



Searching for a Winner: Abram's G-2: The Dilemma of Intelligence Gathering: David Horowitz, the Church Committee Report, & Benjamin Netanyahu

- 14- It would be worth your while to read a rather lengthy essay by David Horowitz entitled, "How the Left Undermined America's Security," published February 18, 2002, in *FrontPage Magazine*.

NOTE: The Web link to the article is:

<http://www.frontpagemag.com/horowitzsnotepad/2002/hn02-18-02.htm>

- 15- In this article you will find a summary of the legal constraints placed on the intelligence gathering agencies of our government, including the CIA, FBI, NSA, and others beginning with the Church Committee Report in 1976. This committee was chaired by Frank Church, a Democrat Senator from Idaho. Senator Church was a very officious, self-righteous type who thought that intelligence gathering was an improper function of a democracy and a threat to civil liberties. We find the following among the Report's conclusions:

Intelligence Activities and the Rights of Americans. In the Church Committee Report. (Washington: United States Senate, Apr. 26, 1976):

We have found that we are in fundamental agreement with the wisdom of Attorney General Stone's initial warning that *intelligence agencies* must not be "concerned with political ... *opinions* of individuals" and must be limited to investigating essentially only "such *conduct* as is forbidden by the laws of the *United States*." The Committee's record demonstrates that domestic intelligence which departs from this standard raises grave risks of undermining the democratic process and harming the interests of individual citizens. This danger weighs heavily against the speculative or negligible benefits of the ill-defined and overbroad investigations authorized in the past. Thus, the basic purpose of the recommendations contained in ... this report is to limit the FBI to investigating *conduct* rather than *ideas* or *associations*.

Terrorists have engaged in serious acts of violence which have brought death and injury to Americans and threaten further such acts. *These acts, not the politics or beliefs of those who would commit them, are the proper focus for investigations to anticipate terrorist violence.* Accordingly, the Committee would permit properly controlled intelligence investigations in those narrow circumstances.

http://www.thirdworldtraveler.com/FBI/Church_Committee_Report.html

- 16- The Horowitz essay documents a series of failures by the Clinton Administration to manage the terrorist attacks on U.S. interests throughout out the period of his presidency. In fact, throughout his entire eight years in office, Clinton never met with his CIA Director, James Woolsey, after their initial interview.
- 17- Making matters worse was the bill passed by Congress, proposed by Senator Robert Torricelli, Democrat of New Jersey, that prohibited the CIA from hiring anyone with a record of crime or civil rights violations. The types of personalities that were capable on infiltrating the likes of Usama bin Laden's *al-Qaeda*, Iran's *Hezbollah*, and the Palestinian *Hamas* terrorist organizations could not be considered by the CIA.
- 18- In addition, the legislation passed following the Church Committee Report prohibited the intelligence gathering agencies from sharing information with each other. The assertion that these agencies failed during the period leading up to the Islamic assault in September 2001 is true but void of the reasons why they failed. They were caused to fail by legislation passed by Congress, legislation that is rarely mentioned in post-assault news analyses.



- 19- Finally, in 1993, Congressman Bernie Sanders, Socialist of Vermont, and member of the House Intelligence Committee, introduced an amendment still in effect today that imposes an annual minimum reduction in the intelligence agencies' budgets of 10 percent. These reductions continued throughout the Clinton Administration.
- 20- These circumstances have in effect amounted to an intelligence disarmament over the past quarter century. This situation was acknowledged when Republicans took control of the House in 1994 by Congressman Floyd Spence, Republican of South Carolina and newly appointed chairman of the House Armed Services Committee:

Horowitz, David. "How the Left Undermined America's Security." *FrontPage*, Feb. 18, 2002, 11:

"We have done to our military and to our intelligence agencies what no foreign power has been able to do. We have been *decimating our own defenses*....In this day and time you do not have to be a superpower to raise the horrors of mass destruction warfare on people. It could be a Third World country, a rogue nation, or a *terrorist group*....These weapons of mass destruction are chemical, biological, bacteriological....Anthrax could be released in the air over Washington, DC.... That could happen at any time and people are talking about cutting back on our ability to defend against these things or to prevent them from happening. It is unconscionable to even think about it. It borders on leaving our country *defenseless*."

- 21- The government of this country has failed to perform its most basic duties implored by the Preamble to the Constitution:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

- 22- These failures, over a period of twenty-five years and covering four administrations and thirteen congresses, have been exposed as perilous to our national security by repeated assaults from Islam during the entire time.
- 23- On September 11, 2001, we did not have the intelligence to alert us to this attack and now that we are engaged in a war with Islam a question arises: Who will report back to us about the next attack?

As a client nation we are involved in historical downtrends that invite predators to attack us. When they do it violates our constitutional rights. Yet our leaders do not want to allow our intelligence gathering agencies the latitude they need to gather information on terrorists. In order to protect certain constitutional rights they invite the violation of others. Addressing this issue very articulately is a man who has spent most of his adult life fighting terrorism:

Netanyahu, Benjamin. *Fighting Terrorism: How Democracies Can Defeat the International Terrorist Network*. 2001 ed. (New York: Farrar, Straus and Giroux, 2001), 33-46

The belief that freedom of speech and religion are absolutes that cannot be compromised even in the slightest was out of very real security concerns is merely tantamount to replacing one kind of violation of rights with another, even worse violation of those same rights.



There is some point at which terror becomes by far the bigger threat to citizens' rights and the time comes to take unflinching action. In this regard, there is apparently a moment of truth in the life of many modern democracies when it is clear that the unlimited defense of civil liberties has gone too far and impedes the protection of life and liberty, and governments decide to adopt active measures against the forces that menace their societies. (p. 33)

The record of active anti-terror techniques, once adopted, has been excellent. In the wake of active anti-terror action by democratic governments in the 1970s and 1980s, the most notorious of European domestic terrorist groups were eliminated one by one, including Baader-Meinhof, the German Red Army Faction, the Italian Red Brigades, the Action Directe in France, and Germany's bizarre anti-Western new-Nazi terrorist cells. (pp. 34-35)

Perhaps the most striking example in which the United States was forced to momentarily curtail civil liberties in the face of potential terrorist activity occurred during the Gulf War. When Saddam Hussein invaded Kuwait in the summer of 1990, Iraq was by no means a world military power, and Saddam's chances of winning a conventional war were slim. But Saddam had several cards up his sleeve. One was his arsenal of Scud missiles and chemical-weapons stockpiles, which he claimed to be willing to use to "incinerate half of Israel." The other was terror, which he threatened to loose against the United States: Iraq's promised "mother of all wars." (pp. 37-38)

Even before the war, the American intelligence community recognized that with the majority of the world's terrorist networks poised to assault Western targets, the Allied invasion of Kuwait could easily end up being a costly affair even if the Allied troops won the land and air battles handily. There was no viable option of passive defense against the terrorists, and the Bush administration concluded that there was no choice but to follow the Europeans' lead and adopt a more activist policy. It ordered "a crackdown on all potential sources of threat," which included surveillance, searches, interrogations, and expulsions en masse of Iraqi diplomats, PLO operatives, and other potential agents of Iraqi terror. For possibly the first time in decades, a concerned anti-terror effort was conducted simultaneously by the governments of virtually every democratic nation. And the result was an unambiguous victory for the Western security services. (pp. 38-39)

At the Jonathan Institute's 1979 conference, Professor Joseph W. Bishop of Yale University inquired into the question of whether the United States Constitution could be made to square with firm anti-terror measures such as had been adopted in Britain, Germany, and other European democracies. After all, the Fifth Amendment of the U.S. Constitution appears to prohibit convictions on the basis of self-incriminating testimony—which is just the kind security services are practiced in obtaining in interrogation; it similarly prohibits depriving a citizen of his liberties without "due process of law"—which is exactly what an arrest without a warrant is; the Sixth Amendment guarantees the right to a trial by jury—and yet the British found trials by a lone judge to be a crucial step in obtaining convictions, because the Ulster citizenry had become so intimidated by terrorists. (p. 43)

Yet Bishop's conclusion was that even under the rigid civil liberties orientation of the American Bill of Rights, the courts had consistently upheld the authority of the executive branch to curtail civil freedoms where there was compelling evidence of a threat to the security of the United States if these unlimited liberties remained in force. Thus Bishop notes that the Supreme Court, which is responsible for ensuring that the government of the United States conforms to the standards set out in the Constitution, stood aloof as Abraham Lincoln dramatically curtailed civil liberties during the Civil War. Lincoln suspended the writ of *habeas corpus*, had civilians in the South tried by military tribunals without the use of either a jury or the normal rules of evidence, and made use of wholesale internment of individuals suspected of supporting the Confederacy—and yet the Supreme Court was silent. (pp. 43-44)



As these examples strongly suggest, the American judicial system is ready and able to distinguish normal, peaceful circumstances from those in which the security of American citizens is being threatened by organized violence from without or within. This willingness to take responsibility and make hard decisions in the service of democracy is the hallmark of a mature political culture, such as the American Founding Fathers hoped would evolve in the United States. As James Madison wrote to Thomas Jefferson with regard to the balance between the powers of the state and the rights of the citizens: "It is a melancholy reflection that liberty should be equally exposed to danger whether the government have too much or too little power." However, when it came to matters that endangered the security of the nation, Madison and Alexander Hamilton were unequivocal that the authority of the executive to ensure the security of the nation must take precedence over *all* other concerns. As they wrote in *The Federalist*:

[The powers to ensure security] ought to exist without limitation, because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. [Alexander Hamilton, #23.]

... as I know nothing to exempt this portion of the globe from the common calamities that have befallen other parts of it, I acknowledge my aversion to every project that is calculated to disarm the government of a single weapon, which in any possible contingency might be usefully employed for the general defense and security. [Alexander Hamilton, #36.] (pp. 44-46)