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We've Been Here Before

By the Editor

Samuel Taylor Coleridge had a view of history which present Middle East policy-makers might do well to ponder:

If man could learn from history, what lessons it might teach us! But passion and party blind our eyes, and the light which experience gives is a lantern on the stern, which shines only on the waves behind us!

Despite Coleridge's pessimistic assessment of the ability of politicians to learn from history, it can be argued that past experience can in fact serve as a guide to the future if there is sufficient similarity between the two situations. Your editor is of the opinion, for example, that we might learn much to guide us through the continuing quagmire of the Iraqi crisis by carefully reviewing events which, in January 1957, led to the adoption by Congress of the first Middle East resolution authorizing the use of force by the United States to prevent "direct armed aggression and indirect subversion" in the area. The quoted words are those of President Eisenhower in a letter to Senator Knowland, the minority leader.

The first Middle East congressional resolution had its genesis on a cold December night in 1956. The then chairman of the Joint Chiefs of Staff, Admiral Arthur Radford, called your editor, who was then a special assistant to the admiral, and asked him to meet him on short notice at the home of Secretary of State John Foster Dulles. When we arrived, the secretary himself greeted us and then retreated to a couch where he was flanked on his left both by his brother Allen, the director of the CIA, and Governor Christian Herter, the under secretary of state. For me it was a tableau which I shall never forget.

The secretary, sitting with a lined writing tablet on his knee, opened the meeting by announcing that we were

gathered together to draft a resolution in which the Congress would authorize the use of force to prevent communist incursion in the vulnerable countries of the Middle East.

As a junior captain, I realized that I could only hope to make a limited contribution to the discussion—but as Radford's special assistant for congressional affairs, I knew that it would fall to my lot to draft the opening statement for the chairman which, after being reviewed by him, would then be used to open the hearings on the resolution.

Two events had transpired which led President Eisenhower and Secretary Dulles to ask the Congress for this unusual authorization. There had been, earlier in 1956, an abortive attempt by the British and French to wrest control of the Suez Canal from Egypt's Nasser. Known in history as the Suez crisis, it led to the withdrawal of allied forces from the area, thus creating a power vacuum. This might have tempted adventurers like Mr. Khrushchev, who had just invaded Hungary, to rush in. Allusion was made at this point by the Dulles brothers in concert to the long-held desire of the Russian nation for warm weather ports and to the fact that two-thirds of the world's known oil reserves were in the area.

"You gentlemen," said the secretary, referring to Admiral Radford and your editor, "were asked to come and take part in the drafting of the resolution because you will have to defend it before the relevant committees of Congress." I knew what that meant.

After some two hours of exchange between the principals of the group, which included a recitation by Admiral Radford of our forces in the area (a carrier group in which the carrier was armed with atomic weapons, plus six escort vessels with a battalion of marines aboard), the secretary seemed satisfied that he had enough information to draft the resolution. After being polished back at the State Department and the White House, the special message on the Middle East was de-

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livered by President Eisenhower to the Congress on January 5, 1957.

On January 8, Admiral Radford appeared before the House Foreign Affairs Committee to defend the Middle East resolution. In his opening statement he made the following points:

The free world, of which we are a part, should have three main objectives in the Middle East: First, the nations of the Middle East must be kept independent of Communist domination; second, the strategic positions and transit rights in this area must be available to the free world; third, the resources, strategic positions, and transit rights must be kept from slipping behind the Iron Curtain.

I . . . believe House Joint Resolution No. 117 is the most practical method at the present time and in the present circumstances to implement these national objectives from a military standpoint. We know from a study of history that the Russian nation has for 100 years, at least, coveted parts of the Middle East as an outlet to a warm water port. We know that Russian Communism feeds on conditions of tension and economic imbalance such as exist in that area today. Finally, we know that a military vacuum has been created in the area by the withdrawal from the area, whatever the reasons, of our Allies. Both nature and Communism rush in to fill vacuums. It follows that from a military point of view, the present situation presents a dangerous situation to the United States, a condition against which we must have an effective defense.

The minute the formal opening statement was concluded, the chairman, Congressman Dr. Morgan from Pennsylvania, rapped his gavel and closed the hearing. Admiral Radford, in his inimitable manner, answered questions from the panel for over an hour with the result that the resolution was unanimously approved.

The heart of the administration's draft resolution involved a congressional authorization to the president "to employ the Armed Forces of the United States as he deems necessary to secure and protect the territorial integrity and political independence of any nation or group of nations (in the general area of the Middle East) requesting such aid against overt armed aggression from any nation controlled by international communism."

Many prominent Democrats, including former President Truman, urged approval of the resolution from the first; others were reaching the conclusion that even if approval was felt to be undesirable, it would probably do less harm than a repudiation of the president before the eyes of the entire world.

The Senate of the United States, with relatively minor amendments, approved the resolution and it passed. As the book *The United States in World Affairs—1957* (Harper & Bros. 1958) phrased it:

The essential point was that the United States was now consciously extending its security commitments into a vast new area of the globe and explicitly offering its readiness to fight, if necessary, to keep that area from going Communist as the result of military aggression.

President Eisenhower, on several occasions, praised the handling of the Middle East proposal as "bipartisanship at its best."

This article will inevitably appear after the January 15 deadline has been reached. I still believe, however, that it would be well for both the executive and the congressional branches of the government to reread the account of the success of that bipartisanship in *The United States in World Affairs* to see how it was done. The actors were different. But substitute Saddam Hussein for communism under Khrushchev—and the issues are the same.

Ortega Pays Tribute to Saddam Hussein

Former Nicaraguan strongman Daniel Ortega, whose decade of arms smuggling and other efforts to overthrow the government of El Salvador led President Carter to terminate U.S. aid to Nicaragua and President Reagan to initiate covert assistance to the so-called *Contras*, paid a visit to Baghdad in mid-November to express his solidarity with besieged Iraqi dictator Saddam Hussein. Ortega was accompanied on his trip by former Nicaraguan Foreign Minister Miguel D'Escoto (known to many in the legal community for his perjury before the International Court of Justice in the *Paramilitary Activities* case). According to *Barricada*, the newspaper of the Sandinista National Liberation Front (FSLN) in Nicaragua, Ortega characterized the current Persian Gulf crisis as "a north-south conflict, where a superpower believes it owns resources it considers strategic and acts contrary to international law."

Lest anyone misunderstand Ortega's meaning, he was not characterizing militarily powerful Iraq as a "superpower." Indeed, according to Baghdad radio, Ortega "lauded the brave and principled stance of President Saddam Hussein for establishing lasting and overall peace in the region," denounced the U.N. Security Council's sanctions as having "aggravated tension in the region," and urged the Security Council to issue a statement to emphasize that its resolutions "do not authorize any country to unilaterally conduct military action in the region." (This was before the passage of Security Council Resolution 678, which authorized the use of unilateral force.) Ortega endorsed Saddam's call

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Will Yugoslavia Break Up?

By David Martin

Editorial Note: David Martin, associate editor, is the author of The Web of Disinformation: Churchill's Yugoslav Blunder, published by Harcourt Brace Jovanovich.

The *New York Times* of November 29 last year carried an article entitled "Yugoslavia Seen Breaking Up Soon." The article was based on a CIA intelligence paper which said that Yugoslavia would probably break apart within the coming 18 months, and that civil war was likely in this multi-national Balkan republic.

CIA estimates, of course, have been both accurate and inaccurate. There has been no dearth of Yugoslav experts whose appraisal of the Yugoslav situation coincides with that of the CIA. On the other hand, there are a surprising number of Yugoslavs and Yugoslav experts who are convinced that the CIA assessment errs on the side of pessimism, and that there is a very good chance that Yugoslavia, in somewhat modified form, will hold together as a multi-national republic.

The pessimistic assessment is shared by an article entitled "Dismantling a noncountry," which appeared in the *U.S. News and World Report* of November 12. Srdjan Trifkovic, the author of the report, said that "Among the various pieces of unfinished nationalist business marring Europe's march toward unification, Yugoslavia's turmoil is by far the nastiest. . . . with leaders of all six republics driven mainly by their vested interests in keeping ethnic emotions at the boiling point, national disintegration is reaching the point of no return." The author points out ominously that Yugoslavia is estimated to have more weapons per capita in private hands than any other country in Europe.

There is much that Yugoslavia has going for it. The federal government of Prime Minister Ante Markovic has been pursuing an imaginative and disciplined pro-market policy, and has succeeded in reducing inflation from approximately 3,000 percent per annum in the early part of 1990 to 70 percent for the whole of the year. In doing so, it has for the first time in many years made the *dinar* a convertible currency, reduced the foreign debt by some six billion dollars, and has increased foreign currency reserves. Careful preparations have been made for a marked increase in privatization. The food supply appears to be ample. At least there is no rationing, and one does not encounter the time-consuming queues that make life a misery for shoppers in the Soviet Union. Despite the high price of gasoline, the streets and highways are full of Japanese and European vehicles, and this is so not only in Slovenia and Croatia, which are more advanced economically, but also in Serbia and the rest of the country.

Economic factors do, however, play an important role in fanning centrifugal tendencies in the Yugoslav state. The ethnically homogeneous Slovenian republic,

which occupies a portion of the country adjoining Austria and Italy, and the Croatian republic, both of which now have anti-Communist governments, have repeatedly complained that they are obliged to devote a disproportionate share of their resources to shoring up the economies of the poorer republics.

Basically, however, the differences that appear to be tearing Yugoslavia apart are religious, cultural, ideological, national, and, above all, rooted in past history. Economic stresses, it is true, have been accentuated by the Serbian government, which under the leadership of hard-line Communist Slobodan Milosevic (posing as a "Socialist"), has imposed tariffs on goods produced in Slovenia and Croatia. The governments of these republics, not surprisingly, have retaliated in kind against Serbia.

On the other hand, an article written by Trifkovic earlier in the year (June 18) quotes both Serbs and Croats who are basically optimistic despite the present admittedly tense situation. For example, he reports Milomir Maric, a Belgrade magazine editor, as saying: "The nationalist euphoria will abate, and a new arrangement for future joint life may yet emerge. . . . Maybe we had to draw so far apart in order to get together again, albeit on a new basis."

A similar optimism was expressed by John Scanlan, recent U.S. Ambassador to Yugoslavia, in a speech delivered before the American Serbian Heritage Foundation in July of last year. Ambassador Scanlan expressed confidence that Yugoslavia will hold together, with the assistance of its friends abroad.

The Western press, in dealing with the ethnic strife in Yugoslavia, has zeroed in on the Kosovo situation, which involves an intensifying conflict between the two million Albanians who inhabit this nominally autonomous region and the dwindling Serbian minority there, now down to 10 percent or below. This is a tortured situation that calls for the most diplomatic handling by the government of Yugoslavia and especially by the government of Serbia—especially so since the Serbian defeat by the Turkish army in 1389 on the field of Kosovo (Kosovo polje) gave birth to an epic poem about Kosovo which occupies a place in the culture of the Serbian people almost on a par with their commitment to the Bible.

The growth of the Albanian minority in Kosovo really began in the last century. With their exceedingly high birth rate, the Albanians—the great majority of them Muslims—by World War II had a Kosovo population equalling or surpassing that of the Serbs. There can be no question but that the Albanians have taken advantage of their majority to make the Serb minority uncomfortable in many ways and have further encouraged the continuing Serbian exodus from Kosovo.

Unquestionably, the Serbian government has been guilty of some human rights violations in the handling of the Kosovo situation. But in the interest of even-

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handedness, it is necessary to point out, as Ambassador Scanlan does, that the Albanians in Yugoslavia enjoy the same civil and human rights as all other Yugoslavs and they have to this day infinitely more freedom than their brothers in Albania itself. Albanian is the legal language in the Kosovo area and Albanian citizens attend Albanian language schools all the way through the University of Pristina, one of the largest universities in Europe. The university's library contains the largest and most modern repository of Albanian literature and culture to be found anywhere in the world.

Just as alarming as the Kosovo situation is the division between Serbs and Croats, which is also rooted in historic factors. During World War II, the Axis powers installed in occupied Croatia a quisling government headed by Dr. Ante Pavelic and his Ustase movement. Pavelic, it should be noted, was not the choice of the Croatian people. If they had been permitted to choose, they would have voted overwhelmingly for Dr. Macek and his Croatian Peasant Party. Under the Ustase re-

gime, the frontiers of the old Croatian state were expanded to include large territories inhabited primarily by Serbs. The Ustase proceeded to deal with their "minority" problems in the Nazi manner. Estimates of the number of Serbs massacred by the Ustase ranged from 500,000 to 700,000.

Milosevic won an impressive victory in the Serbian elections of last December 6. In Slovenia, in response, there has been increasing talk about a plebiscite on "independence."

In the face of so many negative factors, how can one explain the optimism which is still shared by so many Yugoslavs? There can be no doubt that this optimism is in large measure due to the rate at which Yugoslavia has been emerging from its recent Communist past. While the trend in the Soviet Union is toward more disintegration, the trend in Western Europe, ever since the creation of the Common Market and the European Parliament, has been in the direction of more integration. The question is whether Yugoslavia has sufficiently broken with its Communist past to aspire to membership in the new, more integrated European structure.

Book Review

By Samuel Halperin

Legal Terrorism: The Truth About the Christic Institute by Dr. Susan Huck. New World Publishing Ltd., 1989, \$19.95.

A new form of invidious use of the legal system aimed at destroying current and former federal and state employees who are engaged in carrying out their authorized functions has been going on since May 1986. By misusing the civil provisions of the Racketeer Influence and Corrupt Organizations Act of 1970 (RICO), the Christic Institute, founded in 1981, has been trying to affect government policy in foreign affairs by victimizing government employees for their activities. The Christic Institute hopes to intimidate and weaken the will of other employees, force its own political agenda on the government, and particularly to weaken CIA and the rest of the intelligence community and to stop the use of covert action as an option in foreign policy.

The author, Dr. Susan Huck, who has a Ph.D. in political geography, is a former college professor who writes frequently on domestic and political affairs. She has published articles in *National Review*, *Conservative Digest*, and *Chief Executive*. She defines "legal terrorism as a form of political warfare. It does not place one's life in imminent danger of death or dismemberment. What it does do is to ruin the target's life. This is done by the law and through the courts." Dr. Huck says that when individuals are brought in to court, "the equivalent for the victim in terms of loss of time

and money is the same as what happens when a catastrophic illness hits a family."

While the book discusses other cases of legal terrorism, it focuses mainly on the largest case to date, that of charging 29 defendants "with membership in a murderous, drug-smuggling 'secret team' of anti-Communists and a 'shadow government' engaged in off-the-shelf operations," claiming almost \$24 million in damages. Among the original defendants were Maj. Gen. John Singlaub, Maj. Gen. Richard Secord, former CIA Associate Deputy Director for Operations Theodore Shackley, Nicaraguan resistance leader Adolfo Calero, and even Robert Owen, the aide to Oliver North in the Iran-Contra affair. Later, former President Reagan, the late CIA Director William Casey and former Attorney General Edwin Meese III were charged with directing the "Secret Team."

On June 23, 1988, the presiding judge in Miami, where the suit was filed, "granted summary judgment to all defendants by dismissing the case. Judge King wrote in his opinion that the Christics' two-year investigation had failed to produce any facts and their case was without merit." The judge required that the Christic Institute post a \$1.2 million bond, for filing a case based on "rumor and speculation," while the Christics appealed the judgment to the Eleventh Circuit Court of Appeals in Atlanta. It is interesting to note that the Christics had no particular trouble posting the bond.

The author has provided an enormous amount of detail on the background of the Christic Institute, its

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Court Rules No Entitlement To Security Clearance

In a recent case before the United States Court of Appeals for the Ninth Circuit (No. 88-6580, Sept. 10, 1990), Linda Dorfmont, an employee of Hughes Aircraft, sued the Department of Defense's Directorate for Industrial Security Clearance Review for the restoration of her security clearance.

The basis for the loss of her security clearance, as stated in the court's opinion, was:

In 1984, while working on one of those defense contracts, Dorfmont found herself in need of a computer programmer. Unable to secure a programmer within the company, she decided to go outside for help: far outside. On several occasions during the summer of 1984, she sent company data to one Lubemir Peichev. A Bulgarian national, Peichev was serving a life sentence in federal prison for his part in the attempted hijacking of an airliner. For all that, he was said to be a top-notch programmer.

The court stated that the defendant, upon discovering this somewhat unusual arrangement, "was not amused" and withdrew her security clearance.

Dorfmont used all of her administrative channels in the Department of Defense to appeal this withdrawal without success. Thereafter, she sued, and lost, in the lower court, and then appealed that decision. The Ninth Circuit Court's opinion stated pertinently:

The Department of Defense revoked Dorfmont's security clearance. The department derives its authority directly from the President. See Exec. Order No. 10865, 25 Fed. Reg. 1583 (1960), as amended by Exec. Order No. 10909, 26 Fed. Reg. 508 (1961). The decision to grant or revoke a security clearance is committed to the discretion of the President by law. . . . There is also no protected property interest in the clearance or in a job requiring such clearance. "Property interests . . . are not created by the Constitu-

tion. . . . He must, instead, have a legitimate claim of entitlement to it." There is no such entitlement to a security clearance. . . . There is a presumption against obtaining or maintaining a security clearance. A clearance may be maintained "only . . . upon a finding that to do so is clearly consistent with the national interest." There is no right to maintain a security clearance, and no entitlement to continued employment at a job that requires a security clearance.

Larry Williams

Court Rules Criminal Defendant Status Does Not Enlarge FOIA Rights

In a recent District of Columbia court case (Korkala v. CIA, Civil Action No. 87-1035, March 15, 1990), the plaintiff, who had been convicted of attempting to sell arms illegally, sought all CIA documents pertaining to his actions, and others similarly circumstanced, for use in his criminal trial and appeal.

As stated by the court:

Plaintiff's first argument is that his right to a fair trial requires that records withheld by the CIA should be released, at least to him, regardless of the applicability of FOIA exemptions (and regardless of their national security sensitivity) because of his status as a criminal defendant.

Mr. Korkala alleges that the CIA's failure to provide requested documents constitutes bad faith in light of his status at the time of his FOIA request as a defendant in a criminal action in the Supreme Court of the State of New York for activities which he believed were sanctioned by the CIA. He also asserts that he was "forced to enter a plea of guilty" in his criminal trial because of his inability to obtain exculpatory defense information from the CIA and that this information is now important for his appeal from the resulting conviction.

Neither Mr. Korkala's trial nor his appeal are

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Calendar of Events

February 21	Breakfast Meeting, University Club, Washington, D.C.
March 21	Breakfast Meeting, University Club, Washington, D.C.
April 3-4	National Security Conference on "National Security Law: Review of the Emerging Field," Washington, D.C.
April 18	Breakfast Meeting, University Club, Washington, D.C.
May 29-30	National Security Conference on "Preserving the Separation of Powers in Foreign Policy: Checks and Balances and the New Congressional Activism," Washington, D.C.
October	Strengthening Regional Security and the Rule of Law in Latin America and the Caribbean

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before this Court. Consequently, any constitutional questions raised by Mr. Korkala's inability to obtain documents from the CIA—which may or may not prove exculpatory—are not properly raised within the context of a FOIA controversy. The plaintiff's status as a former defendant in a criminal proceeding before a different court in another jurisdiction is simply inapposite.

The plaintiff's identity and reasons for seeking the requested records are not a relevant factor in this proceeding. The CIA's reply to the plaintiff's charge is that its records do not contain exculpatory information and that the mere allegation of bad faith is an insufficient basis and inappropriate standard for denying its motion for summary judgment. Defendant is correct on both issues, especially since plaintiff does not contest the appropriateness of the claimed exemptions.

Larry Williams

Ortega

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for linking any settlement of the current crisis with the Palestinian issue—a move which was hardly surprising, since Sandinista militants participated in PLO aircraft hijackings and fought alongside the PLO against Jordan two decades ago, and the PLO was among the first groups to recognize Ortega's regime in July 1979. According to Baghdad radio, Ortega concluded by stressing: "We must strengthen and defend total respect for international law and reject double moral standard[s]."

In fairness to Ortega, this effort to whitewash Saddam Hussein's flagrant armed aggression against a less powerful neighbor does not establish a Sandinista "double standard." In addition to its own efforts to promote the overthrow of neighboring governments in Central America by armed force, the Sandinistas were one of the few regimes to refuse to support United Nations condemnation of the 1980 Soviet invasion of Afghanistan. More recently, Sandinista leaders expressed support for the brutal 1989 Chinese attack on student demonstrators in Tienanmen Square.

Robert F. Turner

Book Review

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major players, its methods of operation, its political and financial connections, its political program, and its motives. Of the 10 detailed chapters, three are of the most interest: Chapter Three, "Who are the Christics?," Chapter Four, "Selection of Targets," and Chapter Seven, "La Penca: The Money-Mine."

The Christic Institute, a tax-exempt organization, takes its name from a concept of Jesuit Father Pierre Teilhard de Chardin, who published "The Divine Milieu" in 1927. Father Teilhard de Chardin described the "Christic Force" which would unite the world. In another one of his writings Father Teilhard, who was banned by the Jesuit order before his death in 1955, saw the Christic Force as the time when "the Christian God on high and the Marxist God of Progress are reconciled in Christ." The works of Father Teilhard de Chardin are on display with those of Marx and Lenin in Moscow's Hall of Atheism. It will be interesting to see how long they stay there as Communism changes in Moscow. Chapter Three discusses the people who conceived and established the Christic Institute with its Marxist beginnings. The chapter also describes how and who founded the Institute in Washington, D.C., and how it is linked with other organizations with similar aims.

Chapter Four describes how and why the individuals were chosen to be targets of legal terrorism and how they reacted to the charges. Chapter Seven is the most interesting chapter of all. It describes in detail how and why the Christics get their funds. The list of organizations including foundations, churches and other religious groups, and private individuals is staggering. Why the IRS continues to permit the Christic Institute to retain its tax-exempt status, making it easier for people and institutions to donate money to it, remains a mystery.

The major complaint with the book is that it is written in the style of a polemic or a harangue. It would stand up better to criticism if the book had been written in a more scholarly fashion along the lines of *Covert Cadre: Inside the Institute for Policy Studies* by S. Steven Powell. A cool dispassionate exposition could win converts while, as written, the book may appeal only to the converted. In any case, Dr. Huck's "Legal Terrorism" has provided a much needed reference work on the Christic Institute and its followers and supporters.

The Intelligence Report, which is published monthly, reviews court cases and books concerned with (1) national security, and (2) intelligence. It also reports on developments in these two fields in the U.S. and abroad, and, in addition, on national security conferences sponsored by the Standing Committee on Law and National Security. The views expressed in this publication are not necessarily those of the American Bar Association or the Standing Committee on Law and National Security. Questions or comments should be directed to W.C. Mott, Editor, 217 9th Street, S.E., Washington, D.C. 20003, Tel. 202-543-5445.