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Senate

FOLLOWING UP ON THE HALPERIN NOMINATION

● Mr. MCCAIN. Mr. President, in 1993, the Senate Armed Services Committee conducted an extensive review of the nomination of Morton Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping. The committee held an open hearing on November 19, 1993, where Mr. Halperin appeared to answer questions regarding his qualifications, background, and activities. Subsequently, however, his nomination was withdrawn by the President.

At that hearing, Mr. Halperin directly refuted certain information provided to the committee by Mr. Frank McNamara regarding Mr. Halperin's nomination. Inasmuch as Mr. McNamara was not present at the hearing and did not have an opportunity to testify before the committee, he was unable to defend his position regarding the nomination.

Mr. President, I therefore ask that the following statement of Mr. McNamara, fully setting forth his views on Mr. Halperin's nomination, be inserted in the RECORD at this point for the information of Senators.

The statement follows:

STATEMENT OF FRANCIS J. MCNAMARA ON THE NOMINATION OF MORTON H. HALPERIN TO BE ASSISTANT SECRETARY OF DEFENSE FOR DEMOCRACY AND PEACEKEEPING

The following is offered in opposition to the confirmation of Morton H. Halperin as Assistant Secretary of Defense for Democracy and Peacekeeping.

For some 25 years, as an employee of the Department of Defense and the National Security Council as well as in various private sector posts, he has violated security regulations and/or consistently attacked and strongly opposed generally accepted security practices, in addition to demonstrating extremely poor judgment about what constitutes sensitive security information.

On July 5, 1996, upon entering the employ of the Defense Department, Mr. Halperin signed an affidavit which said:

''I agree to return all classified material upon termination of employment in the Office of the Secretary of Defense.''

On September 19, 1969, terminating his employment with the National Security Council, Mr. Halperin signed another affidavit:

''I do not now have in my possession or custody or control any document or other things containing or incorporating information affecting the national defense, or other security information material classified Top secret, Secret or Classified to which I obtained access [during my employment].''

Did Halperin live up to his word?

Defending a presidential authority vital to the national security against a lawsuit brought by Halperin, the Carter Administration on May 24, 1978 filed a brief with the Court of Appeals for the D.C. Circuit in which it said that Halperin took classified documents with him when he left the Defense Department and so that—

''Dr. Halperin managed to cart off boxes of highly classified material without the National Security Council's permission or knowledge when he left the NSC.''

In addition to this double violation of his word and security regulations, Halperin was deceptive in other ways as well, according to the 1978 court brief. When Halperin was with the NSC, Henry Kissinger, the President's national security adviser, ''specifically instructed'' Halperin not to talk to journalists, but ''contrary to those instructions Dr. Halperin talked repeatedly with journalists.''

Also: Halperin told Kissinger in a September 1969 telephone conversation, ''I haven't talked to the press . . . since May,'' but the record revealed he ''received a number of calls from, conversed with and met with a variety of journalists.''

A wiretap had been placed on Halperin's home phone because he was the prime suspect in the leak of the secret US bombing of Cambodia to New York Times reporter William Beecher. That tap revealed the following about Halperin's conversations on his home phone: ''revelations on the North Vietnamese position . . . differing internal recommendations of the Secretaries of State and Defense and the Attorney General as to Cambodia . . . his plan to meet with representatives of a German news magazine about the National Security Council . . . and a planned meeting with a representative of the Soviet Union's *Pravda*.''

Press accounts of Halperin's suit predating the brief had reported affidavits revealing John Erlichman saying that Kissinger had described Halperin ''as being singularly untrustworthy. Defects in his philosophy and character were generally described (by Kissinger).'' [Washington Post, March 12, 1976]; and that two weeks after Halperin left the National Security Council, FBI Director Hoover reported to the White House that he has been heard saying on his telephone that ''he was to meet with the foreign editor of Pravda'' [W.P. 3/21/76].

Also reported by the same newspaper: a Kissinger affidavit said Halperin's FBI security file revealed he had failed to ''report a visit to Greece, Yugoslavia and the Soviet Union'' on a passport application; that in 1965 he had received the Communist magazine, ''World Marxist Review/Problems of Peace and Socialism'', and that Halperin recalled Kissinger had cut off his access to

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''more sensitive information regarding national security matters'' because of high-level Administration figures' suspicions about his political views. (3/28/76)

Not only the Carter Administration brief, but various news accounts reported that Kissinger had hired Halperin for his NSC position over the objections of FBI Director Hoover, the Chairman of the Joint Chiefs of Staff, Senator Goldwater, White House aide Haldeman, and the security officer of the NSC. Kissinger himself said in Salzburg, Austria, in June 1974 that he had hired Halperin for the NSC ''over the strong objections of all my associates.''

A J. Edgar Hoover file memo revealed that Kissinger had called him May 9, 1969, the day the Times story appeared, to complain that the Beecher story was ''extraordinarily damaging and uses secret information.'' The Carter Administration brief noted that the District Court in Washington had said ''There was justifiably grave concern in 1969 over the leaking of confidential foreign policy information.'' President Nixon later deposed that Prince Sihanouk of Cambodia had agreed to the bombing as long as it was secret, but for internal political reasons could no longer do so once it became known. A halt to the bombing was thus forced, with the result that the enemy was guaranteed a safe haven from which he could attack American troops and then escape to safety. The President deposed that the leak was ''directly responsible for the deaths of thousands of Americans.''

A September 1969 memo from FBI Director Hoover to Attorney General John Mitchell said Kissinger wanted all the wiretaps he had requested in trying to identify the source of the leak discontinued except for those on Halperin.

William C. Sullivan, Assistant FBI Director for Intelligence, said in a July 8, 1969 memo to Director Hoover:

''As we know, Halperin cannot be trusted. We have learned enough already from the early coverage of him to conclude this.''

Another reason for rejecting Halperin's nomination is that he has revealed a sick, unhealthy animus and hostility toward the U.S. Intelligence Community and the individual agencies composing it, despite their vital relationship to the security of the Nation.

Appearing on the Ben Wattenberg PBS–TV program, ''In Search of the Real America,'' on June 15, 1978, he contradicted Wattenberg when Wattenberg said the CIA was a defender of American freedoms.

''No,'' Halperin replied, ''they've been a subverter of everybody else's freedom.''

He has also accused CIA officers of ''promoting fascism around the world.''

What does he think of the Federal Bureau of Investigation?

''Causing violence in American cities has been an on-going FBI program,'' a pamphlet he published on the Bureau said.

To Halperin it is ''an open question'' whether the CIA and other agencies in the Intelligence Community would turn to assassinating American citizens.

Halperin has adopted unbelievably ridiculous positions—as when he told Wattenberg that he would oppose CIA use of covert action, even if it were to stop Libyan leader Quadaffi from sneaking nuclear weapons into New York harbor!

In 1974, referring to the early '70s period of the Vietnam War, he actually wrote questioning ''the need for the kind of reconnaissance which involved an intrusion into North Vietnamese air space''!

He knows as little about the law as he does about war. In September of 1976, he attacked the Department of Justice for acting on the belief that when a foreign power is involved, there is a national security exemption to the Fourth Amendment. He wrote:

''No court in the United States has ever seriously considered the possibility that it exists.'' (''First Principles,'' 9/76)

100% wrong! It is difficult to conceive of a more erroneous statement. Not only had a number of District Courts ''seriously considered'' its existence at the time, but some Appeals Courts had as well, and most of the decisions had upheld the concept.[1]

The Carter Administration court brief noted ''poor judgment'' on Halperin's part and ''disquieting'' points in his conduct. It is my view that he has continued to exhibit these traits on a considerable number of occasions, particularly those treated at some length in the attached ''Partial Record''—the cases of Philip Agee, the CIA Defector; David Truong, the Communist Vietnamese espionage agent, and the leak of the so-called ''Pentagon Papers.''

For these and other reasons, I believe his confirmation would constitute a security risk to the United States not only because of his actions and views concerning what constitutes sensitive security information, but also because it would deal a blow to the morale of the Nation's military/security/intelligence services with related adverse performance of functions vital to the national security.

FURTHER STATEMENT OF FRANCIS J. MCNAMARA RE MORTON HALPERIN

Concerned about the nomination of Morton Halperin to serve as an assistant secretary of defense, friends who knew I had closely studied the assault on the Intelligence Community that had marked the decade of the mid-seventies to the mid-eighties and had testified and written about it and also about Halperin's role in it,[2] suggested that I assist the effort of the Center for Security Policy, directed by Frank Gaffney, Jr., to defeat the nomination, and also that I prepare a personal statement opposing it.

I did both. Senator Thurmond distributed copies of my statement to members of the Armed Services Committee and also to all members of the Senate.

During the November 19, 1993 hearing by the committee on his nomination, in response to a question by Senator McCain, Halperin testified:

''Senator McCain, those comments appear to be identical with a set of allegations made in a document which Senator Thurmond distributed to members of the committee. That is a scurrilous, outrageous attack on me, full of false statements, innuendoes, and misleading assertions. I will give you just two examples. . . .''

He then branded what I had written about his association with a group named PEPIC ''an outright lie and a scandalous attack,'' implied that what my statement said about a listing of CIA memoirs by former Agency employees fell into the same category, and asked for permission to insert in the hearing record ''a detailed response'' to my statement. Senator Levin, presiding at the time, granted his request.

Having recently undergone surgery, I did not attend the hearing. After I had obtained a hearing transcript and read his words, I wrote to the committee on December 15:

''I flatly deny and deeply resent Halperin's charges about my statement and request that I be granted an opportunity to appear before the committee to respond to them.

In reply, I was informed that committee rules barred my appearance because, during the hearing, nothing had been said on the record authorizing it.

When, on April 12, 1994 I received a copy of the printed hearing I learned that in his alleged ''detailed response'' to my statement submitted for the record since I had last seen a transcript, Halperin had added a few choice epithets describing it: ''inaccurate . . . distorts facts . . . patently untrue . . . misrepresents . . . absurd . . . false . . . an outright lie'' [again] (printed record, pages 181, 182).

In the almost 50 years I have been writing, lecturing, testifying and carrying out various administrative duties in the security and intelligence fields, particularly as they relate to Communism, no one has ever before accused me of lying and making false and misleading statements, except Radio Moscow and Izvestia. As a matter of fact, the Senate Internal Security subcommittee said some twenty years ago:

''Mr. McNamara commands a national reputation as a careful scholar and researcher in matters relating to communism, extremist activities in general, and internal security.''

Despite this and similar other statements I could quote, the summary of major developments in the Halperin case presented June 23 on the Senate floor by the chairman of the Armed Services Committee appeared to support Halperin 100% and thus, like Halperin's words, cast doubt on my integrity and veracity. It was true, the Chairman said, that the Halperin nomination was controversial, but controversy, he emphasized, ''should not stand as a judgment on the individual's qualifications or on the merits of the specific allegations that were brought to the attention of the committee. . . . the fact that an allegation has been made should not stand as a judgment that the allegation is valid. . . . If credible allegations are presented to the committee, we will pursue them.''

These, of course, are not more than basic truths, but in the context in which they were spoken they had a definite pro-Halperin slant that belittled his critics and tended to disparage all charges made against him, including mine.

Halperin, the chairman continued, ''has an impressive record . . . he has taught and lectured widely on a variety of subjects related to the national security'' and his nomination ''has received the support of a number of distinguished Americans, including a bipartisan array of former government officials.'' The issues raised about his nomination ''were explored in detail'' at his hearing, during which Halperin ''demonstrated dignity, seriousness of purpose, and broad understanding of national security issues—and patience.'' He ''directly addressed a variety of allegations concerning his fitness for office'' and ''I was impressed by the care and attention he gave to each question . . . none of the allegations of improprieties were substantiated in the course of the standard report on the nominee by the FBI, in other investigations by the executive branch, or in any evidence submitted to the Armed Services Committee. I would like to quote directly from his testimony because it deals with a number of charges that were reported in the news media and that I think he dealt with at the hearing.''

The chairman then quoted eight paragraphs of Halperin's testimony in which Halperin summarized in his own words [very convenient] as many allegations about his record and said of each one, ''That is false.''

Whether or not Halperin summarized the eight accusations accurately and his ''false'' claim about them is true, the fact is that Halperin more than once testified falsely about my statement in his hearing. There is not a single false statement, misleading assertion, innuendo, outrageous lie or any other kind of lie in my statement. Under the general heading, ''Halperin and Philip Agee,'' it stated:

[1] Footnotes at end of articles.

''Following is at least part of the public record of Morton Halperin's actions relative to *CounterSpy*, the *Covert Action Information Bulletin* and Philip Agee:

It continued with the following description of the first of a series of actions noted, the one Halperin told Senator McCain was ''an outright lie:''

''CounterSpy's publisher, the Organizing Committee for a Fifth Estate (OC–5), according to its 1975 annual report, 'had been instrumental in organizing several other organizations' that year, one of which was 'The Public Education Project on the Intelligence Community (PEPIC) . . . a year-long effort.'

''Morton Halperin, the report continued, was a member of PEPIC's speakers bureau, all of whose members 'will be donating their time, energy and fees to PEPIC to ensure its survival.' ''

''The Senate Internal Security subcommittee, in its 1977 annual report, identified PEPIC as one of 'several fronts' set up by Agee's OC–5 to accomplish its objective of finding 'those individuals with research or organizing abilities to join the Counter-Spy Team'.''

What is the public record basis for the above three paragraphs?

The Winter 1976 issue of CounterSpy, which identified itself as ''The Quarterly Journal of the Organizing Committee for a Fifth Estate,'' published an item captioned ''Fifth Estate Annual Report: 1975 . . . .'' (pages 62, 63), the fifth subsection of which was entitled ''Organizing.'' The second paragraph of this subsection read as the follows:

''The Organizing Committee has also been instrumental in organizing several other organizations during 1975. Most of these organizations are independent of the Fifth Estate and the Organizing Committee. Others are local research and action groups, which operate autonomously but may eventually join the national umbrella of the Fifth Estate.''

This was followed by the names of the four groups the Fifth Estate had been ''instrumental in organizing'' in 1975, with a brief description of each one. The second organization listed was—

''The Public Education Project on the Intelligence Community (PEPIC) is a year-long effort, sponsored by the Youth Project, Inc. of Washington, D.C., designed to create informed public discussion on intelligence issues. . . . All speakers participating in this project will be donating their time, energy and fees to PEPIC to ensure its survival. Speakers include some of the foremost experts on the intelligence community:''

It then listed the names of the twenty members of PEPIC's speakers bureau, giving brief identifying date for each. The sixth read:

''Morton Halperin: Director, ACLU Project on National Security and Civil Liberties. Co-editor of 'The Abuses of the Intelligence Agencies.'' Former Assistant Deputy Director (sic) of Defense.''

The Senate Internal Security Subcommittee issued a 55-page ''Annual Report For The Fiscal Year Ending February 28, 1977'' (Reported No. 95–20, 95th Congress, 1st Session), which contained a two-page section, ''Organizing Committee For A Fifth Estate'' (pages 43, 44) in which it identified Counter Spy as OC–5's ''official publication.'' Under a subhead, ''Objectives of OC–5,'' the Senate report said:

''As stated in its first annual report, dated January 1974, of the OC–5, its Counterspy campaign against the intelligence community of the United States was:

''Designed to locate, train and organize those citizens who have the courage and strength to dedicate their lives and their resources to changing the current direction of our government and nation. We are looking for those individuals with research or organizing abilities to join the Counter-Spy Team. Our hope is to weld counterspies into groups forming a nationwide alternative intelligence community—a Fifth Estate—serving as a force to focus a public effort towards altering the present course our government is now taking towards a technofascist society.'

The Senate subcommittee report then commented:

''In an effort to accomplish the above-stated objectives, OC–5 operates through several fronts, such as: . . . and (5) Public Education on the Intelligence Community (sic).

* * * * *

''In essence, the objectives of OC–5 are to discredit and render ineffective all American intelligence gathering operatiaons—domestic and foreign.''

Thus, everything my statement said in the three paragraphs about Halperin and PEPIC is, as claimed, based on the public record. Yet, Halperin had the gall to grossly twist the facts in an effort to make it appear that I had lied in stating them.

When Senator McCain, questioning Halperin, referred to my statement's above-quoted facts about the Halperin-PEPIC-CounterSpy ties, Halperin claimed:

''The sentence after the one you read about the Organizing Committee says most of these organizations are independent of the Fifth Estate and the Organizing Committee, and then it goes on to list independent organizations who they happen to think are worthy of drawing to people's attention, and one of them is this Public Education Project.

''The attempt in that document to suggest that the Public Education Project was an instrument of the Organizing Committee and that I worked for that and donated my money to them and that is why they listed my publication is an outright lie and a scandalous attack.

''It happens that that organization, which was totally independent of the Fifth Estate, was project of the Youth Project, as is indicated in the document which the people who wrote this for Senator Thurmond had. It was an independent organization. They asked if they could list my name as somebody who was available to speak. Along with many other people I did. I did not in fact end up speaking for them. I did not donate any money for that purpose, and the assertion that I supplied money that went to the Fifth Estate is an outrageous lie.''

Fact: Halperin's testimony that Fifth Estate's annual report listed PEPIC as an ''independent'' organization is false, as a mere reading of its words demonstrates. It did say that ''most'' of the groups it had organized in 1975 were independent, but it clearly did not specify which were and which were not.

The second paragraph of Halperin's just quoted testimony is all falsehood. I did not ''attempt . . . to suggest'' that PEPIC was an instrument of OC–5. I quoted a formal finding of a Senate subcommittee which stated that ''OC–5 operates through several fronts'' and specifically named PEPIC as one of them. I did not ''suggest'' that Halperin ''worked for'' and ''donated'' money to PEPIC. I accurately stated that the Fifth Estate annual report listed him as a member of PEPIC's speakers bureau (which he admits in the next paragraph) and also reported that all its members would be ''donating their . . . fees to PEPIC.'' What reason was there to doubt the word of OC–5, PEPIC's creator, on this point?

Where were the words in which I told, as he testified, ''an outright lie'' in a ''scandalous'' attack?

Third paragraph: Halperin's claim that PEPIC was ''totally independent'' of the Fifth Estate and ''an independent organization'' is flatly contradicted by the report of the Senate subcommittee. Like most people, I choose to believe the Senate subcommittee on this point—and would do so whenever there were conflicting claims between it and Halperin. Obviously, the fact that PEPIC was ''sponsored by'' the Youth Project does not mean it was not, or could not be, a ''front'' for OC–5. I made no ''assertion'' that Halperin ''supplied money . . . to the Fifth Estate.''

Again, who told an ''outrageous lie,'' Morton Halperin or I?

Halperin next offered what he claimed was ''another example'' of an ''outright lie'' in my ''scandalous'' attack on him:

''one of the charges is that Organizing Notes listed Mr. Agee's book under 'Memoirs by Former Government Employees.' There is in fact such a list. It lists the following books.''

Halperin then named nine books and their authors, commenting that various of the authors are supporters and ''strong supporters'' of the agency, and added:

''and I am accused of supporting Agee because Agee's book was listed along with all those others in what was clearly a complete list of memoirs.''

Again, Halperin is, at best, in careless errors and misstating the facts. The relevant part of my statement distributed by Senator Thurmond is as follows:

''In late 1978, Halperin's CPR published a Materials List to assist its members in their agit-prop work against American intelligence agencies. Agee's 'Inside the Company' was included in it under the category 'Memoirs by Former Employees' and his *Covert Action Information Bulletin* under 'Sources of Information.' ''

Obviously, contrary to his claim, the part of my statement about which Halperin was testifying did not even mention ''Organizing Notes.'' The so-called Campaign for Political Rights which Halperin chaired did, as he admits publish a 16-page Materials List dated ''12/78.'' It had numerous sections and subsections—''General Organizing Information'', ''Litigation'', ''U.S. Government and Foreign Intelligence Agencies'', ''FBI'', ''Local and State Police Spying and Harassment'', ''Surveillance of Women'',''Surveillance of Black Americans'', etc, etc.

The two-page ''Central Intelligence Agency'' section was subdivided as follows: ''General'', ''Specific Countries or Regions'', ''CIA and Human Rights Violations Abroad,'' ''The CIA and Labor,'' ''CIA—Mind Control Testing,'' and, finally, ''Memoirs by Former Employees,'' which listed the works cited by Halperin, including Agee's ''Inside The Company: CIA Diary.''

Completely false, however, is Halperin's testimony that the books in the ''Memoirs'' subsection ''was clearly a complete list of memoirs.'' His Materials List itself contradicts him on this point because in other subsections it mentions at least three other works that qualify for the Memoirs category, all published by December 1978 and all omitted from it: ''The CIA and the Cult of Intelligence'' by Victor Marchetti and John Marks; ''Decent Interval'' by Frank Snepp, and John Stockwell's ''In Search of Enemies.''

In addition, there are other works that could be included: ''The Real CIA'' by Lyman Kirkpatrick; ''Street Man'' by E. C. ''Mike'' Ackerman; ''The Counter-insurgency Era'' by Douglas Blaufarb, and ''The Game of Nations'' by Miles Copeland.

Completely phony, therefore, is Halperin's implication that he is absolved of any blame for including promoting Agee's book because it is a memoir and thus has to be included in a ''complete'' list of such works. The truth is

that the list was not comprehensive and any of the above-listed books could have substituted for Agee's, but Halperin's CPR chose to name Agee's book rather than any one of the others. Why?

Interestingly, Halperin changed his story in submitting his written ''detailed response'' to my statement to the committee: He wrote:

''It is true, as the piece [McNamara's statement] claims, that CPR published a Materials List which included Agee's ''Inside the Company'' and the ''Covert Action Information Bulletin.'' The list also included books by . . . , all of whom present far different views of the CIA. CPR was simply providing a reference list of materials on intelligence organizations.''

Now it is a mere ''reference list.'' What happened to his testimony's ''complete list of memoirs''? Could it be that he lied when he made that claim?

Was Halperin and his CPR ''simply providing a reference list of materials on intelligence organizations'', or promoting something, when it noted that its Materials List ''differs from a bibliography in that all materials can be currently obtained from the organizations and individuals listed. Please request materials from the noted source'' and then, immediately after the title of Agee's book, listed the following source:

''(Penguin Books or Center for National Security Studies.)''

So it turns out that Halperin's CNSS not only stocked and peddled Agee's book, but his CPR also publicized this fact through its Materials List!

To the above-quoted claim about a simple ''reference list'' in his written response submitted for the record to the Armed Services Committee, Halperin added:

''The piece goes on to say that 'Organizing Notes' 'promoted' 'Counterspy' and the 'Covert Action Information Bulletin.' As with the Materials List discussed above, the piece is misconstruing the presentation of reference information as endorsement.''

But did I misconstrue the above presentation of mere ''reference information'' about Agee's book as endorsement by Halperin? Why else would Halperin stock and sell it, but not any other of the nine books on the list? And what about the following items in his CPR Materials List, not included in my original statement?

1. At the end of the Memoirs by Former Employees section we read:

''See . . . Newsletters—Counterspy, Covert Action Information Bulletin. . . .

2. In the Research section (p. 3) we also read:

''See . . . CIA—'Dirty Work' (article on 'How to Spot a Spook')'' ['Dirty Work' was the short title for Agee's book, 'Dirty Work: The CIA in Western Europe'].

''Newsletters: 'Covert Action Information Bulletin' (How to Research and Expose CIA personnel).''

3. In the CIA ''Specific Countries or Regions'' section, we are again treated to:

''''Dirty Work: The CIA in Western Europe.' Philip Agee and Louis Wolf. Compilation of articles, a guide on 'spotting a spook,' and a listing of 700 alleged CIA agents in Western Europe. 1978. $24.95. $10.00 discount if purchased from 'Covert Action Information Bulletin' with a subscription order. (Lyle Stuart, Secaucus, NJ or CAIB.)''

4. In the Newsletters section, the CAIB is the second one recommended (p. 12). Its promotion takes this form:

''Covert Action Information Bulletin. Following in the footsteps of Counterspy, this periodical has included articles about CIT activities in Jamaica, research ideas, and CIA recruitment of foreign officers. Published bimonthly; $10.00 a year in U.S., $16.00 overseas. (CAIB)''

5. In this same section, the first-listed item is CAIB's predecessor and sister publication which, like it, relished exposing the identities and locations of CIA overseas personnel:

''Counterspy. Covered variety of issues including CIA in Jamaica, Chile, South America; CIA use of unions overseas and the League of Women Voter's Overseas Fund; Garden Plot (national emergency plan). Selected issues, $1.50 and xerox copies (cost) available. (Public Eye.)''

6. CounterSpy also turns up in two other sections of Halperin's CPR ''Materials List'', as the source for:

''''Jordan: A Case of CIA/Class Collaboration.' This booklet describes CIA involvement in Jordan. 1977; $1.00 (Counterspy, Box 647, Washington, DC 20044.)''

Under the SURVEILLANCE OF WOMEN subsection, we again find: ''See . . . Newsletters . . . Counterspy''

Whatever you do, do not misconstrue any of the following above-quoted words and phrases as endorsement of CAIB or Counterspy, or as an indication that Halperin, boss of the CPR, was supporting Agee or his effort to expose CIA personnel:

''How to spot a spook—how to research and expose CIA personnel—a guide on 'spotting a spook'—a listing of 700 alleged CIA agents in Western Europe—CIA in Jamaica, Chile, South America—CIA involvement in Jordan.''

Why shouldn't you believe any of the above could possibly be mistaken for support for Agee? Because, in his ''detailed response'' to ''the piece'', Morton Halperin told the SASC ''I never supported nor condoned his [Agee's] activities'' and Halperin is the very embodiment of candor, openness and truth!

HALPERIN AND BILLS TO PROTECT IDENTITIES OF U.S. INTELLIGENCE AGENTS

Testifying before the Senate Judiciary Committee in 1981 as director of the Center for National Security Studies (CNSS), Halperin stated:

''We do not condone the practice of naming names and we fully understand Congress' desire to do what it can to provide meaningful protection to those intelligence agents serving abroad, often in situations of danger.''

It sounded great—as though he and his CNSS cronies were all for the national effort to end the damaging and dangerous exposures of covert U.S. intelligence personnel and would support legislation to accomplish that purpose.

Doubts about that existed, however, because of another statement Halperin, this time speaking for the ACLU, had made to the Senate Intelligence Committee a year earlier:

''I think a citizen has a right to impair and impede the functions of a Government agency, whether it is the Federal Trade Commission or the CIA. The fact that your intent is impair or impede does not make your activity a crime if it is otherwise legal.''

Halperin placed no restrictions or limits on the devices used ''to impair and impede,'' leaving open the possibility that even the technique of impairing by deliberate exposure of covert intelligence personnel was any citizens ''right'' in his view [a year later, the Supreme Court held that such exposures ''are clearly not protected by the Constitution'', i.e., they are not any citizens ''right'']. Additionally, in testimony before the House Intelligence Committee in 1981, again representing the ACLU, Halperin had stated:

''I am not sure we would ever reach the point where we would support any legislation [to criminalize the deliberate exposure of agents].''

Just where did the slippery-worded Halperin really stand on the issue?

The only way to find out is to check his actual record, as revealed by his testimony pro or con various identities protection bills. Here it is:

1/30/80: House Intelligence Committee, ''Proposals to Criminalize the Unauthorized Disclosure of the Identities of Undercover United States Intelligence Officers and Agents.'' Testified for the Center for National Security Studies, which he directed, in opposition to the proposals (p. 66, et sequitur).

3/27/80: House Intelligence Committee, ''H.R. 6588, The National Intelligence Act of 1980.'' Testifying for the CNSS, Halperin opposed the intelligence identities protection provisions of the proposed act (pp. 138–142).

6/25/80: Senate Intelligence Committee, ''Intelligence Identities Protection Legislation.'' Representing the ACLU, Halperin opposed the legislation (p. 88, et sequitur).

9/5/80: Senate Judiciary Committee, ''Intelligence Identities Protection Act, S. 2216.'' This time, again representing the Center for National Security Studies (CNSS), he opposed the bill (p. 98, et sequitur).

4/8/81: House Intelligence Committee, ''H.R. 4, The Intelligence Identities Protection Act.'' Back this time wearing his ACLU hat, he once more took a position against the proposed law (p. 73, et sequitur).

5/8/81: Senate Subcommittee on Security and Terrorism, ''Intelligence Identities Protection Act of 1981—S. 391.'' Back in his CNSS of the ACLU cloak, he again took the ''anti'' position (p. 70, et sequitur).

My statement submitted to the Senate Armed Services Committee said; ''Halperin campaigned hard against all bills introduced to criminalize exposures of the identities of U.S. intelligence personnel, though the Supreme Court had held (in its Agee passport decision) that such activities 'are clearly not protected by the Constitution'.''

Halperin branded my charge ''an outright lie'' in his written ''detailed response'' to my statement submitted to the committee (hearing, p. 182).

But where was my lie? Can he produce evidence in any House or Senate hearing record that he ever supported any bill under consideration?

Of course not. And why did he make no attempt to refute my charge that the CPR, which he chaired, coordinated the mass signing of letters to the House and Senate which urged the weakening of bills under consideration?

As a member of AFIO, the Association of Former Intelligence Officers—whose members represent every intelligence agency of the U.S.—I was aware that in 1980 it had passed a resolution urging enactment of an identities protection bill and followed developments in this area closely. John Warner, former General Counsel of the CIA, was serving as legal adviser to AFIO in 1982 when Congress passed, and the President signed, the desired protection bill. Commenting on the March 18 Senate 90–6 vote for the bill, Warner wrote in Periscope, official AFIO newsletter:

''This vote is a significant achievement for those who support a strong and effective intelligence service. The American Civil Liberties Union (ACLU) and the Center for National Security Studies (CNSS) (read: Jerry Berman and Morton Halperin respectively) had great influence in proposing some weakening amendments which had been given approval by the House Intelligence Committee on HR–4 and the Senate Judiciary Committee on S–391. The bills as reported by these two committees were amended, however, after floor debate in the House and Senate, to the language supported by President

Reagan, CIA, the Department of Justice—and AFIO. (Jerry Berman of ACLU was quoted in the Washington Post after the Senate vote, as admitting 'we [ACLU] took a bath.')

''While ACLU and CNSS apparently can influence some congressmen and certainly initially had their way in the House and Senate committees, the majority sentiment in both houses, when it came to a floor vote, demonstrated strong congressional support for CIA and the US intelligence effort.''

Warner was thoroughly justified in pairing Berman and Halperin in his account. Berman, an ACLU attorney, served as counsel for its Project on National Security which Halperin directed. He also served as chief legislative counsel for the Center for National Security Studies which Halperin also directed and, over the years had worked hand-in-glove with Halperin on many issues involving intelligence and national security, opposition to enactment of an agents' identities protection bill being just one of them.

On June 24, 1982, I attended a hearing of the Senate Subcommittee on Security and Terrorism. Berman was there, too. When the session ended, we spoke briefly in the hall outside the hearing room. Referring to President Reagan's signing the identities protection bill into law at CIA headquarters the day before, Berman said to me:

''It's incredible how Mort [Halperin] and I kept Congress from doing anything about it for six years.''

The ''it'', of course, was the deliberate exposure of covert U.S. intelligence personnel by Agee, ''CounterSpy'' and the ''Covert Action Information Bulletin''.

That statement, coming from his close working associate for a period of years on such matters—combined with the bill hearings record cited above—reveals Halperin's true position on the question of ''naming names.'' According to Berman, they—he and Halperin—did not want Congress to do anything to stop the continuing exposure of American intelligence agents; they did not think they had a chance of succeeding in their efforts on the issue; yet, in an ''incredible'' development, they had prevented any effective Congressional action for six full years! [Their intense lobbying, buttonholing, testifying and related actions were known to all interested in the matter].

One thing is clear. Halperin lied when he accused me of lying about his opposition to intelligence agents identities protection bills.

He also lied to Senator Levin on the issue in his Armed Services Committee testimony, according to Herbert Romerstein, now retired, who headed the USIA's Office to Counter Soviet Disinformation and Active Measures and, before that, was a professional staff member of the House Intelligence Committee when Halperin testified before it on agent identity bills in 1980.

Responding to a question by the Senator about his role in the House Intelligence Committee's action on an identities protection bill ''making it a crime to disclose the identity of covert intelligence agents,'' Halperin testified—

''That is right Senator. It was in two parts. There was a part relating to people like Philip Agee, who were former government officials, which we actively supported from the beginning, and there was a second provision which put the people who were naming names out of the business of naming names while protecting the right of legitimate journalists to report on intelligence matters.''

Halperin ''was not telling the truth,'' Romerstein wrote in ''Human events'' shortly after Halperin's appearance, ''I was present during his testimony'' and in it he said ''any effort to cover individuals who have not had authorized access to classified information is inherently flawed . . . the Constitution does not permit the prosecution of those individuals.''

The record bears out Romerstein's claim. Later in his testimony that same day, Halperin stated emphatically that once someone had gotten the name of an agent by some means other than official access ''the cat is out of the bag . . . there is no way constitutionally to deal with the problem.''

It has been Halperin's consistent position that, while an Agee could be punished for revealing agents' identities he had learned by authorized access to classified information, such conduct by others who have learned identities by other means is completely protected by the Constitution and cannot be criminalized.

How, then, could he have supported bills that took a contrary position, as the one eventually enacted did?

And how could he, without lying, tell the Senate Armed Services Committee in his written reply to my charges that he ''worked hard . . . to formulate constitutional laws that imposed strict criminal penalties on those who would reveal undercover agents''?

MORTON HALPERIN: THE NON-CHAIR, NON-DIRECTOR, NON-ENTITY?

Halperin has held important-sounding titles in the anti-security, anti-intelligence drive of the '70s and '80s. The ACLU, having given ''top priority'' in 1970 to a nationwide driven aimed at ''the dissolution of the Nation's vast surveillance network'' (its collective description of the CIA, NSA, DIA, FBI, etc. and the security-intelligence elements of state and local police) that same year set up the Committee for Public Justice (CPJ) headed by the unrepentant ''ex''-Communist, Lillian Hellman who, when she died in 1984, left part of her $4 million estate for the establishment of a fund for Communist writers. Halperin served on the executive council, newsletter committee and wrote for the newsletter of the CPJ which had the FBI and Department of Justice as its targets.

In early 1974, the ACLU Foundation, jointly with the Fund for Peace, organized the so-called Center for National Security Studies (CNSS) to serve as the research and documentation element of the drive. Halperin soon became CNSS director and held that post until he resigned in late 1992, remaining as Chair of its Advisory Committee. The next creation was the Project on National Security and Civil Liberties, sponsored by the ACLU Foundation and the CNSS (headed by Halperin). Halperin also became director of this litigating arm of the nationwide operation. In September 1975, ''First Principles'' was launched, published by the Project on National Security and Civil Liberties, which Halperin directed. Halperin became the chief editorial writer for this information-propaganda newsletter of the drive. Finally, when the Campaign to Stop Government Spying (CSGS) was organized as a united front agitprop force for the operation in 1977, Halperin emerged as its chairman. He retained his chairmanship of this anti-intelligence conglomerate when it changed its name the following year to the Campaign for Political Rights (CPR) and held the post until the CPR folded in 1984 or so.

The CPR initially billed itself as ''a project of the Youth Project'' of Washington, D.C. It later described itself as ''a national coalition of over 80 religious, educational, environmental, civic, women's Native American, black, latino and labor organizations which have joined together to work for an end to covert operations abroad and an end to political surveillance and harassment in the United States.''[3]

The CPR began publishing ''Organizing Notes'' (''ON''), its official monthly which, in time, began featuring an ''Update'' section, saying that the section was ''a combined effort of *First Principles* [published by Halperin's CNSS] and *Organizing Notes* [published by Halperin's CPR].''

My statement noted that ''CounterSpy'' was on the Steering Committee of both the CSGS and the CPR, and that the ''Covert Action Information Bulletin (CAIB)'' was also on that of the CPR (not formed until 1978, the CAIB did not exist when the front was launched in 1977 under its CSGS title), and commented that ''as chairperson of both . . . Halperin must have had some say about just which groups would be invited to join, and which would be selected for leadership positions in, his organization.''

Halperin's reply to the Armed Services Committee: ''The piece tries to link me to ''CounterSpy'' and OC5 through my chairmanship'' [of CSGS–CPR]. ''It lists a number of the member organizations of CPR and its steering committee . . . and asserts that I had control over that membership. On the contrary, the policy of CPR at that time was that any organization could join.''

Another Halperin lie. I did not write that he ''had control'' over the CSGS–CPR membership, but only that he ''must have had some say'' about it. Did he attend any meeting at which the CPR's ''open to all'' policy was discussed or agreed upon. Did he say so much as a word about it—pro or con? The chairperson of a group having absolutely no say at all about so basic an issue? Come on!

My statement also noted that ''Organizing Notes,'' the publication of the CPR which was chaired by Halperin ''routinely promoted both Agee's ''CAIB'' and ''CounterSpy'' as containing worthwhile material of value to its readers,'' and commented that ''as chairperson of the CPR he had to be responsible for its contents, just as he was for the contents of the CPR's 'Materials List'.''

Halperin's response to the committee: ''This is false; an editorial staff made decisions about its contents.''

What kind of dim-witted ''refutation'' is this? Does the fact that the chairperson of an organization has an editorial or any other kind of staff free him of all responsibility for the work it does, no matter how atrocious its product? Please!

My statement also said: ''Halperin's 'First Principles', like 'ON','' also routinely gave favorable notice to the contents of current issues of both ''CounterSpy'' and ''Covert Action Information Bulletin.''

Halperin's response: Not a word.

Strange. As director of both the ACLU's Project on National Security and its Center for National Security Studies, each at different times the publisher of ''First Principles'' (which, like his CPR, had an editorial staff), Halperin says elsewhere that he is ''proud'' of his work with the two organizations and expects to be ''held accountable'' for it. He does not offer in this case, however, the ridiculous ''no responsibility'' defense he offered in the case of the CPR's ''Organizing Notes.'' At the same time, while refusing to accept responsibility for the CPR's organizational membership and leadership and its repeated plugs for Agee's publications, he apparently accepts responsibility for its Materials List compilation of CIA memoirs by presenting a false argument in its defense. Just where does he stand on this issue of his authority, responsibility and accountability?

He has a language problem here. Webster's Dictionary of the American Language defines ''chairperson'' as one who ''heads a committee, board, etc.'' and variously defines ''head'' as ''a dominant position, position of leadership or first importance . . . a foremost person; leader, ruler, chief, etc'';

says that as an adjective says means ''most important; principal; commanding, first'' and, as a transitive verb, ''to be chief of; command.''

A director, it says, is a ''supervisor, manager; a person who directs or controls''; that ''direct'' means ''to manage the affairs of; guide; conduct; regulate control'';

So, for example, I was deeply involved in the ACLU decision to file amicus briefs on behalf of. . . .

''So I did have a line responsibility for decisions about what cases to undertake or what amicus briefs to file.'' (pages 33, 34. Emphasis added).

If Helperin exercised this much authority in the ACLU itself where he was technically merely in charge of its Washington office, how much more power must he have wielded in its various projects, fronts, etc. in which he was technically the overall boss as director, chairman, etc.?

HALPERIN'S HOKUM ON AGEE'S SOURCES

Responding to my charge that Halperin had testified that ''it is difficult to condemn'' people who expose CIA personnel on the basis of information gleaned from State Department documents, he claims that my statement ''completely misrepresents'' his views and that ''when the context for that fragment is provided'' it is ''clear that the quoted clause did not refer to someone like Philip Agee who learned identities as a result of access to classified information.''

More Halperin hokum—as he makes clear in placing the ''fragment'' in context. His exact testimony read:

''I think where the CIA has not seen fit to provide appropriate cover for individuals, and it is easy . . . it determine the name simply by looking at State Department publications, that it is difficult to condemn people who do that.'' (emphasis added)

That is precisely one of the things Agee and his CounterSpy—CAIB crews were doing—''looking at State Department publications,'' specifically its unclassified Foreign Service List and Biographic Register, among others. The first contained the names of all U.S. Foreign Service officers and the second brief biographic sketches of all U.S. employees working in the field of foreign affairs, which obviously embraces many more than State Department personnel.

This practice was clearly what I was referring to in my words ''information gleaned from State Department documents,'' and I placed his quote completely in its correct context, his claim to the opposite notwithstanding.

Because it was known that analyses of these publications were being used by the Agee crowd and others to help them uncover CIA personnel using diplomatic cover, the Department announced in early 1976 that it was halting publication of both. The Foreign Service List would not appear again, and the Biographic Register, last published in 1974, would be classified ''for official use only'' when again released, and contain more discreet background information.

It is amazing that Halperin would assert in 1993 that his words, as quoted completely in context by me ''did not refer to someone like Philip Agee who learned identities as a result of access of classified information.'' (emphasis added)

Why? Because only an idiot would believe that, 10 years after he left the CIA after service in only three countries, Agee could be making continuing exposures of Agency personnel, fronts and covert operations in all parts of the world on the basis of the official access he had had while in the CIA. The CIA simply is not ''built'' to give any of its employees such knowledge. Consider, in addition, the following among other similar facts that could be cited to demonstrate how ridiculous Halperin's claim about Agee's sources is:

The Supreme Court, in its 1981 decision upholding the authority of the Secretary of State to deprive Agee of his passport, pointed out that when Agee released a list of alleged CIA agents at a 1974 London press conference, he said the list—

''was compiled by a small group of Mexican comrades whom I trained to follow the comings and goings of CIA people before I left Mexico City'' [where he had been working on his first book].

The Court also noted, based on unchallenged judicial evidence, that Agee travels to target countries and—

''recruits collaborators and trains them in clandestine techniques designed to expose the 'cover' of CIA employees and sources.''

In the introduction to his first book, ''Inside The Company: CIA Diary,'' Agee thanked the Cuban Communist Party, other Cuban agencies and a number of individuals and groups in New York City, London, Paris and Mexico City for the help they had given him in collecting data and research materials for it.

As Jeff Stein wrote of ''Inside The Company,'' in ''The Village Voice'':

''the book drained his [Agee's] mind of every agent, code name, and cover operation he could remember.''

His ''Covert Action Information Bulletin'' stated truthfully in its issue of January, 1979:

''The naming of names in books and in publications like this Bulletin have nothing to do with people Philip Agee may have met while in the employ of the CIA. And, of course, Louis Wolf [a member of the Bulletin's editorial board] and most of the other journalists who are engaged in this struggle to expose the CIA were never in such government employ.''

William Schaap, Ellen Ray, and Louis Wolf, all CAIB editors, testified before the House Intelligence Committee in January 1980. Speaking for the group, Schaap said:

''You might all be interested to know that Mr. Agee has not, to our knowledge, named any names in more than 3 years, and that applies as well to both ''Dirty Work'' and ''Dirty Work 2,'' the two books which we sitting before you have coedited [with Agee].''

The late Rep. Larry McDonald stated in Congressional Record remarks on July 20, 1976:

''It is known that the names of alleged CIA personnel in London featured in the Spring '76 issue of ''CounterSpy'' were provided by the International Marxist Group, a British Trotskyist group associated with the FI [Fourth International, the Trotskyist equivalent of the Comintern], headed by IPS's [Institute for Policy Studies'] Tariq Ali.''

McDonald also revealed in the June 16 Record that year that the names of the alleged CIA personnel in Africa named in the same ''CounterSpy'' issue had been provided by the Black Panthers and the left-wing Paris publication, ''Liberacion.''

Agee cites Julius Mader's ''Who's Who in the CIA'' as a source. Published in 1968, this was a joint production of the Communist East German and Czech intelligence services (Mader was an East German intelligence officer). Deliberately, only about half those listed in it were actually CIA personnel.

When Agee and William Schaap announced the publication of the ''CAIB'' at the Moscow-sponsored 11th World Festival of Youth and Friendship in Havana in July 1978, they also announced the formation of Counter-Watch, which was to be a worldwide network of agents dedicated to exposing CIA personnel everywhere. Agee said Counter-Watch would give him—

''a great opportunity to continue my work of recent years . . . so that the people are able to learn about the methods, or exactly how to identify the CIA personnel in different countries'' (emphasis added).

[Schaap said Halperin's CNSS was represented in Havana for the occasion and that a Damu Smith was also there on behalf of Halperin's Campaign to Stop Government Spying (CSGS).]

Louis Wolf, the ''CAIB'' editor who coedited ''Dirty Work'' with Agee, addressed over 500 delegates to the Havana Youth Festival, describing in detail how they should go about uncovering the identities of CIA personnel who were using military and diplomatic cover. The ''CAIB'' reprinted the text of his remarks for their educational value in its second (10/78) issue.

Agee himself, in addition to attending the Soviet-engineered festival contributed an article to the first issue of ''CAIB'' distributed gratis to the delegates. His article was no more than a somewhat altered version of the introduction to ''Dirty Work.'' In it he said that ''a continuing effort—and a novel form of international cooperation'' could ultimately lead to the exposure ''of almost all of those [CIA personnel] who have worked under diplomatic cover at any time in their careers.'' He spelled out the five-step method he had in mind for accomplishing this, which included the acquisition of lists of all Americans employed in official U.S. offices in each country, obtaining old Foreign Service Lists and Biographic Registers from libraries, getting copies of the Diplomatic and Consular Lists regularly published by all Foreign Ministries, etc.

Check the information obtained carefully, he said, then publish it and organize demonstrations: ''Peaceful protest will do the job. And when it doesn't, those whom the CIA has most oppressed will find other ways of fighting back'' a backhand watch to violence against CIA personnel.

From the viewpoint of Halperin's operations, however, the most interesting item was the opening sentence in the third of his five-step methods:

''Check the names as suggested in the various articles in 'Dirty Work,' especially John Marks 'How to Spot a Spook.' ''

Who was John Marks?

The November 1974 Washington Monthly which originally published his ''spook'' article, noted that he was ''an associate'' of Halperin's CNSS, as did the Washington Post when it published his article, ''The CIA's Corporate Shell Game'' in 1976 (both of which were reprinted in Agee's ''Dirty Work''). At the time Agee was preparing his above-mentioned ''CAIB'' article with its promotion of Marks' opus, Halperin's ''First Principles'' listed Marks as the ''CIA Project Director'' for the CNSS, which Halperin directed. Halperin's CNSS reprinted and sold Marks CIA corporate shell game article in pamphlet form. Marks was also a member of the Speakers Bureau of Halperin's CSGS, and his spook article was promoted by Halperin's CNSS and CPR (e.g., see previous Materials List section).

A former employee of the State Department's Bureau of Intelligence and Research, Marks first won notoriety when, under the name Terry Pollack, he wrote an article, ''Slow Leak In The Pentagon,'' for Ramparts magazine in 1973. Subtitled ''the informal art of leaking,'' it recounted how a federal employee with access to top-secret Pentagon documents had come across a highly sensitive paper of the Joint Chiefs of Staff and, through a Congressional aide, leaked it to the New York Times. A leakers A–B–C, it was believed to be autobiographical.

The evidence is thus overwhelming that Agee's ''CounterSpy—CAIB'' exposures of

CIA personnel, contrary to Halperin's testimony, are not based on his access to classified information while in the employ of the CIA. To put it another way, there is a superabundance of information indicating that Morton Halperin, the claimed and alleged authority on intelligence and national security, is in reality a pathetic ignoramus about such matters.

And isn't it strange that Halperin, who has repeatedly testified that he is opposed to ''naming names,'' that he has counseled others not to do so when asked for advice on the matter [who and when?] and, that he ''detests'' what Agee does, should have as director of his CIA studies-action program, a man known throughout the world for his pioneering article on the techniques for uncovering and exposing covert U.S. intelligence officers? And isn't it also strange, in view of his same testimony, that his CNSS and CSGS–CPR have given so much favorable mention to Marks' ''spook'' article?

[FBI agents searching the apartment of Halperin's friend and convicted spy [———], found three photocopies of State Department biographies on foreign service personnel with this typed notation on them: ''Almost definite spook.'' Truong was a student of Halperin's CIA Project Director, John Marks, even adopting his language to designate suspected CIA officers.]

But is Halperin really that ill-informed and unintelligent?

There is evidence to the contrary. In the same testimony in which he said it is ''difficult to condemn'' exposers who had never had access to classified information but learned identities by various analytical techniques, he revealed thorough knowledge of the instruments used in their analyses: he referred to the State Department's halting publication of the Biographic Register, of Embassy telephone directories; pointed out that articles on identification methods had been widely distributed (a reference to his friend John Marks ''How to Spot a Spook'', which he had publicized), etc., and testified knowingly that ''the people who want to publish the names of agents, the Covert Action Publishers, don't need the advice of Mr. Agee or any other former official; they could do it without that, and don't need access to classified information.''

Clearly, Halperin knew that the exposures in Agee's ''CounterSpy—CAIB'' were not based on access to classified information.

Why, then, was he spreading the hokum that Agee's identities were ''a result of access to classified information''? Only Halperin can answer that.

But it is clear what would have happened if the House and Senate believed the line he was peddling: Congress would have enacted identities ''protection'' legislation that was completely useless. Criminalizing only exposures based on authorized access to classified information, it would not touch Agee because it could not be retroactive and he is incapable of additional such exposures, having long ago exhausted his knowledge of that type.

Basically, the only real result would be to protect the Agee's ''CounterSpy—CAIB'' cabal from prosecution while it continued its dirty work of exposing covert U.S. intelligence officers, by analytic technique, thus endangering their lives as well as the national security.

NY ''VAGUE ACCUSATION''

My statement opposing Halperin pointed out that ''part of the public record of Morton Halperin's actions relative to 'Counterspy' . . . and Philip Agree'' was the fact that he had been singled out for praise in ''Counterspy's'' winter '76 issue which extended ''special thanks'' to 21 people, his name and nine other among them being printed in bold type for emphasis.

It also noted that the magazine did not say what the special thanks to Halperin were for, but offered several possibilities based on the public record. Perhaps, I suggested, it was for many speeches he had made, turning over his fees, as pledged, to PEPIC; perhaps for his favorite review of Agee's book in ''First Principles'', but concluded logically ''it could have been for any number of things he might have done for ''Counterspy''. All we can do is speculate—until Halperin reveals it with substantial evidence to support whatever claim he makes.''

Halperin's response: ''It is difficult to respond to an accusation as vague as this one. . . . I do not in fact know what motivated the editors of ''Counterspy'' to mention me.''

Fact: I did not accuse Halperin of anything, vague or otherwise. I simply stated a fact he cannot dispute: ''Counterspy's'' publicly printed special thanks to him and called on him to say what they were for.

Do you believe that he does not know what they were for?

Following the murder of CIA station chief Richard Welch in Athens in December 1975, ''Counterspy'' was probably the most notorious and despised publication in the non-Communist world. As it continued its exposures, the initial denunciations of it—strong as they were originally—grew more intense in the press, on radio and TV, on the floor of Congress and in other public forums. And what did readers see immediately upon opening the issue that, in effect, marked the first anniversary of Welch's death?

On the contents page, under the names of ''Counterspy's'' editorial board members and the two ''coordinators'' of the issue, an item calling special attention to Halperin's name as one meriting the magazine's gratitude. Not only that, but just about opposite it was the title of an article beginning on page 26: ''CIA Around the World/Who was Richard Welch/CIA Agents Named in Europe and Zaire.'' That was really rubbing it in.

If, as Halperin testified, he ''detests'' Agee and what he does, he must have cringed in shame. He surely was so mortified that he would never be able to forget the incident and what caused it, no matter how many years passed. His good name tarnished forever!

But he apparently has no recollection of the incident or what led to it!

Presuming he was really desirous of answering my ''vague accusation,'' couldn't he have gotten in touch in some way with Julie Brooks and/or Harvey Kahn, coordinators of that ''CounterSpy'' issue—or Tim Butz, Eda Gordon, Winslow Peck, Dough Porter, or Margaret Van Houten—all editorial board members at the time and presumably knowledgeable about the reason for ''CounterSpy's'' gratitude.

Did he try? If so, and he reached one or several of them, what was he told? If he didn't try, why didn't he?

Finally, there is this: Halperin compiled for the committee a detailed list of honors and awards he has received, his employment record, organization memberships, published writings, the texts of speeches he had delivered, etc. going back years prior to 1976.

Strange, isn't it, that this is one thing apparently not recorded or recalled:

But, let's be fair to Morton. As he told the committee, my accusation was ''vague,'' really vague, so vague as to be ephemeral, amorphous. Since it was based completely on ''innuendo,'' expecting him to respond to it would be like asking him to bottle smoke or nail jello to a wall.

JUST HOW ''ABSURD'' WERE COUNTERSPY AND CAIB?

Admitting my charge that ''CounterSpy'' included on its ''Resource List'' two groups he directed, Halperin comments that he is ''proud'' of his work with the groups and claims it is ''absurd'' to imply that he was ''in any way supporting'' the magazine because of this.

No doubt he would make the same comment had I included another similar fact in my statement: that the initial issue of Agee's ''CAIB'' featured on its inside back cover an item entitled ''Publications of Interest'' and a subhead ''Some Worthwhile Periodicals.'' Only four periodicals were listed under the subhead presumably because they were the only ones Agee and his crew knew of and believed would be useful to the delegates to the Soviet-sponsored Havana conference and to ''CAIB's'' other readers.

The first-listed was ''First Principles,'' the organ of Halperin's CNSS, its address and subscription price followed by this parenthetical statement: ''An excellent review of the abuses of the U.S. intelligence community, with a comprehensive bibliography in each issue.''

Third listed was ''Organizing Notes,'' the newsletter of Halperin's CPR. Noting that it was ''available by request to the Campaign'', the CAIB made this comment after giving its address:'' (It is suggested that foreign requests include a contribution to cover airmail postage.) (A review of activities in the U.S. involving the surveillance practices of the CIA, FBI, and other intelligence agencies.)''

[The other two listed were the publications of the New York-based North American Congress on Latin America and a ''counterspies'' magazine published in London.]

What was the significance of this ''CAIB'' item?

Agee and his ''CAIB'' cronies had been in the business of naming names for at least five years (since the first issue of ''CounterSpy'' was published in 1973) when they launched their magazine in Havana in 1978. During those five years they had full opportunity to analyze reactions pro and con their operations and to draw conclusions about who their enemies, critics, opponents, etc., were and also who their supporters, allies, defenders, sympathizers and apologists were.

''First Principles'' had been published since 1975, ''Organizing Notes'' since 1977. The ''CAIB—CounterSpy'' personnel had apparently read or subscribed to them because, as my original statement noted, ''CounterSpy'' had more than once given favorable notice to both. Sufficient time had elapsed for the CAIB people to assess the past performance of both publications and, presuming the continuance of their leadership, their likely future activity.

Perhaps it was absurd for Agee and his collaborators to bring Halperin's publications to the attention of all readers of ''CAIB's'' first issue, with its ''Worthwhile'' plug, in a mistaken belief about their basic orientation. If it was, I, for one, can easily understand how they made their mistake because Halperin fooled me, too, on this issue. Clearly, it was an ''absurd'' mistake for me to believe that anyone else would ever think that Halperin supported ''CAIB'' or ''CounterSpy'' in any way simply because of the complimentary notices those Agee magazines gave his publications.

THE REVOLUTIONARY MESSAGE IN THE HALPERIN-CPR ''MATERIALS LIST''

Chaired by Halperin, the CPR was so thoroughgoing in its efforts to discredit U.S. intelligence agencies that it sought out every possible item that could be used against them, even peddling buttons proclaiming

what it deemed appropriate messages. The last section of its list offered for $1.00 a 2″ diameter button proclaiming ''I am Kathy Power.''

What did this signify?

Katherine Ann Power (''Kathy'' to her friends, allies and defenders), charged with murder, armed robbery, theft of government property and unlawful flight to avoid prosecution, turned herself in to authorities in September 1993 after 25 years as a fugitive from justice. On the FBI's Ten Most Wanted list for 14 of those years—longer than any other woman in history—she had been dropped from it in 1984 for lack of any clues to her whereabouts. How had she ''made'' the list?

''Kathy,'' sister revolutionary Susan Saxe, and three ex-convicts—all ''anti-war'' students at Brandeis University—broke into a National Guard armory in Newburyport, MA, on September 20, 1970 and stole blasting caps, 400 rounds of .30-caliber ammunition, radios and a pickup truck in preparation for their coming revolution against the U.S. Three days later, they robbed a Boston branch of the State Street Bank and Trust of $26,000 to help finance that revolution. As he approached the front door of the bank in response to a silent alarm, police officer Walter Schroeder, a 41-year old father of nine, was shot dead when one of the convicts, acting as a lookout, emptied his machine gun into the officer's back. Kathy drove the getaway car.

The three convicts were captured shortly thereafter. Power and Saxe, also wanted for the $6240 holdup of the Bell Savings and Loan Association in Philadelphia on September 1, 1970, escaped. A thoroughly unrepentant Saxe, captured in 1975, pleaded guilty to all charges the following year.

''Kathy'' Power continued to elude authorities for 18 more years—a tribute to the effectiveness of the terrorist underground in the U.S. Since her surrender, she has been offered $500,000 for her story. State judge Robert Banks, sentencing her to 8–12 years and 20 years probation for the robbery-murder, directed that she not profit a penny by her story or he would change her sentence to life imprisonment, declaring:

''I will not permit profit from the lifeblood of a Boston police officer.'' Schroeder's eldest child, Clare, now a police officer herself, in court at Power's sentencing, commented, ''He gave his life to protect us from people like Katherine Power.''

A federal judge later sentenced Power to five years for the armory robbery (to be served concurrently with the state sentence) and a $10,000 fine. Power's lawyers and the Massachusetts ACLU—true to typical ACLU performance—are appealing the no profit element of her robbery-murder sentence as violating her First Amendment right to free expression.

''Kathy's'' crimes were eight years old when the CPR's Materials List supporting her message of defiance of the FBI and the U.S. system of justice was released in 1978. By that time, all her associates in her crimes had either confessed to, or been convicted of, them. There was little or no question about the guilt of the revolutionary fugitive who was still successfully evading the law and justice.

Yet that was when Halperin's CPR chose to defend and glorify her—''I am Kathy Power''—to hold her up as a model who merited the support and adulation of the American people.

FOOTNOTES

[1] District Courts: *U.S.* v. *Clay*, '70; *U.S.* v. *Smith*, '71; *U.S.* v. *O'Baugh*, '69; *U.S.* v. *Brown*, '73; *U.S.* v. *Stone*, '69; *U.S.* v. *Hoffman*, '71; Circuit Courts of Appeals: 9th (*Buck*); 5th (*Clay*, *Brown*) 3rd (*Butenko*).

[2] ''The Nationwide Drive Against Law Enforcement Intelligence Activities,'' Hearing, Subcommittee on Internal Security, Committee on the Judiciary, United States Senate, 94th Congress, First Session, September 18, 1975. ''Freedom of Information Act—Appendix'' Hearings, Subcommittee on the Constitution, Committee on the Judiciary, United States Senate, Ninety-Seventh Congress, First Session, July–December, 1981, Volume 2, Serial No. J–97–50, pp. 383–430.

''FOIA: A Good Law that Must Be Changed,'' Human Events, October 29, 1983, pp. 10–13, particularly 13.

''Will 'Mr. Anti-Intelligence' Get Key ACLU Post?,'' Human Events, December 29, 1984, pp. 10–13, 16.

[3] CPR member organizations included, in addition to ''CounterSpy'' and ''Covert Action Information Bulletin,'' the National Lawyers Guild, cited as a Communist front by House and Senate investigating committees, the National Alliance Against Racist and Political Repression and National Committee Against Repressive Legislation, both cited by the House Committee on Internal Security; Women Strike for Peace, by the House Committee; the National Emergency Civil Liberties Committee, also by both Senate and House committees, and a considerable number of violence-advocating groups such as the Black Panther Party and American Indian Movement, as well as a number of church-affiliated organizations.●

TRIBUTE TO THE SENATE STAFF OF THE 104TH CONGRESS

● Mr. DASCHLE. Mr. President, as the 104th Congress comes to a close, I want to recognize some of the people without whom the Senate simply could not operate—the loyal staff who served this institution with great dedication and pride.

The sacrifices staff make are largely unknown to most people outside the Senate. For instance, during the final weeks of this session, many of the staff of the House and Senate appropriations committees worked over 100 hours straight to finalize the omnibus appropriations bill. When I leave for home after a late night, I generally pass by the Official Reporters of Debates, who face several more hours in the office to finish up that day's CONGRESSIONAL RECORD.

Anyone who understands the Senate understands the crucial role staff plays. Today, I want to thank all Senate staff for their service to the Senate and to the Nation.

In particular, I want to mention some of the people who are responsible for the daily operations of the Senate. I begin by expressing my gratitude to the office of the Secretary of the Senate. We have a new Secretary of the Senate, Gary Sisco. Though he has been on board only a few days, I am confident that Gary will be as easy to work with and will demonstrate the same dependable professionalism of his predecessor, Kelly Johnston.

We also have a new Sergeant at Arms, Gregory Casey. We will miss former Sergeant at Arms Howard Greene's valuable knowledge of the Senate, but I am sure that Greg will approach the job with the same love for the Senate that Howard demonstrated. The Sergeant at Arms has been supported by the capable assistance of the former Deputy Sergeant at Arms, Joyce McCluney, and the current Deputy, Larry Harris. The Sergeant's office is also assisted by the work of Marie Angus and Patty McNally. I would like to give special thanks for the hard work and consummate professionalism of Jeri Thomson, the executive assistant for the minority, who has provided invaluable assistance to me and to my Democratic colleagues.

All Senators, I am sure, are grateful for the counsel and support they receive from the staff who work the Senate floor and Cloakrooms. That assistance has become even more valuable to me since I became Democratic leader.

Our Democratic floor staff works under the excellent leadership of Marty Paone, the Secretary for the Minority. Under great pressure, often with little time and with little margin for error, Marty has time and again provided wise counsel to me and to my Democratic colleagues. Despite the pressures, Marty always finds time to respond to questions from Senator and staff alike—everything from the routine question about timing of votes to the most complex analysis of parliamentary procedure. The rare combination of a sharp mind, even temperament, and indepth experience makes Marty one of the most valuable officers of the Senate, and I want to thank him and recognize him for that. Marty is assisted by the hard work of Maura Farley McGee and Sue Spatz.

Day-to-day management of the floor operation is in the capable and energetic hands of Lula Davis, the Assistant Secretary to the Minority. Lula's ability to juggle multiple tasks—from negotiations over bills that we seek to clear by unanimous consent, to advising Senators and staff on legislative strategy, to acting as informal fashion adviser to many of my colleagues—demonstrates her tireless dedication to making things work around here. Working on the Democratic floor staff with Marty and Lula during the 104th Congress have been Art Cameron and Kelly Riordan, both of whom we have since lost to the Treasury Department and law school, respectively, and Gary Myrick and Paul Brown, who have moved from the Cloakroom and the Democratic Policy Committee, respectively. They were all assisted by the hard work of Brad Austin, who leaves shortly for a professional adventure in Malawi.

Our Democratic Cloakroom staff, Lenny Oursler, Paul Cloutier, Christina Krasow, and Brian Griffin, also provide invaluable assistance in many aspects of our Senate life. Among other things, they field countless queries about what the Senate is doing and when votes will occur, including that age-old question, ''Will there be any more rollcall votes tonight?'' They help us stay on schedule and where we are supposed to be, all while keeping track of the flurry of legislation that moves through here and keeping most of us entertained. I salute them for their hard work and good humor and thank them for their assistance.

It is no exaggeration to say that our ability to navigate the complexities of Senate rules and procedures would be