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The Crisis in United States Intelligence

By David Rees

- Legacy of Vietnam and Watergate
- Security services' capability eroded
- FBI's anti-subversion role eroded
- Congress stratagems for CIA
- Western security impeded

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The Crisis in United States Intelligence

SUMMARY

Congressional, Executive and legislative action has so eroded the United States intelligence capability in the wake of the Vietnam war and Watergate that the nation's security system has been seriously weakened—and with it the security of its Western allies. US intelligence agencies are essential to defence of West.

20th Century Revolution (Page 2)

Phenomenal development of signals and cryptanalysis (code and cypher breaking) by British in World War I allied technical skill to human ingenuity; breaking of German and Japanese machine ciphers in World War II underlined need for utmost secrecy. Development of totalitarian subversion and conspiracy and irregular warfare demonstrated the need for covert operations in "grey zone" between diplomacy and formal warfare, and both Britain and US developed potential in this field.

The total intelligence process (Page 3)

Former Central Intelligence Agency (CIA) Deputy Director urged three main tasks: collection, evaluation and dissemination of intelligence. Decrypted Japanese signals before Pearl Harbour were not circulated to President Roosevelt, but proper handling of signals later brought Midway naval victory. In Vietnam war CIA warnings ignored. (The study notes that British secret service, traditionally efficient, has had its disasters.)

FBI: counter-intelligence (Page 3)

Under J. Edgar Hoover Federal Bureau of Investigation (FBI) became a great law enforcement agency which by Executive Order moved into counter-intelligence and counter-espionage; formation of CIA in 1947 confined FBI essentially to internal security, but wide support kept it free from interference until early 1970s. US Supreme Court ruling of 1951 recognised possibility of revolutionary subversion leading to violence, thus justifying counter-action in the incubation period. Hoover's Counter-Intelligence Programme

(Cointelpro) of 1961 criticised as "abhorrent" in 1974 and spurred national debate on security irregularities.

CIA operations 1947-1974 (Page 5)

CIA reported to President through National Security Council (NSC); enjoyed greater freedom of action, helped by "foreign policy consensus"; Congress oversight maintained secrecy and flexibility.

Covert operations: CIA's Achilles heel (Page 5)

Vietnam war affected consensus; criticism of covert actions; media-induced confusion between small operations and big paramilitary efforts, with CIA as scapegoat, though there had been practical reasons for clandestine work in the Italian Communist, Berlin, and other crises. Support for Chilean democratic opposition, ordered by Nixon, proved disastrous for CIA. Congress pressure for investigation now made irresistible: Ryan Amendment made CIA covert operations contingent on approval of six Congressional committees. DCI William Colby said "American intelligence in danger".

Popular pressures (Page 7)

FBI and CIA became suspect, but needful reforms accompanied by national mood of self-destructive recrimination over Indo-China and Watergate, leading to intelligence crisis and ultimately strategic paralysis in face of confident Soviet power. System weakened by "anti-intelligence lobby"—combination of far-left organisations. Pressure groups' motive: to weaken, not reform. More influential in creating climate for Congressional action were intellectuals committed to dismantling American power. Media pressure characterised by same sense of selective outrage.

Congressional pressure (Page 9)

This was obviously decisive in legislative field; "prescriptive (destructive) publicity" in hearings, with haemorrhage of classified information on almost every aspect of intelligence.

Freedom of Information Act 1967 amended to increase access to classified information; other Acts barred records on persons belonging to revolutionary groups; forbade CIA covert operations without informing Congress; weakened immigration laws, i.e. for communists, and tightened controls on electronic surveillance.

Congressional oversight procedures (Page 10)

Creation of number of Congressional committees led to permanent oversight bodies, with control of funding for intelligence. New accountability affords "intense scrutiny".

Executive curbs (Page 11)

Levi Guidelines for FBI counter-intelligence imposed restrictions; ban on preventive action to forestall violence reversed 1951 Supreme Court verdict. Ford/Carter Executive Orders constrained CIA. Restructuring accompanied by mass CIA dismissals.

Internal security: files abolished (Page 12)

Political loyalty questions dropped from Civil Service application forms; security research files eliminated; international agencies less willing to supply information to US Customs because confidentiality no longer guaranteed; Justice Dept.'s Security Division,

and Congress Internal Security Sub-committees abolished; intelligence files at state and local level inactivated or destroyed.

The continuing threat (Page 14)

Persistent terrorist threat; over 100 law officers killed each year in 1970s; in 1975 2,053 bombings and 69 deaths, in 1976 1,564 bombings and 45 deaths. Main terrorist groups named. Soviet emphasis on clandestine operations; growing exploitation of front organisations and surrogate forces at same time as US has weakened intelligence services.

Conclusions (Page 15)

Security of America's allies affected by crippling of its intelligence services; CIA covert action drastically reduced at time of Soviet global advances. No significant change possible until there is resurgence of traditional realism in public and Congressional opinion. Suggested measures: re-creation of the House Internal Security Committee to inquire into subversion; seven-year rule limiting release of confidential information; modification of controls on CIA covert operations and counter-intelligence. Reliance on mechanical intelligence methods should take account of need for human insight and perception—as does the USSR.

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Forthcoming Special Report

**THE SOVIET EMPIRE: PRESSURES
AND STRAINS**

A Study Group of specialists in Soviet affairs, assembled by the Institute for the Study of Conflict, has produced a penetrating analysis of the pressures which could limit further expansion of the Soviet Empire and even threaten its survival in its present form—but also notes the temptations to yet more dangerous foreign adventures. Soviet strengths and weaknesses are examined: its military might and great mineral and energy resources, set against challenges to Marxism-Leninism, corruption, technological shortcomings, Eurocommunism and other factors.

Assessing the balance of advantage, the Special Report says that the Kremlin, in its drive for the "final victory of communism", appears to have reached a peak, and discusses the options open to the West in the face of growing Soviet military power. It concludes that the West need not remain passive: it can encourage the subject nations to claim their rights, restrict the credits and technology that help build the military machine, expand radio services to the Eastern bloc and stiffen conditions of trade—in short, a firm Western posture.

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The Crisis in United States Intelligence

The revelations of sudden crises such as that in Iran and the report of Soviet combat troops in Cuba have dismayed Americans and their friends world-wide, and have put in question the effectiveness of US security services. This study sets out the reasons for intelligence failures—pressures and constraints which could reduce the system to impotence. Britain's secret service has had its share of disasters, but uniquely America's CIA and FBI have now been encased in a straitjacket during investigations launched amid recriminations over the Vietnam war and Watergate. The study, far from being an attack on American ways, is based on a sincere appreciation of the vital importance of American security to the survival of the Western world.

In Britain, the Blunt affair has raised demands for an intelligence oversight system on American lines. Before any such demands are entertained, the lessons of the United States experience ought thoroughly to be understood and digested.

By DAVID REES

IN the wake of the Vietnam War and Watergate the intelligence capability of the United States Government has been progressively eroded during the past five or six years by legislative, Congressional and Executive action. A comprehensive and detailed system to oversee the intelligence activities, unlike anything in other Western countries, has also been developed. Moreover, as far as can be assessed, informed opinion within the country remains apparently hostile or at least indifferent to the new problems facing its intelligence community.

This curbing of the agencies applies to both the Federal security function, carried out primarily by the Federal Bureau of Investigation (FBI) and to the foreign intelligence function, chiefly the responsibility of the Central Intelligence Agency (CIA). As a result of these events there is agreement amongst many observers that the American security system has been seriously weakened. While it would be an over-statement to say that security has collapsed, there can be no reasonable doubt that there is at present a crisis in intelligence.

A contributory factor has been the great upsurge of international subversion and terrorism in the past decade, combined with a significant shift in the global military balance of power towards the USSR, which (like most terrorist groups) freely proclaims its ambition—the destruction of the pluralist societies of the West. There is also the inescapable fact that these free societies

depend on American leadership for their survival. So it is within this historic political context that the current crisis of American intelligence must be described and assessed.

In a more specific context, all Western intelligence services, whether internal or external, exist as means to an end of national security. Thus whatever the alleged mistakes or irregularities of American security in the recent past the need for the protection of the US, and with it the Western allies, has not changed in a dangerous world. Rather, the need for Western security—in all its forms—has increased as the Soviet Union grows relatively and absolutely stronger: hence the need for a thorough understanding of Soviet (and other adversary) capabilities and intentions.

The accepted fact that internal security is complementary to national defence is underlined by indisputable evidence that the USSR presents not only an external threat to the West but is actively, and in a variety of guises, supporting espionage, subversion, and terrorism against democratic societies. The present crisis cannot therefore be seen in isolation. It should never be forgotten that effective American intelligence agencies are essential to the defence of the West.

The enduring relationship between internal security and national defence was succinctly put by Machiavelli, who wrote that "there are two things a Prince should fear; internal subversion by his subjects, and external aggression by foreign powers... Even if

there is disturbance abroad, if the Prince has ordered his government . . . and if he does not capitulate, he will always repulse every onslaught".¹

The corollary of Machiavelli's words was that the Prince needed both a foreign and a domestic intelligence service. The point is underlined in one of the most famous biographies in the language, Francis Bacon's *The History of the Reign of King Henry VII*. Bacon shows how the first Tudor sent abroad "divers secret and nimble scouts and spies". The King also needed a counter-intelligence service against "moles perpetually working and casting to undermine him". Therefore the King's agents "were directed to insinuate themselves into the familiarity and confidence" of his enemies.²

Bacon's striking passages on these themes have an added significance today. He implies that good intelligence greatly increased the power and influence of the King. And there can be little doubt that over succeeding centuries British power and influence in the world have been maximised by the country's generally efficient security services. In the same context, US global power was maximised during the 1950s and 1960s by the effective deployment of the intelligence agencies.

20th-Century revolution

However, the present crisis of US intelligence has to be described not only in the context of traditional security methods but also of the Twentieth-Century Intelligence Revolution which has enhanced even further the historic necessity for good intelligence in all its forms. In essence, this revolution began with the phenomenal development of both signals intelligence and cryptanalysis (code and cipher breaking) in the British Admiralty's Room 40 during World War I.

The invention of the *Enigma* cipher machine in the 1920s, and the problems posed by its invention to the cryptanalyst, showed that managerial and technical skill to the highest degree would now have to be allied to human ingenuity in all forms of the craft. But ultimate dependence on the human element in intelligence analysis was in no way diminished; rather the need for human insight in all forms of intelligence was enhanced as the politico-military conflicts became more intense and more dependent on science and technology.

¹ *The Prince*, Penguin Classics, London, 1963, p. 103.

² *The History of the Reign of King Henry VII*, 1641 edition, pp. 124 and 240.

A second element was the advent of revolutionary totalitarian movements, both Nazi and Communist, between the world wars. Hermetic, conspiratorial secrecy was the hallmark of these movements, implicitly and explicitly hostile to the free society, and thus calling for new intelligence techniques as a counter. In the field of domestic counter-intelligence, for example, ideological espionage had now arrived—for a man's beliefs might quickly lead to subversion or treason.

In the field of foreign intelligence the increased possibility of surprise attack was realised by a small group of inspired British and American officers and cryptanalysts during the 1930s. From this sprang the successful breaking of the German machine ciphers in Britain (*Ultra*) and those of Japan in the United States (*Magic*). Yet if these cryptanalytic efforts, which were to prove of incalculable significance during the Second World War, had become publicly known in either country their value would have been destroyed. The lesson is that the maximum secrecy possible is necessary in intelligence work if the free society is to defend itself.

A third element in this revolution was the development, primarily during the 1930s, of new totalitarian techniques of subversion, conspiracy, terrorism, deception and propaganda. Irregular warfare was another associated element. These developments clearly demonstrated that covert special operations in political, irregular, and psychological warfare in the "grey-zone" between diplomacy and formal warfare were now an essential ingredient of any security system. Both the British and the American clandestine organisations developed covert action capability on a considerable scale during the Second World War.

With the arrival of the nuclear age in 1945 and the continuing unrelenting pressure of the Soviet bloc against the West, which led to the peace that became known as the Cold War, correct intelligence was now vital not only to the winning of battles and campaigns, as in the past, but to national survival even in the absence of overt warfare. **It is against the cumulative intensification of all these trends in the Twentieth Century Intelligence Revolution during the past 35 years that the present crisis in the US security services has to be seen. That some reforms were necessary by the mid-1970s would be agreed by many observers.**

But has the balance now swung too far, to the detriment of both American and Western security as a whole?

The total intelligence process

To answer that question we need briefly to examine the effectiveness of foreign or positive intelligence, counter-intelligence, or Special Operations. Thus, according to Dr. Ray S. Cline, former Deputy Director of Intelligence for the CIA and also former senior intelligence analyst for the State Department, there are three main requirements: 1, collection of information; 2, evaluation or analysis of the data for meaning and relevance to decision-making; 3, appropriate dissemination of findings to permit exploitation by policy and action authorities. Dr. Cline elaborates in this way:

In the world of international affairs, intelligence is only useful if it is subjected to evaluation and analysis to put it into the context of ongoing US national security and foreign policy concerns. It must be evaluated for accuracy and credibility in the light of its source or collection method, for the validity and significance of the content after being collated with other data, and for its impact on US interests, operations or objectives. The result of this total intelligence process is a report intended to assist policy and operational officers in making decisions.³

The classic modern example of the misapplication of this "total intelligence process" is the way in which decrypted Japanese signals prior to the Pearl Harbour attack of December 1941 were not properly circulated to President Roosevelt and his advisers. Six months later, it should be noted, in June 1942, intercepted Japanese signals were decrypted, evaluated and given in time to Admiral Nimitz to enable the US Navy to win a major strategic victory at Midway which changed the entire course of the Pacific War. This was a historic example of the successful intelligence process. A similar action mounted by the CIA resulted in President Kennedy's successful handling of the Cuban missile crisis in October 1962.

Sometimes, however, despite every success in the acquisition, evaluation, and dissemination of information, policy-makers reject the evidence. Thus from 1965 onwards the CIA relentlessly predicted that the strategy and tactics of the mechanised "big-unit" war in Vietnam were inappropriate for counter-insurgency operations. As early as 2 April 1965, the Director of Central Intelligence (DCI), John McCone, was writing to Defence

³ Ray S. Cline, *Secrets, Spies and Scholars: Blueprint of the Essential CIA*, Acropolis Books, Washington, D.C., 1976, pp. 7, 17.

Secretary McNamara that "we will find ourselves mired down in combat in the jungle in a military effort that we cannot win, and from which we will have extreme difficulty in extricating ourselves".⁴

Thus the Senate Committee headed by Senator Church, investigating the CIA during 1975-76, frankly concluded that Vietnam "may have been a policy failure. It was not an intelligence failure".⁵

From these and many other examples, it is therefore possible to note that just as there are criteria for the effective functioning of a system, so there are also at least five possible major threats to truly efficient intelligence: infiltration by a rival security service, loss of morale, loss of secrecy, political interference, and bureaucracy.

As we have invoked the US intelligence failure over Pearl Harbour as an instance of undue bureaucracy we should also note that the British service is by no means free of disasters: following the Philby penetration and other security cases there were no fewer than eight inquiries into the service between 1956 and 1965⁶. These inquiries were conducted by Privy Councillors, judges and civil servants, but at least the damage due to loss of morale and of secrecy was limited by the closed nature of these investigations.

By way of contrast it is hard to avoid the conclusion that the glaring Congressional and media investigations of the intelligence services in the mid-1970s have resulted in loss of morale and secrecy, compounded by political interference and bureaucracy, with consequent loss of efficiency. Yet so little are these factors appreciated that there was obviously genuine puzzled concern and surprise in Congress over the belated realisation of Soviet combat troops in Cuba during September 1979. It is necessary to discuss briefly the *modus operandi* of the two chief agencies as it was before these recent events. Only then will the full impact of new curbs become apparent.

FBI: Active counter-Intelligence

Ever since the mid-1930s the FBI had been increasingly involved in domestic political counter-intelligence. In 1924 J. Edgar Hoover was appointed Director of the Justice Department's run-down Bureau of Investigation (the

⁴ "McCone memo to Top Officials on Effectiveness of Air War", *The Pentagon Papers*, New York Times/Bantam Books, New York, 1971, pp. 440-441.

⁵ Quoted in C. Andrew, "Whitehall, Washington and the Intelligence Services", *International Affairs*, London, July 1977, p. 397.

⁶ E. H. Cookridge, *The Third Man*, G. P. Putnam's Son, New York, 1968, pp. 274-75.

Federal title was added in 1935). Under Hoover's rule the FBI became a great law enforcement agency. Moreover, its relentless pursuit of the ferocious gangsters of the later Prohibition era made both "the Bureau" and "the Director" popular national institutions with broad public and Congressional support. The G-man had arrived.

In August 1936, according to Ralph de Toledano's biography, *J. Edgar Hoover: The Man in his Time*, Franklin Roosevelt told Hoover he wanted "a broad intelligence picture" of Fascist and Communist activity in the US. The FBI thus moved decisively into the field of counter-intelligence (and counter-espionage). The development was legitimised by Executive Order, and Hoover was later told to collaborate with the Navy and Army and to collect in the Bureau all counter-intelligence material available in the government.

Soon after the outbreak of Second World War in 1939 he was given responsibility for counter-intelligence in Latin America, but significantly his ambition to expand the FBI into a global foreign intelligence service was foiled by the creation in the summer of 1941 of a rudimentary foreign intelligence service which by June 1942 became the wartime Office of Strategic Services (OSS). The formation of the CIA by statute in 1947 (see below) meant that the FBI was destined to remain essentially an internal security agency.

In the late 1940s the global confrontation between America and the USSR quickly gave the FBI an unchallenged domestic position. The revelations of Soviet espionage in Washington during 1935-45, and the conviction of Alger Hiss in January 1950 (in which the House Un-American Activities Committee played a significant part) ensured that the FBI was seen as a valuable bulwark against subversion. On Capitol Hill the FBI was regarded sympathetically by the powerful Senate Judiciary Committee and its Internal Security Sub-committee, created in 1951 with a continuing mandate to investigate subversion and to propose legislative remedies. The House Un-American Activities Committee (later the House Internal Security Committee) naturally looked favourably upon the FBI. From the early 1950s to the early 1970s, therefore, the FBI was invulnerable in Congress.

In the judicial sphere a famous US Supreme Court ruling in 1951 was until the present curbs especially significant for the whole climate of maintaining internal security. In this conviction under the Smith Act of the top CPUSA leaders for advocating the over-

throw of the government by force and violence the Supreme Court held that "to those who would paralyse our government in the face of impending threat by encasing it in a semantic (i.e. First Amendment⁷) strait-jacket, we must reply that all concepts are relative... if a society cannot protect its very structure from armed internal attack, it must follow that no subordinate value can be protected" (*Dennis v. US*, 341 US 494 (1951)). The Supreme Court verdict in the *Dennis* case was based on the recognition that the ideology of revolutionary subversion in our time is more likely than not to lead to violence. As the 1951 verdict commented on the Act in question:

Obviously, the words cannot mean that before the government may act it must wait until the *putsch* is about to be executed, the plans have been laid, and the signal is awaited. If the government is aware that a group aiming at its overthrow is attempting to indoctrinate its members and to commit them to a course whereby they will strike when the leaders feel circumstances permit, action by the government is justified.

The inescapable corollary of this judgment was that counter-intelligence, surveillance, and other lawful action by the authorities was justified in the incubation period preceding overt acts of violence. However, under Hoover's direction, routine counter-intelligence of this sort was expanded in 1961 to include a special Counter-Intelligence Programme (*Cointelpro*) against extremist groups such as the Trotskyist Socialist Workers' Party (SWP), Black militants, and the White hate groups such as the KKK. This programme, ended in 1971, included disruption, harassment, and other such methods.

Court action taken under the Freedom of Information Act of 1967 (see below) made public many *Cointelpro* details between 1973-75 (Hoover died in 1972). An official FBI release of 18 November 1974 gave further information and called the programme "abhorrent in a free society".⁸ Details of

⁷ The First Amendment to the US Constitution reads: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances".

⁸ *The CIA and the Security Debate, 1971-75*, Facts on File, New York, 1976, p. 220. The first *Cointelpro* action had begun in 1956 against the CPUSA, but "changing threats to the domestic order" had led to its expansion in 1961 to include other groups.

other alleged FBI irregularities became public during the same period. The revelations of *Cointelpro*, which became an instant media event, were above all significant in causing the national debate on security matters to include the FBI as well as the CIA. The Privacy Act, the Amended Freedom of Information Act, and stringent Justice Department "Levi Guidelines" of 1976 were among the results which severely restricted FBI actions.

CIA operations 1947-74

In the early 1970s, 25 years after its creation by the National Security Act of 1947, the CIA was an independent agency formally reporting to the President through the National Security Council (NSC). Under the 1947 Act the NSC included, *inter alia*, the Vice-President and the Secretaries of State and Defence. Chairman of the NSC was the President, who appointed the Director of Central Intelligence (DCI) by and with the advice and consent of the Senate. Under this basic arrangement the CIA had great freedom of operation.

The 1947 Act gave the CIA authority to co-ordinate, correlate, and disseminate intelligence under the NSC, and also to acquire intelligence and to protect its own sources and methods. Although there was no specific reference to the covert operational function, Section 102 (d) 5 of the 1947 Act stated that the CIA could "perform such other functions and duties related to intelligence affecting the national security as the NSC may from time to time direct". It was soon agreed by the NSC that this clause gave authority for covert action.

As the CIA evolved during the early 1950s three Deputy Directorates under the DCI emerged: Intelligence, Plans (or Operations) and Support (or Administration). In many ways this structure, reflecting accurately the demands put on any modern intelligence system, remains to this day. What has changed—decisively—is the CIA's accountability to the Congress as it existed until the early 1970s. It is this change that lies at the heart of the current intelligence crisis.

The relative freedom from Congressional interference during this earlier period was ultimately based on the "foreign policy consensus" that existed in public opinion from the late 1940s to the late 1960s. The CIA was seen as a necessary—indeed vital—element of national defence and security with a clear duty to counter in a variety of ways the activities of potential enemies. The Executive, Congress and public opinion alike thus supported the oversight arrangements for the

CIA. It was in such circumstances that, starting from scratch, the agency was able to build up a global intelligence service that frequently had the edge over its competitors.

Accordingly, responsibility for CIA legislation was assigned to the Armed Services Committees of both Houses of Congress. In addition, special CIA sub-committees of both Appropriations Committees on Capitol Hill supervised funding. For security reasons appropriations were voted by Congress without a specific authorisation Bill, the funds being included in the Defence Department budget. Small sub-committees of the two Congressional parent committees held regular, secret and informal hearings on CIA programmes. Later, sub-committees of the Foreign Relations Committees of the Senate and House were added to this oversight system. Essentially, therefore, CIA oversight was carried out by six small sub-committees. Secrecy and the need for flexibility were held paramount, and there were in fact no unauthorised leaks during this period.

These arrangements were facilitated by the attitude of such veteran, powerful Capitol Hill statesmen as Senator Richard Russell and Congressman Carl Vinson, who were strong supporters of the CIA. The net result of this oversight system was that, according to Dr. Ray S. Cline, "a dozen or so key members of Congress knew what the general intelligence was like and the money got voted". Cline comments that this procedure "gave the CIA and the intelligence programmes it sponsored an exceptionally privileged position in the legislative process".⁹

Covert operations: CIA's Achilles heel

By the late 1960s the Vietnam war began to break down the "foreign policy consensus" which had existed since 1947. Events moved towards a far-reaching Congressional investigation of the CIA and a drastic restructuring of arrangements for its oversight. The catalysts in this process were the covert action programmes of the CIA. In the past such special operations had merged into large paramilitary efforts such as those in Guatemala (1954) and the Bay of Pigs fiasco of 1961. Supposedly covert action programmes in Indo-China generally during the late 1960s and early 1970s were conducted with a great deal of publicity, and this now became a major political liability for the CIA.

From its very beginnings the CIA had excellent reasons for its covert programmes. Large-scale Soviet subversion in Western

⁹ Cline, *op cit*, p. 247-48.

Europe and elsewhere in the late 1940s quickly forced the Truman administration in 1948 to order the CIA to help clandestinely the Italian democratic opposition to the Communists. Successive crises in Berlin, Korea, Indo-China and over Cuba all placed a premium on covert political and psychological actions which could fill the gap between diplomacy, economic aid and conventional military action. The only dispute at the time was whether the CIA was doing enough.

The control system was developed by the Executive. It consisted of a committee of senior representatives of the White House, the Departments of State and Defence and the Joint Chiefs of Staff. Under the Truman administration this group was known as the "10/2 panel",¹⁰ under Eisenhower it became the "54/12 Group", under Kennedy the "303 Committee", and under Nixon the "40 Committee". With the passing of the years primary influence in the group moved to the Assistant to the President for National Security Affairs. He would approve covert operations in the name of the President. Under President Johnson, for example, this post was held by Prof. W. W. Rostow, and under President Nixon it was Dr. Henry Kissinger.

However, two developments in particular in the early 1970s were now responsible for turning such operations from a largely successful instrument of policy into an Achilles heel for the CIA. The first development was the growing and erroneous conviction in Congress and the media that the agency's covert actions were typically big paramilitary efforts. Ideally, and characteristically, covert action should be small-scale and deniable: between 1947 and the early 1970s the CIA successfully carried out many hundreds of such operations, but the paramilitary image, especially after the Bay of Pigs, began to claim media attention at the expense of all the agency's other operations and its analytical work.

Laos was a case in point. The CIA's "secret army" of Meo tribesmen had been cleared with Congress and the White House, but when at the end of the 1960s the Indo-China war became a subject of deep domestic divisions, the Laos operation was severely criticised. The media-induced confusion between small covert operations and big paramilitary efforts was to prove a major liability for the CIA, now increasingly made a scapegoat.

A second development was even more serious in leading to the present curbs on the

¹⁰ After NSC Directive 10/2, which institutionalised covert operations within the CIA.

agency. Under Presidents Truman, Eisenhower and Kennedy it had worked broadly as originally planned within the NSC system set up in 1947. However, Presidents Johnson and Nixon tended to view the CIA as "an instrument for the execution of White House wishes by secret action".¹¹ In this context it was ordered by President Nixon and Dr. Kissinger to support the Chilean democratic opposition to the 1970-73 Marxist régime of Salvador Allende. Around \$8 million was expended and at one stage the agency was ordered to plan a possible coup. All these schemes proved abortive, but their legacy was soon to prove disastrous for the CIA in American domestic politics.

Following the Watergate break-in (June 1972) there came a torrent of leaks to the media over alleged CIA covert actions in many countries, and after Mr. Nixon's resignation on 9 August 1974 the story of its Chilean involvement appeared in the press during the following month. The Chilean revelations were compounded by a major leak to the *New York Times* on 22 December 1974 which detailed an allegedly illegal CIA domestic surveillance programme involving anti-Vietnam War dissidents (Operation *Chaos*). Pressure now mounted irresistibly in Congress for a major investigation. On 30 December 1974 the Ryan Amendment was passed by Congress, making covert operations contingent on the approval of six full Congressional committees (see below). Criticism of the CIA assumed a more and more fundamentalist character.

Many of the alleged irregularities which appeared publicly during 1973-75 had been the subject of an internal report compiled in 1973 under the orders of the then DCI, William Colby. Questionable programmes and procedures had been discontinued, and Colby had himself informed the Congressional oversight committees of the irregularities in what he subsequently called the "Family Jewels" report. In the aftermath of Watergate, details of this report were leaked on a major scale. Speaking before the House Appropriations Committee on 20 February 1975, William Colby stated:

... These last two months have placed American intelligence in danger. The almost hysterical excitement that surrounds any news story mentioning CIA, or referring to perfectly legitimate activity of the CIA, has raised the question whether secret intelligence operations can be conducted by the United States...

¹¹ Cline, *op cit*, p. 216.

Other radical pressure groups include the *National Lawyers Guild*, the *National Emergency Civil Liberties Committee* and the *Centre for Constitutional Rights*. The first two have been cited officially many times as Communist fronts, while the third has been described as an offshoot of the *National Lawyers Guild*. Much of this pressure is clearly ideologically motivated. It would seem that the basic motivation of these groups stems from a desire not to reform American intelligence but to weaken it, and with it the defence and security of the United States.

3. The "knowledge industry"

More influential than radical pressure groups and avowed opponents of US democracy was the new intellectual élite who made their living in the "knowledge industry"—the educational system, the manifold branches of the communications media, the world of think-tanks and research institutions and in the bureaucracy. As Peter L. Berger has pointed out¹³, they emerged after the Vietnam debate and their ideas converged on one objective—the dismantling of American power throughout the world because, they believed, it was inherently immoral or dangerous, or both. Thus the syndicated columnist George F. Will has cited a classic statement by a middle-level government official working on strategic arms limitation matters for the National Security Council:

Even if the US could attain strategic superiority it would not be desirable because I suspect we would occasionally use it as a way of throwing our weight around in some risky ways. . . . It is in the US interest to allow the few remaining areas of strategic advantage to fade away. . . .¹⁴

As the novelist Gore Vidal put it:

In 1945 we were the world's greatest power. . . . Unfortunately those industries that had become rich during the war combined with the military [to form] a vast military establishment. Officially this was to protect us from the evil Commies. Actually it was to continue pumping federal money into companies like Boeing and Lockheed and keep the Pentagon full of generals and admirals. . . .¹⁵

Few of the communications élite would have put it in such crass emotive terms and

¹³ In "The Greening of American Foreign Policy", *Commentary*, March 1976.

¹⁴ *Washington Post*, 22 February 1979.

¹⁵ "The State of the Union", *Esquire*, May 1975.

each other, and as pro-Soviet, but they shared the prevalent weariness with foreign commitments and sought to cut both the military and intelligence/security establishments; there was "an even stronger antagonism to covert operations of any kind" (Berger). Thus although the left's lobby was of some importance, essentially it was the intellectual climate that led to the crucial legislative and executive constraints on the agencies.

In the context of the security debate a whole corpus of facile assumptions quickly became the basic tenets of the new orthodoxy: "There is no difference between the CIA and the KGB", "The Soviets don't practise what they preach", "There is no military threat from the Soviet Union", "Détente means peace". The damage done by these media pressures, concentrating as they did on the alleged abuses of American intelligence, was greatly enhanced by the general media neglect of the growing Soviet military power in the 1970s. Thus while the CIA's expenditure of \$8 million in Chile during 1970-73 became one of the most publicised charges in the intelligence debate, there was no reference to the \$620 million credits authorised for the Allende regime by the Soviet bloc.¹⁶

Of particular interest in this general context was the testimony of James Angleton, the former CIA counter-intelligence chief who resigned in December 1974 after details of the agency's domestic surveillance programmes had appeared. Angleton had been in charge of the mail intercept programme from 1953 to 1973, chiefly concerned with letters from the Soviet Union. This was in fact the only specifically illegal protracted CIA programme unearthed. He told the Senate Select Committee on Intelligence on 24 September 1975 that while the intercept programme was illegal, results obtained were vital to US security. These intercepts, particularly from the Soviet Union, had produced intelligence items of such value that "it could only be assumed that Soviet officials had so decided to communicate with agents and political sympathisers in the US because they believed such communications would not be opened".¹⁷

Media pressure was characterised by the same sense of selective outrage over the FBI's

¹⁶ Details in James Theberge, "Kremlin's Hand in Allende's Chile", *Soviet Analyst*, London, 15 August 1974.

¹⁷ Angleton testimony in *The CIA and the Security Debate, 1971-75*, *op. cit.*, pp. 20-21. It was "inconceivable", he stated, "that a secret intelligence arm of the government should have to comply with all the government's orders".

At this point the erosion of the original CIA system by differing political pressures was complete. A brief account of the most important pressures is now apposite before we examine the new legislation and guidelines which today act as curbs on US intelligence.

EROSION OF THE SYSTEM

1. Popular pressures: end of consensus

Perhaps the most powerful and pervasive element has been the ending of the "foreign policy consensus" on the need to contain Soviet power which underwrote the CIA during the first 20 years of its existence. This consensus collapsed with the bitter divisions of the Second Indo-China War, to be closely followed by the Watergate crisis, which brought to a head public indignation over widely practised internal intelligence methods later declared to be illegal, and by President Nixon's resignation in August 1974. These events left a legacy of corrosive distrust of the Executive that still remains.

In the climate of opinion existing from 1972 to 1975 new security review arrangements were clearly necessary, but their evolution by Congress and the Executive was accompanied by a national mood of almost irrational and self-destructive recrimination over Indo-China and Watergate. **Given this mood, paralysis of the national will has led to crisis in the intelligence services and ultimately to strategic paralysis in the face of resurgent, confident Soviet power and anti-Western forces generally.**

Eventually, it is suggested here, a new balance will have to be found in the oversight of US intelligence. For the present it is essential to review briefly the way in which the national mood facilitated pressures against the security agencies by the "anti-intelligence lobby", the media and Congress. In all these cases the *motivation* of the opposition in the great security debate is an important factor.

2. The anti-intelligence lobby

Throughout the security debate of the 1970s the "anti-intelligence lobby"—sometimes known as the "anti-defense lobby"—has proved an influential radical pressure group. Central to its operations is the *Fund for Peace* which operates three complementary anti-intelligence, anti-internal security, and anti-defence projects. These are the *Centre for International Policy*, the *Centre for Defense Information*, and the *Centre for National Security Studies*.

In a speech in May 1979, Congressman Lawrence P. McDonald (Dem. Georgia) noted that these projects draw their staffs

from a number of far-left organisations such as the *Institute for Policy Studies*, the *Indo-China Resource Centre*, and the *Committee of Concerned Asian Scholars*. Supplemented by the projects of the Fund for Peace, this lobby as a whole has developed contacts in the US Executive branch and on Capitol Hill and has held seminars on foreign affairs, disarmament, arms control and national security matters. Mr McDonald noted that at the 1976 Moscow Conference of the World Peace Council, the leading Soviet international front organisation, the US participants included Nicholas Nyari, then president of the Fund for Peace.

Another apparently influential voice in the anti-intelligence lobby is that of Philip Agee, author of *Inside the Company* (1974), and a self-proclaimed defector from the CIA who has been expelled from Britain and other West European countries. Mr Agee quite honestly and openly admits to socialist (i.e. Marxist-Leninist) affiliations and his book thanks the Cuban government for research facilities. The *Washington Post* in August 1978 named Mr Agee as "the Agency's No 1 nemesis". He and his colleagues at the Moscow-sponsored "11th World Festival of Youth and Students" in Havana were quoted as being bent on "exposing CIA personnel and operations whenever and wherever we find them".

The question of motive is also relevant to the activities of the *American Civil Liberties Union* (ACLU) which operates as an anti-intelligence, anti-internal security pressure group in Washington. Part of the continuing campaign against domestic intelligence-gathering for internal security stems from the ACLU's "Political Surveillance Project" launched in 1970 to work in the fields of research, litigation, and legislation. Research Director for this project is Frank J. Donner, who has three times been identified before a Congressional committee as a member of the CPUSA (the ban on Communists was revoked by the ACLU in 1967).¹²

¹² In a report of the House un-American Activities Committee, *Communist Legal Subversion*, published on 16 February 1959, Donner was identified as a member of the CPUSA by Herbert Fuchs, Mortimer Reimer and Harry Cooper in sworn testimony before the Committee on 13 December 1955, 14 December 1955 and 1 March 1956 respectively. All three were former CPUSA members who, on first-hand knowledge, testified to Donner's having been "a member of a Communist cell comprised of lawyers employed by the National Labor Relations Board in Washington" during the 1940s. On 28 June 1956, Donner appeared before Un-American Activities Committee and "invoked the First and Fifth Amendments" when questioned on CP membership.

But the media ignored the fact that the SWP is a constituent part of the Trotskyist Fourth Internationale, which openly reveres the memory, teachings and doctrine of Leon Trotsky, who quelled the Soviet sailors' revolt at Kronstadt in 1920. A well-known work on the Communist use of political violence records that it was Trotsky—in his polemic against Karl Kautsky—who "provided perhaps the most elaborate justification for the use of political terror, violence and intimidation . . ." ¹⁸

4. Congressional pressure: "prescriptive publicity"

Of all the pressures which brought about the erosion of the American intelligence agencies, it was pressure by Congress that of course proved decisive. Pressure was not only through legislation and continuing oversight; Congress used to the full its historic power of investigation, and with it the power of what has been called "prescriptive publicity". Professor Earl Latham has described this as a historic form of social control, "by which is meant a form of public notice intended to instruct and deter . . . the sanction of prescriptive publicity was social disapproval and whatever personal consequences (like loss of employment) that might follow public exposure . . . the publicity that destroys and is intended to destroy . . ." ¹⁹

This weapon of "prescriptive publicity" was wielded by Congress during the prolonged intelligence hearings during 1975-76 (see below). Quite deliberately, Congress decided that an extensive haemorrhage of classified information on almost every aspect of intelligence was "a means of applying political pressure on the CIA and FBI. In this way national approval was sought—and obtained—for the new legislative and oversight arrangements that govern operations today.

¹⁸ Alexander Dallin and George W. Breslauer, *Political Terror in Communist Systems*, Stanford University Press, Calif., 1970, p. 11.

¹⁹ Earl Latham, *The Communist Controversy in Washington*, Harvard University Press, 1966, pp. 381-2, 386.

now turn.

THE NEW CURBS

Following the destructive pressures a completely new review system has been created by four distinct means, so that intelligence is now encased in an institutional framework that has no precise analogy in any other democratic country:

1. Legislative restraints

During 1974-75 Congress passed three major pieces of legislation which effectively curtailed the security operations of the agencies. Two other Bills affecting national security were passed during 1977-78. These five Acts are now briefly summarised.

(a) THE AMENDED FREEDOM OF INFORMATION ACT, 1974. Following the publication of the *Pentagon Papers* in June 1971 pressure grew in Congress for amendments to toughen the 1967 Freedom of Information Act. These amendments would allow greatly increased public access to classified information, and in case of dispute allow the courts to review the classification of government documents.

Accordingly, during 1974, as pressure mounted against the CIA and FBI, it was made mandatory for executive agencies to reply to requests for classified information within ten days and administrative sanctions were prescribed in the case of arbitrary withholding of information. Atomic, cryptanalytic, and CIA personnel information remain covered by special secrecy legislation, as does the CIA's duty to protect its "sources and methods" under the 1947 National Security Act. However, as finally approved, the Amended Act states that in the field of "National Defense and Foreign Policy" only specifically classified material may be withheld. The amendments to the FOI Act were vetoed by President Ford on 17 October 1974, overridden by Congress on 21 November 1974, and became law on 19 February 1975.

(b) THE PRIVACY ACT OF 1974 according to Section 2 permits an individual "to determine what records pertaining to him are collected, maintained, used or disseminated" by government agencies. Exchange of such data by the Executive agencies is barred, except for "routine" use. There is an exception for CIA and other law enforcement agencies, but in general the right to examine such records is upheld by a series of statutory provisions, backed by civil and criminal sanctions.

A provision which many consider weakens Federal security even more than the Amended Freedom of Information Act is contained in Section E (7) of the Privacy Act. It bans the keeping of records showing how any individual "exercises rights guaranteed by the First Amendment..." unless authorised by statute or in the course of an actual law enforcement enquiry. In this way, the keeping of records on individuals belonging to revolutionary and subversive groups is barred. The Privacy Bill was passed by the Senate on 17 December 1974 by the House on 18 December and became law on 27 September 1975.

(c) THE "RYAN AMENDMENT" (DECEMBER 1974). The above two Acts affect primarily, though not exclusively, internal security. On 30 December 1974 Congressman Leo Ryan (Dem. Calif.) proposed an amendment to the Foreign Assistance Bill to limit CIA covert activities. The Amendment, passed into law, forbids the President to authorise any CIA covert operation abroad without informing the appropriate committees of Congress, i.e. the Foreign Relations, Armed Services, and Appropriations Committees of both Houses. According to a recent survey of new Congressional oversight measures by the Staff Director of the House Permanent Intelligence Committee, Dr Thomas K. Latimer, the Ryan Amendment has been followed by a "dramatic decrease" in CIA covert operations.²⁰

(d) THE "MCGOVERN AMENDMENT" (AUGUST 1977) to the State Department Authorisation Bill modified the US Immigration and Nationality Act of 1952. It provides that allegations of CP membership are not now sufficient grounds for the denial of a non-immigrant visa to the US. This procedure was adopted to ensure "greater US compliance" with the Helsinki accords of August 1975. The Amendment became law on 14 August 1977. A waiver clause provides that the Secretary of State can determine that the admission of an alien would be contrary to the security of the US, and so prohibit admission. Nevertheless, six months after the passing of the Amendment the "World Peace Council" held its first meeting in the US since 1949. The WPC is generally held to be the most important Soviet international front organisation, with the task of mobilising and orchestrating anti-US propaganda on a global basis.

²⁰ Thomas K. Latimer, "US Intelligence and the Congress", *Strategic Review*, Washington, DC, Summer 1979, p. 49.

(e) FOREIGN ELECTRONIC SURVEILLANCE ACT (1978), which became law on 25 October 1978, for the first time requires the Executive branch to seek a warrant to monitor electronically a US citizen (or permanent resident alien) for national security purposes. Previously the inherent powers of the Presidency were held to be sufficient to approve such surveillance without a warrant.

2. Congressional oversight

As a preliminary to developing new oversight procedures over the agencies, both Houses of Congress conducted a full-scale investigation during 1975-76. A Senate resolution on 21 January 1975 created a *Select Committee to Study Governmental Operations with Respect to Intelligence Activities*, known as the Church Committee after its chairman, Senator Frank Church. A censored report was published on 26 April 1976 (Senate Report No. 94-755). On 19 February 1975 a parallel resolution in the House of Representatives created a *Select Committee on Intelligence*, reorganised on 17 July 1975 under the chairmanship of Congressman Otis Pike. The Pike Committee published its recommendations on 11 February 1976 (House Report 94-833). The full controversial report was withheld, but lengthy leaked excerpts were published in the *New York Village Voice* on 11 and 18 February 1976.

Of great significance was the decision of the two investigating committees to recommend the creation of follow-on permanent select committees on *Intelligence Oversight*. Congress quickly agreed. On 19 May 1976, the Senate voted to create the permanent *Senate Select Committee on Intelligence*; this was followed on 14 July 1977 by creation of the *House Permanent Select Committee on Intelligence*. Both resolutions founding these permanent committees stated that their purpose was "to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States". The House resolution also included "intelligence-related" activities in its future oversight arrangements.

In accordance with these resolutions, both Committees of Congress now exercise power over the agencies in five ways. In addition to their general sovereign powers of *Investigation* and *oversight* of intelligence operations, the two permanent committees have developed—and are developing—other areas of detailed inquiry.

The *third* of these areas is the Congressional *Budgetary review*, for the resolutions provide

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that no funds such funds have been previously authorised". Thus in each House the Select Committee now presents an intelligence authorisation Bill annually. Each permanent committee examines the budget not only agency-by-agency but functionally as well. The Director of Central Intelligence and the head of each agency appear before both the Intelligence and Appropriations Committees to explain their budgetary demands.

Under President Carter's Executive Order 12036 (26 January 1978), the DCI is responsible for developing the "National Foreign Intelligence Program" which includes the general Defence Intelligence Programme, and such associated programmes as those dealing with cryptanalysis. All these activities, as well as other Defence Department "intelligence-related" activities applying to personnel, now come under what Dr Thomas K. Latimer calls the "intense scrutiny which the oversight committees give to the intelligence budget...".²¹

A fourth area of Congressional oversight concerns the quality of intelligence itself. The oversight committees have been charged with checking this and its wider relation to national security interests. In this context, the permanent Senate Committee on Intelligence has established a *Sub-committee on Collection, Production, and Quality*. For its part, the House Committee has set up a *Sub-committee on Evaluation* which investigates, for example, warning intelligence collection and analysis.

The fifth area of oversight is the consideration of further intelligence legislation. The Foreign Electronic Surveillance Act 1978 noted above is an example of this process. Under consideration is an "Omnibus Bill" which would provide new charters for the various sections and attempt to define and legitimise proper intelligence activities. Other activities would be judged "inappropriate".

In short, in the past five years there has been a revolution Congressional accountability, particularly of the CIA. Bearing in mind the Ryan Amendment of 1974, CIA accountability is now spread over no less than eight Congressional committees. However, following the Carter Executive Order of January 1978 (see below) it has been reported that the DCI now increasingly reports only to the two permanent Congressional intelligence committees.

3. Executive curbs

(a) INTERNAL SECURITY: THE LEVI GUIDELINES. In March 1976, the Justice Department, under Attorney-General Edward H.

for the conduct of FBI counter-intelligence. Illegal entry and harassment of suspect groups was banned. Groups involved in violence or illegal behaviour to overthrow the government could be investigated, but such surveillance must be related to the actual or imminent committing of violence.

In this way, long-term surveillance of revolutionary groups (on the historic grounds that revolutionary ideology incubates violence) is prohibited. It was reported that there was provision in the draft version of the guidelines for the FBI to take "preventive action" to forestall imminent violence, but this was dropped because of Congressional opposition. Members voiced concern that it would lead to a repetition of alleged *Cointelpro* abuses. Taken in conjunction with Section E (7) of the 1974 Privacy Act, the guidelines thus decisively circumscribe the surveillance of revolutionary groups in the internal security field.

(b) FOREIGN INTELLIGENCE: THE FORD/CARTER EXECUTIVE ORDERS. Two successive Presidential Orders have tightened and restructured Executive accountability. President Ford issued Executive Order 11905 on 18 February 1976; President Jimmy Carter issued Executive Order 12036 on 26 January 1978. Both in particular redefined Presidential control over the CIA through the National Security Council. The power of the DCI was at least nominally increased to make him more independent of surreptitious Executive influence. Additionally, the CIA's external operations were formally separated from the internal function of the FBI, presumably to preclude the possibility of domestic CIA operations. The semi-autonomous role of the "40 Committee" in approving CIA covert operations vanished.

Under the Ford Executive Order day-to-day management of the intelligence community was put in the hands of a "Committee of Foreign Intelligence" chaired by the DCI, directly responsible to the NSC. Covert operations were the responsibility of the "Operations Advisory Group", also directly responsible to the NSC. This new group included the Secretaries of State and Defence instead of their deputies, as on the "40 Committee". A separate "Intelligence Oversight Board" was to act as watchdog, scrutinising classified material, and able to recommend departmental sanctions or criminal prosecution by the US Attorney-General.

Under President Carter's Executive Order, these arrangements have been further redrawn with greater CIA accountability to the President. Two powerful committees of the NSC

²¹ Ibid, p. 50.

will now monitor all intelligence operations. The Policy Review Committee is generally responsible for all such activity, while the Special Coordination Committee will monitor all special operations, including covert action. This committee will also coordinate CIA and FBI counter-espionage. An Intelligence Oversight Committee will continue to advise and counsel the President. The DCI will exercise general budgetary control over all agencies. In addition, the formal approval of the US Attorney-General is needed for a wide variety of internal security functions, including surveillance.

In general, President Carter's Order thus enmeshes external and internal operations in a comprehensive and detailed reorganisation on the Executive level. A system of interlocking constraints on the Presidential level now encompasses operations. Only time can tell whether efficiency and flexibility have been sacrificed. What is certain is the original system of Presidential control over the CIA, dating from 1947, has been replaced.

4. Mass CIA dismissals

This comprehensive restructuring has been accompanied by the mass dismissal of CIA employees. The removal of DCI Richard Helms by Mr Nixon in February 1973 coincided with the beginnings of the CIA's troubles in the personnel field as in other matters. Helm's successor for a few months was Dr James Schlesinger, who summarily dismissed over 2,000 employees at CIA headquarters at Langley, Virginia. Many of these were senior officers. The object was to strengthen White House control.

Staff reductions continued under Schlesinger's successor, William Colby. Following press reports of CIA domestic activity in December 1974, the veteran counter-intelligence chief, James Angleton, and his senior staff resigned. After his appointment by President Carter on March 1977 as DCI, Admiral Stansfield Turner decided to eliminate 820 jobs in two years. Over 200 of these officers were summarily dismissed, mostly from the Directorate of Operations, with the object of scaling down CIA covert operations.²²

Since February 1973, there have been four Directors of the CIA, as many as in the previous 20 years. Not only has morale suffered but operational continuity has been broken, and the publicity has limited information exchanges with other NATO intelligence agencies. While the technical resources of the CIA in acquiring, analysing, and processing intelligence remain unimpaired, there remains

²² *Time*, European ed., 6 Feb. 1978, pp. 24, 29.

no substitute for good intelligence, and good intelligence analysis, from human sources. In the convulsions of the 1970s, this classic principle has been ignored.

INTERNAL SECURITY

Following the growth and eventual natural decline of the anti-war movement of the Vietnam years there has been a proliferation of interest, protest and action groups concerned with such issues as nuclear energy, apartheid and the support of liberation movements. Many have revolutionary ambitions or affiliations: all are open to infiltration by such political interests as are represented by the Socialist Workers Party and the Communist Party. A partial list of local, regional and national affiliations shows the names—many recurring in different causes—of well over 300 such groups: well over 100 opposing apartheid, a similar number supporting liberation movements and some 60 opposed to nuclear energy.

Traditionally the US has had strong defences against terrorism and political extremism and subversion. The internal security threat has been met by FBI surveillance of suspect organisations, based on the premise that revolutionary beliefs may lead to acts of violence—a doctrine upheld by the US Supreme Court in the Dennis verdict, and followed by state and local police forces. The FBI's investigative and counter-intelligence role was backed up on the one hand with liaison on the Federal level with such institutions as the Civil Service Commission and the Internal Security Sub-committee of the Senate and House Judiciary Committees. On the other hand, there was liaison with state and local Law enforcement agencies. Now all these arrangements have been virtually eliminated.

Here we shall briefly examine the effect of recent developments on the three levels of internal security: Federal, Congressional, state and local level.

1. Federal level

(a) CIVIL SERVICE COMMISSION (CSC). At the centre of the structure of the US government all political loyalty questions on the standard application form issued by the CSC have been abolished. On 9 February 1978 Alan K. Campbell, Chairman of the CSC, testified to the Sub-committee on Criminal Laws and Procedures of the Senate Judiciary Committee on the effect of recent security legislation. The Privacy Act of 1974 meant that the CSC's investigative programme was now open to access by the subject involved. The 'most troublesome' provision of the Act, Mr Camp-

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bell testified, within the First Amendment rights, which prohibits the filing by the government of any details of a subject's organisation affiliations unless the subject, in connection with such membership, engages in the actual overthrow of the Constitution or other crimes against people or property.

This meant, Campbell explained, that the CSC's *Security Research Files*, and the accompanying *Index*, had been eliminated from use. The files had been built up by a special unit operating from 1942 which collected a mass of information on organisations considered "to have aims inimical to the interests of the United States". Index cards containing individual names were then checked out and cross-referenced to the Security Research Files during the course of a Civil Service investigation.

Campbell also testified that : 1, Many state and local police had watered down their security files and thus there was no way of passing such information on to the CSC. 2, Many Law Enforcement Agencies did not send such information to Washington even if they possessed it for fear of disclosure under the Freedom of Information Act. 3, on CSC Counsel's advice applicants for security posts could not now be asked if they are members of organisations committed to the overthrow of the government. This applied even to the CPUSA. The Security Research Files and their Index had not been used by the CSC since 1975. Actual destruction had been postponed pending intervention by the Senate Judiciary Committee.²³

(b) UNITED STATES CUSTOMS. Testifying before the same Senate sub-committee, the Commissioner of US Customs, Mr Robert E. Chasen, stated on 5 October 1977 that under recent legislation international law enforcement agencies have been less willing to supply the Customs with information, "the confidentiality of which we can no longer guarantee under present public disclosure laws". Negotiations with other countries leading to mutual assistance had been made more difficult "because we have been unable to guarantee that information received will be kept confidential".

In addition, because of the "difficulty of establishing a record system under the Pri-

²³ Statement of Alan K. Campbell, *The Erosion of Law Enforcement Intelligence and its Impact on the Public Security*, Hearings, US Senate Sub-committee on Criminal Laws and Procedures, Committee on the Judiciary, 9 February 1978. This statement is amplified by the accompanying testimony and correspondence. The Security Research Files and their Index were still in existence at the end of 1979.

the *Customs Cooperation Council* has been "severely hampered". The Customs service had not been able to disseminate information to this group, which serves as a clearing house for "information of interest" to Customs services around the world until the lengthy technical requirements of the Privacy Act were complied with. As a result, the US Customs had been receiving less information from the Council.²⁴

(c) DEPARTMENT OF JUSTICE

1. The abolition of political loyalty questions by the Federal Civil Service has to be seen in the context of the abolition (in 1975) of the *US Attorney-General's List of Subversive Organisations*.

2. *The Internal Security Division of the Department of Justice* has also been abolished. This was an independent, fully-staffed division. Its status has been reduced to a section within the Criminal Division. Prosecutions by the Justice Department in the internal security field have virtually ended.

3. *The Subversive Activities Control Board*. This was once an important agency of the Executive branch in the internal security field. During 1974, due to Congressional resistance, the Executive decided not to include a request for funds under the Federal budget. The Board thus ceased to exist.

4. *Federal Bureau of Investigation*. As noted above, the FBI is precluded under the Levi Guidelines of 1976 from conducting surveillance of subversive groups unless there is an actual imminent threat. The net effect of recent developments is shown by the fact that on 31 July 1973 there were 21,414 domestic security investigations pending by the FBI; on 24 February 1978 there were only 102 such investigations pending (18 organisations and 84 individuals). In a statement in February 1978 FBI Director William H. Webster stated that the agency is now "practically out of the domestic security field". The point was dramatically underlined by the replies of the Chief of the FBI's Domestic Security Section, Sebastian Mignosa, to the House Intelligence Evaluation Sub-committee on 31 July 1978:

Representative John Ashbrook: In addition to terrorism cases, does your section handle subversive organisations that come under the Loyalty and Security Programme?—We don't have any of those, no.

Who in the FBI handles that?—There isn't anyone at the moment.

²⁴ Statement of Robert E. Chasen, Sub-committee on Criminal Laws and Procedures, Committee on the Judiciary, 5 October 1977.

No one?—There isn't any of those . . . cases at the moment.

You see no tie to domestic security?—I didn't say there isn't any tie.

I know you didn't say that. The Civil Service Commission recently told the Senate Judiciary Committee that they do not report mere membership in subversive groups to the hiring agency. I am just wondering if the FBI does not watch the subversive groups, you don't report mere membership, is there any way to know if someone is a member, let alone if his membership activities are such that he would be barred from Federal employment?—There is not any way, Sir.²⁵

2. Congressional level

(a) UNITED STATES SENATE. In late 1978 the important standing Sub-committee on Internal Security of the Senate Judiciary Committee was abolished. Since 1951 it had provided a permanent legislative inquiry into revolutionary and subversive activities. The former Chairman of the Senate Judiciary Committee, Senator James Eastland, who had a long-standing interest in internal security, retired in late 1978. He was replaced by Senator Edward Kennedy.

(b) HOUSE OF REPRESENTATIVES. At the beginning of the 94th Congress in January 1975 the Committee on Internal Security was abolished. Its functions were transferred to the House Judiciary Committee. Since then there has been no Congressional inquiry—in either House—on internal terrorism. However, during both the last and current session of Congress, resolutions have been introduced by Congressman Lawrence P. McDonald (Dem/Georgia) and Congressman John M. Ashbrook (Rep/Ohio) to re-establish the House Internal Security Committee which would have powers to conduct a continuing inquiry into terrorist and other subversive activity with a view to legislation. The resolution is at present blocked by the House Rules Committee despite support by about 142 members of the House.

3. State and local level

In the past a large proportion of subversive and terrorist activity has occurred on a state or local level, but over the past decade police counter-intelligence units all over the country have been seriously weakened. In Chicago, for example, court action under recent legislation by the far-left "Alliance to End Repression" has virtually paralysed the intelligence activi-

²⁵ Testimony of Sebastian Mignosa, US House of Representatives, Sub-committee on Evaluation, Permanent Select Committee on Intelligence, 31 July 1978.

ties of the Police Department, which has now sealed its voluminous files.

In Texas, intelligence files on the state level have been destroyed, as in Baltimore, Maryland. During 1973 the New York City Police Commissioner stated that at least 80 per cent of the Department's Intelligence Unit files on "public security matters" had been "purged". Press reports state that both in New York City and Los Angeles membership of the CPUSA or the Trotskyist SWP is no longer recorded in police files.

The difficulties encountered were illustrated in January 1975 when the Puerto Rican Front of Armed Liberation (FALN) bombed a New York tavern, killing four people and injuring many others. In the inquiry the New York police had to ask police in other areas for intelligence, as the Department had already destroyed its files on Puerto Rican suspects. Similarly, intelligence gathering has been severely restricted by the District of Columbia police, responsible for policing the nation's capital. On the state level there is no known functioning legislative committee charged with investigating subversive organisations. The last such body, a Californian State Senate committee, filed its final report in 1970.

THE CONTINUING THREAT

Perhaps one of the most remarkable features of the security debate is the absence of reference to the internal security threat and the emphasis which the Soviet Union places on its own clandestine operations. These hostile forces underline the crisis in US security.

Internal Security

Although internal terrorism has not reached West European dimensions, there is a persistent threat which could easily escalate. Through the 1970s the FBI's figures show that over 100 law enforcement officers were killed annually in terrorist and politically-motivated crimes. In 1974, for example, there were 2,044 bombing incidents with 24 persons killed, in 1975 there were 2,053 bombings with 69 deaths, and in 1976 1,564 bombings with 45 deaths. Property damage ran into millions of dollars. There were important terrorist groups in action which possibly could become the American equivalent of the Baader-Meinhof gang:

1. *Armed Forces for National Liberation (Fuerza Armadas de Liberacion Nacional—FALN)*. A militant terrorist group which advocates the independence of Puerto Rico from the US. It has been responsible for a series

of bombings in New York City and elsewhere. FALN is a Marxist-Leninist organisation, believed to have about 30 activists. According to Senator Daniel P. Moynihan and Senator Jacob Javits, FALN has received training in Cuba (*Congressional Record*, 4 August 1977). During his visit to the UN in New York in October 1979, Fidel Castro repeated his support for Puerto Rican independence. There can thus be no doubt of Cuban, and therefore KGB, involvement.

2. *New World Liberation Front (NWLFL)*. Responsible for a series of bombings on the American West Coast. Claims to concentrate its activities on business offices and utilities associated with the "ruling class". Other targets have included hotels and clubs.

3. *Weather Underground Organisation (WUO or "Weathermen")*. The best known US terrorist group, formed in 1969 following the break-up of the Students for a Democratic Society (SDS). Claims credit for over 30 bombings since 1970. WUO emphasises its solidarity with revolutionaries of the Third World and with ethnic minorities within the US. The Cuban government has provided transportation for WUO members to Czechoslovakia, where they receive fake passports to re-enter the US.

4. *Black terrorist groups*. These include the *Black Panther Party (BPP)* and the *Black Liberation Army (BLA)*. Ideologically, these groups are Marxist in sympathy, although precise definition is not possible. The common factor is their espousal of violence against the existing order.²⁶

MOSCOW'S CLANDESTINE CAMPAIGN

Although the Soviet push towards strategic and conventional superiority over the West is generally acknowledged at the end of the 1970s, there is far less awareness of the self-proclaimed Soviet stress on clandestine work as an indispensable means of breaking the will of the "imperialist" West.

Thus during the past decade the Soviet emphasis on clandestine work has included significant backing of terrorist, guerilla and surrogate forces under the aegis of the KGB—backing which increases in scope and intensity annually. Soviet clandestine exploitation of international front organisations is on the increase, and its activities in the field of deception, propaganda and disinformation has reached new dimensions. It is this mount-

²⁶ For a general survey see *Terrorism in America: The Developing Internal Security*, Samuel T. Francis and William T. Poole, Heritage Foundation, Washington 1978.

ing Soviet emphasis on all aspects of intelligence works that provides the foundations of the more visible Soviet strategic successes in Africa, the Middle East and South East Asia.²⁷

A leading Soviet work on strategic doctrine, cited in the *Great Soviet Encyclopedia* as a basic reference, notes:

Economic and ideological struggle, open and secret diplomacy, and other forms of struggle, are used not only to further the armed struggle but also to supplement it, and in aggregate they are able to break the will of the enemy to resist and thus secure victory. These are all means of waging war, its component parts...²⁸

In contrast, as we have seen in this paper, the US has curbed its intelligence agencies to an unprecedented extent. But as the Rockefeller *Report to the President* (1975) noted, even if the US completely abolished its security agencies, the Soviet bloc security services, half a million strong, would remain unaltered. So, in contrast to the US attitude, the Soviet Union puts increasing stress on secret operations as an integral part of its programme of achieving global victory. This, perhaps, is the most sinister aspect of the crisis of American intelligence.

CONCLUSIONS: Weakening of US security

The weakening of the entire American security system affects not only American security but ultimately the security of its allies. Yet the extent of this crippling action is but little realised outside the United States. Specifically, the Privacy and Amended Freedom of Information Acts have opened hitherto closed security files and prohibited the keeping of records on revolutionary and subversive groups. Vital sources of information have understandably dried up. In the same vein, the Justice Department's Levi Guidelines prohibit FBI investigation into subversive groups unless actual or imminent violence is at hand: they ignore the whole history of revolutionary subversion, where

²⁷ Cf. Ladislav Bittman, *The Deception Game*, Syracuse University Research Corp., 1972; Brian Crozier, *The Surrogate Forces of the Soviet Union*, Conflict Studies No. 92, ISC, London, February 1978. For KGB organisation see *The Soviet Empire Pressures and Strains*, Special Report, January 1980.

²⁸ *Marxism-Leninism on War and Army*, Progress Publishers, Moscow, 1972 ed., p. 11. By Col. B. Byely and "philosophers, historians, and teachers at Soviet Military Establishments". (USAF facsimile edition).

ideology invariably incubates violence over a period.

In the field of external security the effects have been even more drastic. The Ryan Amendment precludes CIA covert operations unless specifically reported to six full Congressional committees. Such operations have drastically declined at a time of Soviet global advances. In addition, the creation of two permanent Congressional Oversight Committees over the agencies has made the entire performance of American security subject to the most searching inquiry in public.

What is to be done? There can be no significant recasting of these legislative arrangements until there is a change of public and Congressional opinion. It is to be hoped that the recent trends noted by W. Scott Thompson²⁹—a resurgence of the traditional realism that for so long underlay American foreign policy and the suggestion that the new élite was out of step with political reality—do not presage a false dawn. Meanwhile certain legislative measures may be recommended in the interests of the United States but also in the longer-term interests of her allies and others who depend on her.

These measures would include revival of the House Internal Security Committee charged with a continuing legislative inquiry into subversion and international terrorism as it affects the US. There should also be a seven-year limitation on releasing confidential information and files to the public. The stringent rules on CIA covert operations should also be relaxed with the repeal, if possible, of the hastily-passed Ryan Amendment of 1974. It is suggested also that the 1976 Levi Guidelines should be modified to allow long-term surveillance—within the law—of subversive groups.

These are minimal measures if American security is to cope adequately with the challenges, internal and external, of an increasingly dangerous world.

Jeopardising the West

In the wider historical context two aspects should be noted:

- The intelligence crisis has to be seen in the context of the shifting global balance of power towards the USSR in the 1970s. As we have seen, Soviet doctrine places great

²⁹ Realism in Foreign Policy, *New York Times*, 8 October 1979.

emphasis on intelligence work as a means of breaking the will of the free nations. This has been accompanied by important Soviet politico-military advances in Africa and the Middle East in which the foundations of success have been laid by surrogate forces and other clandestine operations under KGB direction. **At the very moment when the US has been decisively restricting its intelligence capability the Soviets have been expanding such operations in a global strategic context. Continuation of this folly could place the West in great jeopardy.**

- A final paradox is that the USSR, a collectivist, totalitarian society, attaches much importance to the classic qualities of individual morale and perception in intelligence work. This is a lesson to be drawn from the remarkable careers of such Soviet agents as Sorge, Fuchs, Philby and Colonel Abel. On the twentieth anniversary of the execution of Richard Sorge, the Soviet master-spy in Japan on the eve of the Pacific War, Moscow's *Izvestiya* wrote on 4 September 1964:

A spy is above all a man of politics, who must be able to grasp, analyse and connect in his mind events which seemingly have no connection... Espionage is a continuous and demanding labour which never ceases... Least of all was Sorge like those secret agents whom certain Western authors have created. He did not force open safes in order to steal documents; the documents were shown to him by their very owners. He did not fire his pistol to penetrate the places which he had to penetrate; the doors were graciously opened to him by the guardians of the secret...³⁰

As opposed to this testament there is a growing conventional wisdom in both the US and the West generally that mechanical means of intelligence acquisition and analysis can suffice. This view is reportedly held in the highest intelligence circles in Washington. **Yet the lesson of the past is that both in agent handling and in operational analysis there is no better and no more effective quality than good human insight and intelligence.** It is in the context of this classic wisdom that the present crisis in American intelligence must be finally evaluated.

³⁰ F. W. Deakin and G. R. Storry, *The Case of Richard Sorge*, Chatto & Windus, London, 1965, p. 351.

Appendix

Directors of Central Intelligence 1947—1979

September 1947	Rear-Admiral R. Hillenkoetter
October 1950	General Walter Bedell Smith
January 1953	Allen W. Dulles
November 1961	John McCone
April 1965	Vice-Admiral William Raborn
June 1966	Richard Helms
February 1973	James Schlesinger
July 1973	William Colby
November 1975	George Bush
March 1977	Admiral Stansfield Turner

After Iran—an assessment of

The Security of Middle East Oil

It has now become apparent that the Shah's overthrow has placed the world's major oil-producing area in jeopardy. But this Special Report by an ISC Study Group points out that this is happening in the context of significant Soviet advances in the "Rimland"—Afghanistan, Ethiopia and South Yemen—and it comes at a time when Moscow wants to gain access to cheaply produced oil (and to deny supplies to the West).

The Report presents a comprehensive picture of the strategic situation, explains the importance of Middle East oil (with tables and diagrams), the historical background and political strains. It also assesses the military options, but concludes that the responses of the US and the West generally have been irresolute.

Published by the Institute for the Study of Conflict,
12/12a Golden Square, London W1R 3AF, England.

WORLD SHIPPING AT RISK— The Looming Threat to the Lifelines

By Admiral of the Fleet the Lord Hill-Norton

In this trenchantly argued study (No. 111) Lord Hill-Norton calls for a realistic global assessment of the alarming growth of Soviet naval power, which he points out has so far been considered only in the context of its relevance to East-West confrontation, and in particular to NATO. Rejecting this narrow concept, he highlights the vulnerability of world shipping and the absurdity of limiting the Alliance's naval responsibilities to the north of the Tropic of Cancer.

Three thousand loaded ships are at sea every day along highways not now policed. To meet the threat posed in the 1990s the author urges the formation of a new alliance based and modelled upon NATO, open to like-minded nations similarly interested in the freedom of the world's oceans, and the needs of a constabulary force with adequate surveillance and communication systems, within the framework of a determined maritime strategy. He also has suggestions for what he terms the West's "highly inefficient" maritime trading system.

Published by the Institute for the Study of Conflict,
12/12a Golden Square, London W1R 3AF, England

See back cover for price.

No. 104 SALT II: THE EUROSTRATEGIC IMBALANCE

In this Security Special Air Vice-Marshall Menaul analyses the consequences of the secret US-USSR strategic arms limitation talks (SALT) on Western European defence. With US silos now vulnerable to new accurate Soviet missiles and a growing nuclear superiority—already at unprecedented levels through previous accords—many Americans oppose ratification. Deployment of more Soviet SS-20 missiles, now targeted on all European countries, will increase the imbalance, while US capability on the Continent is virtually frozen.

"A most timely analysis"—THE DAILY TELEGRAPH

No. 105 WORLD COUNCIL OF CHURCHES' PROGRAMME TO COMBAT RACIALISM

The WCC's Special Fund, used to help finance the Patriotic Front, has long been a subject of controversy. In this detailed survey Canon Austin traces the transformation of the WCC's idealistic attempts to apply Christian principles to a world ravaged by war into an uncritical effort to support "liberation" movements regardless of their barbaric conduct.

"Excellent"—THE DAILY TELEGRAPH. There was also wide coverage in religious and other organs.

No. 106 MARXISM AND THE SOVIET CONSTITUTIONS

Repeated Constitutional changes throughout the USSR's history have been conducted in the name of Marxist philosophy. In this closely argued account Dr. Lapenna, Professor Emeritus of Soviet and East European Law at the University of London, examines the myths and realities of the various Soviet Constitutions and points out that none of them has been as remote both from Marxist ideology and from reality as that of 1977.

No. 107 JAPAN'S DEFENCE POLICY

Although heavily dependent on raw material imports and the export of manufactured goods Japan has no military alliances and patently lacks the means to defend its sea lanes. In this timely study Air Vice-Marshall Stewart Menaul, who has recently visited Japan, assesses the obstacles to a more realistic defence policy and the type of defence strategy which would be most appropriate for Japanese needs.

"Admirable concision and throws light on misunderstood problems"—THE TABLET

No. 108 ULSTER: A DECADE OF VIOLENCE

It is ten years since present disturbances in Northern Ireland began. In this extended study, based on first-hand experience, Peter Janke reviews the decade in both its constitutional and security aspects. In particular he highlights the rising efficiency of the Provisionals and the emergence of the internationally connected INLA. He assesses police requirements and the need for an expanded detective force.

No. 109 GRECO-TURKISH FRICTION: CHANGING BALANCE IN THE EASTERN MEDITERRANEAN.

Following the collapse of the Shah's régime the West's defence capability in the Middle East has suffered irreparable damage. Thus the political and strategic problems of the eastern Mediterranean—the so-called Greece-Turkey-Cyprus triangle—assume added urgency. In this timely assessment Marian Kirsch Leighton carefully analyses the interwoven ethnic, Aegean and Cyprus disputes which bedevil relations between the two key NATO partners, Greece and Turkey.

No. 110 MALAYSIA: CONTAINING THE COMMUNIST INSURGENCY

The convulsions in Indo-China and the growing Sino-Soviet competition in South East Asia have revived the domino theory and reawakened fears for the area's future. In this detailed study Richard Sim looks at the region's oldest insurgency, places it in its racial and historical context, and analyses the response of the authorities. He further shows how successful the security services have been in combating Communism but points out the danger to racial unity which Malaysia's tough legislation is creating.

No. 111 WORLD SHIPPING AT RISK: THE LOOMING THREAT TO THE LIFELINES

In this trenchant study, the Admiral of the Fleet the Lord Hill-Norton calls for a reassessment of the Soviet naval challenge which in the past has been considered only in the context of NATO and the East-West confrontation. Lord Hill-Norton highlights the vulnerability of world shipping and the absurdity of limiting naval responsibilities to the Tropic of Cancer. He further calls for wider co-operation with like minded countries and suggests new ways of protecting the world's ocean highways.

"Strongly argued"—THE DAILY TELEGRAPH

No. 112 POLAND: A SOCIETY IN CRISIS

Poland's future is uncertain. The ruling party enjoys scarcely any support; the administration is incompetent; the public is more restless; dissident intellectuals are becoming bolder in their criticisms; and the Roman Catholic Church is exercising greater leadership. In this wide-ranging study George Schöpflin examines the various strands of opposition and their growing momentum. He further considers the Soviet and Western responses and possible options in the Polish crisis.

The Annual of Power and Conflict 1978-79

A world-wide summary of terrorism, revolutionary and subversive movements

The rapid escalation of terrorist and other extremist activity is reflected in the eighth edition of the *Annual of Power and Conflict 1978-79*, which has been expanded to 500 pages covering more than 100 countries.

It is a unique reference work in that it is completely rewritten each year, giving authoritative, up-to-date accounts of every country in which there have been significant events. The objective analyses provide an invaluable source of information on the extremist national and transnational groups, collated by the Institute for the Study of Conflict, which is the only organisation researching in depth in this field. Its publications have been used as reference and training manuals in British police and military establishments as well as universities.

The main emphasis is on revolutionary challenges to State security, but the book also covers non-revolutionary challenges (for instance by ethnic or religious movements with little or no concern for social change). Each group of countries is preceded by a regional survey, written by a specialist, setting the strategic framework and, where applicable, political unrest. These surveys include:

- Western Europe
- Eastern Mediterranean: Turkey's Year of Terrorism
- Soviet Union: More Power for Brezhnev, but economy lags
- Latin America: Oil Find Challenge to US Diplomacy
- North America: Misgivings over Government Priorities
- Africa South of the Sahara: USSR's Strategic Aims
- Arab World and South-West Asia: Upsurge of Islamic Radicalism
- Southern Asia: Political Pressures in India and Pakistan
- South-East and East Asia: China's Big-Power Policies

All the main entries carry chronologies. Introducing the work is a wide-ranging essay by the Editor, Brian Crozier, entitled *The Year of Passive Appeasement*, indicting the US Administration under President Carter for its concessions on Soviet weaponry and for its passive responses to the spread of Moscow's influence in Africa, Asia and the Persian Gulf.

'An invaluable work of reference'—BRITISH ARMY REVIEW.

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