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IMPLICATIONS OF  
DECISION-MAKING FOR COVERT OPERATIONS

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This essay first seeks to describe, using case illustrations, the system by which the United States government plans, approves, and carries out covert operations which are aimed at influencing political events in other countries or gathering intelligence by using human agents or technological means. It then seeks to show how the structure and manner in which these decisions have been made has determined not only the final decisions on the covert operations themselves, but has also had unplanned implications for the more general processes of decision-making on matters of foreign policy and national defense by both the Executive Branch and the Congress. Finally, after assessing the implications of the tightly closed decision-making procedures and structures, the essay concludes with recommendations for change.

Case Illustrations

We begin with a brief description of three aspects of American foreign policy in the post-World War II period which illustrate different facets of the problem of the closed system with which decisions are made about covert intelligence operations. We examine first the story of the Bay of Pigs invasion of Cuba by the Kennedy Administration in 1961, then we consider the decision to continue reconnaissance flights over North Vietnam after the March 1968 halt of much of the bombing of that country, and, finally, we consider various aspects of American covert policy toward the People's Republic of China during both the early post-World War II period and the Cultural Revolution in the mid-1960's.

## The Bay of Pigs

The story of the disastrous, abortive American-supported invasion of Cuba in 1961 has been frequently told, but it is worth repeating some of the highlights here, particularly as they reveal some of the procedures and problems of covert decision-making.\*

The planning for a landing of opponents of the Castro regime apparently began within the Directorate of Programs (then called the Director of Plans) in the Central Intelligence Agency. Within that organization, there was a planning and coordinating group at headquarters for the western hemisphere and field groups in Miami and elsewhere in Latin America that were concerned with programs directed at the Castro government. These groups developed a plan to support a landing of a large scale guerrilla group which would attempt to seize power in Cuba. This planning took place during 1960 and developed into a formal plan during the 1960 election campaign between Richard Nixon and John F. Kennedy. While both candidates were briefed on the existence of the plan during the campaign, it appears actually not to have been approved by the 40 Committee until shortly after the election. This committee, chaired by a senior White House foreign policy adviser and which included representatives from the State Department, the Department of Defense, and the CIA, gave tentative approval to the covert operation against Cuba in the period between the election of John F. Kennedy and the inauguration. In these closing days, officials were apparently not willing to take responsibility for

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\* On the Bay of Pigs episode, see in particular Theodore C. Sorensen, Kennedy, New York: Harper & Row, 1965; Roger Hilsman, To Move a Nation: The Politics of Foreign Policy in the Administration of John F. Kennedy, New York: Doubleday, 1967; Arthur M. Schlesinger, Jr., A Thousand Days: John F. Kennedy in the White House, Boston: Houghton Mifflin, 1965; Chester Bowles, Promises to Keep: My Years in Public Life, 1941-1969, New York: Harper & Row, 1971; and Haynes Johnson, The Bay of Pigs: The Leaders' Story of Brigade 2506, New York: W. W. Norton, 1964.

either approving the final go-ahead or for turning off the operation. Thus, Kennedy was confronted when he came to office with an ongoing plan for a large scale invasion.

Rather than consider the matter in the structure of the 40 Committee, the President began to hold meetings on the issue with his principal advisers, including the Secretary of State and the Secretary of Defense. In addition, he brought in some personal advisers, including Arthur Schlesinger, Jr., and, for at least one meeting, Senator William Fulbright, the Chairman of the Foreign Relations Committee, as well as his brother, Attorney General Robert Kennedy. The meetings with the President also included the Assistant Secretary of State for American Public Affairs, an official who normally would not be included in meetings of the 40 Committee.

Nevertheless, the circle of officials who were aware of the proposed invasion plan, and who could provide an assessment to the President of its likely consequences and the likelihood that there would be the necessary support for the operation in Cuba, were exceedingly limited. Even those who were present at the meetings in the White House did not have the opportunity to study the plan since the information presented was either given to them orally or contained in papers which were collected after the White House meetings. The mystique of covert operations was apparently so great that White House officials permitted themselves to be told by the CIA that no copies of their plan could be left behind for consideration after Agency briefings on the proposal.

Even more striking, most of the officials in the American government, who from either a policy or intelligence point of view were concerned with and knowledgeable about the situation in Cuba and Latin America, were not informed about the planned invasion and were not asked for an assessment of the likely consequences. Thus, for example, the officials in the Bureau of American Republic Affairs, in the State Department, below the Assistant Secretary, were not informed of the planned operation. Thus, the Cuban desk office, concerned with day-to-day relations with Cuba, did not know of the operation and could not give an evaluation of its consequences. Nor were other officials in State informed--for example, nobody in the Bureau of Intelligence and Research, the State Department's research and evaluation arm, was

officially informed of the pending operation.\* Roger Hilsman, who was then the Director of the Bureau of Intelligence and Research, learned of the impending invasion through a chance comment by the Director of the CIA, Allen Dulles. However, when Hilsman proposed to Dean Rusk that he have his analysts do a study of the likely consequences of such an invasion, he was told by Rusk that this was impossible, since the analysts were not to know of the plan.

Nor were intelligence analysts in the CIA itself informed. There appears to be a firm dividing line between the operating side of the CIA, the Directorate for Programs, and the intelligence evaluation side, the Directorate for Intelligence. None of the intelligence analysts in the office of the Directorate for Intelligence of the CIA, including the Deputy Director of the CIA for Intelligence, Mr. Robert Amory, were informed of the planned Bay of Pigs invasion. Hence, all of the analytic talents of the CIA were absent from the consideration of whether the operation might succeed. When Mr. Allen Dulles, the Director of Central Intelligence, informed the President that the chances of success were very high, this opinion was based entirely on the views of the covert operators planning the Bay of Pigs invasion and on his own hunches--without any support from either the Board of National Estimates or the intelligence analysts in the Directorate for Intelligence.

In the Pentagon, knowledge of the operation appears to have been restricted to the Secretary and perhaps his Deputy, Roswell Gilpatrick, and to military officers on the Joint Staff of the military services. No civilian officials in the Pentagon, including the Assistant Secretary of Defense for International Security Affairs, Paul Nitze, seems to have been informed or given an opportunity to comment on the planned operation.

Thus, although the key judgment in the Bay of Pigs operation was whether a sufficient number of Cubans would rise up to support the invaders when they landed on the beach, no one who had a good capability on the question was consulted and permitted to express an opinion, with the exception of the CIA operatives themselves, who, being heavily committed to the plan, could not have been expected to have an impartial view.

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\* At this time the small staff which worked with the Deputy Undersecretary for Political Affairs on covert operations was not in the Bureau of Intelligence and Research; it reported directly to the Deputy Undersecretary. Some time later, this unit was transferred to the Bureau of Intelligence and Research. See Roger Hilsman, To Move a Nation.

The Bay of Pigs episode illustrates quite clearly one of the consequences of the tight secrecy with which covert operations are planned, approved, and implemented. It shows why such operations are approved when they should not be, and why they often go badly. Cutting off many officials from the Bay of Pigs operation meant not only that officials knowledgeable about the Cuban scene were not able to comment and warn the President that the kind of uprising on which the plan depended was unlikely, but also the narrow circle meant that the President was not confronted with advice from those who had operational responsibility for other programs and other means, and who could have pointed out the limitations of the different ways by which the presumed threat from the Castro regime could be contained.

This episode illustrates how the procedures for framing covert operations can affect the likelihood of their approval and the likelihood of success of the operations themselves. The next step is to illustrate how the closed system of decision-making on covert operations can spill over and affect more general policy in the same area.

#### Reconnaissance of North Vietnam

On March 31, 1968, after the mounting controversy over the Vietnam war that followed the Tet Offensive, President Johnson announced a dramatic curtailment of the American bombing of North Vietnam in the same speech in which he announced that he would not be a candidate for reelection to the Presidency. Most of the public attention following the speech was given to Johnson's withdrawal from political life, the reduction of the bombing, and the possibility that these would lead to negotiations of a peaceful settlement. Hardly any public attention was given to a key component of the set of decisions which the President made in the days leading up to the speech, namely: the decision to continue reconnaissance operations over all of North Vietnam. While the bombing was to be limited to the area below the 20th parallel, the military was authorized to continue reconnaissance operations, including the penetration of North Vietnamese air space by American high and low flying airplanes, throughout all of North Vietnam.

Similarly, in October of 1968, on the eve of the presidential election between Hubert Humphrey and Richard Nixon, President Johnson announced a complete halt of the bombing and the beginning of substantive peace talks in Paris on a political settlement of the conflict. Again, attention focussed on the negotiating consequences of the bombing halt and on the political consequences for the upcoming presidential election--little attention was given to the fact that the United States would continue reconnaissance operations over all of North Vietnam. While the decision was little noted, it was to have substantial consequences in the Nixon Administration, leading to what were called "protective reaction strikes" designed to suppress anti-aircraft fire directed at the reconnaissance operations. Allegedly at the initiative of General Lavelle, the commander of the 7th Air Force, such strikes were ultimately used as a cover for a limited resumption of the bombing of North Vietnam.

The reconnaissance operations and the "protective reaction strike" bombings of North Vietnam which followed appear to have contributed to delaying a settlement of the Vietnam conflict. Yet, in the events leading up to both the March and October bombing halts, the President excluded from the discussions all but a very small number of his civilian advisers. Because of the structure of the Joint Chiefs system and because of the President's need to consult the military on such an issue, a substantial number of military officers on the Joint Staff and the Service Staffs continued to be informed and consulted, but only a very small number of people, perhaps a dozen or two dozen, in various other agencies were consulted. Thus, these critical policy decisions were made within very tight, small circles--even in this situation where the intention to conduct the reconnaissance flights had been announced to the North Vietnamese government. And once again, the fact that the policy was not subjected to the critical scrutiny of officials with differing expertise and organizational interests led to considering only one of many possible options--manned reconnaissance flights over North Vietnam. This one-sided approach illustrated the consequences that are possible with such closed decision-making procedures.

For the President, the basic problem had been to secure the military's concurrence in a decision first to curtail and

then to halt the bombing of North Vietnam, and he offered the military whatever assurances about future behavior on the part of the United States that he could. Some of these assurances involved the conditions under which the United States would resume the bombing, and others inevitably involved the question of what operations the United States would continue during this period, including reconnaissance operations. The military, of course, was always interested in getting information about potential targets, particularly in areas in which they have been bombing and might again be ordered to resume bombing. Thus, one of the conditions proposed by the military for the two bombing halts was that they be permitted, at their discretion, to continue any and all reconnaissance operations against North Vietnam.

President Johnson's inclination, no doubt, would have been to accept this condition, regardless of the lurking adverse consequences and regardless of any assessment of the importance of this reconnaissance information, precisely because it seemed a small price to pay to get military concurrence in the bombing halt. Nevertheless, it is important to note that the decision was made without any careful evaluation of the likely impact on the North Vietnamese, or the need for the kind of reconnaissance which involved an intrusion into North Vietnamese air space. Intelligence analysts in the intelligence branches of the CIA, the Department of State, and even the Department of Defense, as well as those involved in Vietnam policy making on the civilian side of the Pentagon and in the Department of State, were excluded from the decision-making process, both because it involved a tightly held political decision and because it involved operational, covert programs.

Considerable confusion on the question of the North Vietnamese reaction resulted from the belief that the North Vietnamese had committed themselves in October not to shoot at the American reconnaissance planes. At the Paris negotiations, the North Vietnamese had been clearly informed by Averell Harriman that the United States intended to continue such reconnaissance operations, and they, in turn, had expressed their willingness to begin substantive negotiations despite the persistence of the United States in these operations. In other words, the North Vietnamese retreated from

their position that they would not begin peace talks until the United States ended all acts of war against North Vietnam--a description clearly meant to include reconnaissance operations--and shifted, instead, to being willing to talk if the United States simply terminated all acts of force against North Vietnam--a formulation clearly designed to exclude unarmed reconnaissance operations. But the North Vietnamese neither stated nor suggested that they would refrain from seeking to interfere with these operations by, for instance, shooting at the reconnaissance planes. Until after the decision was made, analysts familiar with the North Vietnamese positions and statements did not have an opportunity to examine this question, and, since they had not been in on the details of the negotiations with the North Vietnamese, their views were not taken seriously afterwards.

There also remained the question of the value and importance of reconnaissance operations which involved an intrusion over North Vietnamese territory, particularly by manned aircraft. This was a highly technical problem, involving questions such as what the United States needed to know or wanted to know about what was going on in North Vietnam, evaluating what other means the United States could use to discover this information, and how much degradation of intelligence would in fact result if--except for the manned intrusions of North Vietnamese air space--all such alternative means were used and perhaps maximized.

Even to begin to discuss the question of whether other intelligence gathering means could serve as usefully as manned aircraft, officials needed an array of clearances. One set involved the tactical intelligence operations of the United States over North Vietnam by both high and low flying aircraft. Others included what the activities of the National Security Agency could and did learn from monitoring both electronic signals and other forms of communications between North Vietnam and South Vietnam. Some clearances involved different aspects of this monitoring, including whether the United States had successfully broken any North Vietnamese codes and therefore could read any of their coded, classified communications. One also needed clearances which involved various satellite programs of the United States, including, in particular, the satellite photography program. Not only was access to the



information learned from this program necessary, but also the operational clearances which would enable an official to assess whether, and at what cost, more intensive use of satellites over North Vietnam could provide additional information and to what degree a satellite program could compensate for a curtailment or elimination of the manned reconnaissance programs.

Other than officials on the Joint Staff, which viewed the situation from a military perspective, there was almost no one who had access to these necessary intelligence clearances. Thus, officials who might otherwise have added the perspective of broader Vietnam issues, such as the problems of negotiation, to the military's interest in having the information for its tactical operations, were not in a position to offer an assessment of the relative importance and value of continuing armed reconnaissance flights.

The people who did have such clearances had gotten them painfully, one at a time, on the sufferance of the various groups who controlled the clearances. The decision as to whether to award clearances to a particular individual is, in general, made by the managers and operators of a particular program who, being responsible for the security of that program, are given the responsibility to determine who has access to the material involved. Naturally, they are not anxious to give material to people who might become critics of their particular program. Moreover, even those who had the clearances did not have all the information which was necessary to make a study of the consequences of halting reconnaissance which involved intrusion into North Vietnamese air space.

A variety of technical problems and alternatives were involved which called for extensive knowledge of the various programs. For example, how much could be gotten from aircraft flying around the perimeter of North Vietnam? To what extent were drones (unmanned aircraft) available which could perform some of the missions involved? What was the likely destruction rate of drones? To what degree could additional satellites or additional satellite time be programmed over North Vietnam? Information on each of these questions was tightly held and controlled by the people managing each one of these programs. While in some circumstances they each had an incentive to show how good their programs were, none of them

had any incentive to cooperate with an effort to determine whether the program of reconnaissance over North Vietnam should be curtailed.

Obviously, if the President or the Secretary of Defense had personally been strongly interested in such a study, the information could have, with considerable difficulty, been gotten out of the various bureaucracies involved. But with the President and the Secretary committed to the continuation of the program, it was unlikely that all the necessary data could be assembled. This system of secrecy stands in contrast with other areas of policy, where there are no special subcategories of clearances, and where papers can be done assessing the implications of alternative policies by even relatively junior officials with the support of senior officials in the government.

Added to all these other problems were the simple clerical problems of dealing with the material involving special clearances. Even fewer secretaries than substantive staff people are cleared for such operations. Junior officials interested in such activities are unlikely to have members of their own staff cleared to assist them on the programs. Outside consultants are rarely cleared for all, or even most, of these activities. The safes in most government offices, even in the Pentagon, are not authorized for storage of material involving these clearances. When several of these clearances are lumped together, the problems of storage, typing, and analysis become even greater.

These are reasons why there does not appear to have been any serious study, either before or after the decisions to continue reconnaissance while curtailing the bombing, on the utility of the manned reconnaissance operations involving intrusion into North Vietnamese air space and the degree to which that same information, or virtually all the same information, could have been obtained by alternate intelligence means. Instead, the reconnaissance went on, the North Vietnamese began to shoot at the airplanes, the United States responded first by firing back and then by a program described as "protective reaction" in which strikes would be made after North Vietnamese air defense units were believed to be on the verge of attacking American reconnaissance planes. The

"protective reaction strikes" were ultimately used as a cover for preplanned strikes on a variety of targets in North Vietnam. All this proceeded without any real assessment of the need for the reconnaissance program itself, and it illustrates how the decision-making procedures for covert operations--including technical operations--can have wider repercussions in a major policy area.

We turn now to the case of China to see how covert operations can have even more profound effects on the relations between two major countries.

#### The People's Republic of China

On a number of occasions in the post-World War II period, the CIA has directed covert operations within the territory of the People's Republic of China--three such operations have come to light. Although little is known about the internal decision-making procedures which led to these particular operations, there is no reason to think that they were different from those routinely followed in approving covert operations in general.

In 1949, with the Communist conquest of the Chinese mainland, Secretary of State Dean Acheson announced on behalf of the Truman Administration that the United States would permit the dust to settle in China before deciding what to do. The debate which raged within the American government, outside of the covert intelligence community, was on whether or not the United States would defend Taiwan. At the same time, and without the knowledge of at least junior officials involved in China policy in general, the CIA began planning for a program of covert operations on the Chinese mainland. By 1950, with the Korean War underway, the CIA began the operations, relying mainly on Chinese Nationalist agents from Taiwan. These operations, which were geared in part to aid American airmen who might be shot down in China as a result of bombing raids over North Korea, were also designed to infiltrate Chinese Nationalist agents onto the mainland for information gathering and covert operations. The CIA agents were trained in Japan on the establishment of secret bases and communications lines, organized into teams, and dropped into China, with one such drop taking place in the fall of 1952.

The existence of these operations came to light only because in November of 1952 two American CIA agents involved in directing the operation, John Downey and Richard Fecteau, were shot down when they attempted to pick up one of the agents previously parachuted into China and to drop supplies for other agents. The United States made no public announcement of the disappearance of these two agents, evidently assuming that they had both been killed when their plane went down. However, two years later the Chinese disclosed that Downey and Fecteau had been captured. The Chinese asserted that both Downey and Fecteau had confessed to their clandestine operations and CIA connections and were tried and sentenced for interfering in Chinese affairs. It was reported that Downey had been sentenced to life imprisonment and Fecteau to twenty years in prison. It was not until 1971 that Fecteau was finally freed and until 1973 that Downey's release was arranged.

The Chinese public announcement that Downey and Fecteau were CIA agents and had been taken alive must have caused a great shock within the covert operations establishment, since it made public the fact of these operations. It is not known how widely within the Executive Branch at this point that the CIA admitted that Downey and Fecteau were in fact CIA agents. The American public was lied to--according to the State Department spokesman at the time of the trials:

These men, John Thomas Downey and Richard George Fecteau, were civilian personnel employed by the Department of the Army in Japan. They were believed to have been lost on a flight from Korea to Japan in November, 1952.\*

While even a cursory look at a map would indicate the implausibility of somebody being lost over China on a flight from Seoul to Tokyo, much of the American public seems to have accepted the administration's story, and it was accepted as one more proof of the lawless behavior and callous disregard for human life of the "outlaw" regime then in control

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\* The New York Times, November 24, 1954.

of the Chinese mainland. It was not until 1973, and then apparently as part of the arrangements for Downey's release, that President Nixon finally admitted that Downey and Fecteau were CIA agents on a covert operation. One suspects that many parts of the Executive Branch, while they had long suspected the truth, were only at that moment formally and officially informed of the existence of the operation in China.

In the mid-1950's, the CIA appears to have begun an operation in support of rebel groups in Tibet. Thus, in 1958 the CIA brought a group of Tibetans to a training base in Colorado and gave them training for covert operations within Tibet. These CIA-trained Tibetan agents were dropped into Tibet by the Civil Air Transport (CAT), a CIA proprietary air force.

Analysts of Chinese-American relations in the State Department, the CIA, and the academic community were not aware until the charges against Downey and Fecteau that secret operations of any kind were being conducted on the Chinese mainland, and they were not aware of the Tibetan operation until recent revelations. Thus, in assessing Chinese and American relations and the reasons for Chinese hostility to the United States, they were unable to take account of Chinese fears stemming from the Chinese knowledge of extensive American interference on the Chinese mainland through the covert operations of the CIA and the support of internal opponents of the regime, including the Chinese nationalists and Tibetan guerrilla groups. The decisions to conduct these operations were undoubtedly made by a small group, including, certainly, the President and the Secretary of State, but not including most government experts on China and Tibet, who could have provided an assessment of the likely effects of these operations on the local conditions in the area in which they were operating, on the Chinese perception of the United States, and on the likelihood of improved relations between the two countries.

While some CIA support for Chinese Nationalist operations in and over the mainland of China appear to have continued steadily, at least until the last few years, the only other publicly known major CIA operations in China occurred in the mid-1960's at the time of the Cultural Revolution. When the

Cultural Revolution broke out, discussion among officials not involved in covert operations in the State Department, the Defense Department, the White House, and even the CIA, quickly reached the conclusion that the United States should not intervene in any way in the Cultural Revolution. The United States could in fact indicate to the Chinese leaders that, whatever past American policy, the United States now accepted the Chinese regime and, by remaining aloof from the turmoil of the Cultural Revolution, was making no effort to undercut it. By not interfering when China appeared to be weak and divided, the United States could lay the basis for a degree of improved relations once the tumult of the Cultural Revolution had died down. Though this reason for non-interference was never publicly admitted, the consensus emerging from these working-level meetings appears to have been ratified at the highest levels of the government and it was the official American policy, both internal and stated by senior American officials, that the United States was not intervening in the Cultural Revolution and would not attempt to exploit it for any purpose.

At the same time, and unbeknownst to these officials, the CIA was mounting covert operations designed to influence the Cultural Revolution and to increase the turmoil and difficulty within China.

In 1967, detecting signs that the Cultural Revolution was dying down and that forces for law and order were reasserting themselves, the CIA stepped up its operations in a design to rekindle the extreme violence of the earlier Cultural Revolution period. Balloons were used to drop leaflets and other propaganda materials over China. These documents had been carefully prepared by CIA agents to appear as similar as possible to genuine publications being distributed in China by the conservative elements. The leaflets criticized the Red Guard and their radical supporters in the Peking leadership. The pamphlets appear to have been successful in that they were taken as genuine by many Chinese and, by the radicals, as evidence of greater resistance to Red Guard propaganda, particularly in the southern provinces. Refugees from China arrived in Hong Kong carrying some of this CIA material. At the same time, a CIA-operated clandestine radio on Taiwan broadcasted some of the same kinds of propaganda as was in the leaflets.

These covert operations, which were almost certainly detected by Chinese communist leaders, had the effect of undercutting what most American officials believed was the agreed policy of the United States--to remain out of the Cultural Revolution and to attempt to use the good will generated by that inaction to lay the basis for improved relations after the extreme violence died down. Senior, long-experienced China officials in the State Department, the overt side of the CIA, and within the Pentagon were given no opportunity to argue against these CIA operations. They had simply not been informed of them, and were allowed to believe that the United States was remaining aloof from the Cultural Revolution.

The CIA operations had even more bizarre consequences. American intelligence analysts from the Department of State in Hong Kong began to get copies of these leaflets from refugees from the Chinese mainland; at the same time, a different branch of the CIA, the Foreign Broadcast Information Service, began to monitor the clandestine radio broadcasts from Taiwan and treat them as though they were coming from a clandestine, dissident radio on the Chinese mainland. The pamphlets and the radio broadcasts were then fed into the analyses of the Cultural Revolution situation being done by the State Department and the CIA analysts in Hong Kong and Washington.

Thus, over an extended period of time, analysts of developments in China and of Chinese-American relations within the American government have had their perceptions distorted by a lack of knowledge of American covert interference in the affairs of the People's Republic of China. Perhaps more importantly, American policy toward China was for many years affected by these covert operations without most of the officials in the American government who were concerned with China policy being informed about them and given an opportunity to argue that such activities were not in the national interest.

### Secrecy and Decision-Making Procedures

Our review of the decision-making structure involving the planning and implementation of covert operations will be necessarily brief since this subject was discussed at greater length by Marks and Marchetti. Our focus will be on the patterns of decision-making, with particular reference to the narrowing of the circle of those involved.

The proposals for covert operations generally come largely, if not entirely, from the organizations which will then be responsible for carrying them out once they are approved. This structure is highly decentralized, with its different units not having access to either the programs or the results of the programs of other operating units. In general, there is a different organizational structure for the planning and the implementing of each of the different programs.

One of these, that involving covert operations and the use of agents to gather information, is centered almost entirely in the program division of the CIA. This organization is broken down into a regional structure--under the Deputy Director for Programs there is an Assistant Director for each region and, under him, staff dealing with particular countries.

There is also an organization in the field with CIA agents in relatively overt status, although somewhat disguised, on the staffs of American embassies in almost every country of the world. In addition, there are people under more intensive cover, being ostensibly employees of private business organizations, for example. The individuals manning these slots in the division of programs of the agency and in the field are also drawn from a career service of covert operators within the CIA. Finally, the Defense Intelligence Agency has a program of military attaches stationed abroad, who engage in the more or less overt collection of intelligence information about the military capabilities of the countries to which they are assigned.

A separate structure deals with the gathering of communications intelligence information by monitoring various electronic signals put in the air by various governments.



This structure, about which considerably less is known, involves the National Security Agency as the central coordinating mechanism and has a staff which evaluates this information and attempts to break the codes in which the messages are sent. It also includes the various service intelligence organizations and their overseas components, which apparently carry on the overseas collection operations. Thus, NSA bases overseas appear to be manned and controlled by service intelligence units, and certainly ships such as the Pueblo and the Liberty and airplanes such as the EC-121, shot down off the coast of Korea in 1959, fall into the operational responsibility of the military intelligence organizations.

Still a separate group runs the overhead reconnaissance programs. These, it is now known, are conducted by the Overhead Reconnaissance Office, which is a part of the office of the Secretary of the Air Force. This operation continues to be classified totally, in the sense that the United States does not even admit that it carries on an overhead reconnaissance program and the structures by which the program is conducted are all classified, even as to their existence.

The decisions on the budgets of these organizations appear to be made by a variety of separate channels involving the Office of Budget and Management and senior officials of the CIA and the Department of Defense. However, the decisions about particular operations and their approval are centered in a single institution now known as the 40 Committee, previously known by other numbers, such as the 303 Committee.

The 40 Committee, chaired by the President's Assistant for National Security Affairs, includes as representatives the Deputy Secretary of Defense, the Undersecretary of State for Political Affairs, the Chairman of the Joint Chiefs, and the Director of Central Intelligence. Each member has a special staff which is involved in the evaluation and monitoring of the programs brought forward by the various separate organizations discussed above. In the case of the representatives of the Department of State, the unit involved is an office in the department of the Director of Intelligence and Research that is specially assigned to this purpose. In the

Defense Department the staffing is done by a special Assistant to the Chairman of the Joint Chiefs for Covert Operations. At least until recently, this office basically staffed both the Chairman and the Deputy Secretary. The President's Assistant for National Security Affairs is traditionally staffed by a single individual assigned to his office by the CIA.

We can illustrate how this program works by considering a typical instance of a covert operation. In general, a similar pattern has been followed for a technical program coming out of the NSA, the service intelligence operations, or an overhead reconnaissance program from the Air Force.

In general, an idea for a covert operation will develop either in the field in the country involved or in the department of the CIA headquarters staff that is responsible for that particular country. The idea would then be discussed between these two groups and, if approved by them, passed to the Assistant Director for the region concerned, and then from him to the Director of Central Intelligence. If the plan at least has his tentative approval, it will then be passed informally to the various staffs of the members of the 40 Committee. An attempt is then made at that level to develop a consensus on the desirability of going forward with the operation. In general, there would be no consultation with other officials who might be concerned with other aspects of the policy toward the country in which it was planned to conduct the covert operations. Thus, within the State Department, there would not be continual consultation with the regional branch of the Bureau of Intelligence and Research concerned with that country, or with the director for the country concerned. The Assistant Secretary of the region might be consulted depending on past indications of his interest in being consulted or in being informed about covert operations.\* Other

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\* There are, of course, exceptions. In some instances there may be informal consultations with others in the Bureau of Intelligence and Research or with a country director, although this does not appear to be the norm.

parts of the State Department, including the planning staff and the Bureau of Political and Military Affairs, will almost certainly not be consulted.

In the Department of Defense, the consultation would be limited to the staff of the Assistant to the Joint Chiefs for Covert Operations and to the service counterparts. The consultation would not extend, apparently, to the J-5 planning staff of the Joint Staffs or to the similar service staffs which deal more generally with political-military questions, and would not extend to civilians in the Pentagon, including those in the Office of International Security Affairs.

On the National Security Council staff, the consultation would be limited to a few people specifically assigned to provide staff support on covert operations to the Assistant to the President and would not normally extend to those concerned with regional affairs for the country involved or to those involved in the planning. In the CIA, the Deputy Director for Intelligence and all of his staffs would be excluded from the consultation.

Once a consensus is reached within this small group, the matter would move onto the agenda of the 40 Committee, where it will almost certainly be approved, and then there will be informal consultation with the President, usually not in writing so that it will be possible to deny involvement if that were to become necessary. The approval of the President having been obtained, the Assistant to the President for National Security Affairs would notify the relevant operating agencies that the program had been approved, and they would then put it into effect. Once it was ongoing, there would be little, if any opportunity for any other group to monitor the program.

This then is the bare outline of the decision-making structures. We are ready to turn to an assessment of the implications of this structure for Executive Branch decision-making, keeping in mind the vignettes with which we began the essay.

### Implications for Executive Branch Decision-Making\*

The system under which decisions about covert operations are made distorts the decision-making process in a number of undesirable ways. It (1) increases the chances that such operations will be chosen over more desirable alternatives, (2) reduces the effectiveness with which such operations are designed and carried out, (3) distorts the decision-making within the Executive Branch in general, and (4) reduces the effectiveness of the intelligence evaluation which is supposed to be the primary responsibility of the CIA. Each of these is discussed in turn, drawing in particular on the brief cases presented above.

### Choosing Covert Operations

The super secrecy of covert operations increases the chances the President will choose covert actions rather than other options which would be more desirable and which, given a free and open debate within the Executive Branch or if the Congress and the public were also involved in the decision-making process, would otherwise have been adopted.

A major problem that faces an American President taking any action is the multiple audience problem. Whatever the President does will be seen by the foreign country against which he may be directing his action, by leaders and active groups in other countries, and by a number of domestic groups in the Congress and the attentive public. The fact that the operation itself cannot be kept from these other audiences is one of the costs frequently associated with any operation.

One of the major attractions of covert operations is the ability to avoid the problem of multiple audiences. If something is to be conducted in secret, then one can avoid the fight over the means and the ends which erupts when other audiences discover an ongoing operation. For example, when asked in the summer of 1970 why the United States had been

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\* This section is adopted from Morton H. Halperin and Jeremy Stone, "Secrecy and Covert Intelligence Collection and Operations," in None of Your Business: Government Secrecy in America, Approved For Release 2004/11/01 : CIA-RDP88-01315R000200030008-5 (Viking Press: New York, 1974). I am grateful to Mr. Stone for his willingness to permit me to use our joint product for this

willing to send military forces to Vietnam to prevent a Communist takeover but had not been willing to send American military forces to Chile to prevent a Marxist government from coming into power, President Nixon replied the United States could not send military forces to Chile without provoking such an adverse political reaction in the rest of Latin America that it would outweigh the possible value of American military intervention.\*

Though he did not make it clear at the time, it is now evident that the 40 Committee authorized covert intervention in Chile both before and after Allende came to power.\*\* These operations were ultimately successful but avoided the political outcry which would have come with an overt step such as the use of American military forces.

Compared to alternatives, it is easier to obtain the necessary approval for covert operations. The President himself can usually authorize such operations without having to go to Congress for funds or to go before the American public to make a public justification.

In addition, covert operations often also come to seem cheap and easy because, virtually by definition, a covert operation can generally be disavowed if discovered. As in many other aspects of the planning and execution of covert operations, an extreme optimism seems to accompany such evaluations. Thus both in the case of the U-2 and of the Bay of Pigs, an explicit element of the calculation leading to authorizing the plan was the belief that the operations could be disavowed with a cover story if they were discovered. As mentioned above, prior to the U-2 episode, the credibility of the American Executive Branch was so high that even very implausible stories, such as the Downey-Fecteau story, were believed by most of the American public and many others throughout the world.

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\* Presidential Press Conference, August, 1970.

\*\* See the heavily censored discussion in Marchetti and Marks, pp.

The mechanism of decision-making also tends to bias the system toward the choosing of covert options. When the United States is faced with a problem, such as how to respond to the Cultural Revolution in China, the various parts of the government with responsibility for different parts of the problem will consider alternative options leading, depending on the system in operation at the time, toward White House consultations and decisions. In a typical case there will be meetings to discuss the whole range of overt possibilities weighted against each other in an advisory procedure that will permit critics of one proposal to be heard while the proponents of that proposal are present. Covert operations will not be discussed at such meetings, but rather will be considered separately at meetings from which both advocates of other proposals and critics of covert operations are excluded. Indeed, in meetings considering other options, many participants are often not aware of the fact that there are other meetings in which covert alternatives are being considered. Those advocating covert operations can bring them up through the mechanism of the 40 Committee and thus do not have to compete for the time and attention of top-level decision-makers. For example, one suspects that it is now considerably easier to get an issue onto the agenda of the 40 Committee than on the schedule of the Senior Review Group which meets to consider all non-covert matters within the National Security Council System.

These same factors serve to reduce the efficiency of the design and execution of covert operations. Thus, the extreme secrecy of covert operations increases the probability that such operations will be poorly designed and implemented with little regard for the realities of the external world (e.g., the Bay of Pigs) or for appropriate principles of American behavior (e.g., Chile). Many of the problems in the design and execution of covert operations come precisely from the fact that the circle of people involved in such operations is kept very small and, indeed, is limited to people who tend to be sympathetic to such operations.

As in all areas of policy, those involved have an interest in keeping the number of participants to the lowest possible

level and to keep out those who are likely to be critics.\* However, in the area of covert intelligence operations, there is a special tool of great importance for excluding potential critics, namely, the special clearances. As noted, a top secret clearance is not sufficient to involve an official in the planning or execution of covert operations. To have access to such information, one must get special clearances, the existence of which may not even be known to officials who do not have them. Daniel Ellsberg has described his own introduction to this system:

If you had worked all your life with top secret material in the Pentagon for Assistant Secretaries, unless you were one of the elect, you would not be aware that there are entire rooms in the Pentagon with safe doors outside, with a guardian, with a computer list up to date hourly and daily as to who is admitted in that room, and unless you know the code-word and are on the list, you cannot enter that room or know of its existence.

It will have a very nondescript door in the hall that will not suggest what is inside. You can go in that room and discover yourself in something like the reading room of the New York Public Library, not a closet, not a safe, but a room with charts, with library shelves of material, no word of which you were previously aware existed.

You did not know how it was gotten. You did not know the President had this kind of information at all. Of course, the effect of that is very euphoric at first. You go around and take things off the shelves and begin reading it and imagine you are about to learn all the answers, that Godlike knowledge is now available to you.

Now, you can be introduced into one of those rooms and still have no idea that there exist still other

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\* See Morton H. Halperin, Bureaucratic Politics and Foreign Policy (Washington, D.C.: Brookings, 1974), pp. 119-27.

rooms with other sources of information, other access lists just as large and just as secret.

I would say it is not until you have four or five such clearances that the next level of mystery is revealed to you. Then you become aware that there is no limit to this; that these clearances can be generated very quickly in a day or two; and such types of information can be segregated--I am not saying only from the public or Congress, but even from other people who have two or three other clearances--very effectively.

Once you have a dozen, from then on, you live in the knowledge there must be others you don't have.

I still keep finding out about new ones.

Could there be clearances the President doesn't know about? Of course, certainly, without any doubt, because the physical nature of generating these things is such that they can multiply and proliferate in a way that no individual has any way of knowing about.\*

Since the authority to grant such clearances is in the hands of the officials who manage the programs, they can use this tool--the need for super secrecy--to prevent the access of those they fear might be skeptical or critical of their operations.

The structure of special clearances prevents a bureaucrat who is skeptical of such operations from fighting his way into the process as he might do in other areas. Normally, an official observing an ongoing policy which he sees as a threat to his organization's interests, or to national interests as he sees them, would attempt to fight his way into the

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\* Executive Privilege, Secrecy in Government, Freedom of Information, Hearings before the Subcommittee on Intergovernmental Relations of the Committee on Government Operations and the Subcommittees on Separation of Powers and Administrative Practice and Procedure of the Committee on the Judiciary, United States Senate, 93rd Congress, First Session (1973), Volume I, p. 430.



process. He would argue that he has a special expertise to contribute or that the interests of his organization are involved. In the area of covert operations, the extreme secrecy, protected by special clearances, makes it extremely difficult for this to be done.

In many cases, an official simply does not know that the activities are under consideration or being implemented. Moreover, the existence of the special clearances makes it difficult to assert a right-to-be-involved since one is asserting the need for a clearance whose existence one is not supposed to know, and which is supposedly kept to a small number of people. Thus, someone attempting to fight his way into the evaluation of a particular covert operation faces not only the normal difficulties of getting into a new policy arena, but special problems: one appears to be jeopardizing security requirements by seeking unwarranted access.

As a result, an individual who finally does get cleared for a particular covert operation is likely to feel he has been admitted by the sufferance of those planning the operations. He knows he will continue to be involved only if he accepts the basic principles involved and presents his criticism on the edges of particular details of the operation. One who is skeptical about covert operations in general, or about covert operations in a particular area, is not likely to get the necessary clearances to involve himself in the process. If he does, he may feel that he must mute his views or find himself isolated and, ultimately, have his clearance withdrawn. This range of problems affected the evaluation of reconnaissance operations over North Vietnam described above.

With the circle of those "in the know" kept very small, those involved will tend to discount the views of other government officials who are not aware of the details of covert operations. Thus, for example, the analyses of experts on Cuba--that a successful anti-Castro operation in Cuba in 1961 was unlikely--were discounted by those "in the know" about the Bay of Pigs operation. These officials saw themselves as the only ones receiving all the reports from the covert operations in Cuba. The views of intelligence analysts in the CIA and in the Department of State on Cuba were discounted because of the fact that they did not receive some of the reports from agents

operating within Cuba. Since they were seen as not having the whole picture, their otherwise expert views of the Cuban situation were entirely discounted.

The process by which proposals for covert operations move up through the narrow group of those with necessary clearances increases the likelihood that senior officials who sit on the 40 Committee will usually be unanimous. Because of the close working relationships of the members of this committee, they tend to get rubber stamped by the committee. Presumably, they are also rubber stamped by the President when such proposals are brought to his attention. The lack of vigorous dissent, so common with other proposals of a controversial nature, tends to lead to routine approval. This is also true because top officials tend to lose track of what is being done and accept the designation that this is a committee that deals with "dirty tricks" without any clear scrutiny of what in particular is involved in any single instance.

When such operations are very large, the fact that top officials are unable to control the operations is particularly acute. In such a situation, if they call off an operation after it is well on the way, they are confronted with the danger that that fact will leak out with adverse political consequences. In the case of the Bay of Pigs, President Kennedy was confronted with statements from Allen Dulles that, if the operation were cancelled, Cuban refugees who had been recruited for it would begin talking about it. The cancellation would have become widely known, and, because of the intense anti-Castro feeling then rampant in the United States, the Kennedy Administration would have had to contend with adverse political consequences.

The extreme secrecy surrounding covert operations also inhibits the monitoring of such operations, making sensible choices more difficult. In the case of overt operations, the press provides one critical aspect of the monitoring system by providing the President and other top officials with an evaluation of what is going on. With covert operations, this form of feedback is often entirely absent unless

the operation reaches such proportions that the press in the field begins to learn of it.\*

The secrecy of covert operations also reduces the possibility of effective monitoring within the American government. The acknowledged need for flexibility in such operations often makes it easy to justify extreme authority for officials in the field to carry out a plan in the manner which they deem desirable. Ambassadors can sometimes provide an effective monitoring or control over some operations, but often they do not know, or do not want to know, about CIA operations. Moreover, the CIA controls its own assets of money, people, and communications channels to Washington, often enabling it to move without the normal internal monitoring and control procedures within the Executive Branch. Skeptics within the government are often not informed about covert operations and cannot play the role that they normally perform for other areas of policy--that of constantly monitoring an approved policy or operation in an effort to convince the President that it was an error and should be abandoned.

The secrecy surrounding the decision-making and execution of covert operations not only undermines the effectiveness of the decisions themselves, but also casts a shadow over Executive Branch decision-making on national security matters in general. By creating a special class of those with a "need to know" for covert operations, it tends to give such people a sense that on all matters they are better informed than those who are not involved in the covert operations. Those who have additional clearances come to think of themselves as "in the know" and to discount across the board the views of others not informed.

Moreover, lying within the government becomes an accepted routine. In order to protect the existence of additional

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\* In many cases, it is the press that alerts other parts of the U.S. government to what is going on. This appears to have been the case with covert operations in Laos through the 1960's, where covert activities came to the attention of many government officials through press reports from Laos.

clearances and of covert operations, officials in the government who have access to this kind of information must, as a matter of routine, deceive other officials in order to protect the clearances and operations. This lying breeds a habit of cynicism and contempt for those who are lied to which cannot help but spill into the general pattern of Executive Branch decision-making. Daniel Ellsberg, in testimony before Senate subcommittees, describes his efforts to warn Henry Kissinger about this problem prior to inauguration day in 1969:

Moreover, in signing agreements to have this information, you will come to understand that the only way of keeping secrets this well is to lie.

A contract to observe those clearances, and these are essentially contractual arrangements in the executive branch, conditions of employment, is a contract to lie; in a good cause, it would appear to protect intelligence secrets.

When I say lie, on the first hand, if you are asked if you have this clearance, you are not allowed to say, no comment. That would confirm it. Your duty is to lie and say you do not have it.

If you are asked about the contents, you are to lie and say you know nothing about the contents.

If you are asked whether you have a particular piece of information, you must lie and say you do not.

These go back to the practices of World War II, when thousands of civilians were introduced to the need to lie to their fellow scientists despite the supposed sharing of scientific information. Lying is legitimized with an enemy like Hitler or Stalin. Thus, some people learn these practices in a context that seems thoroughly legitimate to them and inevitable.

But I went on to say to Kissinger:

The effect of that is that you will have to lie and you will succeed in lying and you will fool your

former academic colleagues. You will discover, in collaboration with thousands of other executive officials all telling the same cover story, that it's easy to fool people.

And that is what the President learns.

I suspect that those of you at this table in your life have fooled this person or that, but you also know you are subject to reelection, whether it is every two years or six years, and that there is a limit to how many people you can fool and how much.\*

The most explicit and concrete way in which the super secrecy system of covert operations distorts Executive Branch decision-making is in its impact on the CIA itself. President Truman, in calling for its creation, and Congress, in authorizing it, had envisioned the CIA as primarily, if not exclusively, an intelligence evaluation organization. President Truman had written that, prior to the creation of the CIA, he received intelligence reports from each of the services and from the State Department. He felt the need for a single agency which would collate and evaluate each of these reports and which would do so without the bias that an operating agency has. The Air Force, for example, tended to bias reports in ways that would prove the argument for Air Force programs. Truman wanted an agency with a professional intelligence analytic capability and without any programs of its own.

Because of the covert intelligence operations, this conception of the CIA's role differs markedly from reality. Throughout the postwar period, the CIA has been dominated by officials whose primary concern and interest was covert operations rather than intelligence evaluation. The only career

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\* Executive Privilege, Secrecy in Government, Freedom of Information, Hearings before the Subcommittee on Intergovernmental Relations of the Committee on Government Operations and the Subcommittees on Separation of Powers and Administrative Practice and Procedure of the Committee on the Judiciary, United States Senate, 93rd Congress, First Session (1973), Volume I, pp. 427-8.

officials to be named heads of the CIA, Allen Dulles, Richard Helms, and William Colby, came up through the covert side of the agency and ran the covert operations of the agency before becoming Directors of Central Intelligence. Officials on the agency's intelligence side recognize that the main focus of the CIA as an institution is with its covert operations rather than with its intelligence evaluations, that they are not operating in a totally hospitable environment, and that they are unlikely to rise to the top. This dominance by covert operations within the CIA has tended to diminish the quality of the personnel on the agency's intelligence evaluation side.

In addition, the CIA, because of its involvement in operations, is not the neutral intelligence evaluation organ that President Truman and others envisioned. With its policy concerns related to its covert operations, the CIA has a policy axe to grind just as much as any other agency. The Director of Central Intelligence will often feel pressured to fight for covert operations programs that the CIA desires rather than to fight to have its intelligence reports, which might contradict these programs, taken seriously.

The secrecy of covert operations also reduces the quality of CIA intelligence in that the intelligence evaluators are often not informed of covert operations within the CIA--the situation of the CIA operations during the Cultural Revolution, mentioned above, is one such example. Much of the contact between the CIA and other agencies is by officials from the Directorate of Programs rather than the Directorate of Intelligence, which reduces the latter's knowledge of what is going on in the government and their ability to make sensible intelligence inputs.

Thus, because of the existence of a covert operations staff which dominates the agency, the CIA has been in a much weaker position to fulfill its primary function of providing objective intelligence evaluation. The Vietnam War illustrates this well. The intelligence analysis in the CIA, as the Pentagon Papers reveal, frequently produced much more sensible estimates of the situation in Vietnam than were coming from other parts of the intelligence community. What the Pentagon Papers did not indicate, because they did not draw

on the files of the covert operations of the American government, is that the Directorate of Programs was as wrong on Vietnam as any other part of the government. The CIA was heavily involved in covert operations in Vietnam, including the training and arming of ethnic minorities, and its operators were as optimistic as anyone about the success of their programs. Thus the great weight of the CIA effort within the government was to defend these programs rather than to push the consequences of the pessimistic intelligence evaluations.

### Conclusions and Recommendations

The recommendations drawn from this analysis are limited to the implications for altering the way in which decisions dealing with covert intelligence operations are made--in secret and separate channels from those decisions dealing with questions of political operations.\*

The simplest and single most important step to be taken to reduce the secrecy surrounding covert technical intelligence gathering is to end the fiction that such operations are secret. The United States continues to insist that the fact that it has developed satellite reconnaissance operations and the fact that it has a National Security Agency which routinely intercepts all communications by other governments are highly secret facts. Much of the extreme secrecy of the decision-making flows from such unrealistic assumptions. As discussed above, special clearances are required, as a result of this fiction, simply to read any of the products of these technical means of intelligence gathering. Any information which indicates that it comes from these sources is handled through separate classification channels and is stored in separate safes. As a result, this information cannot be routinely referred to in policy papers or at meetings in which people are present who do not have the clearances involved. If the simple fact that such operations were going on were

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\* For more sweeping recommendations, see Morton H. Halperin and Jeremy Stone, "Secrecy and Covert Intelligence Collection and Operations," in None of Your Business: Government Secrecy in America, ed. by Norman Dorsen and Stephen Gillers (New York: Viking Press, 1974).

acknowledged, then it would be possible to abolish the special clearances which exist for all products of these operations.\*

The abolition of the special procedures would make it possible to open up substantially the decision-making on these programs, leading to more realistic evaluations as to their size, scope, and relation to more general policy issues, such as those raised by the reconnaissance over North Vietnam or by the EC-121 flying off the coast of North Korea.

In addition, a willingness on the part of the United States to acknowledge that we engage in such operations, something well known to everyone, would make it possible to make public the budgets and the structures of the organizations which conduct these operations; the National Security Agency and the Overhead Reconnaissance Office could become public organizations with publicly acknowledged budgets.

Although covert political operations are by their nature a more difficult problem, the United States could conceivably make a general acknowledgment that it has in the past and might in the future engage in such operations when it felt necessary--although in some respects a proposal to make them public is, in effect, a proposal to abolish them. If they are to continue, steps could be taken to minimize the adverse consequences of the decision-making process leading to such operations.

To deal with the problems inherent in its structure, the CIA should be broken up into two separate organizations: one an intelligence evaluation organization and the other a small unit engaging in covert operations. A revised CIA--that is, the intelligence evaluation unit--should be given a role in decision-making about all covert operations, including evaluations of the likelihood of the success of the programs, of the implications for other countries of the operations, and, finally, of the importance of whatever information it is alleged will be learned from these operations that will be of

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\* When necessary, special clearances or special restrictions could still be imposed to protect the operational characteristics of some of these systems and, perhaps, some part of the products which involved particularly sensitive means of detection.



use to American intelligence. The covert operations organization should be both publicly known and publicly voted by the Congress. Its operations should be subject to evaluation not only by the new CIA but also by those responsible for policy issues in the State Department, the Department of Defense, and the White House.

This revised CIA, without any axe to grind, without any special stake in competing programs, would provide a much more effective evaluation than that which now comes from the operational side of the CIA. Such a structure could better deal with some of the problems identified above and begin to evaluate the more basic question of whether the United States should, in fact, have such programs.