Political Crime: An Application of Merton's Theory of Social Structure and Anomie

by

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(ABSTRACT)

Political crime receives little attention by criminologists relative to other forms of crime. What attention that has been given is hindered by lack of theoretical explanations to guide the research efforts, such as atheoretical descriptive accounts or typologies of political criminality. In this thesis, I apply Merton's theory of social structure and anomie to two CIA case studies: MKUltra (1950-1973) mind control/behavior modification experiments, and MHChaos (late 1950s-1974) a domestic counterintelligence program.

Anomie theory focuses on the disjuncture between cultural goals and institutional means to achieve end results. I argue that political crimes result when governmental agencies cannot reach their goals using legitimate means. Thus, they find illegitimate means, i.e. unlawful behavior, to obtain their goals. Specifically, the analysis of this thesis examines: (1) how the CIA defined their goals; (2) how the CIA justified the use of their
innovative means to achieve the ends; (3) how the structural charter of the CIA facilitated the use of illegitimate means; and (4) how the CIA was able to temporarily dissolve the societal disjunction of anomie.
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Chapter I

STATEMENT OF THE PROBLEM

Political crime receives little attention by criminologists relative to other forms of crime. For example, numerous authors of criminology textbooks do not even include political crime (Bartollas, 1989; Conklin, 1989; Galliber, 1989; Sheley, 1991), and many of those that do discuss political crime limit their presentations to international terrorism, such as Jeffery (1990), Reid (1988), and Siegel (1989). Most of the work on political crime is atheoretical and consists of descriptive accounts (Beirne and Messerschmidt, 1991; Hagen, 1986; Eitzen and Timmer, 1985; Meier, 1989; Sykes, 1978) or typologies (Clinard and Quinney, 1986; Roebuck and Webber, 1978).

This lack of attention to political crime is problematic since some argue that political crime is the oldest, the most common, and has the greatest negative impact on society of all types of crime (Barak, 1990; Schafer, 1974). Thus, an awareness of the causes and consequences of political crime are needed if we hope to be able to eradicate political crime. An understanding of political crime is also important because of the possibility of political crime being a vehicle for positive change. For
example, systematic violations of segregation laws in the United States helped bring about their repeal. Consequently, I argue that political crime is a major form of crime with important ramifications and is worthy of attention by criminologists.

In this thesis, I argue that an examination of the social structure may be a fruitful starting point for understanding political crime. Specifically, I am interested in understanding political crimes by government agencies against the citizens of the United States. I ask if there is anything about the social structure of the United States that is relevant to the commission of these types of crime? That is, in what ways is society organized that may encourage the very phenomenon it purports to restrain (Vaughan, 1983:xiii)? In summary, I suggest that to understand political crime, we need first to look to the social structure in which it occurs and not to the individuals who commit the act.

The claim that social structure generates the motivation for crime is not new. In 1938, Merton argued that some social structures exert a pressure to engage in nonconforming behavior. I argue that Merton's analytical scheme provides a useful starting point for understanding under what conditions political crime may be committed by
governmental agencies against the citizens of the United States.

In brief, "Merton's theory of anomie revolves around the notion of an overemphasis, in American culture, on success goals at the expense of legitimate institutionalized means for reaching such goals (Orru, 1987:138). The disjuncture between cultural goals and institutional means leads to "strain" or anomie. That is, "the normative restraints are eroded and replaced by...a situation of normlessness" (Sykes, 1980:42). When organizations or individuals experience anomie they may adapt to this disjuncture by various means, one of which Merton called innovation. Innovation is the mode of adaptation most associated with criminal behavior (Lilly et al., 1989; Siegel, 1989; Williams and McShane, 1988).

I argue that political crimes result when government agencies cannot reach their goals using legitimate means. Thus, they find illegitimate means, i.e. unlawful behavior, to obtain their goals. Specifically, I apply Merton's theory of anomie to two CIA case studies: MKUltra, (1950-1973) mind control/behavior modification experiments, and MHChaos, (late 1950s-1974) a domestic counterintelligence program.

I use Merton's theory of social structure and anomie in
an attempt to identify characteristics of the social structure which facilitated the commission of crimes by the CIA. I will examine whether or not a disjuncture between the goals and the legitimate means contributed to committing crime. Also, the effect of an overemphasis on goals and lack of regulations will be explored.
Chapter II
LITERATURE REVIEW

Schafer (1974) argues that political crime is the oldest, the most frequent, and the most ignored of all the major forms of crime. "It is almost as if it were considered a kind of criminological satellite, some strange body of law violation revolving around the body of ordinary crimes" (Schafer, 1974:7). Indeed, some authors (Bartollas, 1989; Conklin, 1989; Gailiber, 1989; Sheley, 1991) do not even include political crime as a major type of criminal behavior in their criminology textbooks. There are a variety of reasons why political crime has been neglected. Several of these are reviewed in this section.

One of the more important reasons political crime has received little attention is because of the considerable disagreement among criminologists as to what constitutes political criminality. Although the concept of political crime was first defined in 1898 by the French jurist, Louis Proal, the definition of what constitutes political crime is still open to debate. Proal's definition of political crime focused on crimes of those in power. In his book entitled POLITICAL CRIME, Proal wrote:

Political passions have bathed the earth in blood;
kings, emperors, aristocracies, democracies, republics, all governments have resorted to murder out of political considerations, those from love of power, those from hatred of royalty and aristocracy, in one case from fear, in another from fanaticism (1898:28-29).

In spite of Proal's work, political crime received little interest by criminologists until the social and political traumas of the 1960s and 1970s which brought political criminality to the public's attention. However, the interest in political crime was directed toward those who were seen as challenging the status quo. Austin Turk is a good example of this approach. In his book POLITICAL CRIMINALITY: THE DEFIANCE AND DEFENSE OF AUTHORITY, Turk (1982) defines political crime as those who commit crimes against the state. He argues that crimes committed by the state are not political crimes. He wrote:

No matter how heinous such acts may be, calling them political crimes confuses political criminality with political policing or with conventional politics, and therefore obscures the structured relationship between authorities and subjects (1982:35).

Turk's definition is used in several current mainstream
criminology textbooks such as Jeffery (1990), Reid (1988), and Siegel (1989). Their discussions of political criminality are solely focused on international terrorism.

Recently, criminologists have begun to question Turk's limited definition of political crime. For example, Beirne and Messerschmidt (1991) have challenged Turk's perspective on two levels. First, they argue that by calling acts by the authorities as "political policing," Turk assumes that the state only reacts in response to an illegal behavior by the subordinate group (1991:240). On the contrary, there is considerable evidence that this is not the case. Second, they argue that while the practices of the state may be common enough to be called "conventional politics," this obscures the fact that the acts by the state are illegal and harmful (Ibid.).

Based on critiques such as these, criminologists have recently extended the definition of political crime to include both crimes against the government and crimes by the government or governmental agencies. What distinguishes political criminality from other forms of crimes is the motivation behind the crime. A political crime is one committed for ideological purposes, and not for personal gain (Hagen, 1986; McCaghy and Cernkovich, 1980; Newman, 1961; Reasons, 1974; Schafer, 1974). Political criminals
"believe they are following a higher conscience, a higher morality which supersedes present society and its laws" (Hagen, 1986:280). Thus, crimes against the state are considered political crimes if the violation of the law occurs for the purpose of modifying or changing social conditions (Beirne and Messerschmidt, 1991). Crimes by the state are considered political crimes if they are committed for the purpose of maintaining or enhancing the established political or social order (Chambliss, 1988; Gibbons, 1987; Meier, 1989; Michalowski, 1985; Siegel, 1989). Crimes by the state can be either domestic or international.

Another factor which makes the study of political crime difficult is that the government has the power to make the law. Therefore, acts which may be unethical, immoral, and harmful to the citizenry may not be defined as illegal. Thus, they are not considered political crimes by most definitions of political criminality. Examples of this include imperialism, exploitation, racism, sexism, and government corruption (Barak, 1990).

Because of these definitional concerns, in my analysis I use an expanded definition of political crime to include not only those acts defined as illegal but also those acts which are unethical, immoral, or harmful even if the power of the government defines such activities as non-violations
of the law. This definition of political crime builds on the consensus view of crime, which argues that crimes are those things that are a violation of the law. Further, it includes a conflict view of crime, which argues that crime is more than law violation because of the ability of powerful groups to control what is defined as illegal.

The study of political crime is further hindered by the same problems that occur in trying to study any form of crime. For example, most crimes are done in secrecy and frequently go unnoticed. The amount of crime reflected in official statistics is more a reflection of police behavior than criminal behavior. This issue of secrecy is also true of political crime. Moreover, the study of political crime has an additional problem, being that police agencies do not have a category called political crime. When a political crime is committed it is classified according to standard categories. For example, if someone burns down a building as an act of political protest, this act is not recorded as political crime but rather as arson. Therefore, criminologists can not determine from official statistics what amount of traditional crimes are actually political crimes, since it is often difficult to determine the motive behind a crime.

Although the study of political crime is fraught with
problems it is an important area of research. Unless we include political crime in our study of crime there will remain a "significant gap" in our understanding of criminality (Barak, 1990). Political crime is a major form of crime and our understanding of criminality is thus weakened without its inclusion both at the theoretical and empirical level. As stated by Lizaos (1985:383), "violence is committed daily by the government; but in these days of misplaced emphasis, ignorance, and manipulation we do not see the destruction inherent in these actions...We neglect conditions of inequality, powerlessness, and institutional violence...." Therefore, just because the government cloaks its criminal activities under the rhetoric of national security, executive privilege, or classified information does not mean that sociologists/criminologists should ignore, dismiss, or down play the government's or its agencies' illegal, unethical, immoral, or harmful criminal activity. So in spite of the problems inherent in studying political crime, I hope to illuminate our understanding of this phenomenon. To do so, I will apply Merton's theory of social structure and anomie to two CIA case studies.
Chapter III
SOCIAL STRUCTURE AND ANOMIE

In 1938, Robert Merton wrote the seminal article "Social Structure and Anomie" in which he argued that nonconformity was not rooted in biological drives but rather was based in the social structure. The goal of Merton's paper was "to discover how some social structures exert a definite pressure upon certain persons in the society to engage in nonconformist rather than conformist conduct" (Merton, 1938:132). Merton suggested that an imbalance between certain elements of the social structure generate the "circumstances in which infringement of social codes constitutes a 'normal' response" (Ibid.).

The two elements of the social structure which are important for Merton's conceptual scheme are (1) the culturally defined goals, purposes, and interests, and (2) the acceptable means of achieving these goals. Merton refers to the goals as "a frame of aspirational reference" or "the things worth striving for" (Ibid). These goals are usually matched with moral or institutional regulations which define and control what are permissible means of attaining the goals. Merton makes clear that these "regulatory norms and moral imperatives" are not based on
technical or efficiency norms (Ibid.).

Merton states that an ideal type of social order is one in which there is balance between the goals and means. However, it is also possible for these elements of the social structure to not be in equilibrium. For example, a system might develop where there is ritualistic adherence to prescribed conduct with the purpose, or the goal, of the conduct being forgotten.

A more common form of disequilibrium, the one of most concern to Merton and for this thesis, is when there is a disproportionate emphasis on goals over means. This is not to say that there is a complete absence of regulatory codes, but rather adherence to them is less important than achieving the desired end. This overemphasis often leads to a disjunction between cultural goals and cultural means.

The disjunction between goals and means leads to a strain toward anomie and deviant behavior. Although there can be a disjunction between goals and means without an overemphasis on the goals, Merton emphasized that disjunction is most likely to occur when goals are given priority.

Merton posited five modes of adaptation to the disjuncture between the goals and means. The first mode of adaptation is conformity, which is adhering to both the
cultural goals and means. This is necessarily the most common mode of adaptation for the stability and maintenance of society.

The next mode of adaptation is retreatism, which is the rejection of both the cultural goals and means. Merton argues that this is the least common mode of adaptation. This adaptation is likely when the individual repeatedly failed to obtain the goal by legitimate means, and there are internalized prohibitions or institutionalized compulsions which prevent innovation as a response. Therefore, the person copes by rejecting both the goals and the means.

Ritualism, which is rejection of the goals but acceptance of the means, results when there has been an "extreme assimilation of institutional demands" even though the goals are out of one's reach (Merton, 1938:136). The next mode of adaptation, rebellion, is an attempt to introduce both new goals and means. To engage in rebellion, the individual withdraws allegiance from the prevailing social structure and transfers it to a new group with new goals and means.

Innovation is the mode of adaptation most central to this study. Innovation is the acceptance of cultural goals but rejection of cultural means. Merton states that innovation is likely when the individual is inadequately
socialized. The person who innovates has failed to internalize the morally prescribed norms governing means for goal attainment. Merton argues that innovation is the most likely to occur under two conditions. First, innovation is a likely adaptation when there is little access to "conventional and legitimate means for attaining" the goals (Merton, 1968:210). Second, innovation is likely when the legitimate means are available but are ineffective. One can have access to legitimate means, but if it does not help one to achieve the goal, then innovation may result.

As noted above, in a society that has an overemphasis on the goals, the "end-justifies-the-means" becomes the guiding tenet. Thus, innovation becomes the normal response to anomie. At this point, only technical expediency is left as a consideration in controlling behavior. While there may be a "faint twinge of uneasiness," indicating that the institutional rules are known, they are silenced by the overemphasis of the goals (Merton, 1938:132).

If innovation, or unlawful behavior, results in repeated successes in achieving cultural goals, then this mode of adaptation will be reinforced to such a degree that "what the society defines as illegal may come to be defined in the organization as normative" (Vaughan, 1983:61). Also, the organization's decision to use illegal means to achieve
the desired goals feeds back into the social structure so that the unlawful behavior becomes tolerated by society and is granted cultural acceptance as a means for resolving the disjunction between ends and means. It is only when "counteracting mechanisms of social control are called into play" to make the innovative behavior unacceptable or ineffective will it be terminated (Merton, 1964:235; Sykes, 1980).

Much of the research applying anomie theory to deviant behavior has centered on attempts to achieve the prescribed cultural goals of success, money, and power. For example, anomie has been applied to the study of gang delinquency, theft, burglary, robbery, organized crime, gambling, and prostitution (Clinard, 1968; Vold and Bernard, 1986). Merton also indicated that his analytical scheme can help us understand such diverse activities as cheating in sports or at the card game solitaire. In fact, Merton (1968:235) wrote that this theory applies to a wide variety of goals:

The theory holds that any extreme emphasis upon achievement—whether this be a scientific productivity, accumulation of personal wealth...any cultural goals which receive extreme...emphasis in the culture of a group will serve to attenuate the emphasis on
institutionalized practices and make for anomie.

Recently, Diane Vaughan (1983) applied anomie theory to a case study of corporate misconduct. The focus was on the criminal behavior of Revco Drug Store managers who falsified prescriptions to collect fraudulent claims of Medicare from the Ohio Department of Public Welfare. Vaughan points out (1983:138), "business managers not only compete for economic ends, but also for the resources that promote achievement of economic ends (e.g., personnel recruitment, product development, land acquisition, advertising space, sales territory)." Thus, some strain may motivate the managers into the choice of innovating to secure resources illegally, or lose market position, and go bankrupt.

Gary Green (1990) extends Vaughan's application of anomie theory arguing it is a strong motivation for particular types of occupational crimes. Specifically, Green applies strain theory to the study of blue-collar employee thieves, middle-class embezzlers, and corporate crimes by the wealthy. Green emphasizes the lack of legal opportunities to reach financial goals can be a motivation for occupational crime among individuals as well as among the organization. In summary, Merton's theory has been applied to a variety of crime types, but a review of the literature failed to locate an application of Merton's
theory to political crime.

In the analysis which follows, I show that the CIA had a clear mandate to protect national security. However, the legitimate means (i.e. lawful means) were not available or were insufficient for achieving their goals. Further, there was a greater emphasis placed on achieving the goals than on regulating or proscribing procedures to obtain the goals. I argue that this overemphasis on the goals over the means resulted in a state of anomie and made innovation a likely response. Given the lack of regulatory agencies to monitor the behavior of the CIA, innovative means were relatively successful in achieving many of their goals that continued unabated and became normative within the organization.
Chapter IV
METHODS

In my analysis, I use an expanded definition of political crime to include not only those acts defined as illegal but also those acts which are unethical, immoral, or harmful even if the power of the government defines such activities as non-violations of the law.

I use Merton's theory of social structure and anomie to analyze two case studies of the CIA, MKUltra—mind control/behavior modification experiments (1950-1973), and MHChaos—a domestic counterintelligence program (late 1950s-1974). These cases were selected because they are more extensively documented than other CIA programs. Available evidence on them include exposes written by ex-CIA agents involved in these cases, journalistic accounts, scholarly analyses, and published proceedings by governmental agencies who reviewed these cases.

While the generalizability of case studies is often questioned, case studies are valid research designs because "the case study contributes uniquely to [the] knowledge of individual, organizational, social, and political phenomena" (Yin, 1989:14). Additionally, the case study strategy is an empirical inquiry that (1) investigates a phenomenon within
a specific social structure carved out of the larger whole; (2) provides a systematic examination of data blocks that can be analyzed; (3) has the ability to bring new insights and perceptions to the study of political criminality; and (4) allows an analytic generalization to compare empirical results among the case studies (Vaughan, 1983; Yin, 1989). In other words, case studies "allow an investigation to retain holistic and meaningful characteristics of real-life events" (Ibid.). Therefore, the case study approach is appropriate for this research problem (Marshall and Rossman, 1989; Schafer, 1974; Vaughan, 1983; Yin, 1989).

I use Merton's theory of anomie to analysis the CIA's use of illegal means for achieving its goal. In order to do so I present the CIA's formal goals, as mandated by its 1947 charter, and other directives which broadened the functions of the agency and the innovative means used in MKUltra and MHChaos to achieve these goals. I will also apply the principles of anomie theory to see whether elements of the social structure contributed to the power abuses committed by the CIA. In addition to testing the applicability of anomie theory to this particular type of political crime, i.e. crimes committed by governmental agencies against its citizens, the analysis will give a descriptive account as to: (1) how the CIA defined the goals; (2) how the CIA
justified the use of their innovative means to achieve the ends; (3) how the structural charter of the CIA facilitated the use of illegitimate means; and (4) how the CIA was able to temporarily dissolve the societal disjuncture of anomie.
Chapter V
ANALYSIS

5.1 Introduction

I begin by presenting a brief history of the CIA and its goals. This is followed by an explanation of how structural conditions contributed to law violation during the MKUltra project (1950-1973)—mind control/behavior modification experiments to create the ultimate weapon against communism, and the MHChaos program (late 1950s-1974)—a domestic counterintelligence program to combat the red menace of Soviet imperialism.

As described in Chapter III, goals are an integral part of anomie theory. An "arbitrary dichotomy between culture goals and institutional means to achieve these goals" may cause goals to take precedence over the institutionally prescribed means to achieve such goal (Clinard, 1964:11). This dichotomy between ends and means is important in understanding crime for two reasons. The first involves the disjuncture between goals and means which results in the strain toward deviance. Secondly, this strain (anomie) is made more likely by an overemphasis on end results over the means to achieve such goals. Specifically, when legitimate institutional means are blocked in seeking cultural goals an

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individual or organization finds ways of adapting.

5.2 Goals Of The CIA

The Central Intelligence Agency (CIA) was established by the National Security Act of 1947. The Act, as passed by Congress and signed by President Harry S. Truman, became effective on September 18, 1947. The objective of the CIA was to provide the President with coordinated intelligence, which the United States lacked prior to the attack on Pearl Harbor, December 7, 1941. It must be remembered, that the CIA was created immediately after WWII during the historical context of the Cold War and when leaders of the United States were beginning to play a prominent role in world leadership.

The formal goals of the CIA are outlined in their charter with the main objective being coordination of intelligence. The five major articles of the charter detail the specific goals. These goals can be summarized as followed:

1) to advise the National Security Council (NSC) in matters concerning such intelligence activities of the departments and agencies of the Government as related to the national security; [National security is defined as "the confidence held by the great majority of the nation's people that the
nation has the military capability and effective policy to prevent its adversaries from effectively using force in preventing the nation's pursuit of its national interests" (Sarkesian, 1989:8).]

(2) to make recommendations to the NSC for the coordination of such intelligence activities;

(3) to correlate and evaluate intelligence relating to national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the NSC directs;

(5) to perform such other functions and duties related to intelligence affecting national security as the National Security Council may from time to time direct (Cox, 1975; Fain et al., 1977; Leary, 1984; Ransom, 1970; Ranelagh, 1986; Wise and Ross, 1967).

The original charter, and hence the bureaucratic structure, was reconfirmed by the Central Intelligence Agency Act of 1949, NSC directives, presidential directives, and executive privilege. In sum, the formal goals of the CIA, as defined in its charter, includes coordinating intelligence and analysis of such information as the center
of the intelligence community. Additionally, article 5 granted the authority to the CIA to perform other such duties and functions as related to intelligence affecting national security.

The spirit of the charter at the time it was created was to limit the activities of the CIA to a coordinating and information analysis organization regarding foreign countries. In fact, the charter, included in article 3, specified that the CIA have no domestic role by providing "...no police, subpoena, law-enforcement powers or internal security functions within the United States" (Cox, 1975:42; Ransom, 1970:86; Wise and Ross, 1967:164).

The CIA was presented to Congress and the American public as an organization whose goals were to coordinate and analyze information affecting national security. This intelligence was presented to the president and Congress as the best possible estimate of any given situation threatening United States' national security.

What Congress and the American public did not know, was that the goals and functions of the CIA were defined in a most general way, with the more precise assignments of informal goals left to presidential and NSC directives. The CIA, through internal directives, executive orders, and agreements with other intelligence agencies, expanded its
mandate of protecting national security to a broader meaning, i.e. combat and contain communism whether internationally or domestically. Thus, the informal goals of the CIA were to stop communist expansion abroad and communist infiltration at home.

It was largely article 5 of the charter that provided the loophole to expand the duties of the CIA beyond simple coordinating and information analysis of intelligence in foreign countries. In fact, it allowed the CIA's rhetorical justification for their activities such as domestic surveillance and counter-insurgencies in foreign countries. However, article 5 did not allow the CIA legal authority for their activities. The specific violations committed by the CIA will be elucidated later in this thesis. I now turn to a discussion of the legitimate means that the CIA could use to meet their goals.

5.3 Legitimate Means Of The CIA

As discussed above, the CIA's congressional charter of 1947 defined the specific formal goals of the organization's purpose. Also included in the charter was the administrative structure of the CIA, which includes the specification of the Director of Central Intelligence (DCI) and Deputy Director's of the CIA (DDCI) appointment and
confirmation.

A specific provision located in article 3 provided that the CIA "shall have no police, subpoena, law-enforcement powers or internal security functions." This provision was intended by Congress to alleviate any fears that the CIA was a "Gestapo or KGB" intelligence organization created for the purpose of spying on its U.S. citizenry. It was also included to assure the domestic intelligence agency, the FBI, there would not be a rival internal security agency (Ransom, 1970:86; Wise and Ross, 164; Wittman, 1976:49).

This meant that any domestic security functions were to be performed by the FBI, and not the CIA. However, the relationship was such that the CIA could request the assistance of the FBI, but the CIA had no authority to perform the request themselves.

The legitimate means available to the FBI, and thus by default to the CIA, were those specified in the United States Constitution and specifically the Bill of Rights. These included such procedures as protection against unreasonable search and seizures (Fourth Amendment, 1791), interrogation (Ziang Sung Wan v. United States, 1924), assistance of legal counsel (Sixth Amendment, 1791), wiretapping, eavesdropping, and other forms of electronic surveillance (Federal Communications Act of 1934 and the
Again, the CIA was given no authority to perform
domestically, but it seems reasonable to assume that even if
their authority was expanded, the CIA would still have had
to follow the procedures of due process (Bucknan, 1977;
Clinard and Quinney, 1986; Klotter and Kanovitz, 1985;
Also, the CIA needed to adhere to the fundamental human
rights as set forth in the American Declaration of
Independence, the Constitutional Bill of Rights, and the
United Nations Universal Declaration of Human Rights (1948),
in sum, the "inalienable rights and freedoms" of (1)
everyone has the right to life, liberty, and security of
persons; (2) no one shall be subjected to torture or to
cruel, inhuman, or degrading treatment; (3) no one shall be
subjected to arbitrary arrest, detention, or exile; (4)
everyone has the right to freedom of opinion and expression;
and (5) everyone has the right to freedom of peaceful
assembly and association. These human rights "supersede
The administrative reconstruction of the CIA's statute
by the Act of 1949 exempted the Agency from the provisions
of any laws requiring publication and disclosure of the
"organization, functions, names, official titles, salaries,
or numbers of personnel employed" (Ransom, 1970:87). However, the Act of 1949 did not increase the means the CIA was allowed to use in achieving their goals.

From the charter of 1947 and the Act of 1949, it can be concluded that the CIA's objectives are clearly defined. That is, the CIA is to perform those functions and duties affecting national security, as well as coordinating and analyzing intelligence information. Therefore, the very conception of and bureaucratic structure of the CIA gives the Agency the inherent right to protect the United States' national security, however, it must do so without violating the Constitutional rights of the U.S. citizenry or the human rights as specified in the major articles of the Universal Declaration of Human Rights.

I now turn to a brief discussion of the historical context of the two case studies. Then I present details of the innovative techniques employed by the CIA to meet their goals.

5.4 Historical Context

MKUltra and MHChaos took place during the height of the Cold War when fears of nuclear war and the Soviet expansion into unstable countries of Europe, the Middle East, and the decolonized countries in the Third World threatened
international peace after the horrors of WWII. The international climate was one of ideological, economic, political, and military conflict. Thus, the United States found itself emerging as a world leader ending the age of innocence and international isolation (Breckinridge, 1986; Cline, 1976). As stated by Walton (1979:31), "fortress American had been a gigantic illusion and our lives would never be quite the same again."

With the birth of the military-industrial complex and the advances in medical and scientific developments came social changes in the national fabric such as changes in the family structure, migration of families from rural to urban locales, and the need for greater leisure time to relax from the everyday problems of personal and Cold War events.

While the American public was ever conscience of a nuclear threat, Soviet communism, and Senator Joseph McCarthy's relentless pursuit to hunt down the "red communists" located throughout the strata of American society, at the same time the American public enjoyed the new invention of television which would forever change the assimilation of international and national events. The American public witnessed such historical events as the 1957 launching of the first Soviet satellite, Sputnik, and the U.S. satellite, Explorer I (1958), the building of the
Berlin wall, the 1960 downing of a spy U-2 flight over the Soviet Union, the racial tension and civil rights marches in Arkansas and Alabama, the 1961 missile crisis and Bay of Pig's invasion, and the assassinations of President John F. Kennedy, his alleged assassin Lee Harvey Oswald, Robert Kennedy, and Martin Luther King. These are but a few of the events that nationally affected the lives of United States' citizens during the time of the CIA programs.

5.5 MKUltra

As noted above, the explicit goal of the CIA was information collection and analysis. Further, this mandate was restricted to foreign governments. However, the loophole of article 5 resulted in a new goal of stopping communist expansion abroad and communist infiltration in the United States. The means the CIA decided to use to achieve the goal of stopping communism was to perfect the ultimate weapon. The project, which was given the codename MKUltra, was in response to growing fears that hostile foreign governments were using chemical and biological substances against U.S. agents.

Agents connected to MKUltra attempted to find the most effective techniques for controlling human behavior through the means of hypnosis, drugs, and brainwashing. The program
was conceived during the 1949 treason trial of Hungarian dissident, Joseph Cardinal Mindszenty, whose vacant expression and robot-like behavior on the witness stand convinced CIA officials that the communists had discovered a means to control an individual's behavior. Hence, the CIA engaged in mind control/behavior modification experiments to find a way to induce a state similar to a hypnotic trance (Halperin et al., 1979; Marks, 1979; Roebuck and Weeber, 1978; Thomas, 1989).

Under the leadership of Morse Allen, 1950-1953, agents involved with Project BLUEBIRD and ARTICHOKE pursued creating a "Manchurian Candidate" or programmed assassin. On April 13, 1953, DCI Allen Dulles approved a program by Richard Helms, then CIA Chief of Operations of the Director of Plans division, involving "ultra-sensitive work," named MKUltra. MKUltra incorporated the most promising of BLUEBIRD/ARTICHOKE's drug projects, in particular LSD (D-lysergic acid diethylamide). Under the leadership of Dr. Sidney Gottlieb, attempts were made to perfect the "ultimate weapon," i.e. LSD, to combat communism (Ibid.).

Thus, the formal goal of MKUltra was the protection of national security, which was consistent with the over-all goals of the CIA. The specific means they attempted to use to reach this goal was to develop the perfect weapon to
combat communism.

The following is a brief synopsis of some of the means they used to combat communism. Details are presented later in this section. As part of MKUltra, the CIA began experimenting with the inducement of mind control and behavior modification. CIA agents employed drugs, such as LSD and carcinogenic drugs. Neurosurgical techniques were used such as lobotomy. Other techniques employed included ultrasonics, vibrations, concussions, extreme of high and low pressure, as well as various gases in airtight chambers. Additionally, diet variations, caffeine, extreme fatigue, radiation, heat and cold extremes, and changing lights were tested. The CIA proposed to "leave no stone unturned" (Ibid.).

Having failed to create the perfect assassin, Allen turned the direction of the program towards the search for the "magic mushroom," as well as other plants of "high narcotic and toxin value." As Allen wrote (Marks, 1979:107):

Since it had been determined that no area of human knowledge is to be left unexplored in connection with the... program, it was therefore regarded as essential that the peculiar qualities of the mushroom be explored...."
Under the BLUEBIRD/ARTICHOKE umbrella (1950-1953) the main objective was to induce amnesia. Thus, the "A" treatment was introduced. Simply, this involved injecting pentothal sodium into the victim's arm to knock them out. After twenty minutes, a shot of benzedrine was injected to bring the victim back to semiconsciousness. If this did not occur, another 10mg of benzedrine was again injected. Finally, when the victim was in the right state of mind, the technique of "regression" was applied. Regression was necessary to "create a fantasy," thereby allowing the CIA interrogation to take place without the individual remembering what was said. This procedure took place as often as necessary during any given 24 hour period (Marks, 1979; Thomas, 1989).

There is an irony that arises when discussing these innovative means employed by the CIA, not only were they forbidden, by their charter, but they demonstrate the illegal, unethical, immoral, and harmful disregard for those individuals that were used as human guinea pigs all in the quest of the ultimate weapon under the cloak of national security.

For example, one of the most documented experiments conducted by the CIA was the "depatterning" or breaking up of existing patterns of behavior to create a "tabula rasa"
individual. Under the leadership of Dr. D. Ewen Cameron, director of the Allan Memorial Institute at McGill University, Montreal, Canada, the depatterning involved the application of extensive electroshock treatments combined with prolonged drug-induced sleep while the patients listened to propaganda tape recordings. In this way, Cameron contended, an individual's mind would be completely wiped clean. The subjects of Cameron's testing were those people of "questionable mental state" (Ibid.). It is ironic that this unwitting doctor was unaware that the CIA was funding the research through a conduit known as the Society for the Investigation of Human Ecology under the directorship of Dr. Harold Wolff, a neurologist on the faculty of Cornell University (Ibid).

Another program conducted under MKUltra, in the pursuit of the ultimate weapon, involved the experimentation with LSD. Under the leadership of Dr. Sid Gottlieb, field testing was begun in late 1953, when unsuspecting individuals were given the drug. Agents working on the project would randomly choose a victim at a bar, or off the street, with or without consent or medical prescreening. This individual was then taken to a safehouse where the drug was administrated. "These victims simply felt their moorings slip away in the midst of an ordinary day, for no apparent
reason, and no one really knew how they would react" (Marks, 1979). This particular subproject was known as Operation Midnight Climax.

George White, an agent with the Federal Bureau of Narcotics, agreed to lure guinea pigs to the safehouses, one in Greenwich Village, the other on Nob Hill, slip them the drugs, and report the results to Gottlieb. White tested LSD, various knockout drops, and marijuana on these unwitting subjects.

Concurrent with White's operation, the CIA was to test surveillance equipment. According to Gottlieb, "if you are going to entrap, you've got to get the guy's picture and voice recordings. Once you learn how to do it so that the whole thing looks comfortable, cozy, and safe..." (Thomas, 1989:92).

Besides LSD, the CIA was experimenting with carcinogenic drugs, such as beryllium. Also, a drug called methylicholanthrene was being tested "as the most potent known carcinogen in the production of tumors..." (Lee, 1982:675). These drugs were tested as "initiating agent," in other words, as covert weapons (Ibid.).

These experiments conducted by the CIA exposed unknown numbers of unwitting people to the risk of mental and/or physical injury, and death, as in the documented case of
Army scientist, Frank Olson, who after unwillingly was slipped LSD in a drink at a party, became psychotic and leaped to his death. The CIA denied the incident to the public as well as to Olson's family for over 20 years.

Another disturbing aspect of MKUltra, was that prestigious individuals and institutions participated in the experiments without informing research subjects that they were being funded by the CIA. Documents indicate that experiments were conducted in 44 universities and colleges, 15 research facilities or private companies, 12 hospitals or clinics, 3 penal institutions, and an unknown number of pharmaceutical labs. Many prominent professors and medical doctors supervised these projects on unknowing and at times, unwilling subjects. The contributions of these individuals and institutions to MKUltra lent legitimacy to the programs. Needless to say, this in itself was a CIA cover-up of the illegalities of the research (Fain et al., 1977; Marks, 1979; Thomas, 1989).

In June 1964, MKUltra became MKSEARCH with Gottlieb regrouping the most sensitive behavioral activities under the MKSEARCH umbrella. The emphasis changed from a search for a truth drug to exploring the effects of chemical and biological substances. Gottlieb believed these were valuable because of their predictable ability to disorient,
discredit, injure, and kill people (Ibid.).

In sum, MKSEARCH included 7 subprojects: (1) The continued use of the safehouses in Greenwich Village and Nob Hill for drug testing. (2) Renewal of an annual contract with a Baltimore biological lab to produce microorganisms. (3) Continuation of a relationship with a prominent industrialist, who was CEO of a complex group of companies that specialized in the manufacturing of rare chemicals for pharmaceutical companies, such as carbamate. (4) Under Subproject #3, Dr. James Hamilton, a San Francisco psychiatrist, provided prisoners of the California Medical Facility at Vacaville as subjects for the testing of these new chemicals. (5) Engaged Dr. Carl Pfeiffer to provide a report on the preparation, use, and affect of specific drugs. Also of interest, Dr. Pfeiffer served on the FDA's committee that allocated LSD for scientific research. In this way, the CIA could monitor the "scientific experimentation" of LSD in the United States. (6) Continued the relationship with Dr. Maitland Baldwin, a brain surgeon at the National Institute of Health, who under Allen's ARTICHOKE program, was willing to perform "terminal experiments." And (7) continued the relationship with Dr. Charles Geschickter, whose Geschickter Fund of Medical Research was a conduit for the CIA. Also, Dr. Geschickter,
as a researcher, tested knockout drugs, chemicals, and mind-altering substances on the mentally defective and terminally ill cancer patients at Georgetown University Hospital (Marks, 1979; Roebuck and Weeber, 1978; Thomas, 1989).

In 1967, the CIA not being content in their private pursuit of chemical-biological weapons (CBW), enlisted help from the Army. This joint program between the CIA and the Army was known as MKNAOMI. The Army agreed that the Special Operation Division (SOD) at Fort Detrick, Maryland, would assist the CIA in developing, testing, and maintaining biological agents and delivery systems (Fain et al., 1977).

The CIA was interested in biological weapons to be used against crops, animals, and human beings. Some experiments conducted under MKNAOMI include: (1) In 1968-1969, the CIA experimented with the possibility of poisoning the drinking water systems of the FDA building in Washington, D.C. (2) Seventy prisoners, mostly black, at the Holmesburg State Prison in Philadelphia, were the guinea pigs of a CIA contractor, the Dow Chemical Company, in the testing of dioxin, the chemical contaminant in Agent Orange. (3) Prisoners in the California prison of Vacaville were given mind-altering drugs and aversion therapy in the hopes of converting the gay inmates to heterosexuals. And (4) seven prisoners at the Lexington Federal Drug Center were given
LSD for 77 straight days (Fain et al., 1977; Lederer, 1987; Marks, 1979; Roebuck and Weeber, 1978; Thomas, 1989).

These experiments on unwitting and unwilling human subjects violated the explicit guidelines of the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research. These guidelines state that experimentation on human subjects, any drug, device or procedure which is designed or intended to harm, or is likely to harm, the physical or mental health of the human subject, except with the informed written consent, witnessed by a disinterested third party... (Fain et al., 1977:914) is in direct violation of the subjects basic human rights.

These examples by no means exhaust all the documented experiments conducted under MKUltra. Nevertheless, MKUltra is an excellent example of the arrogant disregard by the CIA for the lives of those used as subjects in these experiments.

There are two questions in trying to understand this illegal behavior. Was the CIA aware that it was breaking the law? If so, how did they justify this activity? The answer to these questions is yes, they were aware and felt
justified because of the goal of national security. In the words of DCI Richard Helms:

While I share your uneasiness and distaste for any program which tends to intrude upon an individual's private and legal prerogatives, I believe it is necessary that the Agency maintain a central role in this activity (Halperin et al., 1979:53).

In 1973, Helms fearing that MKUltra, MKSEARCH, and MKNAOMI would be leaked, terminated the programs and ordered all records of their activities destroyed. In responding to the Inspector General questions regarding the ethics and morality of the mind control/behavior modification programs, a CIA memo dated 9/4/75 stated:

With the destruction of the MKUltra files in early 1973, it is believed that there are no records that would record the termination of the program for testing behavioral drugs on unwitting persons...There is no record to our knowledge that [the] freeze was ever lifted (Fain et al., 1977:895).

Further, in a CIA memo about MKUltra, the Agency seemed well aware that the experiments on human subjects were outside the bounds of professional ethics. This memo
states:

Research in the manipulation of human behavior is considered by many authorities in medicine and related fields to be professionally unethical, reputation of professional participants in MKUltra programs on occasion are in jeopardy (Counterspy Magazine, Spring 1980:45).

Yet, for more than twenty years the CIA continued to engage in these illegal, unethical, immoral, and harmful activities, i.e. political crimes.

5.6 MHChaos

During the 1960s and 1970s, there was widespread violence and civil unrest. Demonstrations, marches, and protest assemblies were the common means of protest. Many universities and college campuses became sites of disruption and disorder. Government facilities were picketed, invaded, and sometimes bombed. Threats of violence were a commonplace occurrence.

Responding to the domestic unrest, President Lyndon B. Johnson instructed DCI John McConr to provide an analysis of the problem of student unrest against the war in Vietnam. In response to this goal, the program MHChaos was created to determine if international communism was manipulating the
student protests (Lyon, 1990).

In response to this presidential request, the CIA issued an internal directive in 1964, establishing the Domestic Operation Division (DOD). The objective of the DOD was to "exercise centralized responsibility for the direction, support, and coordination of clandestine operational activities within the United States" (Lyon, 1990:59). Additionally, the CIA was "to look into the possibility of foreign links to American dissident elements in the United States" (McGehee, 1983:62). The establishment of the DOD and the MHChaos program violated the explicit intent of Congress to prohibit CIA activities within the U.S. While the CIA carried out a domestic counterintelligence program which followed the spirit of its charter, i.e. coordination and intelligence analysis, it grossly violated the explicit goal of non-domestic operations.

Merton (1968) defines innovation as the adaptation most associated with the "normal" response to an anomie situation where there is blocked access to legitimate means to achieve their goals. MHChaos illustrates this definition by its employment of clearly illegal activities directed toward its own U.S. citizens all in the quest of determining the connection between dissent unrest and communist influence.
Concerned with the domestic unrest, President Johnson instructed DCI John McCone to investigate the problem of widespread student unrest. Prior to 1965, Johnson had to rely on the information gathered by the FBI. This information was perceived as being slanted and biased due to FBI Director J. Edgar Hoover's own personal view that international communism was manipulating the student protest (Lyon, 1990).

Such mechanisms as mail opening, burglarizing homes, wiretapping phones, secretly watching the movements of unsuspecting individuals, establishment of proprietary companies to act as "fronts" and "covers," enlistment of other intelligence agencies, and the infiltration of CIA agents in alleged dissent groups were violations of the charter of 1947. More importantly, they violated the Constitutional Bill of Rights which guarantees "people to be secure in their persons, houses, papers, and effects" (Bucknan, 1977; Hagen, 1986; Halperin et al., 1979; Lyon, 1990; Powers, 1979; Ransom, 1970; Rositzke, 1977).

To determine the influence of communist manipulation on dissentient unrest, the CIA turned to the "old-boy network" comprised of former Office of Strategic Services (OSS) members, employees within the proprietary companies, and other contracts located in business, labor, banking, and
academic communities.

Once the information gatherers were in place, the CIA targeted those groups or individuals considered to be dissident, such as black militants, youth organizations, underground newspapers, and the Vietnam deserters and draft resisters. In addition to these radical groups, individuals were also victims of the CIA's illegal activities. These persons included, Robert Kennedy, Martin Luther King, Bella Abzug, and Ronald Dellums. Wiretaps were placed on the phones of columnists Jack Anderson and Michael Getler. Former special assistant to the DCI and author Victor Marchetti (THE CIA AND THE CULT OF INTELLIGENCE) was targeted as "a source of leaks" (Halperin et al., 1979; McGehee, 1983).

Under the umbrella MHChaos, Project MERRIMAC inserted ten agents into dissident organizations operating in the Washington, D.C. area. The objective was to provide information and warnings about demonstrations, pickets, protests, or break-ins carried out against CIA facilities or personnel in the D.C. area (McGehee, 1983).

Another operation under MHChaos was named Project RESISTANCE whose objective was to provide security for CIA recruiters on university campuses. This project involved the cooperation of university administrators, campus
security, and the local police. The goal was simply to identify radicals residing on college and university campuses. In sum, CIA agents infiltrated domestic groups of many types, with different activities.

As was the case with MKUltra, those involved with MHChaos were well aware that they were violating their charter. DCI Helms and the CIA complied with President Johnson knowing full well they were directly violating their charter. Nevertheless, Helms found himself justifying the operation to the Deputy Directors in a memorandum dated 9/6/69 instructing the continuation of MHChaos until otherwise directed (Halperin et al., 1979; Lyon, 1990).

Another example that the CIA was aware it was violating the law can be found in conjunction to the Restless Youth study conducted by the CIA under the request of President Johnson (1967) but later presented to President Richard Nixon and Secretary of State Henry Kissinger. In the cover letter accompanying this special report on student protest movements Helms wrote:

...we have included a section on American students. This is an area not within the charter of this Agency, so I need not emphasis how extremely sensitive this makes the paper. Should anyone learn of its existence it would prove most

Hence, the CIA, Presidents Johnson and Nixon were well advised that the student unrest was "a home-grown phenomenon without significant foreign involvement" (Ibid.).

Not satisfied with the Restless Youth study, Nixon assigned Tom Charles Huston, a young White House staffer, to coordinate a plan to combat the civil unrest, i.e. the Huston Plan. The planning agencies included the CIA, FBI, DIA, and the NSA. These agencies, without authority to engage in domestic political affairs, were to participate in internal U.S. activities. They were authorized by the White House to implement such illegal acts as burglary, surreptitious entry, opening private mail, and the use of electronic surveillance. Like Helms, Huston feared public disclosure. He wrote, "...the public disclosure of these techniques would result in widespread publicity and embarrassment..." (Cox, 1975:130). Again, this is an admittance of the inappropriate and unlawful conduct of the CIA.

Nevertheless, in the CIA's continuing search to find the connection between communism and dissent unrest, the Agency worked in unison with every intelligence agency of the federal government. Besides the FBI supplying thousands
of names to the CIA, the Justice Department gave another list of names. The Army intelligence officers briefed CIA agents on their list of domestic radicals.

MHChaos (late 1950s-1974) compiled personality files on over 13,000 people, subject files on 1,000 domestic organizations, 300,000 names of American citizens were cross-indexed within agency files, and thousands more were placed on watch lists to have their mail opened and their telegrams read. All this information was stored in the CIA's super-computer, HYDRA (Hagen, 1986; Halperin et al., 1979; Powers, 1979; Rositzke, 1977).

In a speech made to the American Society of Newspaper editors in April 1971, DCI Helms denied rumors that the CIA was involved in domestic spying, "We do not have such powers and functions. We do not exercise any. In short, we do not target Americans" (Halperin et al., 1979:153). DCI Helms admitted to this group that the CIA did not have legal authority to be involved in domestic spying knowing full well they were involved.

MHChaos came to an end in March 1974, as part of the winding down of surveillance programs of the 1960s and early 1970s. The CIA, in complying with two Presidents to study and define foreign links with American dissident movements, carried out a domestic counterintelligence operation.
MHChaos was a paranoid attempt to combat and contain communism when there was nothing to combat or contain.

In sum, these case studies, MKUltra and MHChaos, clearly illustrate how the CIA employed innovative means in an attempt to achieve their goals. These means were violations of the law, as well as unethical, immoral, and harmful acts committed against United States citizens, i.e. political criminality.

5.7 Overemphasis On Goals

As noted in Chapter III, Merton argues that norms are the moral or institutional regulations which define and control what are permissible means for attaining the goals. Merton states, anomie results when there is an overemphasis on goals over the means (Merton, 1938).

From its inception, an overemphasis on goals was placed on the CIA. The charter itself precisely specified that the Agency is to perform any function and duty that is needed to carry out the coordination and information analysis regarding national security. Hence, I argue that the CIA has used the rhetoric of national security to hide its political crimes.

One way that we see an overemphasis on goals is by the fact that there were no or few clearly defined measures
which specified and regulated the means. The fact that there were no regulatory agencies to monitor the CIA or few internal structures for doing so is a prime indicator that the goals were more important than the means. If the process of obtaining a goal is important, that is, if there is a equal emphasis on how goals are to be achieved then there should be rules which specify the means and regulatory agencies to monitor whether the rules are followed. The regulatory agencies would have the authority to punish who did not follow the rules and thus help ensure that the rules are followed in the future.

Given the organizational structure of the CIA and the lack of accountability, internally as well as externally, it was not surprising that decisions were made to innovate. The Church Committee's investigation into CIA abuses found that a lack of moral and institutional regulations resulted in innovation. The Church Committee concluded that excesses were made possible

by delegating broad authority without establishing adequate guidelines and procedural checks; by failing to monitor and coordinate sufficiently the activities of the agencies under their charge; by failing to inquire further after receiving indications that improper activities may have been
occurring; by exhibiting a reluctance to know about secret details of programs; and sometimes by requesting intelligence agencies to engage in questionable practices (Fain et al., 1977:872).

The CIA was not required to get prior approval for their activities, nor did they have to report their activities in all cases. Further, when requirements were laid out for reporting and approval, no one monitored whether or not the requirements were being followed.

Innovation was also facilitated because Presidential orders which allowed for monitoring subversive activities of American citizens were given without defining the limits of domestic intelligence. Additionally, Congress which had the authority to place restraints on the CIA through legislation, appropriations, and oversight committees did not assert its responsibility. For example, Senator Leverett Saltonstall (R-Mass), member of the Senate Armed Services Committee, the CIA's watchdog, in an 1966 speech said, "...instead it is a question of our reluctance...to seek information and knowledge on subjects which I personally, as a member of congress and as a citizen would rather not have" (Marchetti and Marks, 1974:345).

Saltonstall's statement was reaffirmed by DCI Allen Dulles on a NBC-TV news program shortly thereafter: "When I
appeared before them...'we don't want to hear about this. We might talk in our sleep. Don't tell us this'" (Cox, 1975:168).

This "I don't want to know" mentality was further expressed by the Chair of the Senate Armed Services Committee, Senator John Stennis (D-Miss): "As has been said spying is spying...You have to make up your mind that you are going to have an intelligence agency and protect it as such, and shut your eyes some and take what is coming" (Ibid.).

As the Church Committee concluded:
such deceit and improper practices which [the CIA] concealed would not have been possible to such a degree if senior officials of the Executive Branch and Congress had clearly allocated responsibility and imposed requirements for reporting and obtaining prior approval for activities, and had insisted on adherence to those requirements (Fain et al., 1977:873).

In other words, "excesses would not have occurred if lines of authority had been clearly defined; if procedures for reporting and review had been established; and if those responsible for supervising the intelligence community had properly discharged their duties" (Ibid.).
Hence, there was little or few internal controls on domestic intelligence activity which left the termination of improper programs to the "ad hoc" process of public exposure or threat of exposure by Congress, the press, or private citizens.

Also, the U.S. people fearing communism and nuclear war willingly supported the activities of the government and governmental agencies in protecting national security. This anti-communism consensus provided external endorsement for the CIA to pursue illegitimate means. Hence, "the national consensus, secrecy, and the mantel of the presidency enabled the [CIA] to operate outside the normal checks and balances of the constitutional system, and above the law" all cloaked under the rhetoric of national security (Halperin et al., 1976:222).

In this climate of anti-communism, the consensus of the American public supported secret activities of the CIA because Soviet imperialism had to be contained to halt communist expansion abroad and communist infiltration at home. Not only was the American public endorsing the CIA's secret activities but the constitutional checks and balances to neutralize our government's acts completely folded.

National security provided the legitimate means for law-breaking, while higher executive orders provided the
authority. "The widespread assumption was that the [CIA] was above the law, doing what had to be done for the national security" (Halperin et al., 1976:8).

However, according to the conclusion of the Church Committee and Rockefeller Commission, the domestic intelligence activity has threatened and undermined the constitutional rights of Americans to free speech, association, and privacy. It has done so primarily because the constitutional system for checking abuse of power has not been applied (Fain et al., 1977:897).

Furthermore, "there is no inherent constitutional authority for the Executive Branch or any intelligence agencies to violate constitutional authority, to violate the law, or infringe on the legal rights of Americans..." (Ibid.:903).

As in the words of President Truman on December 21, 1963: "I never had at any time thought...when I set up the CIA that it would be injected into peacetime cloak-and dagger operation...this quiet intelligence arm of the President has been so removed from its intended role..." (Wise and Ross, 1967:168).

The importance placed on protecting national security enhanced the opportunity for unlawful behavior. This
unlawful behavior was cloaked under bureaucratic structural support through its charter, NSC and presidential directives, as well as through executive privilege. The structure produced the factors promoting unlawful behavior by: (1) providing normative support for illegalities; (2) providing mechanisms for carrying out illegal acts; and (3) minimizing the risk of detection and sanctioning of such acts. In other words, the bureaucratic structure provided opportunities in which the illegalities could take place, in addition to isolating and masking the Agency's behavior, thus reducing the risk of detention (Merton, 1968; Vaughan, 1983).
Chapter VI

CONCLUSIONS

The application of Merton's theory of social structure and anomie to political crime has posed an interesting and challenging task since the ends were not economical nor the means conventional. As discussed throughout this thesis, the common goals of the CIA case studies were ultimately to maintain national security against the perceived or actual communist threat against the United States. However, the CIA was specifically prohibited from domestic activities, was not allowed to violate the Constitutional and human rights of the American citizenry, and was under no given constitutional authority to violate legislative and/or statutory laws. In other words, the CIA was at no time Constitutionally endorsed to commit any activities above the United States law.

Article 5 of the 1947 charter was used as the CIA's justification to commit illegal, unethical, immoral, and harmful behavior against its citizens. That is, the CIA seized upon "such other functions and duties related to intelligence affecting the national security as the NSC may from time to time direct" as the rhetorical justification to engage in power abuses (Ellis, 1988; Fain et al., 1977;

Due to the lack of regulatory monitoring of the CIA's questionable activities and the anti-communism consensus of the American public, the Agency's illegal means to achieve the desired goals fed back into the social structure. The CIA's activities became tolerated by society as a "necessary evil" and was granted internal and external cultural acceptance. Thus, innovative means were used until "counteracting measures of social control [were] called into play" (Merton, 1964:235; Vaughan, 1983:61). Due to the fear of public response and inquiries, the blue ribbon panel of the Rockefeller Commission, the Pike Committee, and the Church Committee's investigation into the illegalities of the intelligence community, led eventually to the termination of these programs.

The goals of MKUltra and MHChaos were the same and both programs used innovative means. This choice was facilitated by the lack of legislative mandates to regulate them and a bureaucratic mentality that the ends justify the means. Thus, the CIA innovated the means to achieve its goals. In the case of MKUltra, the use of drugs, chemical and/or biological agents, aversion treatment on unwitting human guinea pigs, secret use of universities, hospitals, prisons,
and safehouses were all designed to secure a weapon against communism in the interest of national security.

Likewise, MHChaos used illegitimate means by employing illegal surveillance, burglary, wiretaps, mail opening, and insertion of agents into alleged dissident organizations all in its quest to discover the connection between communist infiltration and domestic disorder under the justification of national security.

An important question is: what makes a particular means legitimate or illegitimate? Are not the definitions of legitimate and illegitimate socially constructed? Indeed, I suggest that the definitions of these terms are socially constructed, they are defined by the law. A violation of a law which applied to the CIA constituted an illegitimate or innovative activity. Thus, there is little ambiguity about what constitutes innovation: an act is classified as illegitimate, or innovative, if it violated the law. The questions as to whether or not the CIA was aware of their violations or whether or not they felt justified in breaking the law are different from the definitional issue as to what constitutes illegitimate means.

I have argued that the CIA was aware that they were violating the law. Evidence has been provided in this thesis to show that indeed they were aware that the laws
were being violated. They destroyed records, denied their activities, and eventually terminated the programs before they were discovered. Documentation has been provided to show which specific laws were violated. It is not the case that hind-sight tells us that these activities were illegal (or should have been illegal). These activities were not considered legal in the historical context in which they occurred. Even at the time, those breaking the law were aware of it by their own admission. What is context specific was the rhetorical justification for the law-violations. Specifically, they used the fear of communism to justify their activities. This excuse would ring hollow to our ears today. However, at the time, this provided the rationale which agents used to silence the "faint twinge of uneasiness" they may have felt about breaking the law (Merton, 1938:132). Indeed, they were aware of their violations.

If we return to the definition of political crime, we see that breaking the law is a conscious choice made by political criminals. A political crime is one committed for ideological purposes. Political criminals often break the law as a means to challenge the existence of laws. For example, a women in Guam spoke in public about abortion immediately after a law was passed making this activity
illegal. She did so to have the constitutionality of the law questioned, and it was eventually repealed. Political crimes committed by the CIA were not done to have these laws changed, but rather for the purpose of maintaining or enhancing the established political or social order. Specifically, I have argued that the CIA knowingly, willingly, and repeatedly broke the law and rhetorically justified their actions in terms of protecting this country from communism.

While Merton specified the structural relationships between goals and means that increase the likelihood of selecting illegitimate means, he is less clear about the specific mechanisms involved in making the choice to use illegitimate means. Merton argues that the use of illegitimate means are likely when there is an overemphasis on goals over the means, legitimate means are blocked, and/or legitimate means are ineffective. It is difficult to say which of these were more instrumental in the CIA choosing to use illegitimate means. It is highly likely that the legitimate means were inefficient in most cases. For example, the CIA could have legitimately explored a communist connection by gathering information over-seas. This would have no doubt been a more difficult task than infiltrating domestic organizations in search of a foreign
influence. It is also highly likely that the legitimate means were ineffective. It is doubtful, for example, that the CIA could have obtained the search warrants needed for the type of surveillance they were doing under project MHChaos. One can only hypothesize a host of other reasons for the use of illegitimate means. For example, the psychological profile of individuals who are accepted as agents and the elite nature of the CIA may account for a proclivity for law-breaking. Specifying the mechanisms through which individuals or organizations decide to break the law are beyond the scope of this thesis and is left for future researchers to explore.

In this thesis, I have argued that Merton's theory of social structure and anomie is a useful starting point for identifying elements within the social structure which facilitated the commission of these political crimes. This analyses has shown that these crimes by the CIA cannot easily be dismissed as random or isolated events, events committed by a "rogue elephant," nor can they be accounted for by biological or psychological drives. Rather, I have presented a theoretical argument which states that these crimes are rooted in the social structure.

Political crimes by the CIA are highly likely under the condition of an overemphasis on the goal of national
security without the proper checks and balances as to how these goals are to be achieved. It is the disjuncture between goals and means which generates the "circumstance in which infringement of social codes constitutes a 'normal' response" (Merton, 1938:132). To use the language of control theory, under these social structural conditions of imbalance, what needs explained is why the CIA did not commit crimes more often; innovation is "taken for granted."

This is not to imply that the CIA innovated all the time. As stated by Merton, conformity is the most common response to disequilibrium. Indeed, not every activity undertaken by the CIA during this time period was illegal. At the same time, innovation is also a common response to disequilibrium and as demonstrated in this thesis, the CIA frequently broke the law, in addition to other acts that can be viewed as unethical and immoral.

An important question is whether or not these case studies are representative of CIA activities. To answer this question we need to ask whether or not important elements in the social structure at the time MKUltra and MHChaos have changed. Has there been less emphasis put on the goals of the CIA? Do they have more legitimate means—including moral and ethical ones—to reach their goals? Are there regulatory agencies and procedures in place to monitor
their behavior? If not, then it is likely that these illegal and immoral activities have continued and should be expected to occur in the future because it is only when "counteracting mechanisms of social control are called into play" to make the innovative behavior unacceptable or ineffective will it be terminated (Merton, 1964:235). The illegal involvement of the CIA in the Iran-Contra scandal suggests that there is still disequilibrium within the system.

In this thesis, I have not addressed the issue of why some individual agents might be more comfortable violating the law than other agents. Social process theories, such as differential association, might be better suited for that task. Other theoretical orientations, such as conflict theory, might also be useful in explaining the abuses of power by the CIA. However, I feel that Merton's theory has been useful in demonstrating how elements of the social structure lead to an increased risk of political crime.

There is no doubt that crime is ubiquitous and takes many forms. It is highly unlikely that any one grand theory can explain all crimes. Also, several theories might be useful for explaining any one type of crime. However, our understanding of crime will be incomplete unless political crime is given serious theoretical consideration. Further,
this form of crime directly or indirectly affects each of us. This thesis has attempted to draw attention to the serious nature of this type of crime and provide at least a partial account of why it occurs.
BIBLIOGRAPHY


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