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# Criminal Negligence: Congress, Chile, and the CIA

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Though political purists may bridle at the comparison, the late president of Chile, Salvador Allende, and the Democratic Senator from South Dakota, George McGovern, had much in common. Both aspired to the presidency of nations with long democratic traditions. Both publicly espoused a more equitable distribution of wealth and greater governmental control of giant corporations. Both were feared by the middle classes, who believed their own economic power and prestige would decline to the extent that the lot of the poor was improved. Most fundamentally, however, both were victims—targets of a White House-directed effort to prevent their election to office; targets of vast conspiracies to subvert the free election process through which citizens exercise the right of self-determination.

Many of the tactics brought into play in the Nixon Administration's secret intervention in the Chilean election of 1970 were also employed in the U.S. Presidential election two years later. The dirty tricks that Allende had managed to overcome—funding of opposition candidates, manipulation of the media, violations of individual privacy, illegal campaign contributions—all were components of the corruption now categorized in our national shorthand as "Watergate." What the United States unknowingly experienced in 1972, and ultimately exposed and repudiated two years later, was the "Chileanization" of American politics.

Although Congress has now seemed to repudiate such activities at home, it has not rejected their use in Chile or in other nations unfortunate enough to be considered even marginally significant to American

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"national security." In the Watergate affair, Congress was compelled to begin impeachment proceedings against Richard M. Nixon for his orchestration of the White House coverup of illegal activities. In the case of Chile, however, the coverup of similar White House-inspired activities is being carried out by Congress itself.

By rejecting a thorough investigation of the Central Intelligence Agency's role in the "destabilization" of the Allende regime, Congress is adopting the Nixon technique of "stonewalling." Moreover, by refusing to conduct a broader investigation of the origins of the U.S. Government's anti-Allende policy, the Senate is abandoning its constitutional responsibility for advising and consenting to the Executive's foreign policies. Finally, through inaction, Congress is inviting another Watergate, a second round of domestic internalization of the cloak-and-dagger activities commonly deployed abroad by the American intelligence establishment. As Senator Frank Church, Idaho Democrat, warned six months before the CIA intervention in Chile was publicly disclosed, "Is it possible to insulate our constitutional and democratic processes at home from the kind of foreign policy we have conducted . . . a policy of almost uninterrupted cold war, hot war, and clandestine war?"

The Congressional effort to shield the CIA from public scrutiny in this case is all the more baffling in view of what CIA Director William Colby and President Ford have already acknowledged about covert CIA intervention in Chile. In the past, Congress could rely on its traditional rationale for unwillingness to exercise oversight: "The agency never fully briefs us; we did not

00553

know." But in the last year and a half, Colby has made a deliberate attempt to expand and improve contacts with Congress and the public in the aftermath of the exposure of CIA involvement in illegal, covert Watergate activities. Colby's "Operation Candor" has meant that more legislators than ever before have been informed about covert operations, whether or not they wanted to be told.

In the case of CIA intervention in Chile, several powerful Senators and Representatives, in addition to the usual agency "oversight" subcommittee members, were privy to details of the Administration's anti-Allende policy and the CIA's consequent operations. At least two Congressional subcommittees were fully briefed about covert U.S. activities in Chile.

On April 22, 1974, Colby delivered sixteen pages of testimony concerning his agency's operations in Chile before a closed session of the House Armed Services Special Subcommittee on Intelligence. He testified that the Forty Committee, the covert policy-making group of the National Security Council, had targeted \$8 million in clandestine action funds against Allende since 1970—\$350,000 to bribe the Chilean Congress in the presidential runoff election; \$1 million to support opposition party personnel and anti-Allende forces; \$1.5 million for the 1973 municipal elections; \$5 million for "destabilization" (though Colby denied having used that word), and financial support for anti-Allende newspapers and media.

The session at which Colby presented his remarkably candid and detailed exposition of the anti-Allende program was attended only by the chairman of the subcommittee, Representative Lucien Nedzi, Michigan Democrat, and by Frank Slatinshck, chief counsel to the House Armed Services Committee. The Colby testimony, however, was available to all members of the oversight subcommittee, if they cared to examine it, and Nedzi has said privately that the Colby transcript was available for perusal by any House member who requested access. Only one member did: Representative Michael Harrington, Massachusetts Democrat. In June, House Armed Services Chairman F. Edward Hebert, Louisiana Democrat, and Nedzi permitted Harrington to read the testimony, but only after Nedzi had asked for Colby's consent to Harrington's review of the transcript. A seasoned and adroit bureaucrat, Colby told Nedzi that access to his testimony was purely a Congressional affair; Nedzi could do whatever he wished with the material.

Harrington reviewed the Colby testimony twice, but was not permitted to make notes. Shocked by the nature and extent of the CIA operations and the policy that authorized them, Harrington sent seven-page letters to House Foreign Affairs Committee Chairman Thomas Morgan, Pennsylvania Democrat, and to Senate Foreign Relations Committee Chairman J. William Fulbright, Arkansas Democrat. The letters detailed the

essence of the Colby testimony and requested help in opening a thorough investigation of U.S. involvement in the overthrow of the Allende government. Harrington's previous efforts to elicit help from Nedzi's subcommittee and from the House Foreign Affairs Subcommittee on Inter-American Affairs, chaired by Representative Dante Fascell, Florida Democrat, had been unsuccessful.

"I turn to you as a last resort," Harrington wrote Morgan, "having despaired of the likelihood of anything productive occurring as a result of the avenues I have already pursued. I wish to share this information with you in the hope that you will feel the same sense of conviction that I experienced upon learning the full details of significant U.S. activities in the affairs of another country without any prior consultation of even the committee charged with overseeing such operations."

Harrington's "sense of conviction" and outrage, however, were not shared by many of his colleagues. Fulbright, eloquent in the past on America's "arrogance of power," replied to Harrington: "I share your frustration in this situation, but, as you know, this has been going on in places other than Chile for many years." The Senator outlined his past efforts to create a joint oversight committee to exercise effective control over CIA activities, and noted the lack of Senate interest in such proposals. Returning to the matter of Chile, Fulbright wrote: "I do not believe that a thorough investigation by the Foreign Relations Committee would produce very much beyond that which we already know, and if it did, unless there is a tremendous change in the attitude of members of the Senate, nothing could be done about it."

The Congressional coverup of U.S. involvement in Chilean politics might have succeeded had copies of Harrington's letter to Morgan not found their way to *The Washington Post* and *The New York Times*. On Sunday, September 8, both newspapers published front-page articles disclosing the covert CIA operations in Chile as outlined in Harrington's letter.

The response was predictable: statements of outrage from those who had previously eschewed any interest in a public exploration of U.S. covert operations in Chile. Morgan, who had not even formally responded to Harrington's appeal, vowed to take up the Chile issue. "This is our one chance to get oversight of the CIA," he told *The Post*, "and we're going to grab it."

What followed was equally predictable: Instead of taking up the substantive issue of CIA intervention, Congress directed most of its outrage at the leak of the Harrington letter to the press. Adopting a Nixon tactic that had often proven effective, Congressional leaders began shifting the focus of controversy from the lack of meaningful oversight of CIA activities and American foreign policy to the identification and punishment of the letter leaker. Although Harrington denied that he was the source of the stories in *The Post* and *The Times*, he was regarded as the most obvious suspect.

On the Thursday following the disclosures, President

00554

Ford, Secretary of State Henry Kissinger, the ranking members of the House and Senate Armed Services committees (who are responsible for overseeing covert CIA operations), and Congressional leaders held a two-hour meeting. Although the White House claimed, in proper diplomatic language, that the group had engaged in "full and frank" discussion of CIA covert activities in Chile and elsewhere, several sources report that the major topic of conversation was the danger supposedly posed to "the national interest" by such incidents as the Harrington leak, and the problem of safeguarding future "sensitive" testimony before legislative committees. "They really had a rope with Harrington's name on it," says one Capitol Hill source.

In briefings of top Congressional Republicans and the Senate Democratic Caucus, Kissinger also emphasized the importance of safeguarding delicate CIA testimony before Congressional committees.

The House demonstrated little enthusiasm for the kind of investigation Harrington had requested. Fascell, whose subcommittee had been holding innocuous hearings on Chile for a year, expressed no interest even in obtaining a transcript of Colby's actual testimony before the Nedzi oversight group. "That's not the way I want to run my subcommittee," Fascell told me.

There has been continuing interest, however, in identifying the source of the leak of Colby's testimony. On September 25, Harrington appeared before the Nedzi oversight subcommittee to testify about the leak of his letter. Although Harrington made it clear that he had volunteered to appear, subcommittee members made it equally clear that the panel had power to subpoena him if he were to refuse. Instead of discussing the substance of Harrington's complaints about the lack of oversight of the CIA, the subcommittee preferred, in closed session, to take up the issue of whether Harrington ought to be censured for citing details of Colby's secret testimony in confidential letters to Representatives and Senators ostensibly responsible for foreign affairs.

With one major exception, the Senate's reaction to the disclosures has closely paralleled that of the House. The exception, Senator Frank Church, is chairman of the Senate Foreign Relations Subcommittee on Multi-national Corporations, whose hearings on the International Telephone and Telegraph Company's involvement in the 1970 Chilean elections had previously produced testimony revealing some degree of CIA cooperation with ITT efforts to prevent Allende's election. But Colby's April 22 testimony, as disclosed in the Harrington letter, clearly contradicted some of the testimony CIA and State Department officials had given during the Church subcommittee's hearings.

Incensed over the apparent discrepancies, Church announced he would turn over any "misleading" testimony to the Justice Department for investigation and possible perjury charges. He also said he would formally ask the full Foreign Relations Committee to review the propriety of covert operations against the constitutionally elected Allende government. In addi-



Engelhardt in the St. Louis Post-Dispatch

**'How Else Can We Protect Our Democratic Ideals If We Don't Beat The Commies At Their Own Game?'**

tion, Church instructed the chief of his subcommittee staff, Jerome Levinson, to write a report based on a review of the apparently contradictory testimony.

Senator Fulbright, preoccupied in the last months of a lame duck term with hearings on Soviet-American detente, was less than eager to mount a full-fledged investigation of U.S. policy towards the former Allende government. Nevertheless, the revelations in the press forced the Foreign Relations Committee to take up the issue in secret session.

On the morning of the scheduled committee meeting, *The Washington Post* and *The New York Times* carried stories disclosing the recommendations of the confidential report Church had requested his subcommittee staff chief to prepare. The Levinson report recommended that a perjury investigation be initiated against former CIA Director Richard M. Helms. In addition, it accused Kissinger of having "deceived" the Foreign Relations Committee in sworn testimony about the scope and objective of CIA operations in Chile. The memo further questioned the testimony of the former Assistant Secretary of State for Inter-American Affairs, Charles A. Meyer; former U.S. Ambassador to Chile Edward M. Korry; and the former chief of the CIA's

00555

Latin American Division, William V. Broe. "Whether or not there was perjury committed," Levinson wrote, "it seems clear that the testimony of Meyer, Korry, Broe, and Helms was contumacious."

Members of the Foreign Relations Committee met that morning, enraged at the leak of the Levinson report. Once again, a Senator told me, the outrage was directed at the leak rather than at the substance of Levinson's conclusion that several members of the Executive branch had lied in sworn testimony before Senate panels. The Senate Minority Leader, Hugh Scott of Pennsylvania, and Senator Gale McGee, Wyoming Democrat, subjected Levinson to a hostile grilling. Fulbright was also furious about the leak, particularly because the report was highly critical of Kissinger, who shares the outgoing chairman's high hopes for detente. Church defended Levinson and tried in vain to persuade his colleagues to return to substantive issues.

The substantive issues, in fact, had become even broader than the mere questions of CIA oversight or even U.S. policy towards the Allende regime. At issue now was whether the Senate would exercise its constitutionally mandated role by taking action against those Government officials who felt free to deceive or mislead Congress. More broadly still, the issue was whether Congress was willing and able to supervise the nation's foreign policy.

The Senators, however, were not inclined to consider such matters. The Levinson memo was set aside. The Foreign Relations Committee heard instead from Pat Holt, the chief of the full committee staff, whose report did not recommend the launching of possible perjury proceedings against anyone. Holt was instructed to continue his investigation and report to the committee at its next executive session. The next session came and went, once again without action.

In the meantime, relations between Fulbright and Church had deteriorated as a result of their disagreement about the importance of the debate on Chile. During Kissinger's testimony before the Foreign Relations Committee's hearings on detente, Church attempted to raise the issue of covert U.S. intervention in the affairs of other nations. He asked Kissinger how he could justify, in view of the spirit of detente and the political values for which the United States has traditionally stood, a policy of "unfettered intervention" against a democratically elected government. This line of questioning, however, was abruptly cut off by Fulbright, who protested crankily that Church's question had "nothing to do with detente, the subject of these proceedings." Church, whose sharp intellect and sound instincts are not always accompanied by political gumption and perseverance, firmly stood his ground. Refusing to be interrupted, Church replied that detente had a "hollow ring" when applied to such nations as Chile, and that U.S. actions against the Allende government were "a very sad commentary, indeed."

Church received limited support from Senator Stuart Symington, Missouri Democrat, a member of both the Foreign Relations Committee and the oversight subcommittee of the Armed Services Committee. Symington, a supporter of the CIA's intelligence gathering and analysis functions, complained privately that the Senate oversight panel had not received much detail about the complete scope of the CIA's Chilean intervention.

On the other hand, at least one other Senate subcommittee had been fairly well briefed. On November 26, 1973, Colby confirmed in closed testimony before McGee's Foreign Relations Subcommittee on Western Hemisphere Affairs, according to the confidential Levinson report, that "the agency did more than merely keep the democratic political opposition alive." During questioning, Levinson noted, Colby, "in effect, acknowledged that the agency supported demonstrations and funded opposition press."

Since the recent disclosures, the CIA has once again been under heavy criticism, but Symington and others argue that most of the criticism is misguided. In the Chilean affair, after all, the CIA has been more candid than Kissinger and lesser State Department officials. In the midst of the revelations about CIA activities in Chile, Colby appeared before a two-day conference of former agents, government officials, and journalists to discuss "The CIA and Covert Operations." Although many in the audience were understandably antagonistic towards the former head of the CIA's Vietnam-based Phoenix program, Colby spent two imperturbable hours answering questions that were sometimes penetrating and sometimes merely hostile. As a spy trained in the covert operations division, Colby said that though such operations might be useful in the future, U.S. national interests would not be seriously endangered if Congress were to ban covert operations. He also expressed willingness to testify fully before any oversight or special committee duly authorized by Congress—a concession that the State Department officials who testified at Church's ITT/Chile hearings were unwilling to grant.

The CIA's supporters and apologists have always maintained that the agency is, essentially, an instrument of American foreign policy—the obedient servant of the President and the Executive branch. This rationale has been strengthened by President Ford's unprecedented acknowledgment and defense of the clandestine operations in Chile: "Our Government, like other governments, does take certain actions in the intelligence field to help implement foreign policy and protect national security. I am informed reliably that Communist nations spend vastly more money than we do for the same kind of purposes." If critics wish, therefore, to assign responsibility for the American intervention in Chile and other disastrous "dirty tricks," the place to start is the White House and its Forty Committee, chaired by Kissinger.

Nonetheless, the recent disclosures have prompted an array of proposals aimed at tightening Congress-

00556

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sional oversight power of the intelligence agencies themselves (though Congress has rejected about 150 such efforts in the past). Senator Symington contends that the Senate's ability to ride herd on CIA covert activities has actually diminished over the years. When the late Senator Richard Russell, Georgia Democrat, was chairman of the Senate Armed Services Committee, Symington notes, high-ranking members of the Senate Foreign Relations Committee were occasionally invited to attend CIA oversight sessions. These invitations ceased, however, when Senator John Stennis, Mississippi Democrat, succeeded Russell as chairman, and oversight meetings became a rarity. As a result of this experience, many Senators believe that any oversight procedure must be written into legislation rather than remain dependent upon a "gentlemen's agreement."

The Administration, clearly, would prefer to head off legislation. Toward that end, Kissinger offered early in October to have Colby provide detailed briefings on future clandestine operations to the House Foreign Affairs Committee as well as to the Armed Services Committee. Whether Congress—and particularly the Senate—will be content with this arrangement remains to be seen. Representative Harrington dismissed it as "a small step for the Foreign Affairs Committee and a smaller step still for the cause of Congressional control over the CIA, but so far still more illusion than reality."

Proposals now pending range from one by Senator James Abourezk, South Dakota Democrat, who would abolish the CIA's covert operations branch, to a bipartisan plan to establish a fourteen-member joint Congressional oversight committee for all intelligence organizations. Senator Walter Mondale, Minnesota Democrat, has called for formation of a Select Committee on Intelligence, fashioned after the Select Committee on Emergency Powers, to study the most effective means of overseeing the intelligence community.

Ultimately, however, Congress is likely to do what it has done in the past—nothing. As the Chilean experience demonstrates, most Senators and Representatives—and certainly most of those in leadership positions—favor the maintenance of a U.S. capability for clandestine operations against foreign governments in general, just as they supported the intervention against Allende in particular.

Congress has had an excellent opportunity to conduct a searching inquiry of the American involvement in Chile and the foreign policy that encouraged such involvement. It has passed up that opportunity on the shopworn pretext that to pursue it might endanger "national security." Although a number of legislators criticized Ford's justification of the intervention in Chile, most accepted his rationale: all powerful nations conduct such shady operations; we spend less money on them than do others.

The United States spent only \$8 million to undermine the elected government of Chile. According to Ford's logic—logic that Congress accepts and tacitly supports—it was a cost-effective coup. □

00557