that affects the vital interest of the United States. That helps me a little bit in trying to describe the kind of matters that would be encompassed within the national security. I don't know whether that would help others, but it helps me.

Senator HART of Michigan. Where does that leave you on the business of the Congo and the threat of a pro-Communist government involved in the Congo [now Zaire]? Does that justify covert action in the Congo?

Mr. VANCE. I can only answer that by saying that one has to, I think, take it in the context of the world situation as viewed by the President and his advisers at that particular point in history. I agree with what Mr. Clifford has said and I don't think that you can write a statute which is so precise that one is going to have a yardstick against which to measure it. So it's ultimately going to depend on the President and his advisers and those in the Congress with whom he will be consulting.

Therefore, that would lead me to the conclusion that if you established the oversight committee that we had been talking about, this then broadens the focus that is brought to bear in determining whether or not the matter in question indeed affects a vital interest of the United States and thus its national security.

Mr. CLIFFORD. Senator, could I add a sentence to that? I think what we've been going through as a country is that after the Second World War we felt very strongly the responsibility that existed upon this Nation because we came out of the war with enormous power. The rest of the world really was prostrate and so we accepted more and more responsibility. When any trouble happened in the world, we felt it was our burden to go and straighten it out, whether it was in the Congo or whether it was in Chile or wherever it was. Well, finally, it got to be in Southeast Asia, so we had an international concept at that time which I think, as the years have passed, has proved to be erroneous.

So that today I think the proper attitude is, we do not have this worldwide responsibility if we're talking about being the policeman of the world.

So if before we thought that the Congo was important, I don't think it is so today. I don't believe that Chile affects our national security.

It's difficult for me to find places in the world outside of the major powers that I believe actually affect our national security.

So my hope is that we have been through a period that greatly enlarged the term "national security," and I hope now in the future it will be greatly restricted.

Mr. VANCE. I would like to say I agree with that.

Senator HART of Michigan. When Mr. Halperin commented that actions had been undertaken covertly which Congress and the people of this country would not have tolerated if they had been brought up to debate, I made a little note here. I'm not so damn sure, because it's hard to recreate the mood of the 1950's. We shouldn't have permitted them, but I'm not sure we would have prohibited them.

The suggestion is made, however, that we grapple with the definition of national security. Mr. Clifford says "whether or not a certain covert project really affects our national security." Mr. Vance suggests "essential to our national security." And however we handle that, you then say both of you that we need a joint congressional committee so that we can filter the covert action proposals that a President wants to undertake.

Mr. Halperin makes the point that the basic charm to covert action is its secrecy, and that joint committee is going to come in and respond to the problem of secrecy. There will be a vigorous public debate with respect to the justification for it or the assumption which gives rise to the conclusion via the White House that this is essential to our national security.

My question is—and this admits to something less than perfection on the part of Congress—is it realistic to expect 5 or 10 Members of Congress, no matter how dedicated, to really be able to challenge the arguments of the whole national security apparatus without having the political support of public debate and public reaction?

Mr. CLIFFORD. If you're asking me, Senator, I think the answer to that has to be, yes.

Senator HART of Michigan. You mean you hope the answer is yes?

Mr. CLIFFORD. Well, it has to be yes, if we're going to continue to stay in the covert business.

Senator HART of Michigan. Well, that's the big "if."

Mr. CLIFFORD. And I am convinced that it is important that we stay in the covert business on a greatly restricted basis. I find that in analyzing all of the different oversight plans suggested to me, the best is where a President or his chief intelligence officer must bring the matter to a congressional committee and there get their reactions. I believe that any President would proceed under substantial duress if he was proceeding against, let's say, the unanimous opinion of a 10-member committee in the Senate and the House.

Senator HART of Michigan. I'd like to have Mr. Halperin react quickly to that, but I described the massive national intelligence apparatus and I don't know how massive it is when it comes up here, but we can't wrestle really effectively even with public debate with the massive professionalism of the Pentagon. They run us around this track even with the benefit of public debate.

Mr. Halperin, how do you feel?

Mr. HALPERIN. Senator Hart, I disagree with Mr. Clifford only at great peril. I think that what he has told you comes out of a profound knowledge and experience in the executive branch that what many members of the Congress think is a solution to the problem, executive oversight, will not work and cannot work. I think it's very important that you take the experience of men like Mr. Clifford to understand that.

I would submit that if Mr. Clifford had spent 15 or 20 years working in the Congress, as he has with the executive branch, that he would be equally pessimistic about the possibility of the Congress exercising that oversight. And it is only out of an ignorance of how the Congress works, that he told us about before, that he thinks that Congress can fulfill that role.

My view is that neither executive oversight nor legislative oversight can work, precisely for the reason that you suggest, namely, that there is no standard. What is vital to the national security interest is what the President wants, and the President will always be able to overrule or persuade 10 Members of Congress, or people he's appointed in the executive branch.

Senator HART of Michigan. I think the records should show that Mr. Vance is shaking his head in disagreement with Mr. Halperin.

The CHAIRMAN. I would like to ask Mr. Phillips a few questions about his proposal that covert action should be taken out of the CIA entirely and lodged with a very small, new agency which would be available on those few occasions when it was needed. But it would not be an apparatus of the kind that we have today which initiates, or tends to initiate, covert action on a broad scale.

I think that this point has a great deal of validity. From what I have seen, the apparatus that exists today is not only self-perpetuating but it tends in the direction of expanding covert actions of every kind and character, because those who are engaged in it are professionals and depend for their promotions, for their advancement within the Agency, upon thinking up such schemes and pulling them off. Thus, you have a kind of self-initiating process that presents these schemes to the President in such a way that he can scarcely resist them, and off we go this way and that. Are you proposing something that is comparable to the discreet sort of British system that I am told once existed and maybe still exists? Is that your idea?

Mr. PHILLIPS. Not precisely, Senator, but perhaps to some degree. There are a number of reasons. I think perhaps the first reason is that there has been a debate for a number of years and this debate has ensued within the CIA intelligence community, as well as the public, as to whether it is appropriate to have covert action practitioners working in the same organization which comes up with intelligence estimates.

As I say, this has been pretty much of a 50-50 proposition, but I think that if you can take a vote out at Langley, you will get sort of that split. And I would hope by changing this, it certainly would resolve that problem. I think a step like this might be important because there's no question that at this moment the CIA and the intelligence community has a public relations problem of some magnitude. When you have public relations problems of that kind, you try to take some

sort of action to help resolve it, and this would be one of the steps that would do it.

By limiting such a new office in its capabilities and paraphernalia, there would be less chance that we would engage in those massive kinds of covert actions, the Bay of Pigs for instance, which are clearly not going to be covert and not in the long run going to be productive.

There's a third reason, and that reason is that I know that there are an awful lot of people working in American intelligence, dedicated people who have spent their lives working in intelligence, and some percentage of that time, perhaps, in covert action.

Until recently, these people have been pleased that they have been called to the White House and thanked by American Presidents, but now they feel that they are shabby people.

If covert action were taken from the CIA, these people could get on with the essential business that they have of foreign intelligence collection. It would restore some faith that has been lost between different departments of the Government.

In this committee's report on covert action in Chile there was the question: Was this an aberration? There is one aspect of it, while there may have been other examples around the world, in 25 years of covert operation and covert activities, the Chile example is the only one that I know of in which the Department of State did not advise the ambassador on the scene of the covert operations.

Now this separation would erase, I think, any tension that might arise from that sort of thing. I think probably the real answer is that with the large public relations problem, you have to do something and do something decisive.

The CHAIRMAN. Well, the public relations problem is really more acute for the United States than it is for the CIA. I sometimes think that the Army Corps of Engineers is a cement mixer run amok, and I feel that the CIA in its compulsive intervention in the affairs of other countries, and all the techniques that have been used to try to manipulate foreign governments and events abroad, have caused the United States of America to be supplanted by the CIA in the minds of millions of foreigners, and that has created an acute public relations problem for the United States, and accounts. I think, for the fact that we now lack the capacity to give the kind of leadership that once commanded the support of most of the world. We can't even win any votes in the United Nations anymore, such is the present disability under which we operate.

Senator Mondale?

Senator MONDALE. Thank you, Mr. Chairman.

I think the suggestions we've heard from the panel are very helpful because, it seems to me, running through them is a couple of crucial principles which must be at the core of any legislative reform.

One, you all seem to agree on the need for executive accountability, namely, that the President himself should be clearly and unquestionably responsible and accountable for the actions, so that we can get away from this fog that we have been trying to penetrate in determining who did what and why and so on.

Second, you all seem to agree that there has to be congressional accountability from the Executive to the Congress, structured in a

way that, to the fullest extent possible, requires full and candid consultation prior to the time covert activities are developed. I think this is essential.

It seems to me, then, that the one crucial policy question in dispute which must be decided by the Congress is what should be the role, if any, of this country in covert activities and covert collection. The work of this committee shows that that could be a very fateful decision.

Running through all of these covert activities, in my opinion, has been an incredibly naive view that somehow covert operations could be kept from the public, even though we have an open society. They never have been. They never will be. Because of that, our public officials are put in the position of lying about it or perjuring, or dissembling in one way or another, and that certainly has been a humiliating experience for this great Nation.

Third, since covert activities are secret, the record shows that there is an almost uncontrollable tendency to play God with other societies in a very naive way, to believe that we can manipulate, control, and direct another society secretly with a few dollars or a few guns or a few bucks or a few lives, in a way that we know we would never be controlled by another society that attempted the same tactics on us.

The question that we have to ask ourselves as a nation, despite all of these risks which the record now clearly shows exist, is: Must we nevertheless agree to permit the authority for some covert activities? And three of you say yes and one of you says no.

Could you try to make your case, very briefly, as to why you think it is essential to this Nation's interest to continue to grant that authority to the Executive?

Mr. CLIFFORD. I would take a first try at it.

I think it would be a serious mistake for this committee to recommend, and for the Congress to adopt language that would restrict future governments, future Presidents, and future Senators and Congressmen from meeting the problems that confront or will confront the United States which we cannot now foresee. I believe there is not such a moral or ethical question involved that we have to say now this must never happen, this is so bad that under no circumstances can we ever go down this road again. I think covert action does not fall into that category.

I think that even though later on our covert activities in some areas might have become known, yet because they were unknown at the time the action was taken, I think they brought great benefit to the world and to this country. I think that some covert actions have assisted us in maintaining freedom in the world, and that's what we have stood for, and I think that if we restrict our actions in that regard, there could be in the future, areas of the world that might lose their freedom because of our inability under a law to go in and help under those circumstances.

So I think that when we talk about possibly the men in the CIA playing God, I think that has happened. I think we have to be awfully careful that we don't make the same mistake in attempting to play God in writing legislation that would so restrict our future actions that it might damage our hopes for freedom in the world.

Senator MONDALE. Mr. Vance?

Mr. VANCE. I essentially agree with what Mr. Clifford has said. He said it very eloquently. I really do not think that we can foresee at

this time what the indefinite future is going to bring. I think it is possible, under revised procedures and concepts, to prescribe the extent and the manner in which any covert action would be permitted. I believe that with that kind of change, it is possible to maintain reasonable control and not to take what is a drastic and awfully hard step to change by saying by law there shall be no covert action in the future.

Much of what Mr. Halperin has said is very persuasive, but I don't think he answered the question of what one does if one comes to the point where there is a proposed action that is determined to be essential to the national interest. Do you then call the Congress into session or put before the Congress a change in legislation which says we want to change what we have said before; that is, that there will be no covert actions?

It seems to me that raises all kinds of problems, that what we ought to address ourselves to is how you limit action in this area to a very, very limited number of operations and provide the controls and oversight to permit that to occur.

Mr. PHILLIPS. Senator, let me answer you from the viewpoint of the field operator. In working with the CIA I knew roughly three CIA's. There's one CIA that I don't know, and I'll do this within the framework of Latin America because that's the area of my experience.

There was the time of the cold war in the fifties. The United States adopted the policy of containment, which started out to work pretty well in Europe and turned out to be folly in Southeast Asia. But the fallout from that was very evident in Latin America. In a cold war, less than a hot war, the skirmishes in that conflict turned out to be between opposing intelligence services, the Soviet KGB and the American CIA.

The Marshall plan saved Europe. A minor role was played in the skirmishes. It seems to me important work and perhaps the sort of thing that an American President might decide would fit in the category of national security.

Next was roughly a period of 10 years in the sixties in Latin America. During that period Fidel Castro attempted to export violent revolution to most—not some, but to most—of the countries of Latin America. He was completely unsuccessful, and I believe that I can state unequivocally that covert action played a major role in that defeat of Castro.

The next period that I have known was the seventies, the tail end of covert action on a grand scale in Latin America. My secrecy oath means that I can't talk about things that the CIA has done that I learned while working there, but there's nothing in my oath, Senator, to tell you what the situation is about things that are not happening.

This is what is not happening in Latin America in the field of covert action. Since the Chile project, which had gone on for more than a decade, that was the tail end; and at this moment, if you accept my previous definition of covert action as opposed to covert activity, there is no covert action going on in Latin America, or at least there wasn't when I resigned less than 7 months ago, and the reason, I believe, was that Fidel Castro abandoned his concept of the export of violent revolution and there's no need.

I've been making a number of speeches around the country, and I make this point, and people—I find this is one of the things that people

sort of give me a funny look about. They don't really believe it, but the CIA, before the current controversy began, before the revelations in Latin America, did not have a single covert action problem. No group of students was getting money. No newspaper was subsidized. No radio stations were being purchased. No intelligence services were being subsidized.

So there's three. There's one role of the CIA that I don't know, and that's the eighties. Are we ready to legislate for the eighties? Say in the case of Castro, we read in the newspapers that he has perhaps 3,000 soldiers in Angola. Is it entirely out of the question that Castro, heady from some success in Africa, might renew his attempt to create not one, but many Vietnams in Latin America? I just don't see how we can legislate against such a possibility.

Senator MONDALE. Mr. Halperin?

Mr. HALPERIN. I've already made my comments, but first I would urge Mr. Vance and Mr. Clifford to look at this committee's assassination report on page 284, where it seems to me it deals very well with the question of assassinating Hitler or seizing a terrorist's weapon. There's no way that we can rule that out. You don't need the authority to do something because of this one grave emergency.

Second, I think we have to understand that we're not talking about whether we should keep three individuals locked up in a room in a safe house in Virginia who we must turn loose if there was a national consensus that we have a covert operation, because the covert operators would tell you that it is too late if you called those men out of the room and said "go fix the election in Chile."

They will tell you that it's a long, slow process that requires permanent assets, and if we were to leave open the possibility of a covert operation in Latin America, it means that we must have a permanent career service, it means we must have people constantly stationed in these countries, it means they must continue to make contacts to locals, they must continue to collect information which would otherwise be irrelevant, and we're talking about them. What are those people likely to be doing all that time while we're waiting for this one decision, that there be a covert operation?

So we're not talking about should we, once or twice in a century, do a covert operation. We're talking about whether, because we think the future is uncertain and obviously it is, should we maintain a very large permanent establishment which has done all the things in the past that this committee knows very well it has done, and which I submit and Mr. Clifford has told you cannot be controlled by the executive branch, and as you know very well, cannot be controlled by the Congress.

Senator MONDALE. One final question. Mr. Phillips suggested something that I think makes a lot of sense; namely, if we decide there must be some residual authority remaining for covert activity, then he said regretfully he would propose taking it out of the CIA entirely and putting it in some other institution. I gather, from Mr. Clifford's testimony, this was the way it originally started, with a separate office for covert action from the CIA.

That makes sense to me because it seems first, that the separation would serve as a restraint upon it. Second, it would avoid what I think is the inevitable corruption of the intelligence gathering and esti-

mating function when the same agency that is already engaged in an action is also in the process and charged with the responsibility of reporting and evaluating it.

Would the other members of the panel agree that if you have covert action, it should be separated as Mr. Phillips suggests, and would you also agree that the line between covert action and collection is not nearly as fine as is suggested. A lot of the dirty work we've seen has occurred in the name of covert collection, and therefore there's a nasty question of how you sort those two out.

Mr. CLIFFORD. A brief response to that. I doubt that the question is fundamentally important. I would be satisfied either way. I believe that if Congress creates this new intelligence individual, a director general of intelligence who is over the entire intelligence community, I think that he could then direct the covert activities, Senator, whether they come under a separate agency or whether they stay as a division in the CIA.

The reason I did not specifically recommend it is twofold. One, I would be a little concerned that if you took out the covert operation and set it up as a separate agency and you had maybe, as you mentioned, 50 to 75 people, because they are solely the covert operators, I think that their attention is given to developing covert opportunities. They have to justify their existence, and I believe as you say, you 75 men must devote yourself to covert activity, and I think they would all go to work and begin to find where there are covert opportunities in the world.

The second concern I would have about it is that if they also, in addition to planning covert operations, are to carry them out, then I think you begin to get some competing factor between that separate agency and the CIA. That would bother me.

We would have two outfits perhaps operating in something of the same area. I believe that if you leave it where it is and give it the kind of control that a new director general would give it, in the event that their decision had been made, after going through this elaborate process, to launch a covert project, then the covert project, after being planned, must be able to use all the assets of the rest of the intelligence community. It might very well need the rest of the assets.

So I don't think it can ever just operate separately. For those reasons, rather than create what I think would be an artificial distinction, I think I would rather prefer to leave it where it is, if the Congress would see fit to create a new position of the director general of intelligence.

Mr. VANCE. Senator Mondale, I simply must confess that I don't have the knowledge to give you a precise answer. I think the proposal that has been suggested by someone as knowledgeable as Mr. Phillips requires very careful consideration. Indeed, I don't know whether or not you need any so-called continuing capability. I don't know what the facts are that would lead to the conclusion that you would have to have that capability. I'm not sure that you couldn't, when it was decided that it was necessary or essential to the national interest to go forward on a project, put together an *ad hoc* small group to carry the project forward.

So I would want to know a lot more about it before I came to the conclusion that the maintenance of a continuing capability is necessary.

Mr. HALPERIN. Senator, I would think—I would make a different point. I don't think you can separate human collection from covert operations and I think the Chile report shows that and everything we know shows that. But I think it's important to take that service in whatever dimension it's going to have and separate that from the CIA, and I propose that for two reasons.

One, I think it's very important that we have a director of CIA for analytical purposes who doesn't have any programs to defend, who is not operating, whether it's covert intelligence collection or operations.

Senator MONDALE. That was the original idea of the 1947 act, and I think one of the great crises in the CIA has been the number of times we've been caught without mature, balanced estimates of what's going on, whether it's the last Middle East war or the collapse of the South Vietnamese forces, or the collapse of Portugal.

Time and time again, perhaps understandably, this whole apparatus has been established to gather and evaluate information, but I think there is a crucial issue of how we can restore to the CIA the capability and the structure that permit it to perform its most crucial and essential function.

Mr. HALPERIN. I think part of the answer to that is to have it do nothing else and whatever else you're going to do, have it be done in separate organization.

I think another answer is to have it be headed by an analyst, which has never been done, someone who understands the problems in producing good intelligence analysis.

Another reason I think it's important to separate it is that I would look to the director of this analytic organization as the one person in the executive branch who would be the natural enemy of covert operations. I would think he would be the man that Congress would call and say, have you done intelligence evaluations? If we kill Castro, are we going to get a worse leader? How popular is Lumumba? What are we doing here? And he is the man to hopefully go to. The President and the Congress can look to him to say, is this going to work? If it will, is it going to be worse than if it doesn't work? Have we considered the alternatives and so on? And that even for covert human collection, he would be the person who would be called in to say, do we really need to infiltrate the cabinet, or whatever it is. Can't you find out that information by other means?

So I would look to that individual as a possible check on the excesses of covert collection as well as covert operations.

Mr. PHILLIPS. I'd just like to add something, Senator. First, I welcome the opportunity to agree with my good friend and next door neighbor, Morton Halperin, which we don't always do. I want to make another point about my proposition. Those people I'm talking about who would be operating that small unit would not be allowed to operate overseas. They would be allowed to travel overseas, but not to reside in a foreign country.

Another element of my proposal is based on this. I believe that the CIA is highly professional and very capable of doing certain kinds

of covert actions. Those are one-shot deals, small in concept, the sort of thing that you really can do and keep secret.

I think that even your own report on Chile acknowledged the fact that a lot of it was done professionally. I think that a capability should be retained. With such a small unit we would avoid the temptation to be drawn into ever greater operations.

I was listening when the last broadcast was made from the survivors at the beach at the Bay of Pigs. I talked to a man whom I considered to be very wise, and said: "I know that before you told me you were concerned about this operation, and that we decided how it happened that we were involved in a secret operation that involved tanks landing on a beach. Did you really realize there was going to be such a fiasco and it would be such a failure?"

His answer was, "No, not in this case." But he said that he knew that failure was inevitable. He explained, "As you are aware, the popular characterization of the role played by CIA in Iran was that the CIA also got on the top of the tanks and led the troops into the palace. A year later in Guatemala a relatively limited number of advisers accomplished a facet of American foreign policy that our President at the time wanted. And so," my friend explained, "it is inevitable. Every success will leave the desire on the part of a chief executive or secretary of state to seek the easy way to do things and to task us with an impossible job."

That's why I think it has to be small.

Senator MONDALE. I think that last statement makes the whole hearing worthwhile.

The CHAIRMAN. Senator Huddleston.

Senator HUDDLESTON. Thank you Mr. Chairman.

I think it's apparent in our inquiry and the responses that you gentlemen have made that we have a very difficult problem, the resolution of which, designing legislative requirements and guidelines to meet every possible contingency, is certainly not going to be simple.

One thing that is evident is that when you speak of covert action, when you think of devising a policy related to covert actions, you're in a very broad area of operation. I think, as Mr. Phillips has pointed out in his statement, that there can be covert action with a capital "C" or with a small "c," and it can involve all the way from giving a few dollars to a political organization that may be favorable, to supplying weapons for assassination or military material for a paramilitary operation, which is in essence a war. So I'm wondering whether or not in that context there is any way, or should there be any way, of delineating between various types of covert action, some specifically limited and some acceptable under certain conditions? Is there any way to approach that problem on that basis?

Mr. PHILLIPS. Senator, I think there is a very easy way for a professional intelligence officer to understand.

In my mind, the difference between covert activity and covert action might be characterized in this way. If you decide that it's necessary to have a public opinion molder working for you, and you do something nice for him or he's cooperating because he likes your government or perhaps because you give him a stipend, that's covert activity. If he decides that he wants to start a weekly newspaper and needs only a few thousand dollars to get it started, and you give him that money,

you are engaging in covert action. If you are abroad and there's a problem of terrorists threatening the lives of American diplomats, and you say to the man that you are working with in another security system, why don't you do something so it's a little safer for us around the embassy, that's covert activity if you are an intelligence officer. If you say to him, I want to help you create a unit to attack local terrorists, that's a covert action.

Let me put it in a more specific way. If a cable comes in from overseas to CIA headquarters and says we have a politician we would like to hire or rent, and this man is going to cost us \$1,500 a month, the answer would go back, no, you're not, you're engaging in covert action. You want to help that man with his political ambitions.

And so the line really is there. Over a period of time the rules of that game can be learned, and learned very quickly.

Senator HUDDLESTON. Well, I think the basic decision that has to be made is whether or not the policy of the U.S. Government will be to intervene in the life and political and social direction of a foreign country.

Now once you make the decision that we will keep our policy flexible enough that we will be able to intervene when we deem it to be in the best interest of this country, you still ought to have some guidelines or some parameters about that intervention.

Maybe there's some extent to which you will not go. Now I don't know which is more dangerous to this country: a heavy media-type intervention which we have indulged in on a number of occasions, or the more direct intervention of supporting an individual.

Mr. Phillips, in your experience, where we have gone into a heavy media campaign to the extent of renting, as you say, commentators or newspaper reporters, owning newspapers or broadcasting facilities ourselves, what are the inherent dangers of that kind of operation to our position in the world and within the specific country?

Mr. PHILLIPS. Well, Senator, I think that within the framework of your question and the dangers that have been discussed this morning, there may be problems in such an operation. Let me draw an analogy between ambassadors and Congressmen, because I had a good deal of experience with ambassadors and some with Congressmen, and I find that there are two kinds. There's an ambassador, and you go to him and you say: I have this clandestine operation and it's going to be tricky. And a good ambassador will say, fine, tell me all about it and let's decide whether it's worth the risk.

There have been some ambassadors who say, that's your department. That analogy holds true to some extent with the relations between the intelligence agencies and Congress. As to what is covert activity and what is covert action, I assure you that the very good and very dedicated American ambassadors around the world know in 1 minute whether you're engaging in one or another. Certainly the more senior officials in Washington know.

The problem, Senator, I think is this. One, you're absolutely right in saying that the first decision is whether we are going to have covert action. If we're going to have it, how can you achieve a perfect covert action system? The answer is very simple: have a perfect foreign policy.

Senator HUDDLESTON. That's not any more likely to happen than to remove us from our intervention in other countries. But it seems to me that there are calculated risks relating to each of the kinds of actions that we think of as covert actions which would in some cases totally preclude the use of some.

You mentioned of course that we ought to outright eliminate assassinations. Paramilitary operations are a little fuzzier category and there's some question as to whether we should keep that capability. I'm concerned really about the internal propaganda effort, the use of the media. I think this is something that we ought to be very careful about.

I don't know how effective it is. You may be able to point to instances where it has been very effective. But this is a situation where in this country, at least, we think very strongly that the media ought to be as free as we can make it. Our Founding Fathers thought that and court decisions through the years have strengthened that. And here we are willing to subjugate a media in another country in order to accomplish our ends. It's contrary from the very beginning to our own basic and fundamental beliefs. I don't see how we can really gain in the world or in a specific country when this is revealed, as it nearly always is.

Do you know of any instances, for instance, where we have been the victim of our own media effort within the country, that our intelligence information gatherers sometimes lose sight of the fact that they are picking up information that we have supplied ourselves and thereby get a false impression of what the true picture is within the country?

Mr. PHILLIPS. Certainly, Senator, that has happened. But there are mechanisms set up to see that such information shouldn't reach policy-making decisions, but I don't think anyone would tell you that secret operations, covert operations, are going to always be perfect in every detail.

The word "hugger-mugger" means, in stealth and secrecy, and it has a second meaning, in confusion. It's inevitable that when you're dealing in these tricky fields, there's going to be some foulup that you don't want.

The point that I made and the answer which I hope will not appear to be flip about foreign policy, is this: I believe that you gentlemen, with as much as you're learning about intelligence operations overseas and especially covert operations, have observed that in covert operations the intelligence services have served as instruments of foreign policy. It's just that simple.

So if a President says, do everything you can in a given situation, everything includes working with newspapermen. I don't think it should include assassination, but it does say work with newspapers. It would make it very simple, indeed, if legislation said covert action cannot use media. But it would take away a major part of covert action, and that would have an impact.

Senator HUDDLESTON. Mr. Clifford?

Mr. CLIFFORD. I have this feeling that when you get into that degree of detail, Senator, we have a tendency to get away from what would be my major concern. If you get it down to the point where in legislation you begin to define what is a covert activity or what is a covert plan, then I become deeply concerned.

Now, not to be overly dramatic, but suppose at some time in the future we were to learn that the Soviets had a plan to place offensive nuclear weapons in a circle around the continental United States, and suppose they picked points in southern Europe and in Africa, and then suppose some effort was being made in either South America or Mexico, and then suppose they came around and entered into the Pacific, and then suppose they came into the Arctic, and then it came to our attention that there was a conceived plan by the Soviets to try to get the degree of control that they could in various countries so that they could place offensive weapons that were directed against the United States.

I would suggest to you that it would be unwise, if, under those circumstances, our Government at that time was to find itself restricted in its efforts to prevent that plan from being carried through to fruition.

Senator HART of Michigan. Could I ask a question here? What would Mr. Halperin say?

Mr. HALPERIN. Well, I think that we would be obviously free to take the various kinds of steps with overt action we would take to that. The notion that the way to deal with that problem is a covert capability I find exceedingly dubious. We presume the Soviet Union is trying to extend its influence, and I think we can counter it and have countered it by a variety of overt means. One would have to look at the details of the scenario. I find it a very implausible scenario, and one in which I would say that our capability to deal with it would be sufficient without a covert capability.

Now, if it got to the point where we really were talking about a threat to survival of the United States, then the President would act, and I think it would be appropriate for him to act. I find it hard to believe, even in this kind of scenario, that the critical thing would be a covert operation, not to say that a covert operation might not be of some value, but the question is whether it's critical to the success of the operation, or whether we want to maintain the capability for having it.

The CHAIRMAN. I've been called away and I'm going to ask Senator Hart of Michigan to take over as chairman.

Before I leave, I just want to make this one point. I can't recognize the double standard being applied in all of this kind of talk. When we talk about a benign intervention in Chile involving a contribution by our Government to *El Mercurio*, one of the most important newspapers in Chile and suggest what's wrong with that, what would we think if the Government or Brazil were subsidizing the *New York Times*?

Do we live by a separate standard? Do we have a superior right? Or do we recognize that if we can play this kind of game, then other governments are free to play it here. Are we to be treated on the basis of a different principle than we apply to foreign people?

That's the thing that never seems to get answered, because I think the question answers itself. We do live by a double standard and do we have certain rights against other people that we would not tolerate for a moment for them to assert against us?

Senator HUDDLESTON. The chairman suggested that we should perhaps invoke the old Biblical standard of do unto others as we would have them do unto us.

Mr. CLIFFORD. I think the trouble with that is that if they did it to us first, then it might be all over.

Senator HUDDLESTON. Are you suggesting, Mr. Halperin, that in most or even all of the instances in which we have become involved in covert activity, we might have had just as great an opportunity for success if we had proceeded in an overt way?

Mr. HALPERIN. I'm not saying that there's never been a case where covert action was important. I'm saying that in most cases a decisive form of intervention, as in Western Europe after the war, was public and overt and had the virtue of debate within the American society and would be decided within a constitutional procedure, whether to do it or not. In my view, that's not only an appropriate but an inevitable form of intervention in most of the countries in the world. We are too rich and powerful to avoid that. But that's very different from our deciding to secretly intervene.

Senator HUDDLESTON. I think my time is up, Mr. Chairman.

Senator HART of Michigan [presiding]. The Senator from Maryland?

Senator MATHIAS. Thank you, Mr. Chairman.

I would first like to thank all of the members of the panel for sharing their thoughts and experiences with us. I personally feel that what we're doing today will have more value for the future than some of the previous hearings that we've held which may have been more dramatic but which will have less real positive force in deciding what ought to be done in the reform of our institutions and the changes in our system. This may not only prevent abuses we have been learning about, but will also make the system work better than it has worked before.

One of the interesting facets of today's discussion, I think, has revolved around the question of what is national security, what is a question of vital or essential national security? And I was interested in Mr. Clifford's suggestion as to certain areas in which we might say that there was indeed a vital national security.

But leaving aside for a moment what particular subjects would be called vital to national security, because good men could disagree on that, by what procedural process do we arrive at a definition in any given moment of what is vital to national security? Is that to be the decision of the President alone? Is it to be the decision of the President acting on the advice of the National Security Council? Is it to be the decision of the Congress alone? Or in fact, if it is to be defined as something which is truly a matter of the ultimate national security, doesn't it require the joint action of the executive and the legislative branches in some form?

Mr. CLIFFORD. If it is a public matter, then obviously we understand what happens. We understand that when there is a threat to our country, and the President presents the fact, he will say it in a message to the Congress, and the Congress will debate that threat. This is an ordinary instance. And then the Congress with its constitutional power may choose to declare war, after which the President goes about carrying on the functions given to him.

Senator MATHIAS. That is, of course, the ultimate example of joint action.

Mr. CLIFFORD. That's right. That's under ordinary circumstances. But in the world in which we live today, we have found in these past years, particularly since the Second World War, that you cannot conduct all of our Nation's affairs in that manner. That is the conclusion that I think a number of people have reached, so that when the question has come up as to whether the national security of our country is involved, generally speaking up until now the President of the United States has made that decision alone in a number of instances. We assume that he knows of all the covert activities that have taken place. It is written in the 1947 law that before one can take an action of this kind, that national security must be involved. So one assumes he has made that decision in a number of cases.

Now, I find that a faulty method for reaching this very important conclusion. I have suggested that the Congress should have a part to play. It really has not up until now, and I think that it must meet its responsibility and pass a law so that it will assume some part of that burden. Now, it may be—and I do not say this critically—it may be that Congress has not wanted to assume this burden because it is better to stay on the sidelines, and if a President's decision turns out badly, then the Congress is in a position to say they had no part of it, and they can then criticize the decision made. The world is too dangerous today for that attitude, in my opinion. I think that Congress must agree that it must divide some of this responsibility with the President under the kind of plan we have discussed.

Senator MATHIAS. Mr. Vance?

Mr. VANCE. I really have nothing to add to that. What I was trying to say earlier was just that there must be a way of having the Congress share in this process. What a number of us have recommended is that it share the process through the review function with the right to express their dissent to the President, but not veto.

As Mr. Clifford has said, if it continues thereafter, then they have the power of the purse which they can apply.

Senator MATHIAS. But this is a very hard power to apply under emotional circumstances such as those we had during the Vietnam war.

Mr. VANCE. That's entirely correct. I share with Mr. Clifford the feeling that if a President, after proposing to the oversight committee the undertaking of a covert action, finds that he gets a unanimous view from the oversight committee that this should not be done, and he meets with them and hears the reasons for it, then he is very likely to change his mind.

Senator MATHIAS. Moving to a slightly different subject, Mr. Vance, a lot of the discussions today have centered around political covert action. What about the somewhat different problem of paramilitary action, the kind of thing that went on in Laos, which was a Defense Department operation but which was essentially concealed from the Congress for a long period of time?

Mr. VANCE. I would consider that a form of covert action. It is a larger form of covert action than other types that Mr. Phillips has referred to. That clearly is a form of covert action, with special problems involved with it, particularly in light of the enactment of the War Powers Act. The issue is raised as to whether or not the War

Powers Act prohibitions would cover paramilitary action if U.S. military personnel were not being used and if the action was being conducted by a foreign country with nonmilitary advisers, but with equipment provided by the United States. [See app. C, p. 226.] So that's a different complex of problems.¹

Mr. CLIFFORD. Senator, under the law that has existed up until now, President's had the feeling that their obligation to the Congress was minimal. Even under the 1974 Foreign Assistance Act, which required a President to report to this special congressional committee, there is considerable doubt as to whether he had to report in advance of taking the covert action, or whether he could report after it had been started or even after it was concluded. [See app. D, p. 230.]

I think that grants him much too much power. Under the concept that we have discussed here, I think that we could prevent actions that have taken place in the past. You will recall in early 1969 our Government started the bombing of Cambodia, and then in order to conceal the bombing of Cambodia they filed false reports with both the Senate and the House of Representatives.

Now, I am suggesting that there was no original obligation upon a President, one might assume under the law, to come in and make a report to the Congress. It would be infinitely more difficult, I believe, to follow a course of action of that kind if a President were under an obligation of reporting to this oversight committee before he launched such an activity.

Senator MATHIAS. I would agree, certainly, with that recommendation.

I have one other question for Mr. Phillips. Could he estimate for us what proportion of the covert actions run by your stations were initiated at the station level?

Mr. PHILLIPS. I'll take a rough stab at that. There are a lot of different countries with different circumstances, but I would say perhaps 25 percent. Of that 25 percent I would say that the first 20 percent originated because of some feeling that the President of that country had and would be having lunch with the American Ambassador, and he would say now look, I'm fighting a "just war" and someone's coming over the mountain and trying to topple my government and I need some help. And if the American Ambassador said fine, we will send in troops and go through with it and have an overt program of help, that President, in most countries of Latin America, would say thanks very much, but I can't stand that politically from a domestic standpoint. I want clandestine help. So that's why I made the point that the best operations in the covert field have been where we have tried to help friends because they felt they were in situations where they were in peril.

Senator MATHIAS. But that by definition would be originated or initiated by a hint or a suggestion from the host government. But what

¹ On December 5, 1975, Mr. Vance wrote the select committee with the following supplement to his response to Senator Mathias' question: " * * * paramilitary operations are perhaps unique in that it is more difficult to withdraw from them, once started, than covert operations. This is well illustrated by the case of the Congo, where a decision was taken to withdraw in early 1966, and it took about a year and a half before the operation was terminated. Once a paramilitary operation is commenced, the recipient of the paramilitary aid tends to become dependent upon it and inevitably advances the argument that to cut back or terminate the aid would do the recipient great damage. This makes it especially difficult to disengage."

about projects that were genuinely thought up, the brain children of the station?

Mr. PHILLIPS. By saying that it was 5 percent of a total of 25, I would say it's about 5 percent. And those proposals would generally be characterized as ones that I might call covert activity rather than covert action.

Senator MATHIAS. Were these ever vetoed by the Washington headquarters, in your experience?

Mr. PHILLIPS. Oh, yes, absolutely. Senator, I think that Foreign Service personnel in general feel the obligation to report back to Washington as many ideas as they can about how certain things should be handled. Intelligence officers certainly fit that category, and they try to come up with imaginative proposals and so forth. Sometimes their proposals are absolutely ridiculous and they get slapped on the wrist. It happens quite frequently. Usually the ambassador tells them, don't be silly.

Senator MATHIAS. Has your experience been that the ambassadors have played an important and significant role in these decisions?

Mr. PHILLIPS. Absolutely, with one exception.

Senator MATHIAS. What was that?

Mr. PHILLIPS. Chile.

Senator MATHIAS. Have they generally had an effective veto?

Mr. PHILLIPS. Yes. There's a myth about people who work overseas in intelligence, that the ambassador really doesn't know about them. He knows a great deal of them, who they are, where they're working. Indeed, he finds out what their personal problems are. And so on ambassador overseas is really a very important man. He has a long black car and he is the President's representative.

After President Kennedy sent out a letter, it was made quite clear to station chiefs that the ambassador was a very important man [exhibit 7¹]. As I said before, the only time I've known that an ambassador was not in a position to say stop or go slow or start, was in one single case.

Senator MATHIAS. Thank you very much.

Senator HART of Michigan. The Senator from Colorado?

Senator HART of Colorado. Thank you, Mr. Chairman.

I think each of the witnesses today has repeatedly said something very important. That is, there is a temptation to allocate responsibility to and, in fact, blame the intelligence community without equally involving Congress. This is a theme which this committee constantly has to be aware of in my judgment.

Many of the abuses of the past have in fact flowed either from the lack of congressional involvement and congressional lassitude, or in fact even from pressure from Congress to take action of some kind to resolve some sticky situation abroad. So I think Congress and politicians generally have to share the blame. As President Kennedy said with regard to Cuba, there's plenty of blame to go around. So I think that we always have to resist the temptation to point the finger at the CIA or FBI or someone else.

But Mr. Clifford, I note a distressing theme in the correspondence that you had with President Kennedy in October of 1961 in response to a request from him for advice on how to handle the CIA particularly

¹ See p. 137.

[exhibit 8¹] I think you outlined four of five points to keep in mind in early discussions with the Director of the CIA what might be done to make the CIA more effective.

The fifth point is the one that I think is of most concern. And you say—

from time to time, efforts are made in Congress to institute investigations of intelligence activity or establish a joint congressional committee on foreign intelligence. Such efforts must be stoutly and intelligently resisted for they can seriously hamper the efficient and effective operation of our intelligence activities.

Now, you pointed out the 147 out of 200 bills that had to do with establishing just this kind of committee and the success with which they all met in the Congress. What, in your judgment, can be done first of all to resist the temptation on the part of the White House to treat the Congress as a second-class branch of government? Second, if your own views have substantially changed since this memorandum was written, what can be done to get the Congress back in the ballgame?

Mr. CLIFFORD. Senator, I think they have changed somewhat but I think the context at that time had to do with efforts that were being made in some areas by some members of the Congress to bring the Bay of Pigs into such focus that it brought it into the political arena in the United States.

And Senator, as President Kennedy said at the time, there was a good deal of blame, and enough blame to go around.

Now at the time there was a very substantial effort being made in some quarters to point out that the incident had been poorly planned, that those involved should have known better, and the attitude at the time was that their culpability should be decided and the CIA was under bitter attack in a number of areas. The NSC came under attack also for certain failures on their part.

There was a very real concern within the executive branch of Government that should this attitude be carried on indefinitely, that serious damage could occur to the whole intelligence operation of the United States.

The comment was not made in the light of informing Congress on the subject we're now discussing but in efforts that were being made at the time that we felt would be so damaging to elements in the intelligence community that it would be inimical to our interests.

Now in addition there is a second answer. I think that that's 1961—that's 14 years ago—I think that a great deal has transpired since then. I think that to a certain extent we felt that the system was working reasonably well at the time insofar as the Congress was concerned. There were senior Members of the Congress in both the Senate and the House who were in contact with the intelligence community and I think that we felt that the system was going reasonably well.

However, in the last 14 years the operation has not gone well, so that I think that we must face up to the fact that there have been dangerous developments. Our country has been damaged severely by the publicity that has come out, and because of the lessons of the past, I would like to make the Congress somewhat of a partner with the executive branch before we launch on these very dangerous missions.

¹ See p. 139.

Senator HART of Colorado. Well, in that connection, I again, with my colleagues, would like to open this question up to all the members of the panel and not to a specific individual and would invite other responses. Is it feasible to erect a standard for the people making the decisions about future operations, either in the White House or in the Congress, or hopefully in both; a standard that the operation will only be undertaken if it is the opinion of the people making the decisions that a majority of the American people would favor that operation if they were given all the facts?

Now that kind of standard is difficult in two regards. It still leaves a great deal of judgment in the minds of those making the decision. And second, it is based upon a very difficult premise, and that is, if all the facts were available.

We have difficulties with these operations in two respects. In the case of the *Mayaguez*, which has been discussed, apparently all the facts were not available, even to the person, the President of the United States, making the decision at the time. In other cases the facts had been available, as in Vietnam and other places where the President or whomever was making the decision, sought afterward to conceal the facts available to him or to them, from the Congress or from the American people.

So I think the political realities or the recent political history is such that that's a very difficult standard to achieve, if all the facts were available.

But can any of you respond to that general proposed standard?

Mr. VANCE. I will try to respond to it, Senator Hart. It seems to me that could be one of the criteria and I would expect that to be in the minds of the President, his advisers in the National Security Council and on the joint oversight committee. This would be a factor, particularly in light of history and the problems that we have seen with respect to covert actions. But I don't think you can make that the sole standard.

Senator HART of Colorado. How do you avoid the situation that apparently we had in Vietnam where the President or successive Presidents knew, if all the facts were available to the American people, that that venture would not have had the support of the majority?

Mr. VANCE. That gets to another factor and it doesn't relate to intelligence operations. I, for one, have felt that many Presidents have failed to make proper use of their Cabinets. When it came to sensitive foreign policy or national security issues, it was always a small group of us who were involved in such matters on a day-to-day basis, who were called in to advise on making the decisions.

In my judgment it would have been better if on some of those broad issues that affected the future of the country the matter had been discussed more with the full cabinet so that the views of those who are out and around the country or those of us involved in national security affairs, could have been heard and could have brought to bear the thoughts of the people of the United States on what's going on.

I don't think that's unique in the administrations that were around in the sixties. I think that that has always been a problem. Whether anyone can do anything about it, I don't know. I think that's one of the things that has been a problem.

Senator HART of Colorado. But there's some horror stories that are in print that have not been substantially denied about the Johnson

Cabinet—that Cabinet members at various times were so intimidated by the President that any dissent was tantamount to termination with some prejudice.

Mr. VANCE. I never saw anything to support that. It may be a factor, but, not in my experience.

Mr. CLIFFORD. You have touched upon a subject that I think is not susceptible to legislation. I believe that, perhaps more in Washington than any other place, there is a human sentiment that is as deep as any that fixes itself in a man's mind, and that is the desire for vindication.

So if a President launches upon a certain course of action, he will feel that given some more time and some more effort, it's all going to turn out as he thinks it will turn out, and, if along the way he has to get a little more time and possibly a little more force in order to accomplish his end, this overpowering desire will be vindicated, and his judgment is such that at some times these individuals, not only the Presidents, will perhaps be in false positions.

Senator HART of Colorado. Mr. Phillips, what is appalling to many of us and I think it's unfortunate that our committee has not gotten into it more, is the quality of intelligence.

We spend billions of dollars a year; estimates range from \$6 to \$8 billion for the entire community. The House Intelligence Committee and others have gotten into the fact that as often as not, presuming you want to get into covert operations, decisions which are made about when and where and how to launch these operations are based upon a chaotic, insufficient set of facts or on misinformation, and they result in great tragedies in this country or to some other country, or both.

In your judgment what can be done to get people out of the kind of farcical kinds of operations or tragic situations that have gone on, and get them in the business of hard intelligence and coming up with a better set of information, a higher quality of work?

Mr. PHILLIPS. In answer to the first part of your question, I must say very frankly that predicting and estimating is not an exact science. It's a little bit like putting together a Broadway show. You can have a number of facts—David Merrick can be the producer, Katherine Hepburn will be the star, Tennessee Williams will write the script. It's going to be a big hit. Right? Not necessarily.

It's pretty much the same with putting together the pieces of an intelligence jigsaw puzzle, and it's very easy to forget in this mosaic that you should put in a little piece about people being irrational. So it's a very inexact science and very difficult. You would be deceived if someone told you they could always tell you just what the facts were, so you could make a rational decision.

The answer to the second part of your question is so broad. Staying out of things that we shouldn't. That, I find that with my experience, I believe that. While I'm absolutely convinced that we should have a capability to do these things, we shouldn't have one so that it can be turned into a circus. By reducing the personnel and reducing the equipment and paraphernalia that is available to them, it will be less likely to happen.

Senator HART of Colorado. Well, I think that if I were an investor in a Broadway show, I would try that formula once and if I got burned, I wouldn't invest in that kind of a show any more. The American people are investing in this show all the time, and you get a *Mayaguez* and you get a Vietnam and you get a Gulf of Tonkin.

I mean this committee in the last 10 months has seen instance after instance where decisions were made on the most bizarre and incomplete and wrong sets of information. They were instant decisions and a lot of them had to do with Mr. Clifford's description of the desire of the politician for revenge—a kind of a macho, we will show them, and they can't do this to the United States, and all that.

The *Mayaguez* incident, and again retrospect is easy for all of us, would have been a common occurrence had it not cost 50 or 60 American lives. We were bombing at a time they were trying to give more people back to us. Now I know that's not a set of facts or a circumstance that the CIA is best equipped to deal with—raid aboard a ship at sea—but almost the same type of situation got us into Vietnam.

Mr. PHILLIPS. Senator, your question is certainly a good one. It encompasses most of the aspects of the dilemma over secret operations and having to operate sometimes on secret information which cannot be perfect.

I think that all of us here agree that in resolving this difficult question it is implicit that Congress must play a role. Perhaps playing a role in the decisionmaking process is the best answer we can expect.

Senator HART of Colorado. Do any of you draw any political or economic conclusions from the fact that overwhelmingly in the last couple of decades covert operations have involved the Third World and not involved major nations, that we, in fact, suspended our operations to assassinate Castro at a time when he was most intimidating us? What I'm getting at is obvious. Are we picking on the small countries?

Mr. PHILLIPS. Senator, it has been my experience that throughout this time there is one country that's not a small country, and that most of the covert action, direct or indirect, even though it's done in a third, country, is proposed and approved and executed within the framework of our conflict with the Soviet Union.

Senator HART of Colorado. But carried out in the arena of the small emerging nations of the world? How many Soviet leaders have we attempted to assassinate? How many covert actions have we had inside the Soviet Union?

Mr. PHILLIPS. We've had a number of clandestine operations, not covert.

Senator HART of Colorado. I'm talking about covert actions with a capital "C."

Mr. PHILLIPS. Senator, you're putting me in a corner where I'd have to come back and ask a question. Defending the idea that we must engage in covert action because other people do—I do not want to take that stand. My point was that it is absolutely true that the Soviet Union does have intentions which include all the countries of the world, if they can manage it.

Only a few years ago the Soviet Union had relations with four countries in Latin America. Today they have relations with twelve. I think that it is incumbent upon us at least to be prepared, should that mechanism turn into a national security threat, to be able to meet it.

Senator HART of Colorado. I think you would recognize above all others that the Soviet Union is conducting operations clandestine and otherwise in Great Britain and France and Scandinavia and all over the world and that we are not overthrowing those governments. Does

anyone have a comment on this fact that the covert actions, covert operations, are Third-World-oriented?

Mr. CLIFFORD. Perhaps this would help answer it.

After the Bay of Pigs debacle I went to see President Kennedy and I remember very well the way he had analyzed that failure in his mind.

He said he had made a catastrophic decision to get into the Bay of Pigs. He said he made that decision because his advice was wrong. He said the advice he received was wrong because it was based upon incorrect facts, and those incorrect facts were due to faulty intelligence.

So that's how he traced it in his mind, which confirms the point that you are making. That was when he appointed the Presidents Foreign Intelligence Advisory Board. A group of nine citizens went to work and worked hard for the next 2 years. I think they had some beneficial effect upon the product that was being turned out.

But this is an extraordinarily difficult job to do. You would suppose that with all of the contacts we had with Cuba, that we would have some penetration in Cuba, and we do not. We don't have any penetration.

The difficulty is if you go into a totalitarian type of country, it is organized to prevent your getting information. They have a top intelligence man and then they have one for each province, for each town, for each block, and then the blocks are even broken down, so that there is a constant web of information flowing in.

We sent teams at one time or another in Cuba to try to get information. They were "all rolled up," is the expression, and we never heard from them again.

We have no penetration in the Soviet Union. We would like to have but the job of penetrating a totalitarian government is enormously difficult. We've had to turn to other means, and we have been enormously successful in that regard with the Soviets, that is in our scientific effort. We get most of our intelligence, the percentage is overwhelming, we get most of our intelligence from scientific means. We have means by which everybody knows. We have satellites and a photograph force. We have agencies that analyze all the electronic signals that go through the air that emanate from the different countries.

So we get a great deal of our intelligence this way. We hope it's improving all the time. It's not been very good in the past. I hope it's better now, but I assure you they will continue to make mistakes in the future because of the difficulties.

Senator HARR of Colorado. I think your observations are true about the Soviet Union, Eastern Europe, China, Cuba and so on. I'm talking about the Latin and Southeast Asian countries which for all purposes are intelligence sieves. We had agents all over Vietnam and still for reasons that have been detailed did not get accurate information. Or at least it didn't get to the President or he chose not to pay attention to it. We had all kinds of operations going on in Chile which were described yesterday. The predominant situation and set of circumstances in most of these countries is that we have little or no trouble infiltrating and operating.

One final question, particularly for Mr. Phillips. Do you think that we should be held, because of our Constitution and traditions, to a

different standard, a higher standard than our principal adversary, the Soviet Union?

Mr. PHILLIPS. First, for 1 minute, Mr. Clifford, about your statement that we don't have penetration of the Soviet Union and Cuba. I think that's not entirely accurate. I think that would be unfair to our intelligence service.

Answering your question, Senator, the people who work in intelligence have had these same problems which have been posed today. It's obvious that this committee has been agonizing about them, and you can imagine that the people who have been instructed to carry out the tasks that entailed these ambiguities find it even more difficult. It has often been suggested to me that if you were in the intelligence business so long, and you admit there were mistakes and things went wrong, why didn't you quit? And the reason is that when you are faced with a personal, ethical, moral problem of this kind, you must resolve it in the context of a long period of time, throughout your experience.

I recently read a book called "Resignation and Protest," by Thomas Franck and Edward Weisband, that indicated there were only two U.S. officials in our political history who had resigned successfully in protest. One of them was Harold Ickes, and the other was Elliot Richardson.

So you face this personal situation, and that leaves the broader question. My answer to that is I wish that the problem did not exist. I wish there weren't dark alleys. I wish that the policemen in London still wore those funny little hats and didn't carry guns, but I'm afraid they must.

So we must try to resolve this dilemma, given these different facts. It's a question I find very difficult to answer, Senator.

Senator HART of Colorado. Is it impossible to answer?

Mr. PHILLIPS. I think we now hope that we can with this very distinguished group of Senators wrestling with the problem. I think it's a good test of whether or not it's resolvable.

Senator HART of Colorado. I think the Senators are going to turn out all right on it. We're concerned about the CIA agents.

Mr. PHILLIPS. Yet, it's easily resolved, when CIA people are concerned. What are the guidelines, what does the instruction "other duties and functions" mean? It's a very simplified answer. Legislation written by someone who has the Constitution at his left elbow. That's the way to resolve it.

Senator HART of Colorado. Or maybe a director of the CIA who kept the Constitution at his left elbow also.

Mr. PHILLIPS. Absolutely.

Senator HART of Michigan. I don't know who wrote that book, but we might make a footnote. You know, Richardson's resignation was the result of a commitment he made under oath to the Judiciary Committee, after 2 weeks of wrangling.

Mr. PHILLIPS. Sir, I was quoting the author.

Mr. HALPERIN. I think we're down to one person who resigned under protest successfully.

Senator HART of Michigan. Gentlemen, you've been patient with us for a long morning.

Before expressing my thanks again, one or more of you might have something that you would like to add to the record.

Mr. Vance?

Mr. VANCE. No.

Mr. CLIFFORD. No, I think we've covered everything.

Mr. PHILLIPS. No.

Mr. HALPERIN. No.

Senator HART of Michigan. Well, as I'm sure Senator Church did at the outset, as we conclude I would like to thank each of you on the panel. As Senator Mathias said, there are fewer skyrockets this morning but a lot more substance.

We are grateful to you.

[Whereupon, at 12:55 p.m., the committee recessed subject to the call of the Chair.]

