

JAN 28 1966

CIVIL LIBERTIES AND THE DRAFT

An Announcement by the
EMERGENCY CIVIL LIBERTIES COMMITTEE

The Emergency Civil Liberties Committee recognizes the existence of serious Constitutional problems arising from the current compulsory induction of young men into the armed forces. Many people feel that ethical considerations should be a legitimate basis for exemption from the draft. These considerations were not covered by the recent Supreme Court decision holding that lack of belief in a Supreme Being was no bar to exemption as a conscientious objector.

Many disapprove of certain United States actions in Vietnam which they consider to be crimes against humanity and violations of international law. They honestly feel that their participation in the war, even under military orders, would be unlawful under the Nuremberg Judgment.

The Emergency Civil Liberties Committee, which is neither a political nor a religious organization, does not take an organizational position on these issues. But it does recognize that these arguments may be made in good conscience, and that they deserve to be presented to the courts with the utmost diligence.

In accordance with its policy of undertaking test cases upon Constitutional issues of importance affecting the well-being of Americans generally, *The Emergency Civil Liberties Committee* through its National Council has agreed to participate in appropriate test cases which raise these vital questions.

Emergency Civil Liberties Committee

Corliss Lamont, Chairman
Mrs. Eleanor Brussel, Vice-Chairman
John M. Pickering, Secretary
John H. Scudder, Treasurer
Clark Foreman, Director

A symposium on the subject of this announcement will be included in the forthcoming issue of *Rights*, official publication of the Emergency Civil Liberties Committee, 421 Seventh Ave., New York, N. Y. *Rights* is 25c.

For The Record

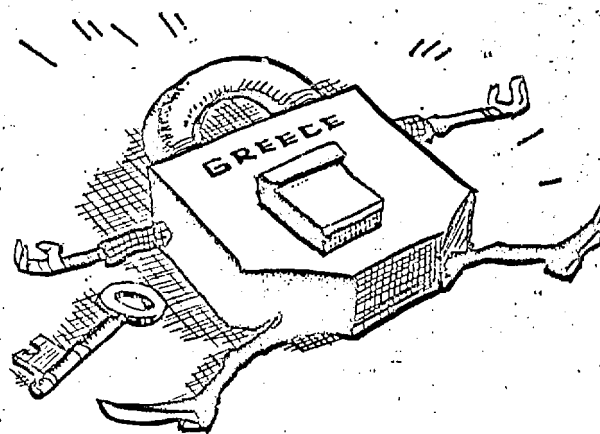
Voices of Moderation: Sen. Thomas Kuchel (R., Cal.), as he pulled out of gubernatorial primary against front-running Ronald Reagan, blasted right wing of GOP in these terms: "[It is a] fanatical, neo-fascist, political cult, overcome by a strange mixture of corrosive hatred and sickening fear, recklessly determined to control our Party or to destroy it." . . . John Bailey, Democratic National Chairman, urging Democrats to use discredited Group Research Inc. for source material against rightists (some rightists GRI has dossiers on: Gen. Eisenhower, Gen. Omar Bradley, Astronaut John Glenn). GRI, which works closely with AFL-CIO COPE, reportedly in trouble financially; Bailey bid to Democrats to use its services could be move to get it back into black. . . . Gov. Mark Hatfield of Ore., who might run for Sen. Maurine Neuberger's seat next year, becoming a fighting Dove, to wit: the Johnson Administration's policy in Vietnam contains "horrendous possibilities of miscalculation and errors of judgment which could trigger WW III or at least a vast Asian land war."

National Guardian reports 2,000 members of Cuban assault brigade that took part in Bay of Pigs have volunteered to fight in Vietnam. In a letter to LBJ, they wrote: "We wish to represent the people of Cuba on the battlefields of Vietnam. The fighting in Vietnam is part of our fight." . . . A fascinating Der Spiegel news item holds that Russian weapons shipped across China to North Vietnam are now at long last moving smoothly, the Soviets having agreed to pay the transport charges in Swiss francs. . . . Atrocity count: Since 1964 Vietcong guerrillas have killed, wounded or kidnaped 20,300 Vietnamese civilians, including 2,300 village headmen, teachers and officials. . . . Retreating Vietcong forces have taken to beheading their Vietnamese prisoners when pressed too closely by government forces.

Counter-insurgency: the Government Accounting Office is preparing to investigate War on Poverty, to check on possible waste, graft, negligence in Job Corps camps, Community Action Programs. . . . Maybe it should look at latest Pentagon brochure describing Sec. McNamara's cost-cutting procedures. Brochure itself cost an estimated \$50 thou. . . . Official figures on Dominican Republic operation show it cost \$67 million from April through mid-September.

Trial of three students who violated State Department ban on travel to Cuba scheduled to open this week. Two, Levi

DEAD LOCK !



Picel, Calcutta

Ben Roth Agency

Laub and Steve Martinot, defended by Emergency Civil Liberties Committee. The third, Phillip Abbott Luce, asking to be tried separately. Luce pulled out of Peking-oriented Progressive Labor Party last spring, wrote piece for SatEvePost: "Why I Quit the Extreme Left."

Aux armes, les zéro zéro sept! French spies enraged at failure of de Gaulle government to increase Secret Service allotment in 1966 budget.

APR 4 1965

STAT

STAT

A Disillusioned Defector Breaks Tie With Far Left

By Sue Reinert

By a Staff Correspondent

The Far Left discovered an honest-to-goodness defector last week, its first in many a year. He is Phillip A. Luce, 28, whose credentials include an unauthorized trip to Cuba and several arrests in Viet Nam demonstrations.

Last week Luce was expelled from the Progressive Labor Movement, an unabashedly Communist group, in a manner that left him frightened and shocked. He obtained a police guard and prepared himself to initiate a lawsuit.

Among the reasons cited for his expulsion were that he had become a police informant in the current grand jury investigation of last summer's Harlem riots, during which a number of PLM members have been jailed, and that he had written articles for the Saturday Evening Post and the National Review.

"I thought they were more rational," Luce said. "Anyone who is capable of making charges like this is capable of trying anything."

Luce said he joined PLM last August, and also belonged to two other radical organizations, the Emergency Civil Liberties Committee and the May 2d Movement (to

protest United States action in Viet Nam). He has been indicted twice for leading a student trip to Cuba in 1963, and has been arrested several times for taking part in protests against American policy in Cuba and Viet Nam.

Some time in January, Luce said last week, he "changed some of my ideas." He resigned from all the organizations he belonged to, including PLM. And recently he began writing an article for the Saturday Evening Post describing his experiences in PLM.

"This is the first time this has happened to PLM," said Milton Rosen, the movement's chairman. "We went to great lengths to try and verify it. We hated to see this happen to somebody. He seems to be doing this to save the Left from Progressive Labor."

According to the PLM "national steering committee," which expelled Luce last Monday, he did not resign from PLM in January, but was "removed" from the editorship of the PLM magazine, "Progressive Labor."

Numerous charges were made in the PLM announcement of Luce's expulsion: A PLM officer, Fred Jerome, editor of "Challenge," con-

ceded that no publication could print some of them because of libel laws.

Luce flatly denied that he has become an informant. Assistant District Attorney Joseph Philipps, the man who is handling the grand jury investigation, said he didn't know Luce. Luce was subpoenaed to appear before the grand jury on April 1, but his appearance was postponed.

He freely admitted that he was writing a Saturday Evening Post article, but as for the National Review piece, he told this story:

"I was having a cup of coffee in a cafeteria that day [the day of the expulsion] and talking to a PLM member. He asked me what I was doing lately and I said I had just finished a review of Norman Mailer's book ['An American Dream']. He said, 'Where are you going to send it?' 'Oh, I'll try the National Review,' I said."

Luce laughed. "I don't know. Maybe I will try the National Review," he said.

He refuses to talk in detail about the reasons for his disillusionment with PLM and other groups because of the Post article, which has not yet appeared. However, he said his differences with PLM were "mostly a question of methods." He still believes that the ban on travel to Cuba "had to be tested," and he thinks the United States should withdraw from Viet Nam.

In its denunciation of Luce, the PLM said: "It is to be expected that when faced with the prospect of going to jail in defense of one's principles, a few already weak individuals will choose to crawl for the 30 pieces of silver which are waiting in the gutter. But . . . there will be hundreds of honest young men and women who will stand firm and grow stronger, under pressure, in the struggle for a better U. S. A., a socialist U. S. A. . . ."

"I'm relieved that it's come to a head," said Luce. "I hope to continue writing—not specifically on political things. I've had enough of that."

WASHINGTON STAR

MAY 18 1964

WARREN PROBE

Redlich May Go in Cutback

By J. F. TER HORST
Star Special Writer

The Warren Commission investigating President Kennedy's assassination may be able to get off a political hot seat by including Norman Redlich, its controversial staff consultant, in a general staff cutback early next month.

The idea is being broached quietly as one way to avoid the distasteful alternative of "firing" Mr. Redlich, a New York University law professor, because of his affiliation with the Emergency Civil Liberties Committee.

Republican members of Congress and some conservative groups have been mounting an increasing attack on the Warren panel over Mr. Redlich's connections with an organization they consider to be a "Communist front."

While Mr. Redlich denies he is a Communist—and an intensive FBI investigation backs him up—some commission members fear his presence may mar public acceptance of their upcoming report on the assassination.

Contract Expires Soon

Mr. Redlich's contract as a \$100-a-day consultant expires early in June. It is understood the contracts of several other staff members also expire about that time.

Since the commission has nearly finished gathering evidence and testimony from witnesses, there is a feeling among some panel members that a staff cutback is possible.

Those who would remain under J. Lee Rankin, the chief counsel, could adequately handle the task of writing the final report.

Mr. Redlich, 38, has been working about three days a week on commission matters

Mr. Ter Horst is with the Washington Bureau of the Detroit News.

here since he was hired December 20.

Whether the inclusion of Mr. Redlich in a staff reduction would satisfy critics of the commission is anybody's guess.

Up to now, Senator Mundt, Republican of South Dakota; Representative Beermann, Republican of Nebraska and others have been just as critical of Mr. Redlich's hiring as they have been over his continued presence. They want to know how he came to be employed in the first place.

"Human Oversight" Blamed

The explanation of at least one authority in position to know can be summed up: "Human oversight."

Here is his account:

Early in its proceedings, the seven-man commission informally adopted a rule that no one would be employed for staff work if he were affiliated or aligned with either the extreme left or extreme right.

The theory was that the commission could thus best insure public trust in its eventual findings about the Kennedy assassination.

Chief Justice Warren and the panel members selected by Mr. Johnson have discreetly avoided public moves that would reflect upon the commission's work.

So scrupulously did the commission set out to hire its staff that it insisted on reviewing the entire background of every applicant for work under Mr. Rankin, who was United States Solicitor General during the Eisenhower administration.

Redlich Listed Affiliation

But that didn't happen with Mr. Redlich.

He had filled out his civil

service Form 57 and had listed on it the ECLC affiliation which now has ruffled Congress.

"There was no subterfuge by Redlich," a source said.

Yet for a reason nobody can now explain, Mr. Redlich's Form 57 was not physically examined by the commission members.

As best as it can be reconstructed, Mr. Redlich's name was brought up by Mr. Rankin, together with recommendations from others as to his extraordinary abilities in the field of legal research. That, apparently, satisfied the panel members. They gave Mr. Rankin the go-ahead sign to hire him.

There has been no criticism within the commission over Mr. Redlich's work. There is, in fact, considerable praise for the way he has handled what amounts to the No. 2 staff job.

No "Risk" Support

In addition, the FBI field investigation is understood to have come up with no evidence that might support the "security risk" allegation hurled by Representative Gurney, Republican of Florida.

But Mr. Redlich for many years has felt strongly that the House Un-American Activities Committee has overstepped its authority—and he hasn't hesitated to say so publicly. The House committee has put the ECLC on its list of "front" groups, although the group is not so listed by the Justice Department.

Thus, while members of the Warren Commission do not question Mr. Redlich's performance on the staff or his loyalty to his country, some feel his continued presence is a violation of the hiring policy they adopted and applied to other staff members.

The Evening Star

With Sunday Morning Edition

Published by THE EVENING STAR NEWSPAPER CO., Washington, D. C.

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A-4 *

SATURDAY, MAY 16, 1964

Blooper

The Commission, headed by Chief Justice Warren, which is investigating the assassination of President Kennedy is in a jam of its own making. But it is not enough simply to say this and sign off.

Surely through inadvertence, the Commission employed as a consultant a Professor Norman Redlich, of the New York University Law School. On his application form Professor Redlich stated that he was a member of the Emergency Civil Liberties Committee. This group has been named as a Communist-front organization by the House Un-American Activities Committee. How his application was approved is unexplained and hard to understand.

Even so, it would not be too important if it were not for the wild rumors floating around to the effect that the murder of the late President by Lee Harvey Oswald was tied in with some kind of Communist conspiracy. Unfortunately there are people who believe this. And when the word reaches them, primarily through a few Republican speeches, that the Warren Commission hired a consultant with Communist sympathies (Professor Redlich denies that he is a sympathizer) there is no doubt that public confidence in the Commission's report will, to some degree, be impaired.

The Commission is expected to meet next week to decide what to do about Professor Redlich. That is its problem, not ours. We think it is important to emphasize, however, that the report, when it is published, will be the Commission's report. And even if one wishes to assume the worst about Professor Redlich, which we do not, he isn't going to lead the knowledgeable members of the Warren Commission down anybody's primrose path.

NEW YORK
DAILY NEWS

MAY 6 1964

Bids Warren Probe Fire 'Red Front' Aid

By FRANK HOLEMAN

Washington, May 5 (NEWS Bureau)—Rep. Ralph Beerman (R-Neb.) demanded today that the Warren Commission fire a \$100-a-day consultant linked to an organization branded a Red front by the House Un-American Activities Committee.

The consultant is Norman Redlich, 38, a law professor on part-time leave from New York University. He works several days a week here as a top aid to J. Lee Rankin, staff director of the commission investigating the assassination of President Kennedy.

"The hiring of Redlich was a tragic mistake," Beerman said in a statement inserted in today's Congressional Record. "It certainly impresses me as one of the greatest miscarriages of appointive judgment in the history of American government."

Patently Unqualified

"I call upon those in responsible positions to dismiss this patently unqualified consultant from the Warren Commission staff and to investigate and make public facts concerning how Redlich managed to get hired and keep his job despite his known Communist-front affiliations."

Redlich was listed as a member of the national council of the Emergency Civil Liberties Committee in a New York newspaper ad April 13 soliciting public contributions.

He has since confirmed his association with the group but denied that the committee was Red-dominated.

In a report issued March 29, 1959, the Un-American Activities Committee said of the group:

"The committee finds that the Emergency Civil Liberties Committee established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party."

The ad in which Redlich's name appeared also listed as officials of the ECLC: Corliss Lamont, wealthy New Yorker who has fi-



J. Lee Rankin
Hired accused legal aid

Warren Commission should be "unimpeachable."

"Considering these circumstances, it is amazing—shocking—incredible, to find that although competent and unimpeachable legal and investigative counsel can be found in any community in the land, the Warren Commission has on its staff as a \$100-a-day consultant a member of the ECLC," Beerman declared.

There was no immediate response to Beerman's firing demand from Rankin, who was U.S. solicitor general in the Eisenhower Administration.

nanced many leftist causes; Leonard B. Boudin, lawyer for many alleged Communists, and David Rein, lawyer for accused Reds, who once took the Fifth Amendment on questions about his own alleged party membership.

Beerman pointed out that Lee Harvey Oswald, Kennedy's alleged assassin, was "a self-declared Marxist who had once defected to the Soviet Union and who was connected with the pro-Communist Fair Play for Cuba Committee."

Calls It "Incredible"

"Yet Communists and their sympathizers around the world have sought to spread the false theory that the assassination was a plot by so-called rightwing extremists," he went on.

The Reds are old hands "at revising and distorting history," he said, but the findings of the

**EXCERPT FROM THE STATEMENT OF PRINCIPLES
ADOPTED BY THE CIVIL LIBERTIES COMMITTEE
IN 1954.**

The threat to civil liberties in the United States today is the most serious in the history of our country. Combining to create this crisis of freedom are the following:

- Repressive administrative orders and loyalty purges on the part of the Federal, State and City Governments;
- A number of laws which undermine the Bill of Rights such as the Smith Act, The Internal Security Act and the Walter-McCarran Immigration Act;
- The veritable inquisition established by the Congressional investigating committees;
- The activity of private vigilante groups in setting up blacklists and acting to repress freedom of speech, assembly and press;
- The spread of censorship and purges to education, the arts, science and cultural enterprise in general;
- The use of arbitrary lists of "subversive" organizations by both governmental authorities and private institutions;
- The imposition of loyalty oaths by private organizations;
- Current procedures and proposed legislation interfering with free elections in trade unions, and the denial of the right to work, to engage in business and to practice professions on the basis of political beliefs or associations;
- The continuation of racial discrimination, segregation and persecution;
- The widespread state of fear and alarm among large sections of the population.

All persons of whatever views, race, national origin and religion properly share in our constitutional liberties, whether as individuals or as collectively grouped in organizations of one kind or another. Those who make exceptions to the Bill of Rights undermine democracy. Civil liberties are indivisible.

THE program of the Emergency Civil Liberties Committee is simple. It is to reverse such trends as noted above and to re-establish in full the traditional freedoms guaranteed under the Constitution and Bill of Rights. The meaning of American democracy has always been that these freedoms should extend to all individuals and groups in the United States. We stand uncompromisingly for civil liberties for everyone: businessmen and workers, Socialists and Trotskyites, Communists and anti-Communists, Catholics, Protestants, Jews and atheists, and every variety of dissenter.

30

RIGHT - Spring 1967

*Right - publication of this organization
Spring issue routed to CI Staff for Retention*

The Emergency Civil Liberties Committee was formed in 1951 to give uncompromising support for the Bill of Rights and the freedom of conscience and expression it guarantees.

The governing body of ECLC is the National Council of 104 members from 20 states, Puerto Rico, and D.C. All who agree with our aims are invited to join as Associates by paying \$5.00 a year. Associates receive RIGHTS and other literature distributed by the Committee.

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V.-Chm. & Editor: John M. Pickering

Treasurer: John Seudder

Secretary: Lewis J. Graham

General Counsel: Leonard B. Boudin

Director: Clark Foreman

Assistant Director: Edith Tiger

IF FREEDOM is important to you, we invite you to become an Associate of the Emergency Civil Liberties Committee for \$5 a year. You will receive the bulletin, *Rights*, and other publications.

Enclosed please find \$.....

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Vol. XV, No. 2

Price 50¢

Spring, 1966

EMERGENCY CIVIL LIBERTIES COMMITTEE

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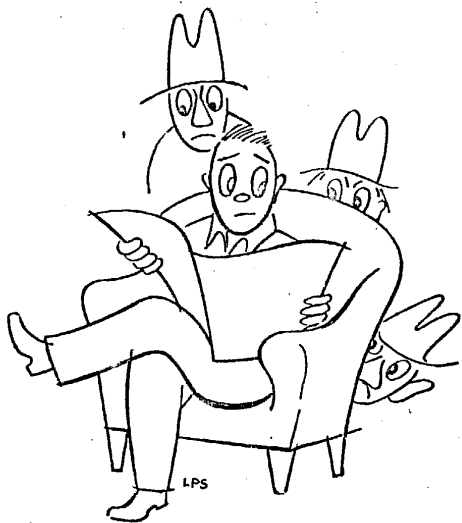
Staff Counsel: Michael J. Kennedy

412



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THE MAN FROM C. A. D.



EDITORIAL

In this issue of *Rights* an experienced newspaperman enhances our knowledge of the ways in which we have permitted our government to undermine the power of the citizen. Much of what he reports will be familiar to civil libertarians, and little will be surprising. The shock comes from recognizing the extensiveness and interrelatedness of the administrative control of our lives—in other words, the extent to which we have ceased to be the masters of our own political house because we have permitted our ostensible public servants to take over.

The challenges of the modern world are so overwhelming that we are tempted to retreat into hopelessness. "These are the times that try men's souls," as Tom Paine wrote in *The American Crisis*, going on to say, "Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph." Or, as Toynbee has observed, the history of man is characterized by challenges, and the measure of a civilization is its ability to respond to the challenge confronting it.

The United States was born in an Age of Revolution, the time when the rising middle class rejected domination of their lives by hereditary masters. Inheritors of privilege, epitomized in Prince Metternich, met the challenge with counter-revolution. Fainthearted members of the bourgeoisie—like the American Federalists who drafted the Alien and Sedition Laws—would have joined the counter-revolution. In the end the Jeffersonians prevailed, and with them the institutionalization of middle class demands for representation in government. For more than a century the bourgeoisie succeeded in ruling the world through a skillful use of carrots and sticks: by extending the blessings of liberty in carefully rationed amounts to "lesser breeds beyond the pale," and by sending the Marines or the National Guard when the masses became too clamorous.

In the twentieth century we are experiencing a Revolution of Rising Expectations. The dispossessed of the world—the young (and to some degree, the aged), the poor, and the non-white—are demanding a fair share of goods and privileges. If a justification for inequality ever existed—the argument that industrialization requires sacrifice in an economy of scarcity—it will not be accepted now in a world of potential abundance.

THE MAN FROM C. A. D.:

Government Power Vs. Citizen Power

We will respond to the challenge creatively, by adjusting our institutions as our forefathers did; or we will respond like Prince Metternich, with counter-revolutionary plottings and secret police controls. This issue of *Rights* shows how far we have gone on the Metternichian course.

Knowledge always has been the beginning of understanding, and understanding always has been the starting point for effective action. Awareness of the abrogation of citizen power is the first step toward regaining it.

Some years ago the well-known writer and pacifist, Milton Mayer, found himself on a European junket in a group that included a number of state officials. At one point in the tour the party was introduced to the mayor of a large West German city. In due course the mayor approached the visiting writer, extended his hand and inquired: "And what position do you hold in America, Mr. Mayer?" "Your honor," replied Mayer without hesitation, "I occupy the highest office in the land—the office of Citizen."

That the citizen is the boss and the government his hireling is the identifying feature and finest attribute of the political system known as self-government. In America it has also become the least recognizable attribute. Few Americans today think of themselves as occupying the highest office in the land. On the contrary, many, and perhaps most of them have long since substituted an almost reverse concept: "my country (meaning my government) right or wrong." At election-time the candidate pays every kind of obeisance to the voter; between times, the citizen is prone to pay undue obeisance to those he has placed in office. Only in his role as voter does the American see himself as master in his house—and even then he frequently allows himself to be hoodwinked by the political card sharks and goes shorn of power to the polls.

Yet throughout the history of democracy those whom we regard as the great preceptors of our political system have insisted that the name of the game, to express it in terms of contemporary political sloganeering, is "citizen power"—the citizen as master and the government as servant. Nothing exercised Walt Whitman more than "the never-ending audacity of elected officials." To Jefferson their attempt to assert "dominion" over the citizen was an "impious presumption," since they were "but fallible and uninspired men." "The rulers who are guilty of such an encroachment," he declared, "exceed the commission [of the people] from which they derive their authority, and are tyrants. The people who submit to it are governed by laws made neither by themselves nor by an authority derived from them, and are slaves." Thomas Paine was, if anything, more contemptuous of government's "toleration" of citizen power than he was of its intoleration of it. "Toleration," he said, "is not the opposite of intoleration, but is the counterfeit of it. Both are despotisms. The one assumes to itself the right of withholding liberty of conscience, and the other of granting it." (His emphasis.) The government does not "grant" the citizen's prerogatives, Paine pointed out, for "Man is himself the origin and the evidence of the right [of self-government]. It appertains to him in right of his existence, and his person is the title deed." Lincoln asserted that the sovereignty of the people rests in their last-resort "revolutionary right to dismember or overthrow" the government if it becomes intolerable; and Thoreau drily pointed out that the threat of a "standing government" is no less than that of a standing army. "The government itself," he wrote, "which is only the mode which the people have chosen to execute their will, is equally liable to be abused

and perverted before the people can act through it." Thoreau, like his eminent predecessors, refused to acknowledge that any government, elected or otherwise, was endowed with any right to act against, or intrude upon, the conscientious citizen. The government, he said, "is not armed with superior wit or honesty, but with superior physical strength. I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest." His neighbor Emerson differed only in identifying the culprit. The philosopher was constantly inveighing against the complacency and "the air-tight stove of conventionalism" around him; to him "the timidity of our public opinion is our disease."

Implicit in the writings of every exponent of the democratic ethos is the complaint, or warning, that government, in the very nature of the case, hovers perpetually on the edge of usurpation, and its inherent tendency to overstep the bounds of its authority must be constantly curbed. Balzac defined bureaucracy as a giant mechanism operated by pygmies. Today, when the mechanism spreads over much of the landscape, the pygmy transgressions against the citizen have grown more audacious, more numerous, and more varied in their methods than ever before. By the same token, the sheer size and physical power of the modern state have led to a progressive intimidation of the individual, and of his associations, which serves in turn to enhance that power and encourage its abuse. The result has been a virtual reversal in the roles of the political system's two chief protagonists: government, solidified into a massive, largely self-perpetuating establishment, has wrested almost complete political control and freedom of action from the electorate, and the citizen has all but abdicated his role of self-governing "freeman of the city." Thus indentured, he is used and exploited by the ruling establishment to carry out purposes and programs of its own which may or may not have any sanction from the authority actually vested in the people, or even, as we shall see, from the laws themselves. The people's authority is simply by-passed, or when a concerted effort is made to assert it, is suppressed, or is worn down by persistent government resistance.

Most of these elements of the new "democracy" were exemplified in the Central Intelligence Agency's shadowy infiltration of a large number of private liberal organizations, and were forcibly brought home to the public in the repercussions that followed disclosure of that clandestine CIA operation. It is the purpose of this pamphlet to explore the full extent and largely unauthorized nature of the CIA encroachment and relate it to a general pattern of government abuse of its powers and intimidation of the citizen during the years of the cold war. The pamphlet seeks to focus attention on what is perhaps the central political phenomenon of the cold war period—a gradual, and even stealthy, government arrogation of the basic citizen power that is both the hallmark and the essential ingredient of self-government.

I

In late March of 1966 two young friends sat down to lunch in Washington's elegant Sirloin and Saddle restaurant. The two, in their early twenties, had not been acquainted with one another for long but had quickly come to respect and like each other. They shared, in addition

to a brainy, liberal outlook, a quality, not altogether common in the age of affluence, of honesty of conviction that took clear precedence over personal ambition. They were, at the same time, highly successful youths, having ascended to the top echelon in national student affairs. Phil Sherburne was that year's president of the National Student Association, a grouping of nearly 400 college student governments with widespread activities at home and abroad; Mike Wood was its new fund-raising head. It was to be a fateful luncheon. In the next two hours Phil disclosed to Mike a 15-year-old state secret that had never before been divulged to an "unauthorized" person.

Sherburne did so out of a sense of compulsion. Mike had complained of being beset by difficulties and small mysteries in attempting to get a fund-raising program in motion. What bothered him most was a perplexing lack of interest on the part of his colleagues. He had told Phil he was going to quit. Sherburne was anxious to keep him; he had a special need for Mike's talents and for the job Mike was selected to do.

So he invited his friend out to lunch, and during it he explained that the reason Mike was having so much trouble was that most of NSA's funds came from a very rich uncle—Uncle Sam. From time to time a number of NSA-ers had idly wondered whether the organization's deficits were being made up by the State Department, but for some reason Mike Wood jumped to a different conclusion. "You mean the CIA?" he exclaimed. Sherburne nodded, and bit by bit went on to tell him the whole story. On his election as president, Sherburne, like all his predecessors, had accepted the CIA onus, but unlike them—and like Wood—he had found the information extremely disquieting. He had taken the presidency with the determination to bring the relationship quietly to an end by initiating a vigorous fund-raising campaign that would make it unnecessary. This was why he needed Mike Wood.

It took Mike nearly a year of wrestling with his conscience before deciding what to do about the ugly albatross Sherburne had draped around his neck. In the end because, he concluded, "my public trust as a citizen of the United States must transcend my private trust," he went to an acquaintance on *Ramparts* magazine in California and unloaded the albatross on him.

With *Ramparts'* publication of Mike Wood's story and the nationwide reaction to it, the entire public became acquainted with the sordid tale of the CIA's 17 years of undercover cold-war machinations, at home and abroad, whose cynical brutality has been matched only by its record of clumsy incompetence and self-righteous disregard of its legal authority. In point of fact, much of the story had already been told, although it had made little impression on the public consciousness. In a 1962 volume called *CIA: The Inside Story*, Andrew Tully, a basically friendly but not uncritical journalist, had extensively explored the CIA's "dirty work." In a previous book, *Central Intelligence and National Security*, Harry Howe Ransom of Harvard had hinted at much of it and raised serious, scholarly questions about its appropriateness and efficacy; and a year before the *Ramparts'* exposé sent a visible shockwave across the nation, the *New York Times*, in a series of four articles, had re-hashed most of the Tully account and that of reporters David Wise and Thomas Ross in

their book *The Invisible Government*. These and other revelations had pinned on the CIA such global iniquities, among many others, as the overthrow of Premier Mossadegh in Iran and President Arbenz in Guatemala; unsuccessful efforts to depose the administration of Cheddi Jagan in British Guiana and neutralist Premier Souvanna Phouma in Laos; the Bay of Pigs disaster; advising and funding remnants of Chiang Kai-shek's army in northern Burma; a massive campaign of subversion of European labor movements; extensive and repeated interference in foreign elections; widespread political manipulations in Latin America; spurring and financially aiding revolts in Eastern Europe, including that in Hungary in 1956; supporting guerrilla bands in Tibet; and the total sabotage of the Congolese independence government and the United Nations' Congo mission.

The CIA's best-kept secret, however, had gone unrevealed—until Mike Wood, with heavy heart, decided to “betray” (the word is Wood's) his friend Sherburne. This secret was the activity of CIA's Covert Action Division No. 5, whose acronym Cad is perhaps the most appropriate of any yet devised. Covert Action was partly manned by anti-Communist liberals, pressed into action to disarm the officials of liberal and labor organizations who might balk at the idea of becoming CIA fronts on the international scene. The program carried out by the division, in fact, was originated by a liberal Democrat. He was Thomas W. Braden, a California newspaper publisher who from 1950-1954 was assistant to Allen Dulles at the Agency. Braden's idea, as he proudly recounted it in the *Saturday Evening Post*, following the *Ramparts* exposé, was “to take on the Russians by penetrating a battery of international fronts . . . a worldwide operation with a single headquarters.”

Thus it was that for more than 15 years in complete secrecy the CIA financially supported—through nearly a dozen “conduit” foundations—and successfully “penetrated” many of the “free world's” most respected organizations. Among them were the National Student Association, the International Student Conference, and foreign student groups in this country; the Congress for Cultural Freedom, its magazine *Encounter*, and the international literary society, PEN; the National Council of Churches, the World Assembly of Youth, and the International Committee of Women; the American Newspaper Guild, French newspapers, and international journalist groups; the AFL-CIO, the United Auto Workers, the International Federation of Petroleum and Chemical Workers (an outright CIA front), trade union movements in Europe and Latin America, and the International Confederation of Free Trade Unions.

In all of this lay a strange, unnoticed irony: each of the covertly guided organizations was held up as a shining example of the free institutions of an open society, in happy contrast to the “controlled” institutions of Communism's “closed” society. The irony dripped from the very titular banners of the groups: the Congress for Cultural Freedom, the American Institute for Free Labor Development, Radio Free Europe, the International Confederation of Free Trade Unions, the *Independence* Foundation, and the *Independent* Research Service (which, according to *Ramparts*, used the CIA's money to send “hundreds” of young people to disrupt the World Youth Festivals at Vienna and Helsinki in 1959 and

1962). The banner under which the NSA proudly marched (to the drumbeat of the CIA) was a “free university in a free society.”

But were the organizations merely accepting a proffered handout to bolster inadequate treasuries, meanwhile maintaining full control of their activities? In a sense this may be said to have been true in the case of labor. The AFL-CIO's “foreign secretary” Jay Lovestone and his deputy Irving Brown, as well as the UAW's Victor Reuther and Oil Workers' president D. A. Knight, needed little stimulus or guidance from the cloak-and-dagger set in their campaign of bribery and sabotage (Braden bluntly employs these terms) of French, Italian, German and Latin American trade unions. All they required was the millions of dollars in small bills (nearly \$2 million annually to French and Italian unions alone, according to Braden) which the CIA supplied them.*† In fact, Braden now reports, the labor spy masters proved troublesome because the intelligence agency could never find out how they were using the money, and it was finally decided to cut down the amounts handed out to Lovestone and Brown, “and with the money saved we set up new networks in other international labor organizations.”

In the case of *Encounter*, one of Western Europe's most prestigious journals, CIA deception brutally entrapped some of America's leading intellectual figures. After the *New York Times* in its April, 1965 articles first disclosed, somewhat obliquely, CIA financial support of the publication, the paper printed a letter stoutly defending *Encounter's* integrity and independence. It was signed by Robert Oppenheimer, George F. Kennan, John Kenneth Galbraith, and Arthur Schlesinger, Jr. A similar letter followed from the eminent British poet Stephen Spender, who helped edit the magazine. But Professor Conor Cruise O'Brien has written that long before the disclosure he had pointed out in a published critique of the magazine that in its political articles it had been following an undeviating cold war line. The *coup de grace* was delivered by Braden a year later in his apologia for the *Post*. He declared (in apparent violation of the non-disclosure oath he signed on leaving the agency):

We had placed one agent in . . . the Congress for Cultural Freedom. Another agent became an editor of *Encounter*. The agents could not only propose anti-Communist programs to the official leaders of the organizations but they could also suggest ways and means to solve

* Braden's own contribution added insult to irony. “We made those organizations powerful and effective spokesmen for the freedom and democracy that our country stands for,” he told the *Los Angeles Times*.

† Lovestone, former U.S. Communist Party Chief, now a member of the ultra-patriotic American Security Council, claimed it was Marshall Plan counterpart funds, not CIA cash, that was used to split the labor movements abroad. Calling attention to this claim, labor writer Sidney Lens noted in a letter to Senator Fulbright that if true, this was even worse, since it put the Marshall Plan in the spy business and represented an illegal use of such economic aid funds.

the inevitable budgetary problems. Why not see if the needed money could be obtained from "American foundations"?"*

There are two interesting things, incidentally, to note about Braden's statement. One is the implication that "penetration" by agents actually preceded the financial support; the CIA first took over the organization, that is, in order to assure that its money would be safely invested. The second is the quotation marks around the last two words. All the infundibular foundations were supposedly legitimate institutional funds; Braden's quotation marks cynically dispose of that illusion. In fact, when Norman Thomas's Institute of International Labor Research, which "trained" democratic Latin political leaders, was publicly added to the list of CIA victims, Thomas announced that he had heard such "rumors" about the J. M. Kaplan Fund, which supported his organization—the "rumors" were actually a 1964 discovery, quickly hushed up, of Rep. Wright Patman during his probe of the use of foundations as tax dodges—but the rumors "were always denied when I asked Mr. Kaplan about them."**

With these activities the American government succeeded in making a mockery of the ideals and principles which the private organizations were set up to promote. And the cost has been a great one even from the CIA's own point of view. A "student of intelligence activities" told the *Los Angeles Times*: "Private organizations will be paying a heavy price for years. They are all suspect now, all over the world; even missionaries are going to have serious problems. I think a lot of these organizations are going to have to fold up or withdraw from places like Africa and Latin America. That will leave the field open to the other side." Adds Walter Lippmann: "The United States government has compromised professions and institutions on whose purity the hope of American freedom depends."

But this perversion, despite its enormity, was no match for Covert Action Division No. 5's profound intellectual and moral corruption of American youth and those of lands throughout the non-Communist world. This is the story of the NSA and the International Student Conference.

NSA had been organized in the summer of 1947 hard on the heels of the founding of the Communist-sponsored International Union of Students at Prague the previous fall. Liberal-radical in orientation but

* In their letter to the *Times*, Oppenheimer, Kennan, et al. had recalled that the Congress had been founded "by a group of European, Asian and American writers, artists, scholars and scientists determined to affirm the freedom of intellectual inquiry and the autonomy of artistic creation," and then had gone on to "say categorically that we have no question regarding the independence of its policy, the integrity of its officials or the value of its contributions. . . . The Congress . . . has been an entirely free body . . . has had no loyalty except on unswerving commitment to cultural freedom. . . ."

** In Latin America, according to the *New York Times*, the CIA helps "establish anti-Communist police forces. It promotes anti-Communist front organizations for students, workers, professors and businessmen, farmers and political parties. . . . It has poured money into Latin American election campaigns."

non-Communist, the NSA-ers found it difficult to bring off an association with the hard-line political activists among the IUS leadership, and in the summer of 1950, after the Communist coup in Czechoslovakia had been met with uncritical silence by IUS, they helped set up a separate organization in Stockholm, the International Student Conference.

But the international activity required money, lots of it, which NSA had a hard time coming by—until, in 1952, Braden's "liberal wing" of the CIA launched its bribe-and-probe project. From then on the ISC, and NSA's domination of it, grew rapidly. In addition to the leading national student unions of Western Europe, its membership was swelled by student groups from all over the underdeveloped world, who comprised more than half its membership. There were plenty of funds for travel budgets, seminars, leadership training institutes, propaganda material, scholarship programs, even for help in keeping up dues payments. The money was funded (or tunneled) through at least half a dozen foundations, but the chief conduit was the Foundation for Youth and Student Affairs, set up in New York, in 1952, the year Operation Cad rolled noiselessly into action. FYSA subsidized NSA to the tune of about a quarter million dollars a year, accounting for 80 per cent of the entire NSA budget, most of it, however, earmarked for overseas activities and foreign officers and delegates. Between 1962 and 1964 the total was poured directly into ISC, its true source hidden from the organization's foreign officers and delegates. Between 1962 and 1964 the total was nearly \$2 million, and without this nearly 90 per cent subsidy of the organization's program budget, as *Ramparts* noted, "ISC would be literally impotent." With it, it managed to dominate world student affairs.

Along with the cash, however, came a gradual reverse-action process in spirit and policy. As the IUS began to ease off on political action and focus more on students issues, an approach NSA had originally pressed, ICS began moving in the other direction. By the Sixties, although its Third World members were struggling for development of strong anticolonial and anti-racist policy lines, ICS had settled into a hard-line cold war position. Within the NSA itself the process had brought about a dichotomy which to a close observer would have given the impression virtually of two different organizations. NSA's overseas representatives and ISC delegations were appointed at the top, not elected by the annual NSA congress, and congress discussion of the international activities was deliberately, and sometimes forcefully, held to a minimum. At home NSA was a staunch advocate of civil rights, academic freedom, student political and social action, and peace in Vietnam; internationally, NSA walked the straight cold-war line drawn by the government. "Despite its liberal rhetoric," as reporter Sol Stern wrote in *Ramparts*, "NSA-ers abroad seemed more like professional diplomats than students; there was something tough and secretive about them that was out of keeping with their openness and spontaneity back home."

There was good reason for this anomaly. In its exploitation of the inexperienced, unsophisticated young, Operation Cad dispensed with the tactics of concealment and subtle pressure necessary with most of the adult groups it penetrated. There was nothing covert about the Covert Action agents in their dealings with NSA; on the contrary, it was insisted that

all NSA international affairs programs and those of ISC be checked for approval with the men from C.A.D. To make the liaison more comfortable for the NSA leaders who were privy (or "witty," as they were called in the "black" language of CIA espionage) to the relationship, Covert Action even adopted the practice of hiring former "witty" NSA officers as C.A.D. agents. The only undercover operators—their actions, of course, were unknown to and unsuspected by the NSA and ISC memberships—were the NSA "witties" themselves. These top officers not only joined in a secret conspiracy with the CIA but functioned abroad as paid spies—paid in terms of emoluments: fat travel and expense accounts, draft deferments, and a sense of secret importance—and recruited American and foreign students overseas to write reports on students activities which wound up in CIA files.

It had all started innocently enough, so far as the NSA-ers were concerned, and this is the measure of the government's corruption of some of its best young people. It had begun as a mere offer of subsidy at a time, the McCarthy period, when liberal groups like NSA could anticipate little financial assistance and for a cause the CIA "liberals" earnestly supported (such was the caddish argument of the men from C.A.D.). What ensued has been pitifully spelled out by Rick Stearns, who completed a year as NSA's "witty" international affairs vice president this past August. Stearns had been one of those who pled with Mike Wood not to go through with his announced intention to spill the beans, but subsequently Rick composed a *nostra culpa* of his own for the August ("Back-to-College") issue of *Mademoiselle* magazine. In the piece, called "We Were Wrong," he writes as follows:

During those first years, the relationship was largely financial. . . But as time went on, the CIA had increasingly to justify its NSA liaison in terms of the total CIA budget for covert operations. . . Thus, the CIA eventually came to expect NSA to act as an operational or a policy arm of the CIA itself in carrying out programs and gathering intelligence of youth activities abroad.

. . . And within NSA a clique developed that was basically using associates—either their staff or other officers—for ulterior purposes. This was both bad for the organization and basically dishonest. It is far easier to rationalize the acceptance of travel money for international conferences than the conning of college students into writing intelligence reports. . .

It happened to me. I was in the Middle East and I was approached by NSA midway through the year. I had a number of friends who were very active in the student movement, particularly among Palestinians and Kuwaitis. I was asked by NSA if I would write program papers to help NSA in organizing a summer project for Arab students. Now I can list 10 friends who are tagged in some way simply because they showed up in my reports written for NSA.

. . . On several occasions when NSA undertook programs of a rather controversial nature, there was strong persuasion and pressure from the CIA not to do so. Meetings were held at which the presiding chairman was, in fact, a CIA representative. This was true of the delegation that was sent to Vietnam in 1966 as well as the delegation that NSA sent to the Middle East—to Israel and the Arab countries—that same year. . . (For carrying out these missions anyway, Covert

Action spanked Sherburne by suddenly cutting off some needed funds.)

However, the most important pressure on NSA was the relationship itself. . . Inevitably, NSA grew further and further apart from the real needs and demands of an awakening constituency. I saw real needs and demands of an awakening constituency. I saw real needs and demands of an awakening constituency. I saw real needs and demands of an awakening constituency. . . when an outside influence determines the policy of an organization as the CIA did, the organization is disregarding the trust of its constituents. . . NSA had a case of galloping gigantism in terms of its own establishment. . . it had constantly to face the problem of the CIA relationship, which meant concern with possible successors to national office. The first question asked about a potential candidate for national office was, "Will he be able to understand and handle this relationship with CIA?" And that problem dominated the organic life of NSA itself. . .

NSA became less and less a student government association and more and more an organization that was acting on behalf of American students internationally. Increasingly (reflecting the demands of Operation Cad), funds and staff were devoted to an international program that was not of primary concern to member student governments, and this produced a decline in NSA's membership of nearly 130 schools from 1958 to 1964.

The value of a student organization is its own freewheeling impulsiveness and yet NSA was expected to offer a kind of pragmatic, cynical acquiescence to what the CIA considered to be the facts of life.

Not only American students but foreign students, and not only students but prominent scholars and entire halls of ivy were dragged (though not exactly kicking and screaming) into this mire of "cynical acquiescence." So critical has the situation become that some scholarly associations, like the American Anthropological Association, have hastily passed codes of ethics and issued troubled warnings to their members against compromising their own discipline's integrity by acting as covers or informants for the CIA or other government agencies.

What has disturbed them is not only the revelations concerning NSA but direct invasions of the campus itself.* Not long ago, M.I.T.'s Center for International Studies had to abandon a prime source of undercover funds when the source was revealed by the *New York Times*. The CIA had helped set up the Center with a \$300,000 donation and had sustained it since. (Its director, Max Millikan, son of the first U.S. Nobel Prize-winner, the late physicist Robert A. Millikan of Cal. Tech., had been an assistant director of the CIA from 1951 to 1952.) The biggest academic flap occurred when it was disclosed some time ago that a seven-year (1955-

* In this connection, it is to be emphasized that the perversion of NSA represented a far graver governmental transgression than the penetration of a membership organization. NSA is not a membership group but the organizational representative of the college student bodies that belong to it and which elect the delegates to the annual NSA congresses. Hence, the NSA tie-up constituted, in effect, an indirect invasion of some 400 campuses across the country from Berkeley to Harvard.

1962), \$25 million "technical assistance project" carried out by Michigan State University in South Vietnam had had the supplementary function of acting as a cover for the pro-Diem political maneuvers of a team of CIA agents covertly attached to the project. The project coordinator, Stanley K. Sheinbaum, another *Ramparts* informant and now a staff member of Robert Hutchins' Center for the Study of Democratic Institutions in Santa Barbara, charged that this was by no means the only case of at least partially concealed scholarly or university alliances with government agencies in exchange for lucrative contracts. CIA agents were to be secreted within the ill-fated, university-connected Project Camelot in Latin America. In the past year, to quote Rick Stearns:

We have seen ROTC students at the University of Washington being used to ferret out alleged left-wing organizations; the administration at Brigham Young University recruiting students to spy on alleged left-wing professors; and the FBI recruiting student agents at Duke University in North Carolina to check on alleged subversive groups. We have local police recruiting students as spies on the drug culture at Fairleigh Dickinson.

Additionally, according to *Ramparts*:

States of recruiting, and when necessary, blackmailing foreign students who are studying in this country, and turning them into spies against their own homeland. Six full-time agents are assigned to this program working out of the district offices of the CIA. They move from campus to campus in search of new foreign student talent . . . [and] operate under a Department of Defense cover.

Money and scholarship aid, and if the student wants it, a "guarantee of permanent status in the United States" are offered. Through a CIA front organization, American Friends of the Middle East, the Agency has taken a particular interest in the Afghan and Iranian Students Association here.

Comments *Ramparts* on its findings:

It is sufficient scandal that the CIA has secretly used public funds to co-opt and subvert independent American student organizations. It is that much more abominable when foreign students, lured into this country by the promise of honesty, are bribed and corrupted, and turned into traitors against their own societies.

II

It is clear from his recital that Rick Stearns, though he recognized the demoralizing influence the relationship was exerting on the student leaders, looked upon what had happened as the product, as he put it, of "a natural bureaucratic process." Operation Cad had not come into being for the purpose of transforming the American student community into a pure instrument of CIA espionage and international "dirty work"; things had simply worked out that way as both sides became more deeply involved and as the men from C.A.D. came under bureaucratic pressure to justify the increasing outlay of bribe money (as the "subsidies" might just as well

be called). In a companion piece to Stearns' called "We Were Right" in the same issue of *Mademoiselle*, W. Dennis Shaul, president of NSA in the lush year ("subsidy"-wise) of 1962-63, takes a similar view in the process of admitting that while it is unfair to say that NSA functioned as a CIA front there were, indeed, certain deficiencies in the relationship:

. . . at the start the CIA was conciliatory, but . . . as the relationship became more stereotyped, it may have expected virtually automatic conformance. It may have taken NSA for granted; there may have been a lessening of those formalities and procedures that originally made the relationship . . . tolerable. . . .

(Does one, in fact, catch here an image of pretty hard-nosed Cads whipping the college boys into line, buried behind the over-worked British understatement a Rhodes Scholar would pick up at Oxford?) Shaul adds, in a somewhat inept figure: "Later officers of NSA [himself included?] may have become so involved in the trees of the CIA that they saw less of the forest of an overall NSA purpose."* A belief in the basic innocence of the CIA, or at least of the men from C.A.D., seems to have been held generally by the NSA "witties," who were for the most part talented and scholarly young men. To the very end, *Ramparts* reported, the current NSA officers, who were opposed to, and had already ended, the CIA marriage, argued against public disclosure because it "would not only hurt NSA, it would hurt the CIA. Covert Action Division No. Five, after all . . . was supporting liberal groups. . . . Thus the exposure . . . would deeply hurt the enlightened, liberal, international wing of the CIA."

In one typically vainglorious statement Braden lays bare the extent to which the students suffered from the same pathetic illusion that entrapped even the likes of Oppenheimer and Spender. "I remember with great pleasure," he remembers in his *Post* account, "the day an agent came in with the news that four national student organizations had broken away from the Communist International Union of Students and joined our student outfit." One could scarcely think of a more revealing way than the contemptuous phrase, "our student outfit," to confirm that the men from C.A.D. were, in fact, unmitigated cads.** The truth, of course, is that the idea that the CIA, or Operation Cad, was lacking in ulterior motive and aim is simply ludicrous. In his compulsion to utilize the uproar over the exposure to take, at long last, public credit for it and its "achievements," Braden destroys the notion. (He can be excused for this re-

* Shaul is a good example of the CIA "takeover" of outstanding student activists. Shaul had been president of the Notre Dame student body and of the American Association of Oxford where he was a Rhodes scholar. Then in rapid succession he became director of the Independent Research Service (at the time it was recruiting "combat troops" for the Helsinki Youth Festival), president of NSA, and recipient (as a reward for meritorious secret service?) of an Independence Foundation "scholarship." NSA president Harry Lunn went on to well-paying Defense, State and AID positions, and thence to head up the FYSA. Other "witties," as already noted, were taken on directly by the CIA.

** At the very end they made a final effort to complete the corruption of their charges, Stearns reports that the agents put tremendous pressure on the NSA officers to deny the Mike Wood story when it came out. "But we decided

markable exercise in indiscretion since the same egotistical compulsion had overtaken his boss Dulles, and other government security officials, in recent years; this plus the Agency's penchant for pratfalls, explains why the CIA secrecy quotient—along, incidentally, with its intelligence quotient—is probably the lowest in the annals of political espionage.) In his recital Braden makes no attempt to disguise the fact that fashioning a network of CIA fronts, of ingeniously camouflaged weapons of cold-war combat, out of the private organizations was the aim of the program from the outset, indeed its entire *raison d'être*. "People," according to Braden, "who make these charges [of immorality] must be naive."

Braden is right. Most of the outraged reaction to the disclosures was stamped with the same kind of naiveté that, for instance, has run through the criticism of the House Un-American Activities Committee. It is naive, as an ECLC pamphlet of several years ago pointed out, to suppose that a committee created and headed by men indistinguishable in their paranoid outlook from the professional merchants of hate on the lunatic fringe is guided by any other intent or objective than wholesale character assassination. Until this is fully understood no amount of cries of "foul play" is likely to change its ways or bring about the Committee's demise. It is similarly unrealistic to imagine that a secret intelligence agency which was in every way the creature and instrument of Allen Dulles would limit itself to the harvesting of intelligence or allow consideration of scruples to influence its conduct. Just as HUAC has, in fact, always operated as an arm of the hate underworld, the CIA has always operated as an arm of the international anti-Communist conspiracy. And legality or propriety has never had anything to do with it. In the wake of the *Ramparts* exposé, Walter Lippmann penned a series of slashing attacks on what he referred to as "CIA's authorized activities." But it is highly unlikely that any authorization whatever existed for Operation Cad—or for a good many of the other activities of CIA's "Plans division," the cover name for its "department of dirty works."

A good example of the fact that in most cases the constitutional amenities are still legislatively observed and abuse of them by the CIAs and HUACs and FBIs persists partly out of sufferance and default on the part of the citizenry—as a result, in other words, of the abdication of citizen power—is the careful way in which the CIA was created. The preparation phase of the National Security Act of 1947 and the legislation itself make it abundantly clear that the task foreseen for the CIA was to get all the available information needed *without getting involved*. The memory of Pearl Harbor was all that was required to convince anyone of the need for a centralized intelligence establishment (Truman couldn't make head or tail of the disorganized flow of intelligence reports across his desk). But intelligence was intended, by and large, to be the limit of the CIA's responsibility. The threat to democracy, and to the nation, inherent in an

agency that "operated in the shadows" getting involved in the formation or implementation of policy or in foreign political intrigue was well understood. So thoroughly, in fact, was this recognized that Dulles perceived the wisdom of stressing it. In a memorandum that became a key part of the record of the hearings on the bill, he wrote: "For the proper judging of the situation in any foreign country it is important that information should be processed by an agency whose duty it is to weigh facts, and to draw conclusions from those facts, without having either the facts or the conclusions warped by the inevitable and even proper prejudices of the men whose duty it is to determine policy and who, having once determined a policy, are too likely to be blind to any facts which might tend to prove the policy to be faulty. The Central Intelligence Agency should have nothing to do with policy. It should try to get at the hard facts on which others must determine policy."

This is nothing more than classic intelligence doctrine, which the British, for example, have always followed. In *Strategic Intelligence for American World Policy*, a book published at the time, Yale Professor Sherman Kent, who had been an intelligence officer in the war, warned against the creation of an intelligence agency that "will be the unabashed apologist for a given policy rather than its impartial and objective analyst." The reason is obvious. "To mix the two functions [intelligence and political action in the policy sphere]," as Professor Ransom later pointed out, "involves the danger that foreign agents collecting facts and trying at the same time to bolster or cause the overthrow of a foreign government in America's apparent interest may develop a less than objective sense for distinguishing between fact and aspiration." And the proof later came in the pudding. It was precisely the eventual blending of the two functions within the CIA which lay at the root of the fiasco at the Bay of Pigs, the Chinese rout of MacArthur in North Korea, the diplomatic embarrassments in Laos (President Kennedy was eventually forced to issue a public censure of the CIA's activities there), the carnage in the Congo, and the marooning of the U.S. Marines and American foreign policy in the jungles of Vietnam. In striving to achieve miscibility, the CIA became a past master at miss-ability.

For Dulles never followed, and indubitably never intended to follow, his own advice.* On the contrary, as soon as the ink was dry on the 1917

* In a piece of ritual mendacity Dulles insisted to *Newsweek* in 1954 that "CIA is not a policy-making agency. We furnish intelligence to assist in the formulation of policy." But he inadvertently let the cat out of the bag in talking to the same publication shortly before his "retirement" after Cuba. "I couldn't have had a job," he gloated, "more concerned with trying to unmask and defeat the objectives of Communism." The two verbs represent the verboten mixing of the two functions. To "unmask" is intelligence work; to "defeat" is involvement in policy-making or implementation. But Dulles could hardly act otherwise. As a partner, like his brother John Foster, in the law firm of Sullivan and Cromwell, which had been involved in international political intrigue as far back as the Panama Canal purchase, and especially in pro-German intrigue in modern times, and as our number one cloak-and-dagger man in Switzerland during the war, Dulles was wedded to the doctrine of perpetual war against

on a contrary course: NSA would, as much as possible, contribute to a public discussion of the CIA relationship." No doubt this decision, along with the fact that the affair involved the offense of contributing to the delinquency of the young, accounts for the public commotion kicked up by the disclosure in contrast to the relative quiescence that greeted previous, including official, exposure of other CIA malefactions.

Act, which spelled out a purely intelligence gathering and intelligence coordination function for the new intelligence agency, Dulles went to work to enlarge that assignment. In a 1949 amendment to the CIA act, based on recommendations of a study committee Dulles dominated, the CIA was handed new powers which "made of it," as Tully says, "a little principality which, in effect, wrote its own laws." Employment policies were removed from Civil Service, and the CIA director was authorized to expend any sums without accounting for them, and to withhold public knowledge of "titles, salaries or numbers of personnel employed by the Agency." Annual CIA expenditures have never been publicly known, even by Congress, although the *New York Times* has guessed that they total more than half a billion dollars. "This is truly an extraordinary power for the head of any executive agency," declares Ransom.

This power, however, included no authorization for overturning governments or "meddling in the affairs of the private citizen," which Tully says Congress "has always been determined" to prohibit the CIA from doing (but only because the field had been preempted by J. Edgar Hoover). The claim of authorization for foul play that most observers seem to accept rests on a final, cryptic sentence in the 1947 Act which states that the CIA will perform "other functions and duties" as directed by the *National Security Council*. The phrase itself, of course, opens a broad and beckoning avenue for an Allen Dulles, but it was blocked by the requirement of NSC approval, a necessary condition to prevent the spy agency from mixing policy-making with intelligence (the chief members of the NSC are the President and Vice-President and the Secretaries of State and Defense).

Dulles dealt with this obstacle in two ways. One was to capture a policy-making position by stealth: the CIA's real operating constitution, Ransom points out, is not its statutory authority of 1947 and 1949, but "a score of super-secret National Security Council Intelligence Directives which probably only a few high government officials have ever seen. It is reasonable to assume that many of these directives were in fact drafted in the Intelligence Advisory Committee, of which the Director of Central Intelligence serves as chairman." To cap the role, the CIA Director also sits on the NSC. Thus doth bureaucracy make victims of us all.

But Dulles, who joined the Agency as General Walter Bedell Smith's top deputy in 1950 and then ran it as Director from 1953 through 1961, also had another method of becoming a policy-maker open to him, namely,

"Bolshevism" by fair means or foul. According to Prince Maximilian Hohenlohe, a top Himmler agent, whose account of his conversations with Dulles in Berne in 1943 were found after the war, Dulles was "fed up with listening all the time to outdated politicians, emigrés and prejudiced Jews." (He was later to listen incessantly to outdated politicians, emigrés and prejudiced anti-Semites from the USSR and Eastern Europe.) Dulles also felt, Hohenlohe wrote, that "there must not again be a division into victor and vanquished . . . at the same time he felt it necessary to support a *cordon sanitaire* against Bolshevism and pan-Slavism through the eastern enlargement of Poland and the preservation of Rumania and a strong Hungary [Dulles did what he could about the latter in 1956]. . . . He does not reject National Socialism in its basic ideas and deeds so much as . . . Prussian militarism. . . ." This was the man to whom the young students of NSA were giving their allegiance.

by ignoring the legislative limitations placed on him—by, that is, keeping the Agency's secret actions secret even from his superiors. In many major instances, CIA activities have in fact constituted subversion not only of foreign governments but of its own. These misprisions include Laos, where U.S. diplomacy was conducting a much-heralded experiment in the support of a neutralist, Souvanna Phouma; the later stages of the Congo crisis, in which the U.S. was supporting the U.N. campaign; and, although Eisenhower misguidedly took responsibility for it, the overflight of the Soviet Union which resulted in the simultaneous destruction of Gary Powers' U-2 reconnaissance plane and the summit conference of 1960. The CIA played a pivotal, and little-noted, part in getting the United States involved in two Asian wars. Shortly after the transfer of government in South Korea from U.S. military forces to Syngman Rhee in August, 1948, Secretary of State Acheson placed Korea outside the American defense perimeter. "Throughout the spring of 1949," according to Tully, "Admiral (Roscoe H.) Hillenkoetter's CIA poured a stream of reports into the White House, Pentagon and State Department concerning military build-ups in North Korea and guerrilla incursions into South Korea." This campaign fitted directly into a similar campaign being waged by Rhee, who was engaging in a substantial military build-up himself and who was making all the reunification-by-force talk, according to the *Times*' reports of the period. By the time war broke out Acheson had changed his mind and looped the "perimeter" around Korea. An exactly similar process occurred a dozen years later. In April, 1961, soon after the South Vietnam National Liberation Front had established organized guerrilla warfare, Kennedy told a meeting of editors in Washington that the U.S. might have to "give up" South Vietnam. During the next seven months the CIA, this time with the help of the Pentagon (which sent McNamara and General Maxwell Taylor chasing to Saigon), poured a new stream of reports into the White House and State Department. By December Kennedy had been persuaded to take the first step in the long escalation process in Vietnam.

Political subversion in foreign countries and the support and covert direction of private groups to advance cold war causes fall by nature into the areas of policy formulation, prohibited to the CIA altogether, or policy implementation prohibited except at the direction of the policy-makers. But the evidence strongly suggests that, like other major CIA projects, Operation Cad was created and carried out until it was well established as a *jait accompli* before any knowledge of it came to the higher-ups. According to Braden's account of the program's beginnings it was launched following its formal approval by Dulles and his deputy Frank Wisner; nowhere in the article does Braden see fit to mention that it was known to or authorized by any government authority outside the intelligence agency. Rick Stearns, a perspicacious young man with an extensive knowledge of the project's history, says: "The CIA has been its own worst enemy. It was, in its clandestine way, undertaking subsidies that did not appear to have been cleared by higher officials." The whole truth about the abortive Cuban invasion, incidentally, would doubtless reveal that this was also the case in that misadventure—namely, that the enterprise was well advanced (the organization and training of the forces, marshaling of a

"fleet," etc.) before the NSC was apprised of the plot and that Eisenhower (and then Kennedy) was confronted with a *fait accompli*—along with a gilt-edged warranty of workability. And because it was thus deeply involved, the CIA could never abandon its early intelligence reports of an eagerly waiting insurrectionist horde within Cuba, even though it became increasingly evident that such reports might be somewhat less than reliable.

III

The *New York Times* has counted no fewer than 150 resolutions introduced in the Congress over the years aimed at clipping the CIA's wings, at least to the extent of setting up a watchdog on its activities and expenditures. As far back as 1955 a Task Force of the Hoover Government Reorganization Commission headed by General Mark Clark urged a Congressional watchdog committee to curb "the growth of license and abuses of power" at the Agency. And following the Bay of Pigs an abashed Kennedy decided the CIA should henceforth have no operational role in important government actions. The failure of every one of these mild efforts to reduce the power and influence of the CIA and its stealthy, systematic intrusion into the lives of citizens, both American and foreign, tends to discourage individuals from thinking that they any longer have the political means to exercise control over their own and the nation's destinies.* The FBI has represented a similar force of intimidation and disillusionment for far longer than the comparatively brief career of the Central Intelligence Agency, and by way of similar methods and results—reflecting a high-handed disregard of its legal limitations, abetted by consistent failure of the public and Congress to compel the Bureau to operate in accord with democratic processes and constitutional rights. Indeed, the Bureau's Director, who is responsible for its scaremongering tactics and techniques, has probably outlasted in a top governmental position every other such official on the globe. He's been top cop, to the nation's disgrace, going on half a century.

* That the CIA is going right on, its wings still unclipped, is indicated in a Los Angeles *Times* story from its Washington correspondent, who wrote: "The agency, in any case, is expected to weather the storm with its budget, its labor force and its privileged relationships with Congress and the White House preserved." The paper also quoted a suggestive statement from Braden: "I suppose, because some small-minded men have revealed the means [most of the means were revealed by Braden himself in his apology for the *Foafi*, those programs (in Europe) will have to be abandoned, but in Africa, the Middle East and the Far East it is just as important now to have such secret programs as it was in Europe. . . ." Just recently India cut off an M.I.T. Center for International Studies project because of the CIA connection, and the Indian government's own intelligence department caused a stir a month or so later by reporting that CIA money had been pumped into India's last election campaign.

Like the CIA, the FBI possesses a nice sense of irony—or of insolence. As the nation's highest enforcer of law and order, it has itself scarcely ever failed to flout the law in what were regarded as sufficiently exigent situations. Some years ago a Montana judge announced, in respect to a case he was hearing: "If J. Edgar Hoover were to come within this jurisdiction, I would hold him for contempt of court." What had aroused the magistrate was a typical piece of prejudicial FBI behavior in connection with the suspect in the case, principally trial by newspaper. Invariably, when the Bureau's gunshoes manage to get their hands on a major suspect, whether alleged criminal offender or alleged spy, a full-scale campaign of pre-trial public vilification is wheeled into action (which, unhappily, the press invariably falls in with). In violation of every rule associated with the right of fair trial, the victim's previous police record is trotted out, "confessions" are coerced and paraded before the public, and extensive Bureau "interviews" provide prospective jurors with a fulsome account of the defendant's undeniable guilt (the FBI's view of the potential notoriety of the case can generally be gauged by whether Hoover himself chooses to enlighten the public further on that guilt).

The deep-lying effect of this activity over a long period of time—in addition to violating the rights of citizens who run afoul of the law agency—is to instill in the populace at large a sense of awe and fear of the FBI, and through it of the power of government itself. This, indeed, is the intent both of the Bureau and of its many friends in the Congress. The FBI's flamboyant exploitation of the series of so-called atomic spy cases following World War II paved the way for, and greatly bolstered, the ascendancy of McCarthyism. And the FBI's monster file of dossiers—much of it reportedly amounting to little more than neighborhood gossip—constituted the principal weapons in the arsenals of McCarthy and the House Un-American Activities Committee. In retrospect it can be seen that these three institutions of government, the FBI, McCarthy's Senate subcommittee, and HUAC—taking advantage of a massively incited cold war hysteria, were engaged during the 50's in a large-scale conspiracy of intimidation of the nation's citizens. It was effective. Americans from all walks of life (with some notable exceptions, of course) trooped before the House Committee and bowed to its wishes as if it had a right in the world to lord it over them and inquire into their private beliefs and associations; citizens across the country meekly allowed FBI agents and police to invade their privacy as if the Constitution never existed; and those of high and low estate covered before the threatening shadow (in equal power it was never more than a shadow) of Senator Joseph McCarthy. The overall effect, still very much present, was to dismantle, for all practical purposes, the institution of citizen power and to introduce the era of the new "democracy"—the government as master and the citizen as its servant.

Perhaps the most successful FBI scare technique has been the "penetration" of scores of private groups, associations, and organizations throughout the country by undercover agents, a technique in which the FBI could give lessons to the CIA. It has been a standing joke for a decade that there are more FBI agents than people in the Communist Party, but left-wing groups of every hue, and some not so far left, have been stabbed

in the back, so to speak, by this cloak-and-dagger "penetration."* The blow has proved fatal for some groups, and it has almost always resulted in a slow bleeding of membership from fear of "exposure" (the operation is actually two-phased: the target organization is first branded and stigmatized in the public mind). As an example of how to have freedom of association without actually making it free, the strategy has proved to be a major weapon in the arsenal of democracy, new-style.

One of Hoover's accomplishments as FBI chief has been to weld a spiritual, and, where relevant, a working partnership between the Bureau and the nation's police forces. In the process of developing this arrangement, the FBI has exerted a strong influence on the police establishment. One aspect of this influence has to do with attitude. In communities across the nation the attitude of the police toward the Negro citizenry is a reflection of the FBI's attitude toward "Reds" (a highly collective noun in the FBI lexicon). In the common police mentality Negroes are endowed with a built-in predilection for the commission of criminal acts (this is very nearly seen as a racial trait); they are somehow inferior, or at least "different" and are therefore not subject to the ground rules affecting the white population (where they exist, Puerto Ricans and Mexican-Americans are of course viewed in the same light as Negroes), and they are to be handled accordingly. Every practicing newspaperman who has covered a police beat in an American town, North or South, knows this. Needless to say, so does every practicing Negro. In September, 1967 for example, when it was reported that some 400 Detroit policemen had joined the National Rifle Association in order to purchase low-priced government surplus carbines for "riot" use, Reverend Albert B. Cleage, Jr., organizer of a committee to plan reconstruction of wrecked areas in the city, declared: "This is just another indication of what we've known all along. Police departments consider themselves the enemies of the black community."**

A public insight into this police-barracks phenomenon—which bears a distinct resemblance to and is as endemic as the attitude of the czarist police toward the Jews—was provided by the annual convention of the Fraternal Order of Police, a 100,000-member association of ordinary cops and their officers, at Miami Beach at the end of August 1967. Nearly 1,000 delegates, many of them wearing Wallace-for-President buttons, gave what the *Los Angeles Times* called "a tumultuous reception" to Alabama's governor-by-marriage who was the main speaker and who, a few days earlier, had given friends and reporters his prescription for dealing with ghetto uprisings: "Bam, shoot 'em dead on the spot! Shoot to kill if anyone

* On his annual excursion to Capitol Hill to pan for gold, Hoover once came up with the figure 2,000 as the number of "Communist-infiltrated" organizations in the country. The figure is highly suggestive of how far up the spectrum from "Red" the Bureau's political espionage extends.

** The NRA in Washington reported 1,800 inquiries about the availability of the rifles from members of 41 police departments. The AP said 2,000 members of the 2,700-man Detroit force were on an NRA waiting list.

throws a rock at a policeman or throws a Molotov cocktail...." At the convention Wallace (it rhymes with lawless) got three standing ovations when, according to the *L. A. Times*, he (a) "ridiculed federal officials for outlining constitutional procedures they say must be followed before troops are sent in (to disorder areas)," (b) declared, "I'm at home with the police," and (c) told his "lustily applauding" audience: "If the police in this country could control it for about two years, then we could walk in our streets... in safety." (Hoover would brand such a statement by opponents of police power as an incitement to revolution.)

In the Detroit uprising Wallace's "bam" strategy was, in effect, given a trial run. After an intensive study, the *Detroit Free Press* came to the "inescapable" conclusion that most of the 43 victims of the strife were needlessly killed. Army General John L. Throckmorton called the police and National Guard units "trigger-happy." In Newark the ACLU filed a suit charging police brutality in that city's ghetto disorders, and in Los Angeles a similar ACLU suit has been instituted against the police for charging and forcibly dispersing a crowd of 10,000 standing anti-Vietnam demonstrators during a speech by President Johnson at the Century Plaza Hotel. Despite such evidence, however—as well as the widely viewed television coverage of the police action in the non-violent demonstrations in the South in previous years—an August Gallup Poll survey (after a series of ghetto insurrections in July) found that eight of ten adults had a "great deal" of respect for the police and only six per cent of whites and 14 per cent of Negroes interviewed believe that "police brutality" exists in their area. The percentages were more or less the same in all localities. It is true that the average American does not experience and is often ignorant of the more or less routine FBI and police use of the *argumentum baculum* in their relations with the country's political and racial minority groups; nevertheless, the poll shows a widespread tendency to view government as outranking citizen power in the American scheme of things.

The police have adopted another attitude and activity from their Big Brother, the FBI, which the public also takes very much in its stride. The attitude is one, like the CIA's, of "to hell with the legal restrictions if they interfere with police work." And the activity is continual illicit assault on the citizen's right to be free in his person, his home and his private effects and affairs. In dispelling the myth that the Detroit "riot" was a surprise because the city was so advanced socially, the *Los Angeles Times* great urban affairs reporter, D. J. Bruckner, reported that for months before the outbreak, and indeed for years Detroit police had been playing fast-and-loose with the constitutional privacy of Negro homes, barging in in the middle of the night, frequently without even ringing the doorbell, let alone bearing the required search warrant, and prying around the premises. Both the FBI and the police have long engaged in this free-wheeling intrusion on the citizen, the midnight knock on the door by FBI agents having become something of a legend. Again, the tactical purpose is not only surveillance but intimidation.

The advent of wire-tapping and electronic bugging introduced far more effective and widespread methods of surreptitious government surveillance of the citizen's thoughts and activities. Despite the clear and present danger they represent to the free exercise of the citizen's role in the demo-

cratic political process, the Congress has passed no law governing the use and abuse of devices for mechanical eavesdropping in 33 years. The failure to do so in session after session of the legislature (and, with few exceptions, in state legislatures as well) speaks for the considerable political influence of the FBI, police, CIA, and other intelligence agencies of the government.* As a result the legion of governmental gunshoes—which also include those of the Treasury Department's Secret Service and Internal Revenue Service—have been enabled to conduct such wholesale incursions into an area once protected by the Bill of Rights' prohibition against unwarranted search and seizure that Justice Douglas refers to it as "a plague on the nation."

This surveillance power, greatly extended by the advent of microminiaturization several years ago, has been described by Justice William Brennan as making "the police omniscient; and police omniscience," he added, "is one of the most effective tools of tyranny." Professor Alan F. Westin, an authority on the subject and a strong advocate of rigid limitations on all forms of eavesdropping, indicated the extent of the "omniscience" in an article for the *Columbia Law Journal*: "In the course of tapping a single telephone, a police agent recorded conversations involving . . . the Juilliard School of Music, Consolidated Radio Artists, Western Union, a bank, a drugstore, a real estate company, many lawyers, a dry cleaner, numerous bars, a garage, the Prudential Insurance Company, a health club, the Medical Bureau to Aid Spanish Democracy, dentists, brokers, engineers, a police station." As trial lawyer Edward Bennett Williams has pointed out, each such case of wired or electronic snooping involves "scores of people who were suspected of no crime. . . . What they believed to be private conversations were invaded by the ears of the police. Intimate details of the lives of these people became a matter of record in the files of the police department." "That officers of the law," wrote the late Justice Robert H. Jackson, "would break and enter a home, secrete such a device, and listen to the conversations of the occupants would be almost incredible if it were not admitted."

In the course of its investigations into the extent of government snooping practices—which have revealed numerous instances of FBI violations of judicial limitations, as in the Hoffa case—a Senate Judiciary Subcommittee headed by Senator Edward V. Long brought forth the admission (after two and a half years of seeking the data) that the IRS had used eavesdropping devices more than 1,000 times in the past eight years. The *mise-en-scenes* included dwellings, hotel rooms, automobiles (all of which the courts have ruled to be "constitutionally protected" areas), government offices, and telephone booths. An indeterminate number of uses were "in-

* U.S. intelligence activity is not restricted to the CIA, FBI, and police. The U.S. Intelligence Board is actually a 10-armed octopus, and all of these tentacles, in some degree, reach into the lives of American citizens, prowling their homes, offices, factories and meetings, and occasionally snatching them up into the jaws of the authorities, sometimes in secrecy. In addition to the CIA and FBI, the tentacles of the octopus are represented by the intelligence divisions of the three military branches plus those of the State and Defense Departments, the Joint Chiefs, the AEC and the National Security Agency.

proper," it was conceded. Police, according to the ACLU, employ bugging devices in interview and detention cells in order to catch off-guards, remarks by suspects—self-incrimination by surreptitious entrapment, in other words. Ed Cray of the Southern California ACLU has reported that "in at least one (Los Angeles) station the bugging is so thorough that there is no interview room in which a lawyer may talk to a client without the threat of being overheard by the hidden microphone."

In 1965 President Johnson issued an executive order imposing a government-wide ban on wiretapping and most forms of electronic snooping except in cases involving "national security," and earlier this year a memorandum from Attorney General Ramsey Clark reinforced this edict. Despite these bans, and the 1934 Federal Anti-Wire-Tapping Act, which prevented the use in federal courts of evidence obtained through wiretaps (former Attorney General Nicholas Katzenbach has called the law "totally unsatisfactory"), the FBI, CIA and IRS continue to operate schools to train agents in mechanical eavesdropping techniques. So far as the FBI and CIA are concerned, the "national security" loophole is all but a green light to proceed as usual, since both agencies consider most of their operations falling under that conveniently nebulous rubric. Representative Richard Poff has complained that the similar exception in the administration's proposed bill outlawing all other forms of public and private electronic snooping is "undefined and unreviewable."

Along with all these methods of intimidation, or what the courts call prior restraint, have come a host of others during the long years of the cold war, which is, of course, their environmental backdrop, just as the Indian threat provided the backdrop for the witch hunt in Salem. The government loyalty program, loyalty oaths in schools and colleges, censorship laws, Congressional witch hunts, racial repression, the long-continuing Presidential declaration of emergency stemming from the Korean war, arbitrary travel bans, attempts at investigating the press, attacks on the foreign-born, the official listing of "subversive" organizations, the long-maintained blacklist in the entertainment and cultural fields, outlawry of the Communist Party, the drive to politically sanitize the labor movement by the entire array of programs and edicts, all of them invoked or spurred on, in any true sense of the word, the consent of the people, has whittled away the people's sovereignty almost to the vanishing point. In a report to a committee of the American Society of Newspaper Editors in 1963 on a HUAC probe of a newspaper editor, it was pointed out that such "investigations," repeatedly carried out, "would extinguish, without the passage of a single law, that free and unfettered reporting of events and comments thereon, upon which the preservation of our liberties depends. . . ." The passage of scarcely a handful of laws has been involved in the long course of diminishing the power of the people. There has been no frontal assault, other than the short-lived McCarthy sortie; the process has been one of persistent and mainly devious encroachment. "The First Amendment," Justice Douglas has had occasion to remind us, "screens from the searching eyes of government a person's political belief." But the searching eyes have been unblinkered and the areas they scan and probe have constantly widened.

It is instructive to recognize, if only by hindsight, that this successful government overturn of the master-servant relationship was achieved by tactics analogous to guerrilla warfare—a campaign of sneak attack, retreat, and renewed attack in a different quarter, against the most exposed or poorly defended forces of the adversary, namely, individuals and organizations of the left. The consequence has been slow attrition of the entire body politic. The reason is that such organizations are just those which test whether the society is operated according to the tenets of the true or “new” democracy. That condition, in its essence, is determined by whether the Bill of Rights is treated as a statement of guiding principles (which can be outflanked by hermetical cunning, suspended in times of presumed emergency, and breached by furtive police action) or as possessing a vital function in the working of self-government (under which its protections against government trespass are absolute). Freedom of thought and speech and association are natural rights. But more important is the essential role they play in the successful operation of the system. Their purpose is to insure that having been given the means to govern himself, the citizen can develop the ability to do so effectively. An ignorant or spoon-fed voter-citizen adds nothing, save potential harm to the performance of government, or even, perhaps, to the national security. To execute his political and social responsibilities intelligently and creatively for the purposes of self-government it is patently imperative for the citizen to be as well informed as it is possible for him to be. His vote and all his other political activities must be educated ones, and education—particularly political education—is a process of exposure to every fact, opinion, and idea, including the “bad” ones or even the demonstrably untrue, since these have the inestimable value of providing a frame of reference against which the truth of the true can not only be tested but be more stringently shaped, elaborated and refined.* Only the enlightened citizen is capable of occupying “the highest office in the land,” or is likely to assume the office.

The Bill of Rights, as a guarantee of freedom of expression, has the function, in short, of insuring that the citizen remains the master and the government the servant in their relationship, and thus of making the system work. It does so by standing as an ever-looming threat against the attempts at government arrogations and abuses. It is the weapon in the hands of a Thoreau and in the end makes him stronger than the government.

Hence, in their sometimes surreptitious, sometimes open transgressions against private individuals, associations and organizations, of whatever type, the Congress, the military, the CIA, the FBI, the HUAC, *et al.* are advertising the fact—if the populace is politically literate enough to be able to read the message—that an effort at overthrow of citizen power is in progress. Such activity constitutes a kind of insurgency against the substance of the state, if not its form, and the response called for is some type of counter insurgency action. “It is an act of violence,”

* The noted Washington minister, Dr. A. Powell Davies, once counseled the universities always to have at least one or two atheists on their faculties “if only to keep the theists stepping lively.”

declared Senator Edward W. Brooke recently, “to create a spectator population that is not permitted to participate in the nation's progress or its hope for the future.”

IV

In *The Right of the People* Justice Douglass says, “Thoreau's insistence on his right to lead his own life and to resist the encroachment of government was typically American.” This, he notes, was also Emerson's view. But the cold war, and the advantage taken of it by a steadily encroaching government, have made such an attitude almost un-American. Battered on every side by guerrilla-like intrusions, a subdued and daunted public has found itself entwined in reams of “political restraint.” The “witties” of NSA succumbed to “cynical acquiescence” because though they were bright and talented (and mostly upper class), they had been drained of the healthy skepticism of the powers that be which their forebears had tried so hard to instill in them. They had become immune to “the never-ending audacity of elected (and appointed) officials.” Their conspiracy with the most secret arm of government required an almost absolute faith in the rectitude of government. They had all but lost the art of enlightened citizenship which makes a salutary distinction between loyalty to country and unquestioning loyalty to its institutions. Their education had neglected Mark Twain, whose Connecticut Yankee could have set them straight on that score. “You see,” he had mused, “my kind of loyalty was loyalty to one's country, not to its institutions or its office-holders. The country is the real thing . . . institutions are extraneous, they are its mere clothing, and clothing wears out, become ragged, cease to be comfortable, cease to protect the body from winter, disease, and death. To be loyal to rags is to die for rags—that is a loyalty of unreason, it is pure animal; it belongs to monarchy, was invented by monarchy; let monarchy keep it.”

But the twang of Twain's stubborn Yankee has not disappeared altogether. On the contrary, its echo has suddenly begun to rise in volume. It found an echo among the prescriptions offered at a recent gathering of ranking university students under the aegis of the Center for the Study of Democratic Institutions—such prescriptions as “the disruption” of the institutions of this country, “a boycott . . . on a nationwide scale to bring the universities to a halt,” and “let us ball up the economy.” A student named Saltonstall from the Connecticut Yankee's neighboring state of Massachusetts told the symposium: “One day soon, Congressmen and Presidents may petition us, not us them.” The excesses and brutalities and transgressions of the vast, sprawling establishment of government have brought forth a breed of disestablishmentarians. And the breed is multiplying rapidly—from campus to campus, from ghetto to ghetto, from peace group to peace group.

Even the NSA-ers have learned their lesson. In the first months after the break with the CIA the proportion of the NSA budget devoted to national programs shot up to 90 percent (under the CIA 65 percent of

The budget had gone to international activities), and the new vice-president for "international and community affairs" (a new portmanteau title) promised that the "international" would be played down and the "community" emphasized, especially in the urban slums and ghettos. The August congress of the organization voted support for black power and a nationwide campaign to abolish the draft. It adopted a resolution calling for "student power . . . designed to gain for students their full rights as citizens, and their right to democratically control their non-academic lives and particularly to the fullest in the administrative and educational decision-making process of the college . . ."

The resolution indicates that the NSA-ers comprehend what had happened to them, namely, that they had been decitizenized. If NSA means to insist on the goals of the resolution, the outlook is for stormy weather ahead. This is the more likely since the members will be vigorously provided in the direction they have marked out by the likes of the student leaders who attended the Santa Barbara symposium, and by the growing membership organization which has voted to plan a nationwide student strike during the current academic year and to openly sabotage the draft, one of the government's more open shows of force.* And marching hand-in-hand with the students down the same road are the militants of the extraordinary Black Power movement—extraordinary in the swiftness of its growth, both in numbers and the degree of its militancy—and the groups opposing the Vietnam war.

When it is understood that the major domestic political phenomenon of the cold war period has been the almost total seizure of citizen power by a government establishment that has entrenched itself as a literally

* It is not surprising that the education establishment has become a central battleground of the struggle for restoration of citizen power. Nowhere has the heavy hand of government fallen more heavily than on the university. The National Science Foundation forecasts that in 1968 the government flow of research-and-development funds into the nation's colleges and universities will reach \$1.6 billion. And as the flow increases, university bureaucratization intensifies, the supremacy of research over teaching solidifies, the gulf between student and teacher and administration widens, and student anomie deepens and spreads. It is plainless, irresponsible government largesse that is turning the university into a devalued multiversity and from autonomy to atomism. But there is another aspect to this. Public, and most private, education in America has long been based on what educators call the "teacher-tell and textbook" method of instruction—feeding the student the received knowledge and wisdom of the society and discouraging him from raising questions about it or generating any wisdom of his own. It is a system perfectly calculated to produce a nation of passive spectators and gullible believers prone to "cynical acquiescence," rather than creative participants and active, self-conscious citizens. In an admirable report after a 17-month study of the California public education system, held by many to be one of the country's best, a high-ranking citizens committee last September advised rooting it out and starting over again. It called for a new philosophy of "diversity, flexibility and experimentation." "The educational system," it said, "is falling behind our problems." More than 100 college professors who assisted the study agreed that the "rigid thought processes" in students were "appalling."

leviathan state, the common aim of this New Politics troika becomes clear. It is disestablishmentarianism. The aim of the New Politics militants is to "bring about a change in the society"; but generally what is meant is not revolutionary overthrow of the government to implant a new form of rule. The original disestablishmentarians set out to put an end to the status and privileges of the established church—not to destroy the church but to *disestablish* it. This is the objective of the new politicians with respect to America's "established" government. And the objective is made clearer by what many of them view as the alternative they call it "participatory democracy." (Their rejection of Marx is based on the fact that socialism, too, has created a Brodingtonian establishment that develops a vested interest in repelling claims to citizen power.) Hence, the movement, for most of its activists, is radical not in the sense of desiring organic change but in the sense of seeking a return to the basic principles of the society. Participatory democracy is citizen power. The movement's cause is thus nothing more than traditional Americanism. And its methods are as "typically American" as Thoreau's, or at those enunciated in the Declaration of Independence. To the extent, however, that the methods become severe, they are to be recognized not as insurgency but as counter-insurgency. Government power has been used to put down the citizen and establish itself as his master, a clear case not merely of abuse but of usurpation of the society's rightful authority. To seize back that authority there must first come into existence a broad recognition that it has been confiscated. The more dramatic tactics of the new political troika are aimed at infusing that awareness in the mass of the American people.

Throughout the land there are also individual citizens, who, still in seining, like Milton Mayer, that they occupy the highest office in the land fight their own individual battles against the insidious encroachments of government wielding its physical strength. One such citizen is Chester Weger of Pasadena, California. One night a year ago Mr. Weger, an aeronautical engineer, flipped off his television set after the late, late show at 2:30 a.m. and went out for a brief mind-restoring stroll before turning in. In the midst of his walk a prowling car pulled up beside him and he was requested to produce some form of identification. Mr. Weger looked the cop in the eye and said: "My name is Chester W. Weger. I live in this tract. I am a natural-born citizen and I have committed no crime." And for Mr. Weger that brought the policeman's business with him to a close. Refusing to produce documentary evidence of his identity he was thereupon arrested for "loitering or wandering without apparent reason and failing to identify himself" (State Penal Code).

On the ground that the government was well beyond the boundaries of its jurisdiction with a law like that, Mr. Weger decided to stand up for his rights as a free citizen and sued for relief. A municipal judge agreed with him wholeheartedly. But these days government is feeling heady with master building. The City of Pasadena appealed—and lost again. And, determined to assert its power of command over the citizen, it appealed a second time. This time, in the California District Court of

Appeal. Mr. Weger was informed that his refusal to show identification was "essentially anarchistic." Recently, the U.S. Supreme Court decided not to review this ruling, possibly on the technicality that the case had not actually gone to trial in a state court (reasons for non-review are never made public by the Courts). Weger must now stand trial in Pasadena Municipal Court.

If Mr. Weger finally loses his battle to assert his constitutional sovereignty, he could wind up in jail. But "under a government which imprisons any unjustly," as Thoreau said, "the true place for a just man is also a prison." Since vast numbers of American communities have anti-"loitering" laws—and others even more egregious, like New York's "stop-and-frisk" and "no-knock" statutes—America's jails are going to be brimming if Americans finally discover what has really happened to them, and to the great political system their fathers brought forth on this continent, and decide to do something about it. If they don't, it is not impossible to imagine that the American Dream may one day dissolve into Henry Miller's "air-conditioned nightmare."

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