

tone of his article comes through clearly in some concluding words: "I am too much of an Irishman to be ashamed of anything very often, but the bicentennial program of the American hierarchy makes me feel thoroughly ashamed of being an American Catholic. How could we possibly be so inept, so stupid, so incompetent?"

Greeley's interjection of his views into the proceedings of the bicentennial immediately made that copy of the *NCR* a scarce item at the Washington hearing. And it does make lively reading. Not only that, Greeley raises some serious issues. His opening sentence states that the bicentennial hearings "may lead to a great debate about Catholic social action." I, too, believe that; in fact I support the hearings for that very reason. I'm glad that Greeley has helped spread the word about the hearings. But in spreading the word and raising the issues he has also thrown up a lot of polemical dust. When it begins to settle, *Worldview* will return to the "great debate about Catholic social action." In the meantime, anyone who wants further information about bicentennial hearings can write to National Conference of Catholic Bishops, Committee for the Bicentennial, 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005.

JF

EXCURSUS III

Counterintelligence and the Constitutional Order

In 1970 Senator Sam J. Ervin's Subcommittee on Constitutional Rights investigated military counterintelligence agencies that had exceeded their legitimate mission. That mission was to protect military installations through political surveillance of private citizens suspected of being subversive. Events since then, notably Watergate, have focused attention on various aspects of political espionage and sabotage. Now serious charges are made that the Counterintelligence division of the CIA engaged in widespread political surveillance of civilians, thus usurping the function of the FBI. It may be useful to review standard doctrine regarding these practices, whether domestic or foreign, and their moral implications.

Espionage, as practiced between states, is the attempt by one government to obtain secretly or under false pretenses information about another to which access is legally denied. Political par-

ties, industrial corporations, and others may also use clandestine means to obtain information about the competition. The organization and management of networks of agents to collect information by clandestine methods is the task of espionage agencies that are usually an integral part of national intelligence organizations such as the CIA. Measures aimed at thwarting such activity are called counterespionage, or counterintelligence, and are usually carried out by national security police such as the FBI in the United States or the KGB in the Soviet Union. By law the FBI has exclusive responsibility for investigating espionage, sabotage, and subversion within the United States.

Since virtually all nations employ clandestine services to collect intelligence by admittedly illegal and immoral means, the practice is universally tolerated. Within the state, however, espionage is both illegal and condemned, with narrowly specified exceptions conducted under carefully controlled safeguards and conditions. Wiretapping, for example, is deemed necessary in the fight against organized crime, particularly the narcotics traffic, but is legal only under specific court order and with the approval of the Attorney General. Any agency, either public or private, which exceeds such specified limits clearly acts beyond the law, although it may try to justify itself by appeal to "crisis conditions," a "presidential mandate," or whatever.

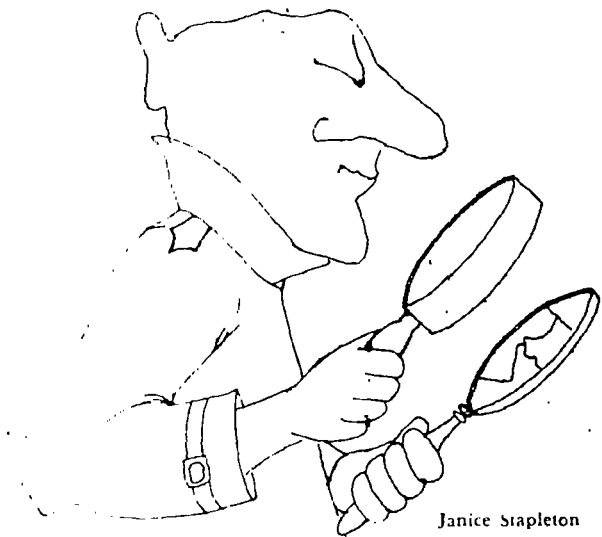
It is axiomatic that the use of immoral means—bribery, burglary, blackmail, and extortion, for example—produces immoral people. A CIA clandestine training manual used to refer to "corruption by the tools of the trade," a wonderfully apt phrase. Some of the low-level agents involved in the Watergate break-in learned clandestine intelligence techniques from this substandard manual, which has been used privately and unsuccessfully for a number of years.

One obvious lesson to be learned from Watergate and related incidents is that the use of clandestine techniques in domestic politics is fraught with the same kind of danger and subsequent embarrassment that frequently results from their use in relations between states. The Bay of Pigs is the classic example of the latter. More to the point, political espionage and sabotage have no place in the governance of a democratic society. As persuasively argued by Senator Ervin, neither does political surveillance of congressmen, anti-war demonstrators, or other presumed "political enemies" of a paranoid White House staff and President.

The widespread use of clandestine techniques is part of the unhappy heritage of the cold war. Then they were extensively used abroad for what

Allen Dulles called the cold war mission of the CIA. Since then literally thousands of unemployed agents have offered their dubious skills—at a price—for political espionage purposes at home or paramilitary adventures abroad. The American public has been the target of their provocations, misinformation, and other "dirty tricks," in addition to wiretapping, surreptitious entry, and sundry criminal activities.

In recent testimony William Colby, Director of Central Intelligence, admitted the substance of charges that between 1968 and 1970 the CIA penetrated dissident, antiwar student groups and kept files on some 10,000 American citizens regarded, for one reason or another, as politically subversive or potential "troublemakers."



These actions not only violated the agency's charter, but also usurped the legitimate functions of the Federal Bureau of Investigation. They further damaged the reputation of the CIA and obscured the vital role of strategic intelligence as "the first line of national defense." At a time when the entire intelligence community has come under a cloud, implications of that overworked phrase need to be spelled out. Most citizens are vaguely aware that foreign policy decisions are made by the President with the advice of his Secretary of State and based, in theory, on the best information available to the government. The same applies, of course, to the Secretary of Defense and U.S. military forces. Collecting, evaluating, and disseminating the information on which decisions are based is one of the primary functions of intelligence.

In foreign and military affairs strategic decisions must take into account not only past and present "facts bearing on the situation," but also estimates of the capabilities and intentions of other powers. Producing such estimates is a second major function of intelligence.

But there is yet another function of intelligence that has been largely overlooked even in the professional literature of the craft, namely, its role in deterrence. The balance of terror hanging over the world has been aptly described as a quasi-stable equilibrium based on the existence of U.S. and Soviet strategic weapons systems that can inflict unacceptable damage on either power if the other strikes first in a "surprise" attack. The word "surprise" is in quotation marks, since the intelligence systems on both sides are sufficiently alert as virtually to exclude such an attack. A first strike would be irrational unless one side achieved a sudden and spectacular breakthrough in either offensive or defensive weapons systems. This contingency is highly unlikely as long as research and development are roughly parallel on both sides—and as long as both maintain first-rate intelligence systems. Fortunately, both superpowers do have such systems, relying on space satellites to monitor relevant developments. Intelligence systems on both sides are so good that there is no need for on-site inspection teams to monitor arms agreements.

Intelligence has thus made it possible for both the U.S. and the USSR to enter into genuine and fruitful negotiations for reducing arms, since each side knows that the other cannot secretly violate agreements reached. This is a giant first step in halting man's race to oblivion.

As for the central problem of domestic political surveillance and the constitutional order, the situation is not without ironies. For example, before it began compiling information on student dissident groups at the request of the Nixon White House, the CIA had made extensive studies of similar groups abroad and found that "dissident movements were domestically spawned," with few if any international contacts. This according to reliable sources, including a former CIA official who supervised studies. The first study began when then President Johnson requested the agency to look into possible foreign connections with the American antiwar movement. Although no such links were found, following President Nixon's election the agency was directed to doublecheck its original findings in a futile attempt to "take the air out of the dissidents' balloon." According to the same reliable sources, the massive domestic intelligence activity that followed was due to general hysteria and "paranoia in government—especially in the White House—which perverted [governmental] agencies." The CIA and others overstepped the legal and Constitutional safeguards against domestic political surveillance.

The *degree* of domestic spying is relevant to distinguishing between police states and open

societies. Indeed any such surveillance is a threat to democratic freedoms. The authors of the Constitution and Bill of Rights cherished such freedoms so highly that they deliberately imposed restraints on the power of the President and Congress even in matters affecting national security. They were determined to protect the privacy of the individual in his personal life and to guarantee his freedom from political surveillance by the government. Under the Fourth Amendment the sanctity of the home is guaranteed against illegal search or seizure by the police—and there is no question that the intent was to include all agencies, also what later became our national security police, the FBI.

A basic principle cannot be too strongly emphasized: When even the legitimate security police of a democratic state expands the definition of "subversive" to include anyone who opposes government policy, the intelligence rationale becomes identical with that of police-state dictatorships. When this happens the constitutional framework has in fact been eroded, and it does not matter that such erosion may be tacitly accepted by the public, as was the case in Nazi Germany.

The threat to the constitutional order is far more serious when, under a mantle of secrecy, the counterintelligence component of a national intelligence agency such as the CIA assumes internal security police functions, thus following the Soviet model. This is true no matter what "Presidential mandate" or legal pretext may be invoked either secretly at the time or later by way of attempted justification.

According to Lyman Kirkpatrick, former Inspector General and Executive Director of CIA, "By law, the CIA has no police or subpoena powers nor does it engage in any internal security activities—other than those affecting its own personnel or operations" (*The U.S. Intelligence Community*). The full story of how the agency got mixed up in political surveillance must await Congressional investigation, which should be thorough and free of whitewash or special pleading. At stake is the vital and legitimate function of intelligence as the first line of national defense; also and most importantly at stake is the foundation of our democratic state and open society.

Congressional investigations into domestic political surveillance by the FBI and the CIA appear to be off to a promising start. The refreshing candor with which the present Director of CIA, William Colby, has testified is unprecedented. There is, of course, strong opposition to such candor on the part of old guard operators in the clandestine services, but Colby deserves careful

hearing and sympathetic support from all who cherish individual freedom and, at the same time, are conscious of the perilous nature of today's world.

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QUOTE / UNQUOTE

About That Lifeboat Ethic

"After decades of surplus food . . . it comes as something of a shock to find that we, too, face acute scarcities in available resources." So says Edward Kennedy, in all sincerity. Hearing a statement like this, you or I might be tempted to indulge in the almost pious feeling that—ah, well—in the face of the Earth's finite limits, rich and poor alike sail humbly in the same boat. In one sense we might, but Spaceship Earth is, after all, just like any other big ship, divided into three classes—rich, not-so-rich, and poor. And when a ship begins to go under, the third-class passengers *don't* share a common fate with the first-class passengers. When the Titanic sank, 56 percent of the third-class women passengers drowned, while only four out of the 143 first-class passengers lost their lives. . . . Seeing famine spread through Asia and Africa, many would now believe that our development efforts have failed, that it is time to shelve our Judeo-Christian ethics in favor of the ethics of last resort—lifeboat ethics. . . . Development has not failed; it has simply never been tried. The first maxim of nautical ethics is that you don't go to the lifeboats, which will save only a few, until you've made every effort to salvage the ship for the sake of all.

—Frances Moore Lappe, "Fantasies of Famine," *Harper's*, February

A Matter of State Over Mind

. . . As I seem to be the only outsider at this Congress of Psychiatrists, we must assume that I have been invited to represent that infernal nuisance in the psychiatrist's life, the patient. As a rule, of course, there are too many patients to one psychiatrist, whereas here the situation is reversed. But at the same time it reflects a different aspect of reality, for the single patient is potentially liable to be diagnosed and catego-