

INTELLIGENCE ACTIVITIES—COVERT ACTION

THURSDAY, DECEMBER 4, 1975

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C.

The committee met, pursuant to notice, at 1:45 p.m., in room 318, Russell Senate Office Building, Senator Frank Church (chairman) presiding.

Present: Senators Church, Tower, Hart of Michigan, Mondale, Huddleston, Morgan, Hart of Colorado, Goldwater and Schweiker.

Also present: William G. Miller, staff director; Frederick A. O. Schwarz, Jr., chief counsel; Curtis R. Smothers, counsel to the minority; William Bader, Karl Inderfurth, and Gregory Treverton, professional staff members.

The CHAIRMAN. The hearing will please come to order.

The select committee's public hearings for the next 2 days will be on the subject of covert action by the U.S. Government abroad. Tomorrow's hearings will be on the more general question of whether covert action should continue as an instrument of American foreign policy, and, if so, what kinds, and under what restraints.

Today the committee holds public hearings on the involvement of the United States in covert activities in Chile from 1963 through 1973. It takes this unusual step because the committee believes the American people must know and be able to judge what was undertaken by their Government in Chile. The nature and extent of the American role in the overthrow of a democratically-elected Chilean Government are matters for deep and continuing public concern. While much of this sad story has been revealed already, the public record remains a jumble of allegations, distortions, and half-truths. This record must be set straight.

President Ford has defended covert U.S. activities in Chile during 1970-73 as "in the best interest of the Chilean people and certainly in our best interest." Why was that so? What was there about the situation in Chile and the threat it posed to our national security which made covert intervention into the political affairs of another democratic country either good for Chile or necessary for the United States? These questions must be answered. The committee's purpose is less to pass judgment on what has been done than to understand, so that it may frame appropriate legislation and recommendations to govern what will be done in the future.

Given the President's statement, it is particularly unfortunate in my opinion that the administration has refused to testify and has planned to boycott the committee's hearings. The American people

deserve to know the reasons why the United States first undertook extensive, if not massive, covert operations within a democratic state in this hemisphere. They deserve to know why their Government sought, in 1970, to overthrow a popularly elected government. The administration's prohibition on testifying in a public forum on this subject has extended to the point of preventing CIA employees, both past and present, from coming before this committee. I find this particularly ironic since I spent the whole morning at the Pacem in Terris conference at the Sheraton Park Hotel here in Washington, publicly debating with Mr. Colby the covert operations that occurred in Chile during the period under investigation. And so it is not denied to him to discuss such matters publicly and before the assembled press at the Sheraton Park Hotel. It is denied him that he should come and testify here at the Capitol before this committee.

I believe the position of the administration is completely unjustified. Secretary Kissinger has argued that it would be inappropriate to appear before Congress and the American people to discuss covert action operations in which he was involved, yet only last week he gave a speech defending covert action. If the Secretary can give speeches on covert action, I believe he should be prepared to answer questions before Congress and the people of the country.

The committee has taken the utmost precautions, both during its investigations and in what it has written publicly, to protect sensitive sources of intelligence, methods of intelligence operations, and the names of agents. With regard to Chile, the administration has joined in that effort. Thus, there is no merit to the charge that holding a public hearing on Chile will cause harm to the national security interests of the United States.

What will damage the American interest is an administration that refuses to speak to the issue of why we intervened so heavily in the internal affairs of Chile. The public has every legitimate right to such an explanation.

This committee and the American people cannot wait forever until the administration decides to honor the rights of the citizens of this Nation to know the policies of their Government. Today we make public the results of our own committee investigation into the Chilean intervention. We will also take testimony today from former State Department officials who have consented to appear and have shown a sense of responsibility to speak to the issues raised by our Chilean policy.

This is the one covert action hearing the committee will hold in public session. We have taken this unusual step because the committee believed that revealing the truth about the Chile episode would serve two important purposes. First, on the basis of an accurate record, the public would be in a position to decide for itself the wisdom and propriety of the actions taken by its Government in Chile. And, second, the Chile case provides a good example of the full range of covert action. It permits the committee, the Senate, and the country to debate and decide the merits of future use of covert action as an instrument of U.S. foreign policy.

Our committee report (app. A, p. 144) which is being released in conjunction with these hearings this afternoon, is based on an extensive review of documents obtained from the files of the Central

Intelligence Agency, the Departments of State and Defense, and the National Security Council, as well as testimony by present and former Government officials. Except when already well-known, names of Chileans and of Chilean institutions have been omitted in order to avoid revealing intelligence sources and methods, and to limit needless harm to individual Chileans who cooperated with the Central Intelligence Agency. Despite these deletions, the report conveys an accurate picture of the purposes and magnitude of U.S. covert action in Chile.

The hearings will begin with a presentation by the staff, laying out the bare facts about covert U.S. activities in Chile in the decade between 1963 and 1973. The committee will then hear three former State Department officials: Ralph Dungan and Edward Korry, American Ambassadors in Chile from 1964 through 1967, and 1967 through 1971, respectively; and Charles Meyer, Assistant Secretary of State for Inter-American Affairs from 1969 through 1973. Tomorrow, with the Chile case out in the open, a panel of distinguished Americans will discuss covert action in general, its value and costs, its limits and effects. They will offer recommendations concerning whether it should be employed in the future and, if so, in what situation and under what restrictions and controls.

Senator Tower, do you have an opening statement?

Senator TOWER. Yes. Thank you, Mr. Chairman.

I have always clung to the view that information concerning the details of U.S. covert operations should not be made public because of the possible hazards created for individuals and because the release of such information may jeopardize necessary activities. Therefore, while I believe it has been appropriate and useful for this committee to conduct an executive examination of covert activities and programs, I have been opposed to public sessions; I remain opposed to public sessions. I believe the national interest would be better served if we had canceled these particular public sessions.

I yield, of course, to the majority of the committee, that voted to make these hearings public, but in recognizing the right of the majority of the committee to do so, I must express my own very serious reservations.

Thank you.

Senator GOLDWATER. Mr. Chairman, I would like to be recorded as being in favor of what Senator Tower has said. I think it is a mistake that we are holding these hearings in public.

The CHAIRMAN. Very well, Senator Goldwater.

Any other comment from any other member of the committee at this time? If not, we will turn to our panel of staff experts that will examine the Chilean intervention, and I will call first on staff director of the committee, Bill Miller.

STATEMENT OF WILLIAM G. MILLER, STAFF DIRECTOR, SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

Mr. MILLER. Mr. Chairman and members of the committee, the 2 days of public hearings on covert action as an instrument of U.S. policy, which begin today, are based upon an in-depth inquiry done by the committee and staff over the past 8 months. The committee has

been able to examine the full scope of covert action techniques that have been used by the U.S. Government since the end of World War II, how they relate to publicly declared foreign policy, and how they are initiated, approved, and monitored. These techniques range from relatively passive actions, such as passing money to shape the outcome of elections, to the influencing of men's minds through propaganda and "misinformation" placed in the media of other nations, to the more aggressive and belligerent techniques of organizing coups d'etat and engaging in paramilitary warfare. Out of the thousands of covert action projects throughout the world undertaken by the Central Intelligence Agency since 1947, the committee chose to examine the programs in six countries in detail. These six country programs, which the committee has already examined in executive session, span 30 years of activity since the end of World War II, and five administrations.

From the outset of the committee's inquiry, it has been clear that a major question to be decided upon by the committee is to what extent, if any, covert action should be authorized by the Congress and the people of the United States.

A useful place to begin, therefore, in examining the past activities and possible future scope of covert action is a review of the present state of the law.

To begin first with definitions of what the law is supposed to govern: According to the CIA's own present definition, covert action means any clandestine or secret activities designed to influence foreign governments, events, organizations, or persons in support of U.S. foreign policy conducted in such manner that the involvement of the U.S. Government is not apparent.

The present law cited by the executive branch covering such activities is ambiguous and circumlocutious at best. Section 102(d)5 of the National Security Act of 1947, as amended, authorizes the CIA to "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may, from time to time, direct."

The committee, over the past 8 months, has examined the legislative history of the 1947 act, and has interviewed most of the principal living participants who helped draft that act. From the fruits of the investigation thus far, there is little in the legislative history, in either committee, executive session, or floor debate of that time, that gives credence to the notion that Congress intended to authorize what is now the full range of covert action. In particular, there is no evidence that Congress ever addressed the question of whether the U.S. Government should undertake assassination, a coup d'etat, or paramilitary warfare. The law that is now on the books reflects the fact that neither the executive branch nor the Congress was able to foretell what perils the future two or three decades would hold for the United States or what activities the Government would use to meet situations that emerged.

It has been argued that the Congress voted appropriations for covert actions and thereby tacitly approved these activities. There has never been an annual authorization of the CIA budget. The Congress has never as a body voted with knowledge on CIA appropriations. But rather, it has voted for appropriations in which CIA funds were concealed. There are those who maintain that because of that, the Congress

has never authorized through the appropriations process covert actions by the CIA. Two years ago, section 662 of the Foreign Assistance Act, as amended by the Ryan-Hughes amendment, was passed. It requires the President to report to the appropriate committees in a timely fashion all covert action programs that he has approved.

It has been argued that that legislation provides congressional authorization of covert action. Informing committees of the Congress and subsequent congressional awareness of covert action is not the same thing as approval. A strongly held point of view is that the aim of that legislation was to insure that sufficient knowledge of covert action would be available before approval could be considered. The committee has been studying covert action in order to decide whether to provide statutory authority for covert action.

The executive branch has defended covert actions as necessary to meet the situations in the gray area between declared war and peace. The committee must decide whether it wishes to enact specific limitations or to permit this area to remain vague and circumlocutious, as one witness has called it, and subject to the failures and abuses, and the lack of fixed responsibility and accountability for actions taken. The committee's inquiry into assassinations and of large-scale covert action program failures that have come before the committee's inquiry is proof of the problems created by this vague and inadequate law.

The record examined thus far shows that covert action programs over the last 30 years have been generally successful against weak nations and far less so against our potential enemies. In the view of many who have looked at the question, covert action has become the national means, the "functional equivalent" to use Secretary Katzenbach's phrase, for acts of deception, subversion, and violence, including instances of warfare—

THE CHAIRMAN. Mr. Miller, I wonder if you could suspend for a moment. There's a vote on by virtue of which the other committee members have absented themselves. I'm going to miss the vote unless we take a very brief recess. You can renew your testimony as soon as other members begin to reappear.

[A brief recess was taken.]

Senator TOWER. Let's have order, please.

Mr. Miller, you will continue, please.

Mr. MILLER. Mr. Chairman, although there has been a considerable degree of congressional acquiescence, many of these aggressive covert activities have been undertaken without the awareness of the Congress as a whole of the circumstances and reasons for these actions; they have been taken without an annual authorization, or without any explicit statutory authority.

The costs of past covert action are considerable. Since the end of World War II, the United States has expended many billions of dollars in the carrying out of covert action programs.

As is evident in the Chile case, the amounts spent on covert action programs are considerable; however, they are extremely small when compared to the amounts spent on various forms of aid. The secrecy required to carry out covert action programs all too often has created confusion not only in the public mind, but has served to cause the Government to work at cross purposes. The positive effects of AID programs and the good will created by programs such as the Peace Corps have been negated by the covert action undertaken in Chile.

As pointed out by the former head of covert operations, Mr. Richard Bissell, there have been many short-term tactical victories but very few lasting successes. The committee's review of covert action tends to support Bissell's view. It appears that where covert action programs are consistent with declared American foreign policy supported by the Congress and the people, there has been a significant measure of long-term success; where there was a contradiction between the public rhetoric of our policymakers and open programs such as AID and the Peace Corps and the secret actions undertaken, there is a record in all too many instances of ultimate failure and damage to overall U.S. interests.

In order to examine the broad questions of policy raised by covert action, a detailed examination of Chile has been undertaken. The staff study which members of the committee have before them is as factual as the committee staff has been able to make it. Its purpose is to clear up questions arising from allegations of U.S. involvement in Chile, to arrive at an understanding of the general nature of covert action in Chile, to come to an understanding of the general nature of covert action, and perhaps most important, how covert action in this instance served to negate openly-avowed diplomatic policies of the United States.

The Chile case presents great paradoxes. In 1964, the United States through covert action assisted a candidate for the presidency to achieve a majority. CIA judged that he probably would have come to power anyway by achieving a plurality. This clandestine assistance to a moderate candidate was ostensibly given to strengthen democratic purposes.

In the period 1970 through 1973, in order to prevent a Marxist leader from coming to power by democratic means, the United States worked through covert action to subvert democratic processes. The means used went far beyond those used in 1964 in money, propaganda, and political manipulation. The means used were economic warfare, the encouragement of a coup d'etat and military violence.

Yet the means were hardly democratic; this assistance, this interference in the internal affairs of another country, served to weaken the party we sought to assist and created internal dissensions which, over time, led to the weakening and, for the present time at least, an end to constitutional government in Chile.

The contrast between covert action in Chile during the sixties and seventies, with the responsibility of the United States under the Organization of American States and the rhetoric of the Alliance for Progress, could not be more graphic. Let me quote from the OAS Charter to which the United States is a signatory.

Article 18 states:

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.

Article 19 states:

No State may use or encourage the use of coercive measures of any economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 21 of the OAS Charter, akin to Article 51 of the U.N. Charter, provides for the use of force for purposes of self-defense, but this could hardly be construed as a justification for the covert activities undertaken in Chile, since the intelligence estimates of the U.S. Government concluded that the Allende government posed no threat to vital U.S. interests or U.S. national security.

On October 31, 1969, President Nixon delivered an address on his Action for Progress for the Americas program. His first principle was as follows:

A firm commitment to the inter-American system, to the compacts which bind us in that system, as exemplified by the Organization of American States and by the principles so nobly set forth in its charter.

In his State of the World Address delivered on February 25, 1971, to the Congress, President Nixon said:

The United States has a strong political interest in maintaining cooperation with our neighbors regardless of their domestic viewpoints. We have a clear preference for free and democratic processes. We hope that governments will evolve toward constitutional procedures. But it is not our mission to try to provide—except by example—the answers to such questions for other nations. We deal with governments as they are. Our relations depend not on their internal structure or social systems, but on actions which affect us and the inter-American system. The new government in Chile is a clear case in point. The 1970 election of a Socialist President may have profound implications not only for its people but for the inter-American system as well. The government's legitimacy is not in question, but its ideology is likely to influence its actions. Chile's decision to establish ties with Communist Cuba, contrary to the collective policy of OAS, was a challenge to the inter-American system. We and our partners in the OAS will therefore observe closely the evolution of Chilean foreign policy.

Our bilateral policy is to keep open lines of communication. We will not be the ones to upset traditional relations. We assume that international rights and obligations will be observed. We also recognize that the Chilean Government's actions will be determined primarily by its own purposes, and that these will not be deflected simply by the tone of our policy. In short, we are prepared to have the kind of relationship with the Chilean Government that it is prepared to have with us.

At the very time this speech was delivered, the United States was already embarked on a Presidentially approved covert action program designed to control the outcome of the elections in Chile.

At this point, Mr. Chairman, I want to turn to Mr. Bader who will describe the pattern of covert action as it was used in Chile.

Senator TOWER. Mr. Bader is recognized.

Mr. BADER. Thank you, Mr. Chairman.

STATEMENT OF WILLIAM B. BADER, PROFESSIONAL STAFF MEMBER OF THE SENATE SELECT COMMITTEE

Mr. BADER. The staff study on Chile focuses on what is labeled "covert action" by the Central Intelligence Agency. Covert action, as defined by the Central Intelligence Agency, describes a policy tool for all seasons and purposes. To the Agency the term "covert action" means, as Mr. Miller has already stated, "any clandestine operation or activity designed to influence foreign governments, organizations, persons, or events in support of the U.S. foreign policy objectives."