



INTERNATIONAL POLICY REPORT

CRIMES OF THE CENTRAL INTELLIGENCE AGENCY HOW COVERT ACTION HARMS U.S. SECURITY

By Melvin A. Goodman

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The clandestine operations of the CIA—both covert action and, to a lesser extent, intelligence collection—grew out of an exaggerated notion of the threat to our security during the Cold War. The sudden and unexpected collapse of the Warsaw Pact in 1990 and the Soviet Union in 1991 suggested that Washington’s intelligence and policy communities had overestimated the power and influence of the Soviet bloc, and had invested too much treasure in countering the Soviet threat. The perception of the Soviet threat was used to justify criminal activities by the CIA, with policymakers arguing that there were no rules in any contest with “an implacable enemy whose avowed objective is world domination by whatever means and whatever cost.”¹ Today the threat of terrorism is used to justify similar tactics, with war crimes being committed in Iraq and Afghanistan.

The term “covert action” is a peculiarly American invention; it does not appear in other intelligence services’ lexicons. Nor does the term appear in the National Security Act of 1947, which created the CIA, the Department of Defense, and the National Security Council. Covert action, in U.S. intelligence argot, refers to a secret operation to influence governments, events, organizations, or persons in a manner that is not attributable to the United States. These actions may include political, economic, propagandistic, or paramilitary activities. Just as the Cold War was used to justify the most egregious activities in the 1950s and 1960s, now the Global War on Terrorism (GWOT) has

become the justification for another wave of illegal CIA activities. Many of these have occurred in the context of U.S. wars in Afghanistan and Iraq that have lasted longer than either World War I or World War II.

Within months of its creation, the CIA was engaged in sensitive covert actions in Western Europe, influencing democratic elections in Italy and France. At the direction of the National Security Council and the urging of Secretary of State George C. Marshall and Policy Planning chief George F. Kennan, the CIA funded the Christian Democratic Party and anticommunist trade unions in Italy in order to prevent a communist victory in the 1948 presidential elections. The CIA helped to fund similar campaigns in France and Japan, with “black bag” payments usually concealed from U.S. ambassadors.

The early election successes in Europe led to even wider use (and misuse) of covert action, including assassination plots against Fidel Castro and Patrice Lumumba, the disastrous Bay of Pigs invasion in 1961, which damaged the presidency of John F. Kennedy, and the illegal use of funds in the Iran-Contra scandal of the 1980s, which hurt the administration of Ronald Reagan. Presidents Dwight Eisenhower, Richard Nixon, and Jimmy Carter considered covert action an important instrument of policy and mounted major U.S. initiatives in Iran in 1953, Chile in 1973, and Afghanistan in 1980, respectively. In Iran and Chile, the United States took illegal actions against democratically elected governments; in



2 Afghanistan, the United States sponsored activities that led to the emergence of the anti-western Taliban government in Kabul and the beginnings of anti-western terrorist organizations in major Afghan cities.

Today we must consider whether clandestine operations should play the same prominent role in U.S.

foreign policy. The end of the Cold War and the collapse of the Soviet Union in 1991, and the declaration of the Global War on Terrorism (GWOT) in 2001 clearly demand a reexamination of covert action. Over the past ten years, CIA

officers have been embroiled in public accusations of spying by such friendly nations as France, Germany, India, Italy, and Japan, and CIA officials concede that their agents' "tradecraft" in recent years has been less than professional. The failure to detect Indian nuclear testing in 1998 was linked to the inept performance of the CIA station in New Delhi, and the U.S. bombing of a pharmaceutical factory in Sudan in the same year raised serious questions about the methodology of clandestine collection of intelligence used to justify military force. European officials and politicians are calling for a major examination of their relations with the U.S. intelligence community because of the rendering of terrorism suspects from their nations to Islamic countries that routinely conduct torture as part of their interrogation techniques. German and Italian courts have subpoenaed CIA officials in connection with illegal renditions that have taken place in their countries.

Any discussion of clandestine operations must recognize the incompatibility of covert action and the American democratic political process. Although the initial use of covert action was designed to buttress democratic elements in postwar Europe and to serve U.S. national interests, Hodding Carter III argued in a dissenting opinion to a Twentieth Century Fund report in 1992 that "covert action is by definition outside the ambit of democracy."² In an age of terrorist activity, it is unlikely that the United States will entirely abandon covert action, but our democratic principles compel us to define the boundaries that should be placed around covert action, to determine what should and should not be attempted,

and to insure that there is careful, continuous control over it. Unlike the 1970s, when the new Senate and House intelligence committees tried to place political limits on the conduct of covert action, these committees have neglected their oversight functions ever since the collapse of the Soviet Union. As a general principle, covert action, like military action, should be applied as a last

resort, only when vital security interests cannot be achieved in any other way.

The salient lesson that I learned out of Iran-Contra was that other parts of the intelligence community can cause controversy, but it seems like the clandestine service is the only part that can cause real trouble.

-Robert M. Gates, 1991

Covert Failures

More often than not, covert actions have not been beneficial, and even

supposedly short-term policy successes have become long-term failures or liabilities. In Iran, the intense unpopularity of the shah, whom the CIA had returned to power in 1953, led to the Islamic revolution of 1979. Interventions in Angola and Mozambique had no beneficial effect on conflicts in southern Africa. Covert actions in Nicaragua and El Salvador in the 1980s increased the violence in Central America and brought great embarrassment to the United States. The excessive reliance on covert action by the Reagan administration in the 1980s contributed to the formation of radical Islamic terrorist groups that targeted the United States and its overseas military facilities.

CIA support for revolutionary and counter-revolutionary violence throughout the Third World contributed to the spread of revolutionary activity and terrorism against the interests of the United States. U.S. covert support for the apartheid regime in South Africa, the contras in Nicaragua, and the anti-Soviet forces in Afghanistan led to increased violence in these regions.

- In Guatemala, Central America's most brutal regime was installed in 1954 with the help of a CIA-backed coup. The country was dominated by its repressive military for the next forty years. In 1990, Colonel Julio Roberto Alpirez, a CIA insider, was involved in the cover-up of the murder of Michael Devine, an American citizen, and in 1992 he helped cover up the murder of Efraim Bamaca Velasquez, a Guatemalan insurgent who was married to Jennifer Harbury, an American citizen. In

1997, the CIA released a small batch of records on the 1954 military coup in Guatemala, but it has declassified practically nothing on the Guatemalan security forces, which have killed an estimated 200,000 Guatemalans since the coup. The agency trained and supported some of these forces, along with similarly abusive internal security organizations in Nicaragua, Honduras, and El Salvador.³

- In Honduras, government officials risked their lives to prosecute some two dozen military men involved in a death squad that killed at least 184 people in the early 1980s. The death squad grew out of collaboration between the CIA and the Honduran military. Recently declassified CIA documents “linked Honduran military personnel to death squad activities.”⁴ These documents confirmed that the CIA (and U.S. Ambassador John Negroponte) knew that the Honduran military committed systematic human-rights abuses in the 1980s, but that the agency continued to collaborate with its Honduran partners and mislead Congress about the abuses. The CIA was closely involved in the formation and training of the notorious Battalion 316, and CIA officers had exclusive access to all the secret detention centers in Honduras.⁵

- Bob Gates, former DCI and now secretary of defense, termed support to the Mujahideen fighting the Soviets in Afghanistan the CIA’s “greatest success,” but today Afghanistan is a country of death and misery. Weaponry supplied to the Mujahideen by the CIA has fueled conflicts in the Balkans and Africa, and rebels trained by the CIA have been involved in terrorist actions against the United States.⁶

Much of the CIA weaponry went to the fundamentalist Gulbuddin Hekmatyar, one of the most anti-Western of the resistance leaders; Sheikh Omar Abdul-Rahman, who was imprisoned in New York for seditious conspiracy to wage a “war of urban terrorism against the United States;” and Muhammad Shawqi Islarnbouli, the older brother of the assassin of Anwar Sadat. The terrorist network has targeted Saudi Arabia, Egypt, and Pakistan—Washington’s most pivotal Islamic allies in the region—and has claimed responsibility for the first terrorist attack in Saudi Arabia and some of the worst attacks in Pakistan. Osama bin Laden indirectly received CIA support that went to Afghanistan in the 1980s.

Revelations of assassination plots in Cuba, 3 the Congo, the Dominican Republic, and Vietnam finally led to a ban on CIA political assassination in the mid-1970s. Nevertheless, covert action in Ethiopia in the early 1980s, according to Ambassador David Korn, led to the deaths of many people, including some who were entirely innocent and extraneous to the CIA’s attempt to overthrow the government of Haile-Mariam Mengistu. The recipients of CIA antiterrorist training in Lebanon set off a car bomb that killed eighty innocent people.

The use of covert action as a quick fix to deal with foreign leaders perceived as hostile or nation-states seen as renegades caused a series of strategic problems throughout the Cold War. U.S. interests probably would have been far better served if such leaders as Arbenz, Mossadegh, and Allende had remained in power in Guatemala, Iran, and Chile, respectively. The U.S. signal to permit the overthrow of Ngo Dinh Diem in South Vietnam ultimately meant that there would not be a stable government in Saigon to serve as a U.S. ally. We are currently experiencing in Iraq the problem that has bedeviled U.S. interests in the Third World since the end of World War II: the use of military power and covert action without any plan for reconstruction and stabilization. A National Intelligence Estimate in 2006 concluded that the Iraq war has led to enhanced recruitment of terrorists and greater terrorism against U.S. interests.

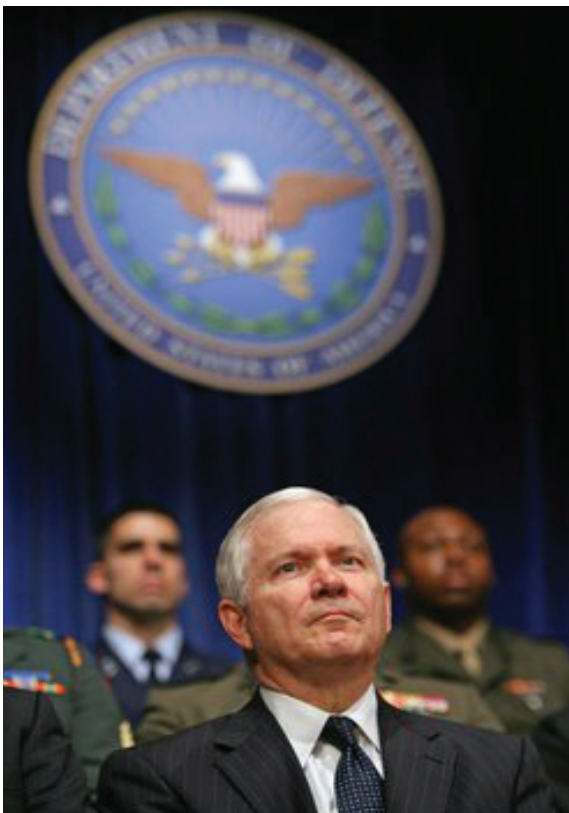
Finally, the use of violence in the Third World has to be examined in the context of the post-Cold War landscape, particularly the funding and training of armed groups to conduct counter-revolutionary or counter-insurgency struggles. U.S. support for groups that resorted to violence in Indochina, South America, Africa, and Afghanistan cannot be dissociated from non-state organizations that resort to terrorism.

Terrorism is the defining characteristic of the last phase of the Cold War, and U.S. support for such proto-terrorist organizations as UNITA (the National Union for the Total Independence of Angola) and RENAMO (the Mozambican National Resistance) contributed to the rise of terrorism in the 1980s and 1990s. UNITA and RENAMO were armed and trained by the South African Defense Force, which received assistance from the CIA.

Support for covert action in one area often compromises U.S. strategic objectives in other areas. The

4 need to channel arms to the Mujahideen through Pakistan meant that the United States ignored Pakistan's nuclear-weapons program in the 1980s. CIA director Bill Casey and deputy director Bob Gates kept sensitive intelligence dealing with Pakistan's nuclear program from the Senate Select Committee on Intelligence. More recently, the CIA repressed intelligence that cast doubt on Iraqi programs on WMD.

The United States and the CIA even used the cover of the United Nations and the United Nations Special Commission (UNSCOM) to conduct secret operations against Iraqi military communications. The United States had consistently denied Iraqi charges that it was exploiting U.N. inspections for the purposes of American espionage against Saddam Hussein, but CIA operatives were regularly infiltrating U.N. inspection teams. The U.N. effort, which did not authorize or benefit from U.S. surveillance, was designed to gather information on Iraq's suspected nuclear, chemical, and biological weapons programs, but the CIA program was not aimed at Iraqi WMD. Instead, CIA operatives were trying to penetrate Iraqi communications in order to bring down Hussein's regime, a covert action sanctioned by the U.S.



Robert Gates tailored intelligence to fit the Reagan administration's anti-Soviet views

Congress in the Iraqi Liberation Act. This exploitation of the U.N. doomed further inspection efforts in Iraq and undercut the credibility of multilateral inspections around the world. The CIA thus made a liar out of the White House, which denied any covert action to undermine the Iraqi government, and a truth-teller out of Saddam Hussein, who cited the CIA's espionage as a reason to deny reentry to U.N. inspectors in 1998.

The War on Terror and War Crimes

The tactical campaign against al Qaeda and its affiliates represents the largest covert action in the history of the CIA, involving the abduction of suspects on the territory of friendly nations, such as Italy; the use of Europe as a stopover point for the transport or "rendition" of suspects to Asian and Middle Eastern countries, where torture is routinely employed to extract confessions; and the use of torture by CIA and contract interrogators in secret CIA prisons in Afghanistan, Thailand, and East Europe. Clumsy CIA tradecraft in Italy led an Italian judge to issue arrest warrants for 25 CIA operatives in 2005 for the illegal abduction and rendering of an Egyptian cleric in Milan in 2003. The cleric was tortured and abused repeatedly in Egyptian jails and, as a result, even former Italian Prime Minister Silvio Berlusconi, a U.S. ally in the war in Iraq, criticized U.S. policies.

The most recent CIA crimes include the murder of several Afghan and Iraqi prisoners. But the Bush administration prepared legal memoranda giving the CIA legal immunity against prosecution for the use of techniques that amounted to torture.⁷ Government lawyers at the Department of Justice and the Pentagon know the Uniformed Code of Military Justice restricts the conduct of U.S. military officers in the prisons in Afghanistan and Guantanamo, but CIA officials are not bound by the U.S. anti-terror statute. In his confirmation hearings for the position of Attorney General, Alberto Gonzales acknowledged that the presidential order directing that prisoners be treated in compliance with the Geneva Conventions did not apply to the CIA or other non-military agencies.

The current actions of the CIA are reminiscent of the worst days of the Cold War when the 1954 Doolittle Commission gave the agency *carte blanche* in the field of covert action. The CIA has placed "secret prisons" in Eastern Europe, Southeast Asia, and Southwest Asia, conducted torture and abuse at these "black sites," and has rendered terrorist suspects to intelligence services in

Egypt, Jordan, and Morocco, where torture is practiced routinely. The CIA has its own fleet of Predators, unmanned aerial vehicles capable of firing anti-tank Hellfire missiles that have killed both terrorist suspects and innocent civilians in Pakistan and Yemen, including at least one naturalized American citizen. In another aspect that is reminiscent of the worst days of the Cold War in the 1950s and the 1960s, there is no indication that the appropriate congressional oversight committees are interested in these actions or that the Justice Department is going to investigate the crimes that have been committed.

In the process of fighting the “long war” against terrorism, the CIA has developed its own terminology, referring to “waterboarding” as an “enhanced interrogation technique” and not as torture and abuse. Serious suspects are referred to as HVTs or “high value targets,” and a major gray area now exists with CIA facilities holding suspected terrorists for long periods of time. Suspects have no legal recourse and no means of seeking release. There is no judicial process that rules on renditions or extraordinary renditions, and the CIA’s Office of the General Counsel accepts disingenuous assurances against torture before turning over suspects to foreign liaison services. In the world of post-9/11 legality, the White House and the Justice Department’s Office of Legal Counsel have created a legal framework that violates international law, the Geneva Conventions, and even U.S. domestic laws against abuse.

In dealing with both renditions and secret prisons, it is important to remember that the CIA is not acting on its own hook, but following instructions and procedures that have been blessed by lawyers at the White House, the NSC, and the Department of Justice. U.S. officials have admitted that the government has engaged in extraordinary renditions, and the CIA’s Inspector General has initiated an internal investigation into the agency’s detention and interrogation practices in Iraq.⁸ The Department of Homeland Security’s Inspector General announced that he would review the reasons behind the rendition of Maher Arar to Syria as well as the policies used by U.S. immigration officials regarding the rendering of non-immigrants, but there has been no release of information.⁹ The Defense Department and other fed-

eral agencies have refused to release records on the transfer of immigrants and non-immigrants, prompting the ACLU to file a lawsuit in federal court.¹⁰ In response, a federal judge ordered the government to “produce or identify” the documents regarding the transfer of detainees from Guantanamo to third parties.

One of the worst examples of such false arrests involved a German citizen, Khaled Masri, who the CIA picked up in Tirana with the assistance of Albanian police.

CIA officials were divided over whether to render Masri, some believing that his passport should first be verified. Cooler heads did not prevail, and Masri was handcuffed and blindfolded, drugged for a

The United States must not adopt the tactics of the enemy. Each time we do so, each time the means we use are wrong, our inner strength, the strength that makes us free, is lessened.

-Senator Frank Church (D-ID), 1976

long flight, and flown to Afghanistan where he was beaten and warned: “You are here in a country where no one knows about you, in a country where there is no law. If you die, we will bury you, and no one will know.”¹¹ Several months later, the CIA’s Office of Technical Services concluded that Masri’s passport was genuine, but it took two additional months of bureaucratic wrangling at the CIA and the State Department to decide on the means of releasing Masri. The CIA unceremoniously returned Masri to Albania, where he was taken to a narrow country road and told “not to look back when I started walking.” Masri feared that he would be shot in the back. German prosecutors have listed 20 CIA operatives suspected in the abduction of Masri, but there have been no arrest warrants or indictments due to a lack of cooperation from the United States.

The startling discovery of the CIA’s secret prisons and the terrifying accounts of false imprisonments have caused a firestorm of criticism in Europe and the United States, but no immediate change in the tactics and operations of the National Clandestine Service. Pressure from the White House, the National Security Council, and the CIA convinced the editors of *The Washington Post* to delay Dana Priest’s expose of the CIA’s secret prisons, presumably giving the agency time to close down the prisons in Poland, Hungary, and Romania. These prisons were the most controversial ones in the CIA’s system, particularly because the collaboration of these East European countries conflicted with the obligations of their membership in the European Union. In any

6 event, the CIA had time to move 30-40 prisoners to even more secret facilities in Afghanistan or Iraq.

There is every reason to believe that secret prisons still exist, that renditions and extraordinary renditions still take place, that interrogation techniques continue to violate international treaties and covenants, and that a fleet of Gulfstream aircraft still moves detainees from country to country.¹² This program is now larger than the CIA's covert actions in Central America during the Cold War, which led to the killing of innocent civilians, and the programs in Afghanistan, which led to support for eventual Islamic fundamentalists, such as bin Laden. Senator John McCain (R-AZ) successfully introduced a ban on torture and cruel and inhumane treatment of prisoners into the defense appropriations bill in December 2004, which should be a useful tool in limiting the use of torture by the military, but the CIA continues to have *de facto* immunity for crimes against humanity because of various Justice Department memoranda as well as the department's lack of interest in pursuing cases of CIA abuse.

What Needs to be Done?

Despite the failures of clandestine intelligence collection and the strategic problems associated with covert action, virtually every reform proposal—such as the Brown Commission in 1996 and the 9/11 Commission in 2004—called for more spending on human intelligence, not less, and more espionage and covert action. Then chairman of the House intelligence committee, Representative Larry Combest (R-TX), who was responsible for the committee's report in 1996, even favored removing the directorate of operations from the CIA and combining it with the Pentagon's defense HUMINT service to create a comprehensive organization for espionage. The effect would have been an even stronger clandestine capability, more involved in domestic surveillance and less susceptible to congressional oversight.

The fact that the CIA's National Clandestine Service passed tainted intelligence to several U.S. presidents, including President Clinton, that was obtained from

Soviet and Russian double agents is reason enough for a major shake-up of the clandestine corps. Recent spy scandals include flawed CIA efforts to collect intelligence in France, Germany, India, Italy, and Japan, raising additional questions about the judgment and goals of the directorate. More recently, thanks to aggressive reporting from the *Chicago Tribune's* John Crewsden, we have a detailed account of the bungling tradecraft of the CIA stations in Milan and Rome, which were responsible for conducting ill-advised renditions in Italy. The fact that the CIA supported military organizations throughout Central America despite the long history of their human-rights abuses and the limited value of clandestine collection in the region begs questions about current CIA practices in Venezuela, Bolivia, Nicaragua, Brazil, and Ecuador, where populist leaders have come to power or are in position to claim power. Covert actions to influence events in the democratic governments of Central and South America undermine U.S. principles and should be authorized only in times of genuine national peril.

Much CIA clandestine activity could be reduced or even stopped without hurting U.S. national security. CIA propaganda has had little effect on foreign audiences and should end immediately. The recent clumsy attempt by the U.S. military to place "black propaganda" in the Iraqi press backfired and undermined the U.S. emphasis on creating democracy in the Middle East. Covert efforts to influence foreign elections or political parties should stop immediately. The United States had far better success encouraging democratic reform in such places as Georgia and Ukraine by working openly through non-governmental organizations and international monitoring groups.

Covert actions devoted to regime change have been particular failures. The "successful" coup in Iran in 1953 overthrew the democratically elected government of Mossadegh and introduced the corrupt and incompetent Shah of Iran to power. The CIA's attempt to assassinate Patrice Lumumba in the Congo led to the emergence of Mobutu Sese Seko, the most evil tyrant in modern African history. The various attempts by the Eisenhower and Kennedy administrations to assassinate Castro merely strengthened the Cuban leader's political standing at home and throughout the entire Western Hemisphere. CIA covert action in Chile led to the death of the democratically elected Salvador Allende and the emergence of Pinochet, another unconscionable act. The overthrow and ultimate death of President Ngo

The CIA has committed every crime there is except rape.
-General Walter Bedell Smith,
former DCI

Dinh Diem marked a turning point in Vietnam, with the United States never again having the cooperation of a viable Vietnamese leader. Regime change in Iraq was not covert, but it created greater instability in Iraq and the entire Middle East.

In a democracy, where laws are derived from broad principles of right and wrong and where those principles are protected by agreed procedures, it is not in the interest of the state to flout those procedures at home, or to associate overseas with the enemies of this nation's founding ideals. Continued CIA abuses point to the failure of the system of checks and balances in the field of national security. The intelligence committees, at the very least, should take a hard look at the British system, where espionage and clandestine collection are conducted by an organization that reports to the highest levels of the British Foreign Office. Research and analysis is conducted by an organization that is separate from both the Foreign Office and the military. Radical reform would allow the CIA to return to President Truman's original conception of the agency as an independent and objective interpreter of foreign events.

Melvin A. Goodman, a senior fellow at the Center for International Policy, is the author of the forthcoming "The Failure of Intelligence: The Decline and Fall of the CIA."

Endnotes

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