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THE INTERNATIONAL CRIMINAL POLICE
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AMERICAN PARTICIPATION IN AN INTERNATIONAL
ORGANIZATION.

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THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION:
A CASE STUDY OF OVERSIGHT OF AMERICAN PARTICIPATION
IN AN INTERNATIONAL ORGANIZATION

by

DIANA GULBINOWICZ

A dissertation submitted to the Graduate Faculty
in Political Science in partial fulfillment
of the requirements for the degree of
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1978

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for the degree of Doctor of Philosophy.

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Abstract

The International Criminal Police Organization: A Case Study of Oversight of American Participation in an International Organization

by

Diana Gulbinowicz

Advisor: Professor Dankwart A. Rustow

This dissertation contributes to the limited but significant literature which examines the accountability of international organizations. It addresses the need for and the obstacles to national governmental oversight of participation in specialized international organizations. In particular, it examines the nature of congressional oversight over American participation in the International Criminal Police Organization or Interpol. Based upon an analysis of the issues, motivations and restraints which arose in the course of congressional hearings on Interpol, this study concludes that there is a significant need for meaningful oversight, and that considerable impediments exist to its exercise on both national and international levels. This conclusion accords with Karl Kaiser's notion that the activities and decisions of international organizations are increasingly less subject to control. The introductory chapter reviews the relevant literature of theorists such as Karl Kaiser, Joseph Nye and Robert Keohane and suggests what is meant by "oversight" within the context of international organizations.

Although the activities and decisions of Interpol potentially affect a great number of citizens, during the longest period of U.S. participation in Interpol neither the Executive Branch nor the Congress exercised any watchfulness over Interpol operations. In 1974, as a result of intensive lobbying by a private pressure group, the Church of Scientology, various domestic government offices became much more attentive to the potential for abuse of privacy safeguards and to the possibilities of corruption or mismanagement within the ICPO. U.S. participation in Interpol thus became the subject for intensive congressional hearings on Interpol. Chapter II examines the nature of, resources, and limitations of congressional oversight in general and as applied to Interpol, and also explores the influence of the post-Watergate era on heightening interest in the oversight of intelligence-related activities. Chapter III details the course of

congressional interest in Interpol and the concomittant bureaucratic interplay between the Treasury and Justice Departments, the congressional subcommittees involved in Interpol, the Church of Scientology and the press.

Chapters IV and V concentrate on the nature of Interpol itself: its history and structure as an international organization, the way in which it functions and the principles which guide its operations. The inherent difficulty Interpol faces in defining what is meant by "international crime" is compounded in dealing with such politically sensitive crimes as terrorism. Chapter IV focuses on the hybrid status of the ICP0 as an international organization. The history of Interpol's evolution from a self-constituted European Commission to an intergovernmental organization developed along unusual lines which left questions as to whether Interpol was essentially a private organization. This fact, along with the fact that Interpol is structured as an international organization which also has operational national sub-units, known as NCBs, compounds the ambiguity of whom Interpol is accountable to.

Chapter VI focuses on the course of the congressional hearings regarding Interpol and the impact of these hearings. The hearings concerned the means of safeguarding American citizens from the potential of abuse resulting from possible inefficiency, corruption, or political motives such as pro-Nazi sympathies within the Interpol network.

Finally, Chapter VII concludes that while the overall effect of congressional oversight interest was a stimulating and salutary one which prodded both the American Interpol office and the ICP0 itself to examine their principles and operations more closely, there exist formidable barriers to the exercise of such oversight. These barriers occur on both the national and international levels and result from the secretive and technical nature of Interpol's operations as well as from the lack of political or economic salience which such international organizations have in the domestic arena. These findings tend to confirm that there is a danger that a growing number of specialized international organizations may become unaccountable to the nations and peoples which they affect.

ACKNOWLEDGEMENTS

Any research work of this kind depends for its success on the contributions of many different people; in the case of this dissertation, what merit and significance can be found in these pages are due, in large part, to those members of the academic community, government agencies, and the private sector who generously devoted both their time and interest to this work. Their questioning helped me to formulate and rethink the difficult issues of the theoretical sections, while their pragmatic and informed advice provided valuable insights into the practical aspects of the research. Of course, I remain finally responsible for whatever errors and shortfalls may exist.

I owe special thanks to the faculty of the Graduate School at the City University of New York, which invested great time and patience in assisting me. I particularly wish to thank Professor Dankwart A. Rustow, my senior advisor, for his exacting, prodding, and most importantly, encouraging help through the final revisions of the manuscript. Also, the advice of Professors John Stoessinger, William Hanna, Arnold Rogow, Michael Kahan, and Howard Lentner was consistently useful. I also wish to express my gratitude to the late Professor Xydes of Hunter College, who served as my first advisor in this research.

It is impossible to single out the many government officials who extended themselves in answering my many questions and in pointing me to important sources of information. Nonetheless, I am grateful for the assistance of the staff of Senator Montoya's Subcommittee, Congressman Moss' office, Congressman Beard's staff and the staff at the House Judiciary Subcommittee. Also, the staff of the Congressional Research Service, particularly Dr. Jonathan Sanford and Dr. Norman Beckman, contributed their valuable criticisms in looking at the manuscript.

I am particularly grateful to Mr. Louis Sims, Chief of the United States Interpol National Central Bureau, for the many hours of patient and thoughtful time spent in interviews for this dissertation; his seasoned experience with Interpol matters was invaluable in helping me understand the work and problems of Interpol. In addition, the staff of the ICPO, both in Washington and at St. Cloud, provided useful documentation.

(cont.)

(continued)

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Finally, I wish to acknowledge the help of those many friends whose encouragement and support sustained me through the various visions and revisions of the dissertation. I especially wish to thank my typist and invaluable editorial assistant Bob Greene, without whose help this manuscript would surely never have been finished. I am also indebted to the generous time and assistance of Charles Adams, John Wilson, and many the other good friends here in Washington and in New York who assisted me in this effort. My gratitude is also due to my seniors at the Department of Energy for their understanding in permitting me to take time off from my work these last several months so that I could complete the manuscript. Last, but certainly not least, a very personal appreciation goes to my mother for her consistent encouragement and for her warm motherly concern.

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1. Prelude

At 10:00 a.m. of March 30, 1977, Congressman Joshua Eilberg, Chairman of the House Judiciary Subcommittee for International Law, convened hearings on H.R. 4641 regarding U.S. membership dues to Interpol, the International Criminal Police Organization. Representing the Justice Department, which had just reacquired jurisdiction over U.S. Interpol operations, were Glen Pommerening, an Assistant Attorney General and Andrew Tartaligno, Director of Interpol Liaison Staff. After several preliminary questions, the Chairman indicated:

"I hold in my hand a book entitled, 'Entebbe Rescue' written by Ben P. Herber and another gentleman named Schiff Herber, published by the Dell Publishing Company of New York City and originally published by Tel Aviv. This book describes, of course, Israel's rescue mission, which is so well known. On page 56, this statement appears: 'Israel asked Interpol to help and forward the information to their Paris headquarters, only to discover the Arabs had gotten hold of it and they in turn passed it on to other terrorist organizations.'" 1/

Chairman Eilberg then turned to Mr. Pommerening and asked "Is this true?". Mr. Pommerening seemed taken aback, "Mr. Chairman, I don't -- (pause) we can't make any report." Mr. Eilberg continued: "On page 345, the same

1/ Unpublished hearings before the House Judiciary Subcommittee for International Law of March 30, 1977. A transcript of the hearings was made available to this writer pending the official release of the hearing records. A complete chronology of the major hearings will be found in the appendix.

publication, there appears this statement: 'Experience has shown that Interpol, the International Organization of Police Forces, [sic] is not the tool for the inside politics, information transmitted to Interpol in the past has leaked to Arab countries who allegedly have handed it on to the terrorists.' Is this true?" Again, Mr. Pommerening responded, "I don't know."¹

Mr. Eilberg pressed on, however: "You don't know whether it could be true or not, I take it." "Presumably, it could not be, but I don't know." Mr. Pommerening admitted.

After a few more minutes of questioning, Congressman Hamilton Fish also of the subcommittee began his questioning of the Justice Department officials:

What concerns me, Mr. Pommerening, is--I am sure you are familiar with the GAO report 2 / --it indicates that there is no absolute control of the distribution of information, page 36. And page 10, it goes on to explore screening in this country to protect the confidentiality of our citizens, such as the Privacy Act.

I think the issue before us is how to keep it (Interpol) under control. I wonder if you could describe for the committee how information is exchanged among the member countries of Interpol and to what limit, if any, member countries have accessibility to FBI records and other

¹ / Ibid., passim.

² / The General Accounting Office (GAO) of the Congress had recently completed an investigation of U.S. Participation in Interpol. A full discussion of this report will be found in Chapter VI.

investigative records of the United States. This means countries like Algeria, Chile, Ethiopia, Roumania, to name a few, would have access to records pertaining to American citizens?

As the hearing continued, many additional questions were asked. Questions about how Interpol handles terrorist crimes, questions about Interpol's organization, structure, its activities, the effectiveness of its crime-fighting operations, and its staffing and funding. As the questioning continued, it became evident that neither Mr. Pommerening nor Mr. Tartaligno were prepared for or expecting the highly critical tone of the questioning. It was also evident that the subcommittee Chairman was losing patience with the poor preparation by the Justice officials and with the frequency of their "I don't know" replies.

Mr. Eilberg then stunned both the audience and the administrative officials by stating: "Another very serious bit of information, if it's true, has come to us very recently in preparation for this hearing, namely, that during the Nixon Administration that Mr. Gordon Liddy is said to have used information that was available through Interpol in connection with obtaining contributions from foreign corporations. Do you know anything about that?" Mr. Pommerening and Mr. Tartaglino again replied that they did not.

Later, Mr. Eilberg continued: "Getting back to the

possible misuse of Interpol, what I am trying to determine is whether Interpol--more specifically, our Interpol office and Treasury was ever abused or misused for political purposes during the administrations prior to this one--the last two administrations." Again, the Justice Department officials averred that they had no knowledge about this matter. The Chairman pressed on: "The GAO report noted that 49% of the cases the requestors had provided insufficient data. In fact, in some cases no reason was given at all for requests by foreign governments for biographical information and criminal histories of United States citizens. This is certainly disturbing and would you please comment on this GAO finding."

Mr. Pommerening's response was: "Mr. Chairman, I can't comment on that finding because I don't know the facts." Such a reply seemed unusual in view of the fact that Mr. Pommerening was the senior U.S. government official responsible for U.S. Interpol operations. Furthermore, the GAO report had been issued several months prior to the March hearings, and both Treasury and Justice Departments were well aware of the existence of the report as they had had to supply evidence in its preparation. In addition, the question raised by Mr. Eilberg had already been raised repeatedly in the earlier congressional hearings on Interpol of 1975 and 1976.

The Chairman's conclusions at the close of the hearings were quite blunt:

"Mr. Pommerening, I think if you were sitting where we were this morning, at this stage in this particular hearing, I think you would be asking these questions. I am not going to ask them of you, but just to give you some indication of my state of mind, which is rather depressed at the moment in terms of what Interpol is all about: I asked what are the principal advantages gained by the United States in belonging in Interpol?..... And there are such enormous gaps in the answers provided that I wonder about whether we will be able to move affirmatively on the bill that you gentlemen are advocating."

(2) Thesis of the Dissertation

The March, 1977 Eilberg hearings on Interpol dramatize the kinds of governmental issues which are involved in U.S. participation in the International Criminal Police Organization. The hearings also revealed the kinds of problems that the Congress encountered in the exercise of its oversight function. This dissertation proposes to study the nature, extent, efficacy and problems related to United States governmental oversight of U.S. participation in the International Criminal Police Organization, also known as Interpol. In doing so, the dissertation will explore the issue of national democratic control, through legislative oversight of national governmental participation in an international organization.

It is the thesis of this dissertation that national oversight of participation in international organizations, as exemplified in the case of Interpol, is an important and potentially powerful function which, however, is difficult to initiate, exercise and sustain. That international organizations may be proving increasingly more difficult to hold accountable and to oversee is a concern which has been voiced in the theoretical literature of transgovernmental relations. Karl Kaiser, Robert Keohane, Joseph Nye, Margaret Goodman and Jonathan Sanford have written about

the expanding sphere of influence of international organizations and about the challenge which these pose in terms of accountability and responsibility to their member states.¹ More recently, Bayless Manning in an article on "The Congress, the Executive and Intermeric Affairs" has pointed out that the classical agenda of international relations has expanded dramatically in recent years to include what he terms "intermeric" issues-- that is those which are "simultaneously, profoundly and inseparably both domestic and international."² The activities of the International Criminal Police Organization exemplify the "intermeric" character of a growing number of international organizations whose sphere of influence intertwines both national and international issues.

By examining the procedures and activities of Interpol as they relate to the American citizen and the measure of

1 / Karl Kaiser, "Transnational Relations as a Threat to the Democratic Process", in Transnational Relations and World Politics, Robert O. Keohane and Joseph S. Nye (eds.) (Cambridge, Mass.: Harvard University Press, 1972); Karl Kaiser, "Transnational Politics: Toward a Theory of Multinational Politics", International Organization, XXV (Autumn 1971); Robert Keohane and Joseph S. Nye, "Transgovernmental Relations and International Organizations," World Politics, XXVII (October 1974); Also, Transnational Relations and World Politics, (1972). Jonathan Sanford and Margaret Goodman, "Congressional Oversight and the Multilateral Development Banks," in International Organization, Volume 29, Number 4, Autumn, 1975.

2 / Bayless Manning, "The Congress, the Executive and Intermeric Affairs: Three Proposals," Foreign Affairs, January 1977, pp.306-324.

success which the United States government has met in exercising its control of participation in Interpol, this dissertation demonstrates the importance of such national control and the kinds of problems that emerge in its exercise.

The dissertation proposes to examine the particular kinds of problems that national control of an international organization presents. On the international level, it is evident that national control of an international organization is limited by the amenability of the organization to control by its membership. Also, outside control of any highly technical organization tends to be discouraged by the abstruse nature of its activities. The dissertation seeks to examine how the nature of Interpol as an international organization imposes particular barriers to any external inspections and what sort of factors can tend to obscure the activities of such international organization and thus render it less accountable. Furthermore, on the national level there also exist both political and bureaucratic deterrents to such oversight. Students of congressional oversight have suggested that congressional committees, faced with severe staff and time limitations, are highly constrained in deciding whether to review particular

agency procedures and policies.¹ Thus, even in the national sphere, congressional oversight has been quite limited and has tended to concentrate on those issues which have significant fiscal impacts or that command sizeable political constituencies or visibility.² The weakness of congressional oversight on the domestic sphere alone has been succinctly summarized by the classic commentary by John Bibby that oversight has been "Congress' neglected function"³ In the international sphere, these same constraints are intensified and serve to deter the exercise of congressional oversight.

Although students of the legislative process have examined the role of the Congress in relation to foreign policy-making, there has been little examination of its relationship to oversight of international organizations,

¹ / These limitations are more thoroughly discussed in the the following chapter. A recent discussion of the role of oversight in the legislative process can be found in Malcom E. Jewell and Samuel C. Patterson, "The Legislature and the Executive: Oversight, Supervision, Control," in The Legislative Process in the United States (New York, Random House, 1975). See also William J. Keefe and Morris S. Ogul, The American Legislative Process (New Jersey: Prentice-Hall, Inc., 1977).

² / Fuller citations on the literature of congressional oversight will be found in Chapter II.

³ / John F. Bibby, "Congress' Neglected Function," in Melvin Laird (ed.), Republican Papers (New York: Praeger, 1968), pp. 477-488. See also John Bibby and Roger H. Davidson, On Capitol Hill: Studies in the Legislative Process (Hinsdale, Illinois: The Dryden Press Inc., 1972), p. 242. Bibby's sentiment is echoed by Rudy Abramson and John A. Averill in "Congress' Watchdog Job: No bark, No Bite", Los Angeles Times, January 13, 1974.

with the exception of the previously cited articles by Kaiser et al. which will be reviewed in a following section. This dissertation will examine the question of whether the instance of Interpol lends support to the thesis that the nature of many of the emerging international organizations makes them difficult to hold accountable by their member states. We wish to examine the kinds of obstacles which present themselves to holding such institutions responsible. At the outset, we posit that international organizations such as Interpol must compete with more pressing domestic and international concerns - a fact which seriously impedes the opportunities for congressional oversight. Such an examination can lend support to the work of certain theorists who wonder whether, as a result of their technical and less visible activities, a growing number of international organizations are proving less amenable to national democratic control.

In the case of American participation of Interpol, this dissertation examines the combination of difficulties and political factors which have inhibited attempts by Congress to oversee Interpol operations. As an example of these factors, prior to the precipitation of congressional interest in this subject, the fact that the total operating costs of the U.S. Interpol office for 1976 were no more than \$434,000 (as compared to \$28 million by the Treasury

Department alone) meant that there was no national scrutiny of the ICP0. The relatively minor taxpayer expenditure of U.S. membership in Interpol was reinforced by the fact that, during most of the period of American participation, there were no domestic groups with a vested interest in Interpol aside from the limited interest of a few federal agencies themselves. As a result, there was a total lack of any meaningful congressional scrutiny of Interpol operations during most of this period.

One of the major questions which the dissertation proposes is, given that there are certain impediments to the oversight of international organizations, what kind of political circumstances and forces can overcome these? In examining this question, the dissertation studies the crucial role which a public pressure group can play in encouraging, prodding, and even forcing, the Congress to play an oversight function in this area. There exists much literature that exemplifies the importance which public pressure groups play in the dynamics of access to the legislative process.¹ Public pressure groups play

¹ / See David Truman, The Governmental Process: Political Interests and Public Opinion (New York: Alfred A. Knopf, 1973); Daniel M. Berman, In Congress Assembled; the Legislative Process in the National Government (New York: Mcmillan Press, 1964); V.O. Key, Jr., Politics, Parties, and Pressure Groups (New York: Thomas E. Crowell, 1958); Jewell and Patterson (1975). Also, see Lester W. Milbrath, The Washington Lobbyists (Chicago: Rand McNally & Co. 1963). Other sources can be found in Chapters II and III.

an especially vital role in relationship to the work of committees as pointed out by David Truman, who notes that "Inevitably the investigating committee is a powerful vehicle for group attack and defense."¹ In addition to the play of pressure politics, public groups have new devices such as the Freedom of Information Act which give them unprecedented leverage and access to government information. In the domestic domestic sphere, the success of public lobbying efforts such as that of Common Cause or the consumer movement as pioneered by Ralph Nader illustrate the crucial role that such groups can play in initiating and sustaining congressional attention to certain issues.²

Congressional oversight of Interpol was catalyzed by unusual attention of a private pressure group; Interpol's activities had hitherto been lost in the midst of more pressing and immediate congressional concerns. By analyzing the role of this public pressure group and the problems which it encountered in stimulating congressional interest in Interpol, the dissertation probes the potential and limitations of the oversight process as applied to international organizations.

¹ / David Truman, op. cit., p. 381.

² / See Who Runs Congress?, a Ralph Nader Congress Project, revised and edited by Mark J. Green et al. with an introduction by Ralph Nader (New York: Grossman Publications, 1975). Also, see John W. Gardner, In Common Cause (New York: W. W. Norton & Co., 1972).

The dissertation also examines the impact which the bureaucratic struggle for power between governmental agencies can have in this arena. Bureaucratic tensions arose as the Treasury and Justice Departments vied with each other for primacy in U.S./Interpol operations. The dissertation analyzes the role which this intergovernmental dispute played in both intensifying and impeding the course of congressional oversight. Part of the analysis of the resulting political dynamics follows the treatment of bureaucratic politics and foreign policy by Morton Halperin and Graham T. Allison.¹

The final issue which the dissertation addresses is the problem which the U.S. faces in attempting to balance the need to protect both itself and the international community at large from the effects of international crime against the need to preserve the rights of the individual. On the domestic level, J. Edgar Hoover himself was, at least on record, sensitive to this problem. In 1964 he said "It seems to me that there is a necessity to balance security against the freedom of the individual. . . It is a simple

¹ / Morton H. Halperin, Bureaucratic Politics and Foreign Policy (Washington, D.C.: The Brookings Institute, 1974) and Halperin and Donald Kanter, "The Bureaucratic Perspective: A Preliminary Framework", in Readings in American Foreign Policy: A Bureaucratic Perspective (Boston: Little, Brown and Company, 1973), pp.1 -42. For an outstanding example of the application of a bureaucratic politics model to the study of governmental decision-making see Graham T. Allison, The Essence of Decision, Explaining the Cuban Missile Crisis (Boston: Little Brown and Co., 1971).

matter to increase security. But every time you increase security you diminish the area of the rights of the individuals."^A The need to render such organizations as Interpol accountable was also made clear by Charles J. Bonaparte who was instrumental in founding the FBI. Writing many years before the "Dirty Tricks" revelations, Bonaparte observed:

There are two essential elements in all good administration upon which one must rely to safeguard against abuse; first a centralized and accurately ascertained authority and responsibility; and second, such a system of record as will enable the legislative branches of the government, the head executive, and possibly the courts to fix responsibility for anything that goes wrong.^{1/}

The dissertation will examine the extent to which the ICPO, both as an international organization and in its operations within the United States, fulfills the above criteria. The need to safeguard against abuse in this area becomes magnified when projected onto the international arena and makes the question of accountability of this international organization a very important one. In examining these and additional issues relating to the question of congressional oversight over U.S. participation in

^{1/} Hearings Before the President, Commission on the Assassination of President Kennedy, Vol. V. (U.S. Govt. Printing Off., 1975).

^{2/} Cited by Harry and Bonaro Overstreet in The FBI In Our Open Society (New York: W.W. Norton & Co., 1969), p.33. For an contrasting view of the way in which the FBI has failed to live up to these responsibilities, see "The Intelligence Network: A Clear and Present Danger," in Human Rights VI (Winter 1977), pp. 135-154.

Interpol, the subsequent chapters will pose the following questions:

(a) What is Interpol? What sort of an international organization is it and in what ways is it amenable to national oversight?

(b) Why is the question of U.S. oversight of Interpol significant both specifically and, more generally, to the subject of transgovernmental relations?

(c) What, in the context of a national/international interface, does the term "oversight" mean? How, specifically, can the Congress and the executive branch exercise such oversight over Interpol?

(d) What are the problems and obstacles inherent in such oversight?

(e) What has been the outcome of this oversight?

The succeeding sections of the introductory chapter introduce the reader very briefly to Interpol and focus more specifically on questions (b) and (c) above.

(3) What is Interpol? - a Synopsis

Several years ago, NBC ran a series called "The Man from Interpol" which featured an imaginary Inspector Duval as supersleuth chief of Interpol. Inspector Duval was not only free to travel from country to country on dangerous assignments but seemed oblivious of his local colleagues' legal prerogatives or of the consequences of leaving several dead bodies in his wake. This sort of an impression of Interpol is one commonly created by the public media. Interpol and its effective head, Secretary General Monsieur Jean Nepote, are very quick to disclaim this Madison Avenue hyperbole. In an interview with the Wall Street Journal in 1970, Nepote is described as "almost embarrassed" by Interpol's international intrigue image and is quoted as saying: "Please don't make us look like James Bond . . . If anything, Sherlock Holmes is more my taste."¹ Interpol is not in itself a police force. It has no international set of detectives who can override national or

¹ / Wall Street Journal, September 30, 1970. A typical example of the facile misrepresentation of Interpol by the press can be found in a recent article in Time (April 26, 1974, p. 64) which concerns the case of Camillo Crociani. The article states that, "Now he is the subject of a man hunt by Italian police and Interpol [sic]. They want to question him about charges that one of his privately owned companies laundered part of the Lockheed payoffs." The implication is that Interpol can hunt down a citizen which in itself it cannot do.

local police forces or laws, nor does it have police agents who can freely cross national boundaries.

Interpol is not in itself a police force. It has no international set of detectives who can override national or local police forces or laws. It has no police agents who are free to cross national boundaries with impunity. Most briefly stated, Interpol, which is also officially referred to as the International Criminal Police Organization (I.C.P.O.), is an international organization which serves to disseminate information regarding both general and individual criminal activities by citizens within its member states. Interpol does not officially function as an international police force, nor does it have its own investigative or enforcement agents. In the descriptive phrase echoed throughout the literature and discussions of Interpol, it is ostensibly merely a "clearinghouse for criminal information on the international level."¹

Each of Interpol's 127 member countries operates a National Central Bureau (hereafter abbreviated as NCB) which is staffed solely by local law enforcement agents.² These agents, in turn, may receive or disseminate, criminal

¹ / Two standard references on Interpol are A.J. Forrest, Interpol (London: Allan Wingate, 1951) and Michael Fooner, Interpol: The inside story of the international crime-fighting organization (Chicago: Henry Regnery Company, 1973.)

² / A full listing of Interpol's membership roster can be found in the appendix.

justice information through the Interpol network and may, furthermore, initiate either investigative or enforcement police actions as a result of, or at the behest of, Interpol information.

Interpol originated as the International Criminal Police Commission which was established in Austria in 1923. After World War II, the I.C.P.C. was reorganized under the leadership of F.W. Louwage, a Belgian police magistrate who arranged for new headquarters in Paris. As we shall see in greater detail in Chapter IV, Interpol established itself as an international organization by unusual means which circumvented the normal channels of intergovernmental ratification. This has resulted in its rather hybrid status as an international organization, and has been one focus of serious congressional concern.

The Paris suburb of Saint Cloud has become the world headquarters for the organization, as well as the home for its Secretariat. At Saint Cloud, Interpol maintains records regarding international criminal activities and files which detail the identities, aliases, associates and methods of operandi of various sorts of "international criminals".¹ During its first postwar decade, Interpol was largely a local, European-oriented organization, run mostly by the French. In the last decade, however,

¹/ The lack of an accepted international definition of what constitutes "international crime" and its consequences to the operations of the ICPO are examined in Chapter V.

Interpol has become truly international in scope as its membership has grown to include virtually every non-communist country in the world; an expansion which has extended the influence of its powerful radio transmissions around the world. Interpol is now governed by the updated constitution of 1956, which variously empowers the Interpol General Assembly, Executive Committee, President, and Secretary General in the stated aim of ensuring and encouraging the optimum conditions for cooperation of the police authorities of its member countries.¹

Although Interpol does not have specific powers to conduct independent criminal field investigations or the powers to search and arrest, it can prompt the exercise of these powers. Interpol is not a social or research-oriented police organization, like the International Police Association or the International Association of Chiefs of Police. By virtue of the kind of information which Interpol circulates, an individual travelling abroad can very quickly find himself detained, arrested, or deported by the police authorities of that country. Because of the information system which it embodies and the power and influence which it wields through its worldwide National Central Bureaus, Interpol can be said

¹ / An examination of the Constitution, principles and organization of the ICPO will be found in Chapter V.

to have associated police powers. These associated powers become significant in the context of congressional hearings which questioned the possibilities for abuse by the international organization. Concern for the welfare and fair handling of U.S. citizens abroad, as well as for foreign nationals, has been but one of the more important aspects motivating congressional inquiry into the nature of American participation in Interpol.

(4) Related Theoretical Work

In the most general terms, the examination of the effectiveness of U.S. oversight over Interpol, bears most directly on questions raised by Karl Kaiser, Robert Keohane, Joseph Nye, and Jonathan Sanford and Margaret Goodman in their studies of transgovernmental relations.¹

In his much-cited article entitled "Transnational Relations as a Threat to the Democratic Process," Karl Kaiser warns that "transnational relations tend to erode the possibilities for democratic control" because "as the number and activities of international organizations expand, an area grows in which major decisions are made without much democratic control by the peoples and institutions which are affected or which support these institutions financially."²

A similar concern has been expressed by Robert Keohane and Joseph Nye, who wonder how and to what extent governments suffer from "a loss of control" as a result of transnational and intergovernmental relations.³ Although there has been considerable literature which has diverged from the traditional state-centric view of international

¹ / Full references will follow and are also found in the bibliography.

² / Karl Kaiser, "Transnational Relations as a Threat to the Democratic Process," in Transnational Relations and World Politics, Robert O. Keohane and Joseph S. Nye (eds.) (Cambridge, Mass.: Harvard University Press, 1972), p.365.

³ / Robert O. Keohane and Joseph S. Nye, "Transgovernmental Relations and International Organizations," World Politics, XXVII (October 1974). See also Transnational Relations and World Politics, (1972), p. 38.

relations, Keohane and Nye contribute a particular point of view by developing the notion that the specialization and professionalism of international organizations present a particular challenge.¹

In their article, "Transgovernmental Relations and International Organizations," Keohane and Nye are generally concerned with establishing the patterns of decision-making in international organizations.² These organizations are seen as providing a multilateral context for direct bureaucratic contact among governmental sub-units.³ Thus, although the member officials may represent many different nationalities, their interests and loyalties may transcend national boundaries as a result of their international

¹ / There is a considerable literature of political scientists who have departed from the state-centric paradigm. Among these are: Arnold Wolfers, "The Actors in World Politics," in Discord and Collaboration: Essays on International Politics, ed. Arnold Wolfers (Baltimore, Md: Johns Hopkins Press, 1962), p. 23; John W. Burton, Systems States, Diplomacy and Rules (Cambridge: Cambridge University Press, 1968); James N. Rosenau, ed., Linkage Politics: Essays on the Convergence of National and International Systems (New York: Free Press, 1969); Karl Kaiser, "Transnationale Politik: Zu einer Theorie der multinationalen Politik," Politische Vierteljahresschrift, 1969 (Special Issue, No. I), pp. 80-109; and Horst Mendershausen, "Transnational Society vs. State Sovereignty," Kyklos, 1969 (Vol. 22, No. 2), pp. 251-275.

² / Robert O. Keohane and Joseph S. Nye, op.cit., p.40.

³ / The term "sub-units" as used here refers to such entities as the national central bureaus which are on one hand, governmental entities of the member countries, yet represent a part of the international organization.

professional ties and personal contacts.¹ Keohane and Nye see "transgovernmental relations" as resulting in the formation of government-level interactions among various international institutions and functioning below the central or state levels. In placing great stress on the relative autonomy that can occur in transgovernmental relations, Keohane and Nye regard this autonomy as a source of strength and flexibility.

Karl Kaiser, by contrast, sees much more ominous implications in such autonomy. His emphasis on "democratic control" is in direct antithesis to Keohane and Nye's emphasis on sub-unit autonomy from national control. Kaiser's thesis is that the autonomy of international organizations or their sub-units poses a very serious threat to the democratic control of their activities and may therefore subvert the democratic ideals and values espoused by the citizens of their participating countries.

The notion that national oversight over international organizations may prove inadequate to the task is a relatively new one which stands in contrast to the earlier expectations of those "realist" theorists who surmised

¹ / A social-psychological view of role of personal contact in intergovernmental organizations can be found in Chadwick F. Alger, "Personal Contact in Intergovernmental Organizations" International Behavior, Herman C. Kelman (ed.) (New York: Holt, Rhinehart and Winston, 1965).

that national governments would very carefully control and limit the activities of those international agencies to organizations, constituted by the memberships of discrete nation-states would be scrupulously governed, if not paralyzed, through the instrumentation of such organs as multinational executive committees, which supposedly would be the repositories of control and power for the organization. In actual fact, however, the national control in many cases is only nominal. International organizations can run the gamut from those which are completely the creatures of their members to those which have considerable autonomy.

Furthermore, not all national control within international organizations equates to "democratic" control. As Vernon Aspaturian has noted: "In [an international organization] embracing despotisms, democracies, and every cunning and subtle variation in between, it is a cruel deception to pretend that its parliamentary procedures can have any real resemblance to those in a democracy organized within a pre-accepted moral and constitutional order governed by the rule of law."¹ Very few of the some one hundred and fifty nation-states which participate in the numerous and diverse

¹ / Vernon V. Aspaturian, "World Organization's Three Phases," as cited in Conflict and Cooperation Among Nations, Ivo D. Duchacek (ed.) (New York: Holt, Rinehart and Winston, Inc., 1960), p. 606.

international organizations can be said to be democratic or to exercise democratic control. Clearly, the notion of oversight relates to the application of principles of accountability and responsibility, principles which are central to the notion of democratic government. According to the American Political Dictionary, which defines accountability as the central concept underlying democratic representative government, "Accountability under law is one of the features distinguishing governments based on the concepts of constitutional democracy from those embracing absolutism."¹

In using the term "democratic control" Kaiser is clearly referring primarily to those developed western countries whose legislative or parliamentary systems admit the use of term "democratic". Central national control by the democratic states would not necessarily constitute democratic control of the kind envisaged by Kaiser as needed for the protection and preservation of public goals and mores, as projected to the international arena. That is to say, that national control as exerted by a foreign ministry or the executive branch alone would still not necessarily result in "democratic" control or oversight. Kaiser is careful to emphasize that, in

¹ / The American Political Dictionary, Fourth Edition (Hinsdale, Ill.: The Dryden Press, 1976). A provocative treatment of the centrality of the notion of accountability to the American polity can be found in Morton Mintz and Jerry S. Cohen, Power, Inc.: Public and Private Rulers and How to Make them Accountable (New York: The Viking Press, 1976).

most countries, executive level policies with respect to international matters are carefully shielded from public view. Considerations of national security, as well as the general tenor of foreign relations, often result in the very obscurity and secretiveness, on the part of the executive branch, which makes such oversight imperative.¹

Kaiser sees part of the answer to the inherent dangers which result from the challenge of the increasingly autonomous international organizations, to lie in the strengthening of national legislatures' abilities to participate in, and to oversee, the activities of these organizations. Therefore, in the case of democracies such as the United States, Kaiser stresses that it is largely up to the legislative branch and the general public, to insure that government participation in international organizations conforms with the needs and policies of the polity.²

1 / Morton Halperin also discusses the problems attendant to the need for secrecy in executive management of foreign policy matters in Bureaucratic Politics and Foreign Policy, (1974). For a full treatment of congressional investigatory power, see Leading Cases on Congressional Investigatory Power, Joint Committee on Congressional Operations, 94th Congress, 2d Session, 1976. See also the further discussion of this issue in Chapter II.

2 / An analysis of the role of the legislature in influencing foreign policy-making can be found in James A. Robinson, Congress and Foreign Policy-Making (Homewood, Illinois: The Dorsey Press, 1967). For a study of one of the generally recognized successful efforts of the Congress to investigate national defense programs, see Donald H. Riddle, The Truman Committee: a Study in Congressional Responsibility (New Brunswick N.J.: Rutgers University Press, 1964).

It is noteworthy that Kaiser sees the responsibility for such oversight to fall to the legislative branch, and in fact explicitly sees the struggle for democratic accountability in transgovernmental relations as part of the competition between the legislative and executive branches for control over foreign policy matters. Within the United States, the executive branch has traditionally had control over foreign policy, along with its constitutional primacy in war and treaty making powers. Within the last few years, however, there has been a great deal of debate on the struggle for power between the legislative and executive branches, a struggle which has been heightened by the Vietnam War and by the Nixon - Watergate debate. One of the outcomes of this competition has been congressional insistence on a more active role in foreign policy issues, and thus a growing involvement in international relations.¹

¹ / There is extensive literature on the power struggle between the legislative and executive branches. Thus, see Wilfred E. Binkley, President and Congress, 3d ed. (New York: Random House, 1962); Thomas F. Eagleton, War and Presidential Power (New York: Liveright Publishers, 1974); Rowland Egger and Joseph P. Harris, The President and Congress (New York: McGraw-Hill, 1963); Louis Fisher, President and Congress: power and policy (New York: The Free Press, 1972); and Nelson W. Polsby, Congress and the Presidency, 2d ed. (Englewood Cliffs, New Jersey: Prentice-Hall Inc., 1971).

² / See E. Pendleton Herring, "Executive-Legislative Responsibilities", American Political Science Review, Vol. 68, December 1974, pp. 1153-65. The struggle for the balance of power between the two branches as related to executive privilege is treated in the last part of Chapter II.

In their article, "Congressional Oversight and the Multilateral Development Banks," Goodman and Sanford concur with Kaiser's emphasis on the need for democratic control of international institutions, as well as in the emphasis he places on the need for legislative and public involvement and control.¹ They write that, "Because the national government is still the basic unit of political organization in contemporary world politics, it is necessary that national governments oversee the operations of the international institutions if the principle of public control over those who make the major political decisions it to be retained."²

These authors point out that international institutions like the World Bank and the other multilateral development banks which they have studied, often prove to have significant "quasi-sovereignty"--as they term it.³ While in formal terms at least, the national members have various mechanisms of control and occasionally the right to veto

1 / Margaret Goodman and Jonathan Sanford, "Congressional Oversight and the Multilateral Development Banks," in International Organization, XXIX, No.4, Autumn, 1975.

2 / Op. cit., p.1055.

3 / This term is similar to the "quasi-autonomous" referred to by Keohane and Nye, op. cit., (1972), p.xxi.

important decisions, in actual practice, the de facto power is frequently held by these international institutions themselves and their associated governmental sub-units. Their work bears out the findings of Keohane and Nye in substantiating that, by virtue of the highly specialized and technical nature of the work as well as by virtue of the sensitive foreign policy implications of many of their decisions, these institutions obtain considerable effective autonomy, or quasi-sovereignty.

In the case of these multilateral banks, Goodman and Sanford assert, the responsibility for exerting control on the part of the United States devolves largely on the legislative branch. They also observe, in agreement with Kaiser, that the question of the rights of legislatures to supervise and to obtain information about, the national policies of international institutions is of limited importance to those countries with a unitary parliamentary form of government. Both in terms of their structure and relative powerlessness, these parliaments are not in a position to pursue the kind of independent inquiries of government operations that have been characteristic of the American Congress.

The United States Congress is in special position to conduct oversight because the U.S. is among the few governments which have a legitimized system that allows

for consistent and meaningful internal criticisms of its own executive policies and programs. Thus, by contrast, even the United Kingdom does not have a comparable tradition of parliamentary committee oversight over government programs. In this context, Kaiser observes the loss of parliamentary power in many of the Western countries. Thus, the United States Congress still retains considerable sway and has remained relatively vigorous even in comparison with the United Kingdom, Australia, Canada, and New Zealand.¹

On the international level, the problem of Congressional access to information is compounded by virtue of the fact that such information is regarded as proprietary by the international institution itself. In the case of Interpol, the difficulty of obtaining direct access to overseas information was encountered by the various subcommittees as well as the General Accounting Office of the Congress. As Karl Kaiser has pointed out: "The officials of the international organizations cannot be called on to testify before the legislators nor can their records be requested or specific programs or policies influenced. Legislators are therefore completely dependent on publicly available information or on the material which the executive provides."²

¹ / Op. cit. pp. 364-366.

² / Ibid. (1972), p. 364.

Once the necessary information has been obtained and evaluated, it still remains for the Congress, in the domestic sphere, and for the United States, in the international sphere, to be able to exercise U.S. policy decisions within the international organization itself. It becomes a problem to examine this area because of a certain amount of ambiguity and confusion as to what the term oversight means within the context of international organizations.

(5) The Flow of Congressional Oversight over American
Participation in Interpol and the Overlap of
National to International Oversight

The term oversight in its broadest sense is defined as "supervision, superintendence, inspection; charge, care, management, and control."¹ The prefix "over" seems to emphasize a seeing over, thus implying that the overseeing agent is at a higher level, and possesses some powers of control. In the most general terms, the exercise of oversight involves two separate functions. The first, suggested in the word itself, is to look over and also to look into. The second function implied in oversight suggests the concomitant power, on the part of the overseeing agent, to suggest, guide, and if need be, correct and redirect the activities of the overseen. As a corollary, it follows that the supervising agent must have access to information about the overseen activity or organization.

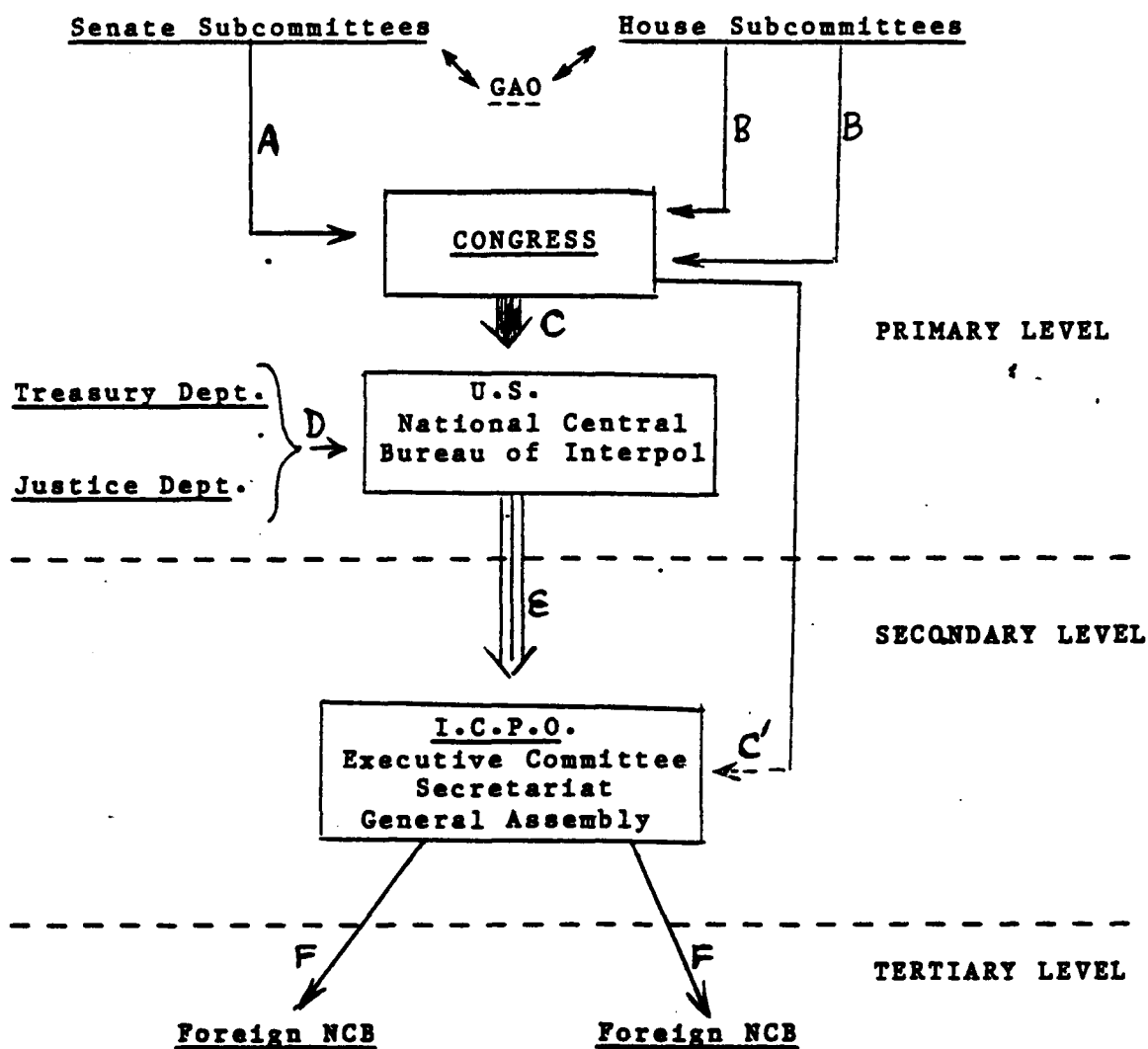
Although Chapter II elaborates on the definition of congressional oversight in greater detail, the spectrum of terms introduced by Malcolm Jewell and Samuel Patterson

¹ / The Compact Edition of the Oxford English Dictionary (Oxford University Press, 1971). A fuller discussion of the definition of the term oversight, as applied within the Congress will be found in Chapter II. Naturally, none of these definitions should be confused with the completely separate meaning of oversight which is to neglect -- a meaning often referred to with irony in literature on this subject.

exemplifies the wide range of control denoted by the term "oversight." Jewell and Patterson distinguish between the terms "oversight", "supervision", and "control", each of which is part of an increasing continuum of variable legislative-executive relations.¹ Within the context of national control over participation in an international organization, we will use the term oversight to refer to the entire spectrum of possible control. The following discussion elaborates on what we have termed "primary" and "secondary" and "tertiary" levels of oversight, for ease of reference. Table I on the following page diagrams these levels and illustrates the flow of U.S. governmental oversight over Interpol, as well as the various governmental sub-units from which such oversight could have originated.

The primary level refers to direct internal oversight on the national domestic level--the word primary has been chosen because the national, domestic level of oversight is the first to occur. Primary oversight can be undertaken by both legislative and executive branches with respect to the policies, purposes and functioning of the U.S. Interpol

¹ / Malcolm E. Jewell and Samuel C. Patterson, The Legislative Process in the United States (New York: Random House, 1975), p. 444. In some works the term legislative review is taken to be synonymous with oversight.

TABLE ONE: THE LEVELS OF U.S. OVERSIGHT CONTROL OVER INTERPOL

office. Hence, for example, congressional hearings or internal administration studies of Interpol such as the Department of Justice report on Interpol, would qualify within primary oversight. In this case, such oversight would be with respect to participation in Interpol within the United States. As diagrammed in Table I on page 34, these would be the flow vectors A, B, C and D respectively.

The next level at which U.S. oversight of Interpol could be said to occur is international which in our model encompasses what we have termed the secondary and tertiary levels of oversight. The secondary levels refers to the actions of the United States in overseeing the activities of Interpol as an international organization -- represented as vector E. In formal terms, the U.S. performs this secondary oversight function by serving as a member of both the Executive Committee and the General Assembly of Interpol, through which it can obtain information and attempt to wield its influence as needed. In a theoretical context, such "secondary" oversight characterizes the degree to which the U.S. government exercises its control in an explicit and coherent manner, or the degree to which American policy issues in a unified way at the national level with respect to its participation in an international organization.¹

¹ / Keohane and Nye examine the extent to which such an idealized view of secondary, or state, level - (cont.)

In practical terms, this kind of direct secondary level oversight could be said to occur whenever the U.S. Washington NCB acts directly to inquire or require information and conduct from the I.C.P.O. on an international basis. In terms of our diagram, this would occur if vector E was not impelled by vector C. An example of such oversight would be if the United States NCB had undertaken its own audit of General Secretariat budget records or if it had asked to look into the central criminal files held at St. Cloud.

In addition to these two levels, one may also wish to distinguish what we have termed the tertiary level of oversight. This refers to the influence of the United States through its governmental sub-units (such as the Treasury Department or congressional staff members travelling abroad) on foreign Interpol offices, in our diagram these are represented by the F vectors. Such an influence could be either through the effect of the General Secretariat and the Interpol General Assembly, in which case it could

(cont.) participation diverges from what they term "trans-governmental coordination and policy making." Graham T. Allison develops the notion that foreign affairs is often not the result of the purposive acts of unified national governments in his book The Essence of Decision, Exploring The Cuban Missile Crisis (Boston: Little, Brown & Co., 1971).

actually be said to be an extension of secondary level influence, or it could be on a direct basis, such as visits to the individual national Interpol offices in foreign lands. It is difficult, beyond a certain point, to clearly differentiate between the primary, secondary and tertiary levels of oversight influence. .

Since the Washington Interpol Bureau is housed, staffed and funded within the executive branch, one may have anticipated that both primary and secondary level oversight of Interpol could have originated with the executive branch. In large measure, however, as the dissertation will bear out, the legislative branch has been the sole initiator of oversight.¹ In the words of one of the Treasury officials most directly involved with Interpol, James B. Clawson admitted that, "As far as executive oversight goes, I can say without fear of contradiction, that there was virtually no executive direction."²

In view of the great disparity of the oversight

¹/ The only possible exception to this might be FBI Director Herbert Hoover's decision to withdraw the FBI from the ICPC in 1950 which could be construed as the action of direct secondary level oversight. This decision does not seem to have been motivated as a result of an oversight investigation.

²/ Quotation from a personal interview on December 3, 1976.

conducted by the legislative and executive branches, the largest portion of the dissertation concentrates on congressional oversight over Interpol participation.¹ The dissertation will ask, however, the extent to which such congressional oversight has impacted on the executive branch in its administration of domestic Interpol operations. is the issue of the immediate and ultimate effectiveness of oversight proceedings. If oversight is construed to refer mostly to the process of obtaining information and reviewing the activities of an organization, its corollary definition stresses the ability of the overseer to have an effect on, or to be able to manage, the overseen activity. With respect to the primary level, i.e., participation with Interpol within the United States, there are several ways in which oversight authority can be manifested. Within the executive branch, either the Justice or Treasury departments or even the Office of the President itself, at the extreme, has the power to shut down the Washington Interpol Bureau. Less drastically, the executive branch has considerable potential influence on policies of the U.S. NCB by its ability to direct its operations in the United States.

¹ / The Judicial Branch has played no role in such oversight. Its only possible involvement has been in the decisions rendered with respect to the Freedom of Information suits filed by the Church of Scientology, in their efforts to obtain access to Interpol records.

The legislative branch, by the same token, has similar prerogatives with respect to the primary level though its influence is less direct. Paramount among these is the power of the purse. As seen at the outset of this chapter, Congressman Eilberg directly stated that the subcommittee might rule out an affirmative response to the Interpol dues bill proposed by the Justice Department. The power of the purse applies both domestically and on the international level. Not only can the Congress refuse to appropriate monies to staff the U.S. office, but it can also cut off funding for the U.S. membership dues contribution. Furthermore, by direct legislation or through committee reports the Congress can make direct policy statements as to the manner and scope of the U.S. NCB activities. The executive branch and less directly, the legislative branch, could act to abrogate U.S. participation in Interpol as an international organization either by cutting off membership dues or by directly rescinding U.S. membership. Such an action would originate on the primary level, but would influence both secondary and tertiary levels and exemplifies the ambiguous demarcation between the exercise of primary and secondary levels of oversight.

In addition to the power of the purse, both branches of the United States Government can exert pressure through

the U.S. Interpol representatives to lodge strong policy statements with the Interpol Secretariat either directly or through the Executive Committee and with the Interpol General Assembly. The potential effect of such initiatives also overlap between the primary, secondary and tertiary levels. By virtue of its status as a major world power, a strong U.S. initiative could not only influence the Secretariat in areas such as the way in which criminal justice information is handled but could also affect the policies of other Interpol members on the national central bureau level.

From our discussion, we have seen that the levels on which American oversight of Interpol as an international organization is exercised are not discrete. It could be argued that the occurrence of secondary oversight would still be only oversight of American participation in Interpol rather than oversight over Interpol itself. Such an argument begs the issue, however, since it is apparent that the term oversight must have an extended meaning in this context since Interpol as an international organization does not answer to the United States in the same manner that the American Interpol office must answer to the Congress. In the latter case, the scope of the overseeing agent clearly subsumes the entire set over which it has

authority, while in the former the U.S. is only one among many agents to whom Interpol as an international organization must be accountable to, if it is accountable at all.

Within this context, it is useful to draw upon the distinction between the terms "oversight," "supervision", and "control" as employed by Jewell and Patterson.¹ Their distinctions, it will be recalled, place each of these terms within an increasing spectrum of power to influence the scrutinized agency. Using their terms, it could thus be said that while the U.S. cannot "supervise" or "control" Interpol operations on the secondary or tertiary level, it can both control and supervise on the primary level.

Finally, in addition to the overlap of primary and secondary levels of oversight, there exist both formal and informal channels along which these can be directed. Mention of the potential avenues of informal governmental oversight, however, foreshadow the the full treatment of the political dynamics in the congressional oversight of Interpol in Chapter Three. Here it only needs to be said that the influence of political motivations, alliances and competitions which occur on the primary level may in turn be likewise generated into secondary and tertiary level pressures. In terms of our discussion, one of the major

¹ / Jewell and Patterson, op. cit. p.444.

questions raised by the dissertation will be the conditions under which primary oversight occurs and, furthermore, the degree to which secondary and tertiary oversight occur as a result of such primary (in this case, congressional rather than executive) initiatives.

(6) The Importance of U.S. Oversight of Interpol

The literature cited earlier and the pointed questions by Congressman Eilberg reflect the concerns of those who fear that specialized, highly technical international institutions such as Interpol pose a serious threat to the international community. Kaiser forcefully concludes his article by suggesting that "Democratic control should be introduced in a number of fields which have traditionally been shielded from it and which have represented the well-protected realm of professionals and experts."¹ In the case of the International Criminal Police Organization, the importance of oversight is heightened by the nature of its work. Alan Westin, in his seminal study of Databanks in a Free Society, examines the problems which recordkeeping can present to a free society and observes that although computerized record-keeping can provide valuable services for society, it can also provide means to subvert due process and privacy if adequate safeguards are not incorporated.²

The need for accountability in criminal justice-record keeping becomes even more important when projected onto the international arena. As we have seen, Interpol, with its 127 member countries, is an international organization

¹ / Op. cit., p 369.

² / Alan F. Westin and Michael A. Baker, Databanks in a Free Society: Computers, Record-Keeping and Privacy (New York: Quadrangle Books, 1972).

which functions actively in exchanging and disseminating criminal justice information to police agencies around the world. Much of this information can include highly personal and unsavory details about an individual and some of it can lead directly to provisional detention and arrest in various countries. In a lengthy editorial in the Washington Post, John Maxwell Hamilton observed: "The danger of leaving unchecked agencies whose operations can so easily be perverted to undermine constitutional guarantees has become appallingly obvious. In the case of Interpol, an international agency more difficult to control, the pitfalls are deeper and demand that Congress ensure our participation does not follow the recently reported abuses of the CIA and the FBI."¹

Interpol's criminal history files are disseminated among the police systems of a vast array of regimes. If even such a historically libertarian nation as the United States uncovers illegality and corruption in its police

¹ / John Maxwell Hamilton, "Monitoring Interpol," in The Washington Post, May 7, 1975, p. 11. The recent congressional report on the CIA reviewed its clandestine activities and evidenced great concern about access and safeguards of computerized files in intelligence work. See, "Supplementary Detailed Staff Reports on Foreign and Military Intelligence", Final report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. 94th Congress, 2d Session, 1976. See also, U.S. Intelligence Agencies and Activities: Risks and Control of Foreign Intelligence, Joint Hearings before the 94th Congress, 1st. Session, 1976. Congressional concern in this area is discussed more fully in subsequent chapters.

and intelligence systems, how much more likely are these to be in many of the despotic states? The danger of possible abuse of Interpol's privileged police files becomes more grave in light of the cruel and barbarous treatment inflicted in some of the states that are Interpol members.¹ Notwithstanding the dangers of abuse, the functions which Interpol performs are indispensable to the international community. Today's world finds itself arrayed against an increasingly mobile, sophisticated, and elusive assortment of criminals - from multinational computer swindlers to skyjacking terrorists.

Still, even if one grants the need for an organization like Interpol, the question of whom it is to be accountable to remains a central one. The traditional political problem of balancing the need to protect society against the need to preserve the rights of the individual, becomes magnified when projected to the international arena, as in the case of Interpol. On the one hand, the real need to protect the international community from the costly (counterfeiting, fraud, thefts of art and vehicles, etc.) effects of international crime must be supplemented by provisions to protect the rights of real or presumed

¹ / The kinds of abuse and torture which have occurred and an examination of the role of the police in the treatment of prisoners can be found in Documents of the United Nations Crime Conference: Fifth U.N. Congress on the Prevention of Crime and the Treatment of Prisoners, Geneva 1 -15 September 1975 (New York: UNIFO Publishers, Ltd., 1976).

criminals. Such an assumption, at least, is inherent in the democratic ethics of the United States if still a subject of great contention in the criminal justice community.¹

In the case of Interpol, the police authorities of the various members states serve as the force protecting society. What force, however, is there to maintain the balance on the side of protection of individual rights--even if that of hardened, itinerant international criminals? This is one of the central questions raised by the dissertation.

The case of Interpol is notable for several reasons. Because it performs both a technical and a confidential function, Interpol has long been rather invisible -- its media popularity notwithstanding. Furthermore, the confidential nature of its work long rendered it inaccessible to open inquiry, whether governmental or public. The nature of Interpol operations, however, and the sphere to which the activities of the U.S. Interpol office extend, have forced the Congress to inquire about the operations of Interpol on the international level. To a certain extent the Washington National Central Bureau, though staffed and funded by the United States and operated within U.S. laws, can be said to be a part of Interpol. Thus, while Interpol is essentially an international organization, it is also to a certain degree an overlapping of national organizations.

¹/ A lively treatment of this debate can be found in James W. Wilson, Thinking About Crime (New York: Basic Books, Inc., 1975).

Chapter V will deal more centrally with several aspects of this overlap between the the ICPO and its constituent NCB. Here it can be said that the ambiguity regarding the nature of the ICPO makes it difficult to define precisely what the United States Government as a whole, or the Congress specifically, is overseeing. In large part, the very activity which defines the essence of Interpol, namely the exchange of information, in itself defies a precise definition and renders the question of its oversight a complex one. Furthermore, the hybrid status of Interpol as an international organization also serves to complicate the question of its oversight.

In the most general terms, it is clear that the Congress has only recently begun to take the initiative in its oversight of U.S. participation in international organizations. With the possible exception of U.S. policy and involvement in the United Nations and several of its specialized agencies, virtually no such oversight has been conducted until the last several years. A recent report by the Senate Committee on Government Operations, entitled "U.S. Participation in International Organizations," openly admits to being the first comprehensive inquiry of its kind since 1948. This report, commissioned by Senator Abraham Ribicoff, Chairman of the Committee, was the result of the first extensive Congressional inquiry of U.S. participation in and support of

international organizations.¹ Other committees, such as the Senate Committee on Foreign Relations also show little evidence of oversight control over the activities of the international organizations under their jurisdiction, with the exception of the U.N. family.²

It should be borne in mind that the dissertation does not intend to focus centrally on the oversight process as a whole nor on Interpol itself, though both of these subjects need to be closely examined in the course of the dissertation. Such literature as exists with respect to oversight does not deal with the particular problems entailed by oversight over an international organization. Thus, my concern is to study the relationship, most accurately characterized by the term oversight, which ensues from national democratic control over participation in an international organization in the case of Interpol.

1 / United States Congress, Senate Committee on Government Operations, "U.S. Participation in International Organizations, February, 1977, p.(ix). The Ribicoff probe was highly critical of the expenditures, efficiency and staffing practice of the some 65 International Organizations studied, charging that many of the heavily U.S.-financed international organizations were "headquartered in extravagant and luxurious surroundings and are ineffective and overstaffed with high-paid officials."

2 / See David N. Farnsworth, The Senate Committee on Foreign Relations, Illinois Studies in the Social Sciences: Vol. 49 (Urbana, Ill.: University of Illinois Press, 1961).

(7) Methodology Employed

The basic data collection techniques utilized in the research for this dissertation were interviews, employing Louis Dexter's "elite and specialized interviewing" (respondents were in part identified by a "snowball technique") and collection of documents -- primary source materials -- such as congressional committee hearing testimonies and published congressional reports.¹ The U.S. National Central Bureau at Washington provided considerable information and interview resources through its Chief, Louis B. Sims of the Treasury Department. The author also visited Interpol world headquarters at St. Cloud during the summer of 1976 where relevant materials and interviews were obtained. Library research into published sources was undertaken utilizing the facilities of the Library of Congress. Additionally, aside from consulting with the National Criminal Justice Reference Service, the National Archives, and the United Nations Library, the author was generously assisted by staff members of The City University of New York, the John Jay College of Criminal Justice, and the United Nations Secretariat.

Major problems of data access will plague any student of Interpol activities because of the confidential nature of

¹ / Lewis A. Dexter, Elite and Specialized Interviewing (Northeastern University Press, 1953). Floyd Hunter, Community Power Structure (Chapel Hill: University of North Carolina Press, 1953).

its work. Naturally, in studying an organization dedicated to the generation and exchange of highly sensitive information about such activities as illicit drug trafficking, smuggling operations and organized crime, there is a vast range of operational information that must be excluded from public view and may not be accessible to scholarly investigation. Less justifiably, it is fair to say that some information proved unavailable because of oversensitivity by Interpol staff, both in Washington and abroad, to any U.S. investigators. This sensitivity was in direct response to the negative publicity recently generated within the press regarding Interpol. In spite of the limited access to data, since the focus of concern in this dissertation is on the U.S. governmental oversight over Interpol much of the important data were in the public domain, particularly the hearing records. Sufficient data were therefore obtained to support the research of this thesis.

The "snowball" respondent identification technique has been well utilized and explained by Floyd Hunter in his book on community power structure.¹ In this approach, an initial cadre of interviewees is identified for the

1 / Ibid.

first round of interviews. These interviewees are then, among other things, asked to identify other potential respondents who are knowledgeable and influential in the area under study. In the instance of this dissertation, the first round of interviewees were persons identified by a preliminary review of the literature as major actors who were prominent in the development of U.S.-Interpol participation. Subsequently, these first interviewees were asked to identify other relevant actors who were then also interviewed and asked to suggest further referrals for interviews, thus the name "snowball."¹

By these means, this author interviewed officials of many diverse organizations, a list of which includes the Congress and its staff, the Treasury and Justice Departments, Interpol in Paris, the Department of State, the Federal Bureau of Investigation, the General Accounting Office, the United Nations, the Congressional Research Service and the Church of Scientology. In addition, many individuals in private practice were generous with their time and information.

In the course of research, the theoretical focus of the dissertation evolved from that of the initial focus. During this initial phase, much of the investigation

¹/ Also useful was the discussion of how to interview lobbyists by Lester M. Milbrath in The Washington Lobbyists (Chicago: Rand McNally & Co.) 1963.

centered more directly on the criminal justice component of Interpol activities. The initial interviews therefore included, for example, sessions with officials of the Drug Enforcement Administration, the International Association of Chiefs of Police, the International Foundation of Art (regarding stolen art works), the Police Foundation, the International Civil Aviation Organization (regarding aircraft hijacking) and the New York Waterfront Police Commission. These initial interviews, while not central to the final scope of dissertation, served not only to generate new interviewees but also provided a wealth of background information about Interpol.

The interview process itself exemplifies what Lewis Anthony Dexter calls, in his book of that name, "Elite and Specialized Interviewing."¹ Dexter provides a number of suggestions and guidelines for conducting interviews, which served as this author's basic guide in devising and administering the interviews. Central to Dexter's definition of an elite interview is one which permits the interviewee to teach the researcher what the problem, the question, and the situation are as he perceives it. Such an approach proved most useful to this research because of the paucity of theoretical literature regarding Interpol. The views of those most intimately

involved with Interpol provided both practical and theoretical dimensions which gave a meaningful form to the initial theoretical constructs of the research.

Dexter's elite interview approach was also, in part a virtual requirement because, as he notes himself, the influential and prominent are usually unwilling to accept the assumptions, or format, of standardized interviews when they are available for interviewing at all. Many of Dexter's other observations, such as the importance of reviewing and writing up notes immediately after an interview session, or the need to avoid a steady flow of questioning, were confirmed by the author's direct -- and sometimes belated -- experience. Also valuable were hints on ways to keep the interviewee on topic and interested in continuing the interview.

CHAPTER II: THE RESOURCES, DEVELOPMENT
AND WEAKNESSES OF CONGRESSIONAL OVERSIGHT

This chapter will elaborate on the development, nature and scope of congressional oversight and will deal with congressional oversight in a more general context, tracing its historical evolution, resources and limitations, and the post-Watergate upsurge of congressional oversight activities. While the question of congressional oversight of Interpol is complicated by the international character of the organization, it is clear that the basic purposes and tools of oversight are those implicit in its broad legislative authority to oversee the management and functioning of the government at large. The material of this chapter helps set the stage for the discussion of the political dynamics of congressional oversight of Interpol which follows in Chapter III by clarifying the means and obstacles of congressional oversight, particularly with respect to subcommittee hearings. Congressional hearings were, in the case of Interpol, the most active and visible instrument of oversight. This chapter also serves to highlight the relevant historical factors which have recently affected the Congress and which thus helped provide the climate for the Interpol hearings.

(1) Congressional Oversight: An Expanded Definition

Historically, the oversight of Federal agencies and programs has long been an implicit and assumed function of the Congress. As early as the Federalist Papers, the need for the government to oversee itself was expressed by Madison:

"If men were angels, no Government would be necessary. If angels were to govern men, neither external nor internal controls on Government would be necessary. In framing a Government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, place, oblige it to control itself."¹ /

Although in its most general sense, the term oversight has been used as early as 1739 when Bacon referred to oversight in his Historical Discourse of the University of the Government of England,² the definition of oversight is still a subject of debate. In its more limited sense, "oversight" is often used to refer to specific instances, usually notorious, of perceived wrong-doing, inefficiency, or failure to act, within a governmental

¹ / Alexander Hamilton, James Madison, and John Jay, The Federalist Papers (New York: The New American Library edition, 1961), p.322.

² / The Compact Edition of the Oxford English Dictionary (Oxford University Press: Glasgow, 1972), p. 2040.

agency. Joseph Harris proposes that oversight "strictly speaking, refers to review after the fact. It includes inquiries about policies that are or have been in effect, investigations of past administrative actions, and the calling of executive officers to account for their financial transactions."¹

A broader definition is given by Morris Ogul who defines legislative oversight as "behavior by legislators and their staffs, individually and collectively, which results in an impact, intended or not, on bureaucratic behavior."² In a recent presentation to the American Political Science Association, Joel D. Aberbach argues for a definition close to that of Ogul but which narrows the potential range to define oversight as the "congressional review of the actions of the executive branch, particularly congressional assessments of the impact and effectiveness of policy as it is or has been administered."³ Such a definition would exclude such

1/ Joseph Harris, Congressional Control of Administration (Garden City: New York: Doubleday & Co., 1964.)

2/ Morris Ogul, Congress Oversees the Bureuacracy (Pittsburgh: University of Pittsburgh Press, 1976.)

3/ Joel D. Aberbach, The Development of Oversight in the United States Congress: Concepts and Analysis, Institute of Public Policy Studies, Discussion Paper No. 100, prepared for delivery at the 1977 Annual Meeting of the American Political Science Association.

congressional activity as the consideration of proposals for new programs for which the term foresight is reserved.¹

The range of possible definitions for congressional oversight was demonstrated at the 1973 House Committee Hearings. While Congressman Richard Ichord of Montana observed that "oversight is actually exercising control over executive agencies",² Maass presented a broader view. "In a sense, therefore, oversight is ubiquitous. It occurs in various ways. There are few Congressional activities that you can call uniquely and solely oversight, separate them out and give them to a certain committee or allot to them a certain part of the schedule of the House." Elaborating this pragmatic view, Senator John C. Culver, a member of the House Select Committee on Committees modestly offered his understanding that oversight is "to investigate, to review, to try to determine methods of qualitatively assessing the actual performance in the

¹ / There is extensive literature regarding congressional oversight, among which see: John Bibby, "Oversight: Congress' Neglected Function," in Melvin Laird (ed.) Republican Papers (New York: Praeger Publishers, 1968); Cornelius Cotter, "Legislative Oversight," in Alfred de Grazia (ed.) Congress, the First Branch of Government, (Garden City, New York: Doubleday and Co. 1967); and William Morrow, "Congressional Control of Administration Discretion," in The Journal of Politics, Vol. 30, 1968. Additional references to the literature on the subject will be found in the bibliography.

² / Select Committee on Committees, U.S. House of Representatives, Hearings and Panel Discussions, (1973), Vol. I., p. 245.

field of these programs, to enable you to make an informed judgment as to whether their adoption has been indicated by results and whether or not in fact in the actual implementation of that program we are getting a reasonable return for the poor taxpayer."¹

More formally, a comprehensive summary of the duties involved in legislative oversight can be found in the Rules of the House for the 94th Congress.² These require that each of the standing committees "shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of the laws, or parts of laws, as well as the organization and operation of the federal agencies and entities having responsibilities in or for the administration and execution of these laws." These committees should then determine whether these laws and programs are being implemented and carried out in accordance with the intent of Congress, and whether such programs should be continued, curtailed, or eliminated.

¹ / Supra, p. 118.

² / Along more target-oriented lines, Keefe and Ogul see oversight as being manifested through concern with policies and programs, the personnel who implement policy, and the expenditure of public funds. See their chapter on Legislative Oversight of Bureaucracy in The American Legislative Process (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1977.), p. 390.

(2) The Avenues of Congressional Oversight Control

The wide range of possible definitions of oversight is a reflection of the many avenues through which congressional control can be exercised. Most broadly, these include legislative review by public or private hearings, budget review, either on the occasion of a special legislative bill or as part of a routine appropriations process, special committee reports, statements in the Congressional Record, formal and informal statements to the executive agency, and finally actual directive legislation. As we shall see later, each of these avenues was utilized, in varying degrees, in the course of congressional oversight of Interpol.¹

The functional lines along which congressional oversight can operate have evolved slowly over the last century and have taken explicit shape only fairly recently. In fact, it was not until 1946 that the somewhat inchoate and rather implicit oversight functions of the Congress were given clear, statutory expression. Section 136 of the Legislative Reorganization Act (60 Stat. 132) formally required Congress to exercise "continuous watchfulness" of the execution of laws by the administrative agencies.

¹ / For a summary and discussion of various formal and legislative oversight techniques see Chapter XIII of Keefe and Ogul's The American Legislative Process. See also, Joseph Harris, Congressional Control of Administration (Washington: Brookings Institute, 1964).

Prior to 1946, congressional committees exercised substantial powers in their scrutiny of executive branch operations. This act reorganized the system of standing committees that had existed prior to 1946 and mandated that: "each committee shall review and study, on a continuing basis, the application, administration, and execution of laws" under its jurisdiction and report those activities to the full chamber at the end of each Congress." These oversight functions were divided among three types of standing committees: legislative, appropriations, and special investigative committees.¹

First, authorizing committees such as the Committee for Commerce, Agriculture, etc., had the basic, "legislative" oversight over the programs and agencies under their mandated jurisdictions. These authorizing committees were supposed to evaluate whether programs were working or not and to put forth legislative remedies to correct program inadequacies. The second type of standing committees established by the 1946 were the "appropriations" committees of each chamber, to which were delegated the primary "fiscal" oversight over federal spending. Finally, the third and last category was the special "investigative"

¹ / See Joseph Cooper, The Origins of the Standing Committees and the Development of the Modern House of Representatives (Houston: Rice University Monographs in Political Science, 1970).

oversight entrusted to the House and Senate panels now named the Committee on Government Operations. Altogether, the broad mandate of all of these committees was to ensure that: (1) program objectives established by the Congress were being met, (2) executive waste and dishonesty were eliminated, (3) agencies were properly administered, and (4) executive policies reflected the public interest.¹

Looking at these three basic functions it can be seen that under its legislative mandate, a committee can introduce or act on basic law and programs, it can introduce resolutions clarifying congressional intent, and can submit oversight reports which are then transmitted to the Speaker of the House. The legislative function corresponds to the authorizing phase which permits a particular Federal Agency or program to exist within a certain allotted budget ceiling. The appropriations, or fiscal function, obviously concerns itself most directly with the conduct of monetary expenditures by a particular agency or in a specific program. Finally, the broad investigative function was originally intended to deal with serious matters as they arose, although more often than not, such matters were only

¹ / This Committee, then named the Committee on Expenditures in the Executive departments, was authorized to study the "operation of Government activities at all levels, with a view to determining its economy and efficiency." In more direct terms, the Committee's task was to expose waste, mismanagement, abuses of authority, and flagrant corruption. See Thomas A. Henderson, Congressional oversight of Executive Agencies (Gainesville: University of Florida Press, 1970).

dealt with after they arose.¹

These separate functions, however, can often be seen to overlap. As an example, an Appropriations subcommittee could undertake a wholesale evaluation of a program's integrity and usefulness as part and parcel of its fiscal review. Likewise, a legislative committee in reviewing authorization of a particular program might also undertake an inquiry into the funding and methods of spending related to that activity.² Part of this overlap arises from the fact that program spending must be both authorized by one committee, and then appropriated by another. This kind of duplicative responsibility can have both negative and positive aspects, as will be elaborated shortly. Altogether, committee and sub-committee oversight powers can be seen to extend in several ways. Through its reports, a committee

¹ / The testimony of one committee chairman openly admitted that committees undertook investigative oversight only after substantial indicitive evidence made such oversight unavoidable; in the words of the chairman, "I am ready to do it (oversight) whenever there is evidence, but I want an indictment first." Committee Organization in the House, Hearings before the House Select Committee on Committees, 93rd Congress, 1st session, p. 67.) For a historical review of committee investigations prior to 1930, see Marshall E. Dimock, Congressional Investigating Committees (Baltimore: Johns Hopkins Press, 1929).

² / For a keen analysis of the strategic ways in which such overlap can be utilized by artful Hill staffers, see Lewis A. Froman, Jr. The Congressional Process: strategies rules, and procedures (Boston: Little, Brown, 1967). See also, Aaron Wildavsky, The Politics of the Budgetary Process (Boston: Little, Brown, 1964).

can originate or vitiate authorizing legislation for a program, or even for an entire agency. Less directly but just as effectively, another committee can move to cut off all or part of the necessary funding. Finally, and more subtly, the committee can issue a summary report which suggests or flatly directs the policies, direction or intent of the Congress with respect to that particular program or agency.

In addition to these formalized statutory avenues of Congressional control, there have also evolved several non-statutory means by which the Congress can review and exert influence over administrative decisions and activities. Congressional approbation or support can be displayed in several ways, among which are both formal and informal avenues of influence such as committee reports, floor statements, comments during hearings, personal contacts and informal understandings or agreements. Furthermore, the force of strong language in congressional hearings and reports can sometimes circumvent the need for more explicit statutory expression of the legislative intent.

In the case of Interpol, each of the foregoing avenues of control was exercised, in varying degrees; though the most important avenue, by far, was congressional hearings. It is difficult to gauge the relative

force and effectiveness of such influences. Certainly, there exists a great deal of ambiguity as to the point at which any interaction between the Congress and the executive becomes characterized as "oversight". One may ask, for example, how to view the floor submission of a statement by Congressman Richard Poff before the House on January 27, 1969. In his statement, Congressman Poff submitted a highly laudatory text which offered an outline of the mission, history and activities of Interpol. This statement ended with the unsupported conclusion that, "In seeking to control [growing international crime]..., the enforcement officer must use every legal weapon in his arsenal. Among these weapons, few, if any, can be more useful than ICPO-Interpol."¹ Viewed in contrast to the incisive questioning by Congressman Eilberg as quoted in the prelude, Poff's statement can hardly be regarded as comprising an oversight function.

In addition to floor statements and colloquies, committee reports are a frequent avenue of congressional control. Such reports can be issued by authorizing, appropriating and conference committees in response to various proposed legislation. These reports contain language which expresses the intent, expectations and even the

¹ / Congressional Record, Extension of Remarks, January 27, 1969.

commands of the Congress with respect to the implementation of laws.¹ Such language may range from simple comments to explicit mandates expressed as "committee wishes", "the committee expects", or "the committee intends". Although such report language does not have the statutory force of the law itself, it may have an equally compelling effect, and both the executive and judicial branches often pay close attention to the committee reports.

The oversight component of such reports is frequently assumed, if not explicit. For example, Senate Report No. 780 of 1967, entitled "Participation of the United States in the International Criminal Police Organization", performs no explicit oversight function. The report, issued by the Senate Committee on The Judiciary, amended H.R. 2834 and raised the statutory ceiling of the total annual dues authorized to be paid for U.S. membership in Interpol. Yet the language of the report offers an explicit, if brief, justification for U.S. participation:

The Treasury Department reports that it receives valuable assistance from the Organization, especially in the area of combating international narcotics traffic, smuggling and counterfeiting. U.S. membership in the Organization is considered vital.

¹/ See Malcolm Smith and Cornelius P. Cotter, "Administrative Accountability: Reporting to Congress," Western Political Quarterly, X (June 1957).

This attribution is clearly intended to justify the grounds for U.S. expenditure of taxpayer dollars, and in its broadest sense can be taken as expressing an implied oversight function. It could be agreed, however, that such usage of the term oversight is perhaps too broad--the term is best reserved for those occasions where meaningful, rather than rubber-stamp, inquiry and evaluation have taken place.

In contrast to the 1967 Report but still in the period predating recent more aggressive congressional activity, is the Report of the Special Subcommittee on the ICPO, issued in 1959. While a detailed discussion of this report is reserved for Chapter VI, it is here instructive to look at its summary language. The report, which was written by a subcommittee of the House Committee on the Judiciary, makes several very specific "recommendations" among which are: (1) that the Attorney General should conduct a study of the value of U.S. membership in Interpol, (2) that U.S. law enforcement agents study and visit Interpol's facilities and techniques and, (3) finally, even suggests that the ICPO consider microfilming pertinent files. The exact phrasing of this last proposal shows the committee's sensitivity to the fact that the ICPO is not, after all, directly amenable to the Congress. The report states:

The subcommittee wishes to recommend that the Treasury Department consider, for the next general session of Interpol, the submission of a proposal for the microfilming of pertinent files of that organization and further that the United States offer to act as a depository for a set of such films. 1/

It should also be noted, however, that there is much variation in the force of such committee recommendations. In the case of Interpol, the 1959 recommendations mentioned above were apparently ignored. This was most likely because of insufficient funding and the relative unimportance of Interpol to the Treasury Department, in spite of the fact that Treasury was just then acquiring jurisdiction over U.S.-Interpol participation.

Executive reports to the Congress can often be of a very perfunctory nature and may not perform their part of the oversight function. The Department of State has long been required to issue its annual report on the extent and disposition of U.S. contributions to international organization.² These reports list and briefly describe the various international organizations to which the U.S. government contributes funding and are currently transmitted by

1 / Report of a Special Sub-committee on the International Court of Justice and the International Criminal Police Organization, House Committee on the Judiciary, April 1959, p.17.

2 / As required by Section 27 of Public Law 81-806 since 1951.

the Secretary of State to those committees on International Relations.

If one examines the report's listed descriptions for the I.C.P.O. from 1968 to 1976, one finds that the cursory text remained virtually unchanged through these years, and does not reflect any of Interpol's current activities or developments. The report summarizes the origin, development, purpose, structure, initial date of U.S. participation, current statutory authority and U.S. contribution to Interpol. Based on the text of this two-page description, it is evident that Department of State staff merely passed along such text as was sent to them by Treasury's Interpol office. The report does not touch upon questions of the effectiveness of the organization, its recent activities or resolutions, nor any of the key substantive issues that arise in discussions of U.S. participation in the organization. Furthermore, the report evidences the same misrepresentation of Interpol's war-time history that Treasury's submissions to the Congress have exhibited; namely, that "No meetings were held during World War II". In actual fact, as will be discussed in later chapters, there were meetings held while Interpol was under the German Nazi regime. The point here, however, is that while executive reports to the Congress do offer opportunities for oversight, they can also become perfunctory

exercises. In this case, neither the State Department nor the Committee on International Relations, which never raised any questions regarding U.S. participation in the ICPO, chose to exercise their oversight authorities.

Another avenue of potential congressional control is the expression of committee views as expressed during hearings and through direct personal contact informally, though the latter role is difficult to document. Keefe and Ogul observe that while formal techniques of oversight receive more attention, "informal interactions between executive and legislator may, in fact, constitute the bulk of oversight activity."¹ In the case of Interpol it is difficult to speculate to what extent the informal aspects of congressional relations with the Washington NCB may have affected U.S. Interpol operations or policies, though it seems fair to say that by and large the greatest impact stemmed from the actual congressional hearings themselves.

In the case of Interpol, as already pointed out, subcommittee hearings have been the single most important forum of oversight proceedings. Inquiries or comments made by committee members during hearings have very definite oversight implications even though they have only indirect, associated, statutory force. Referring back to our introductory

¹ / The American Legislative Process, p. 407.

prelude, it may be recalled that Eilberg's growing impatience with the poor response of Justice Department officials was punctuated by a stern warning that the administration's request for a dues increase might not be approved out of the committee.

One point which needs to be raised about such hearings is that not all of them are public nor is all of the testimony and questioning later printed in hearing reports. There seems to be considerable leeway and ambiguity as to which hearings are public and especially as to how and when hearing reports are issued. Furthermore, the precise questions asked and the actual responses can be edited, changed, or added to after the actual hearing has taken place, and in some cases, the attendance of an individual congressman may be recorded even if only a staff member was in his place. The question of public access to committee oversight hearings is important in the context of overall democratic control, which assumes public as well as governmental access to oversight hearings.¹

In replying to an inquiry by a noted professor of criminal justice regarding the ICPO, Kenneth Giannoules, then Treasury's Chief of the U.S. NCB, asserted that:

¹ / See Leon Sigal, "Official Secrecy and Informal Communication in Congressional Bureaucratic Relations", Political Science Quarterly, (Spring 1975), pp. 71-92.

"Copies pertaining to Congressional hearings are not available since the hearings were in private and not subject to public record. 1 /

It is not clear from the letter nor from subsequent interviews, which specific hearings Giannoules was referring to nor why they would not have been public. Certainly not all congressional oversight hearings need be open, as the debate on the CIA or FBI hearings has strenuously underscored. In an interview with the current Chief of Interpol operations, the possible explanation offered for why such hearings might have been closed was that those hearings may have have been part of closed hearings regarding the Secret Service. Occasionally, it was suggested, as part of such hearings, U.S.-Interpol officials, several of whom were Secret Service agents, might be asked what specific measures were being taken to cope with terrorists' activities or narcotics trade.² Such information, the committee felt, should not be made available to the public.

In actual fact, there is no clear indication that such sensitive questions, except in the broadest terms, were ever asked of Interpol officials at all during the period in question. The best evidence is that Giannoules

1 / Letter of January 23, 1970 to Professor Michael Fooner.

2 / See also the discussions of Chapter V and VI for the ICPO's handling of these kinds of crimes.

was merely being reluctant and that, since the professor's inquiry predated the Freedom of Information Act, he was free to do so with administrative impunity. Furthermore, it is not clear why any hearings on Interpol would be closed, since Treasury has insisted that the ICPO performs no intelligence functions.¹ The Congress, nonetheless, has considerable discretion in this area. Hearings, even if public, may not be tape-recorded for a verbatim transcript.

For the researcher, this can present a problem since published hearing transcripts are occasionally many months delayed in printing and sometimes may never be published at all.² In the case of the March 1977, Eilberg hearings, no official transcript has been made available at the time of this writing, almost a full year later. Certainly, the reluctance of the House Judiciary Subcommittee to publicly release those hearing transcripts was not due to a lack of public interest since members of the press had expressed interest in obtaining the hearing records. Rather, it seems that political dynamics may

¹ / See Section (7) of Chapter II for a discussion of whether or not Interpol can be regarded as having an intelligence function.

² / Such hearing records are often available for visual inspection only to the public, but copies of these transcripts may not be released until formal publication.

have, in part, motivated this delay. The concluding point here is that the Congress itself wields great power in what hearings are held, what is asked, and if and when hearing transcripts are made public. Such power, if misused, can blunt the public's will and oversight, particularly since the Congress alone is exempted from the prying wrench of the Freedom of Information Act. This leads us to a brief discussion of some of the weaknesses of the oversight system.

(3) Weaknesses in the Congressional Oversight System

As already noted, the legislative reorganization of the 1946 act made explicit that the committees and the subcommittees become the principal agents of Congressional oversight. In the years which followed, some of these committees set a strong record of consistent inquiry into Federal policies and into Federal spending policies in particular. A strong chairman became the hallmark of a formidable committee and had, among other powers, the right to delegate a particular bill or issue to a specific subcommittee.¹

The individual congressman, by contrast, conducts little oversight on his own, except as part of his membership in various subcommittees. By virtue of authority, power, money, and staff, most oversight efforts center in the standing committees and the subcommittees. A congressman who chooses to pursue an inquiry while not a member of an appropriately related subcommittee, would have little influence in that area unless his political weight with his colleagues was substantial. Even so, his resources to conduct extensive or sustained investigation outside of his subcommittees would be limited.² If the matter of his

¹ / On the relationship of staff and other resources to a congressman's operations, see Donald G. Tacheron and Morris K. Udall, The Job of the Congressman (New York: The Bobbs-Merrill Company, 1970); pp. 39 - 62.

² / See Nelson W. Polsby et al. in "The growth of the Seniority System in the U.S. House of Representatives", American Political Science Review, September, 1969: pp. 787-807; see also Barbara Hinckley, The Seniority System in Congress (Bloomington: University of Indiana Press, 1971).

concern was neither one of direct constituent interest nor one appropriate to his delegated subcommittees, the political payoffs for his efforts would be very low indeed. Such involvement will be dealt with later in examining Congressman's Edward Beard's efforts to publicize what he considered to be the abuses of Interpol.

Over time, the committee system set up by the Congressional Reform Act (CRA) began to receive a great deal of criticism from various directions, particularly with respect to the concentration of power by particular committees and their chairmen. Critics both within and outside of the Congress also complained that the committees lacked the necessary commitment to maintain the kind of staff and external expertise necessary to sustain a meaningful "continued watchfulness". Committee organization and staffing were often faulted for failing to carry out the continuing, in-depth review necessary for proper oversight. This was due in part to the tendency to concentrate committee personnel, time and effort on legislative issues and, in part, on the overall limitations of obtaining sufficient staff, much less staff which was technically proficient in the oversight area.¹

¹ / For example, see the concerns expressed by William L. Morrow, Congressional Committees (New York: Charles Scribner's Sons, 1969.) A general discussion of the weakness of the congressional oversight system can be found in Norman J. Ornstein, "Causes and Consequences of Congressional Change: Subcommittee Reforms in the House of Representatives, 1970-1973", in Norman J. Ornstein (ed.), Congress in Change: Evolution and Reform (New York: Praeger, 1975).

Clearly, as the federal bureaucracy burgeoned and came to encompass an increasingly complex and technical array of programs, the ratio of committee to administration staff became significantly smaller. Committee members themselves often pointed out to the numerous and growing number of federal activities under their jurisdiction. The decision as to which program to oversee and in what depth to examine it, was most often a matter of choosing a few items from broad and multiplying activities; thus the choice had to be made among multiple priorities in which the deciding variable most often became which issue had greater political precedence or visibility. This pressure on the committees resources helps partially account for the reason that a policy or program inquiry would not be investigated until the matter had already clearly exceeded legal bounds and had become a public cause flagrans.¹ Parallel to this criticism was the charge that most oversight concerned itself largely with interest in the visible and invisible dollar expenditures charged to the taxpayers. More often than not, the long-range policy implications of a program were glanced over while careful scrutiny

¹ / Professor Ogul challenges the basis of some of the assumption that lack of adequate staff and expertise, or excessive politicization, really undermine Congressional oversight. His arguments can be found in: Morris S. Ogul, "Legislative Oversight of Bureaucracy," Operation, Select Committee on Committees, 93rd Congress, G.P.O. 1973. See also Congress Oversees the Bureaucracy (Pittsburgh: University of Pittsburgh Press, 1976).

was accorded to a rather arithmetic analysis of the dollar costs.

An additional criticism centered around the exclusive jurisdictional boundaries of the respective committees.¹ If a particular chairman was indifferent or chose to ignore a certain area within his jurisdiction, it could not then readily be taken up by another committee nor could a subcommittee undertake an investigation without his tacit consent. Since the jurisdictional boundaries were not always unequivocally delineated, this also resulted in political maneuvering and in-fighting as to whose domain an agency's particular activities fell under. Furthermore, so-called "sweetheart" relationships frequently tended to develop between the overseeing subcommittee and the executive branch agency under its jurisdiction as a result of long and continued association. A sweetheart relationship could mean that programs and appropriations were routinely passed with only cursory review. This is not to imply that the opposite of a sweetheart relationship, or an adversary relationship, should exist between the overseer and the overseen. In fact, such an antithesis would be counter to the productive intent of the oversight function. A subcommittee must share in the purposes and goals of the execu-

¹/ An examination of the forces behind reform in the House and a legislative history of the Committee Reform Amendments can be found in David E. Price, "The Ambivalence of Congressional Reform", Public Administration Review, (Nov. 1974), pp. 601-8.

tive agency and needs to match the technical and substantive expertise of the agency if it is to be realistic and useful in its appraisal. At the same time, such familiarity must fall short of the excessive intimacy implied in a sweetheart role. Finally, there was considerable criticism about the short-sightedness of congressional scrutiny. Not only was the subject of congressional inquiry often reduced to a purely fiscal concern, but long-range justice implications of policies and programs went unheeded. The weakness of Congress' foresight function has been seen by some as a reflection of the inherent weakness of the American political system. As one writer on the subject notes "the incentives for foresight activity are often few. There is as yet little constituency reinforcement for a Senator's foresight activity."¹

With respect to Interpol, it will be clear that during its some twenty years supervision of U.S. participation, the Congress never had the foresight to manifest concern about the privacy considerations which became prominent only after 1973. On the other hand, the ICPO itself exhibited no concern to safeguarding this area until pressures brought to bear as a result of U.S. Congressional interest and laws.

¹ / Clement Bezold, "Senate Committee Foresight" in Techniques and Procedures for Analysis and Evaluation: A compilation of Papers, Commission on the Operation of the Senate, U.S. Government Printing Office, 1977, p. 34. This paper also discusses the development of Congressional "Futures Research" and the foresight resources of the Congress.

(4) Oversight Assistance Available to the Congress

Clearly, as the oversight responsibilities of the committees have evolved, the time and staff burdens have become increasingly onerous. To help alleviate this burden, the Congress can turn to several of its special resource agencies to assist in the oversight function. In addition to the special recent provisions permitting committees to hire outside contractual help, the oversight work of the Congress is facilitated by the assistance of the Congressional Research Service of the Library of Congress and the General Accounting Office. Both of these major resources were utilized by the Congress in its inquiry of Interpol, particularly the GAO which finally embarked on the most full-scale investigation of Interpol within the Congress.

The Congressional Research Service, with a current staff of approximately 500 professionals, was specially created to provide primary research assistance both for the committees and for the individual Congressman. The basic authority for the CRS to support legislative oversight comes from the Legislative Reorganization Act of 1970. With ten divisions, a highly sophisticated computer data retrieval system, and access to one of the most comprehensive libraries in the world, CRS can be a vital

tool of congressional oversight. In addition to analyzing and evaluating legislative proposals and tracking major policy issues, the staff prepare summaries of subjects for committee review, suggest names for prospective hearing witnesses, prepares questions for hearings, as well as prepare studies and draft reports pertaining to major issues. Because CRS research is intended for use solely by the Congress and much of its work is restricted and unavailable to the public, this made it difficult for this researcher to determine which congressman had submitted queries regarding Interpol to CRS.

It was clear from several interviews that several divisions had been involved in doing some work regarding Interpol. The CRS staff had a complete compilation of legislative records pertaining to U.S. memberships dues and participation in the I.C.P.O. as well as related public reports and literature. Still, the amount of work that CRS staff could devote in relation to Interpol was limited by the great number of other Congressional queries which could claim greater salience or political precedence. The CRS staff could, however, provide an individual congressman with the official record of U.S. membership and legislative history, and was asked to do research regarding such matters as the legal status of the I.C.P.O. as an inter-governmental institution. Furthermore, CRS staff

apparently assisted in preparing a list of key questions to be used during the Senate Appropriations Hearings.

While CRS is not allowed to conduct field investigations, this is the primary function of the General Accounting Office which was created to serve as Congress' main investigative arm. With its ten divisions and over 3,000 professional staff, the GAO is empowered to conduct broad-ranging and intensive studies of any Federal agency or activity.¹ Aside from the advantages of a staff that can be exclusively assigned to develop expertise in a particular oversight area, the GAO is also in a better position to exercise meaningful control of various government programs because of its very specific investigative mandate. By contrast, congressional committees are very limited in their ability to exact specific and exhaustive answers to their questions because they must depend on the answers supplied to them, either verbally during actual hearings or in the form of written testimony, by administration officials. Thus, for

¹ / Among its powers, the GAO can: (1) audit the financial accounts and expenditures of Federal agencies; (2) analyze and evaluate the efficiency, legality, economy, and effectiveness of government programs; (3) make cost-effective studies; (4) issue legal opinions and advice to committees; (5) check compliance with laws and regulation. Two useful studies of the GAO can be found in: Richard Brown, The GAO: Untapped Source of Congressional Power (Knoxville, Tenn.: University of Tennessee Press, 1970); and Thomas D. Morgan, "The General Accounting Office: One hope for Congress to Regain Parity of Power with the President," North Carolina Law Review, Vol. 51 (Oct. 1973).

example, although Eilberg expressed a great frustration and dissatisfaction with Justice official replies in the hearings quoted in the prelude, he could not send his staff to personally search Interpol's U.S. files nor to independently examine its operations. Eilberg's staff was limited to sending further and more detailed requests for information from Treasury and Justice officials, which still might obtain only partial answers.

In contrast to this, the GAO was able to allocate three full-time staff professionals to conduct its investigation of Interpol operations. Furthermore, not only did GAO officials have access to the investigative files of the U.S. NCB, but they were also permitted to carry their inquiry to St. Cloud headquarters and to foreign NCB offices as well.¹

Although the GAO has formidable powers, its influence is mitigated by the numerous and incessant demands placed upon it. As a result, a particular congressman or committee must have the necessary clout to persuade the GAO that its particular inquiry should receive GAO attention. Originally, Congressman Beard had sent an

¹ / The functioning of the General Accounting Office is examined in the study by Keith E. Marvin and James L. Hendrick, "GAO Helps Congress Evaluate Programs," Public Administration Review, 34 (July-August, 1974). pp 327-33 John M. Pearce explores attempts by the Senate to encourage expansion of GAO's oversight activities in "Senate Seeks to Expand GAO's Watchdog Capabilities", National Journal Reports, (February 6, 1971), pp. 273-9.

inquiry regarding Interpol to the GAO in early 1974. His inquiry was responded to with only a perfunctory reply from the General Government Division. However, Senator Montoya combined to enlist a GAO investigation in their letter of February 5, 1976, a full-scale inquiry was begun. It should be noted that not all GAO studies need be made public; on a congressman's request they may be referred strictly for his own use. Furthermore, the time consuming nature of the GAO's necessarily meticulous and rigorous investigations means that a report can take a great deal of time. In fact, while the formal congressional request for an Interpol investigation was sent to the GAO by Senator Montoya and Congressman Moss on early 1976, the final GAO report was not released until December 27, 1976, nearly a full year later.

Finally, in addition to CRS and the GAO, the Congress also has available the services of the Congressional Budget Office and the Office of Technology Assessment. Neither of these offices to date have become involved in Interpol oversight proceedings, nor does their legislative mandate give them much reason for dealing with such topics.

(5) Watergate and the Increase in Congressional Oversight Activities

The mounting criticisms of the Congressional committee systems and of the inadequacies of the oversight process were brought to a climax by the Watergate scandal as well as the attendant political pressures resulting from the Vietnam War years and the related Intelligence agencies' investigations. The events of Watergate spotlighted the importance of oversight and led many to conclude that the revealed abuses of agencies such as the FBI, the CIA, and the IRS might not have occurred if their respective congressional committees had been more diligent in their oversight.¹

In the most detailed statistical study of the development of oversight in the U.S. Congress, Joel D. Aberbach confirms the impression that Watergate did indeed precipitate an increase in the frequency of oversight activities in both the House and Senate. The overall increasing trend, Aberbach observes, began even earlier:

¹/ For a view of the impact of Watergate as seen from the Congress, see: Watergate: Its implications for Responsible Government. A report prepared by a Panel of the National Academy of Public Administration at the request of the Senate Select Committee on Presidential Campaign Activities, March 1974; Oversight of U.S. Government Intelligence Functions, Senate Hearings on S. 317, 94th Congress, 2d Session, 1976; and Legislative Proposals to Strengthen Congressional Oversight of the Nation's Intelligence Agencies, Senate Hearings on S. 4019 and S. 2738, 93rd Congress, 2d Session, 1975.

As the data show, congressional activity increased dramatically from the 91st to the 93d Congresses. Yet during this time oversight held its own as a percentage of this growing activity, dipping only in the House in the 92d Congress and recovering quickly in the 93d Congress, a time when oversight reforms were an important item on the Bolling committee agenda. Watergate may well have been the chief factor leading to the dramatic increase in oversight recorded in the 94th Congress, but there was already a substantial and growing base of oversight activity prior to that time. I suspect that the pre-Watergate increase in oversight activity derived from suspicions of Presidential power which developed during the Johnson administration, mainly as a result of the Vietnam war and widespread disillusionment. 1/

Prior to 1973, there had been some movement in the direction of strengthening the Congressional review process, but it was not until the period of the Vietnam protests and the Watergate scandal and the enormous political fallout in terms of apportioning blame between blame between the Administration and the Congress, that

1/ Joel D. Aberbach, The Development of Oversight in the United States Congress: Concepts and Analysis, Institute of Public Policy Studies, Discussion Paper No. 100; prepared for delivery at the 1977 Annual Meeting of the American Political Science Association, p. 11. For a view of the impact of Watergate as seen from the Congress, see Watergate: Its implications for Responsible Government; a report prepared by a Panel of the National Academy of Public Administration at the request of the Senate Select Committee on Presidential Campaign Activities, March 1974.

the issue of oversight gained real national prominence ¹
Having witnessed what it considered to be the widespread
abuse of power by the Executive branch as sanctioned by
the erosion of Congressional authority, the Congress
resolved to seriously reconsider the administration of
its oversight powers.²

The debate, which had long stalled, over how to staff
and fund for necessary Congressional oversight and over
what was widely regarded as an autocratic committee system,
came to a forceful climax in the House. By the latter
part of 1974, two significant pieces of legislation
emerged: the Budget and Impoundment Control Act and the
House Committee Reform Amendments. The first established
new Budget Committees which are to oversee the annual
budget resolutions; this Act also authorized the standing

1/ The move to strengthen legislative power vis-a-vis
the executive branch in the foreign affairs area was the
larger part of this general debate and there were a wide
range of initiatives which illustrated congressional
intention to become more firmly involved in areas of
foreign policy that has long been shielded within the
executive branch. Thus, in its War powers Resolution of
1973, in the areas of conventional arm sales and the
export of nuclear technology or in the area of bilateral
aid, the Congress began to take an increasingly assertive
role.

2/ Walter Oleszek, "Congressional Oversight: Methods and
Reform Proposals", Select Committee on Committees, Working
Papers House Committee Organization and Operation,
93rd Congress, June 1973, U.S. Government Printing Office,
Washington, 1973; also see Committee Reform Amendments of
1974, Report to Accompany H. Res. 988, March 21, 1974,
House Select Committee on Committees (Bolling Committee),
93rd Congress, 2d Session, 1974.

committees to require Federal agencies to conduct in-house evaluations and to contract outside organizations to help fulfill their oversight functions.¹

The second, and probably more significant set of legislation, enacted in 1974, was the Committee Reform Amendments. House Resolution 988 was adopted on October 8, 1974 and greatly extended the oversight responsibilities of both the Standing Committees and the subcommittees. H.R. 988 reaffirmed the mandate of the Standing Committees to examine both the organization and operation of Federal agencies and enlarged this to include the research of future developments in the form of forecasting as well as evaluation of the impact of tax expenditures. The CRA provided that each committee of more than twenty members could establish its own separate oversight subcommittee and could require its subcommittee to conduct regular oversight. Also, the CRA made the work of the Committee of Government Operations more accessible to the other committees by requiring this major oversight committee to consult with other committees, to report within sixty days

¹ / Recently, some criticism has emerged in light of the fact that certain committees have hired outside contractors to examine or report on agency activities in which these contractors themselves participated. See, in particular, Daniel Guttman and Barry Willner, The Shadow Government; Multibillion Dollar Giveaway of its Decision-making Powers, the Private Management Consultants, "Experts" and Think-tanks (New York: Pantheon Press, 1976).

after the beginning of a session on the results of such hearings, and to coordinate its activities more closely with other committees. Most importantly, the reforms of the CRA served to permit a committee to undertake virtually any oversight proceedings it deemed necessary, regardless of prior jurisdictional assignments. The hegemony of the Government Operations Committee was also weakened by not giving it the power to decide which committee had the bona fide jurisdiction when a conflict arose.¹

¹ / See The Senate Committee System, Committee Print of the Senate Temporary Select Committee to Study the Senate Committee system, 94th Congress, 2d Session 1976.

(6) The Problem of Jurisdiction

The passage of the Committee Reform Amendments was not without consequence to the course of Interpol hearings because it increased the number of House committees which could legitimately claim jurisdictional interest in Interpol. As noted, one of the key problems that the Committee Reform Amendments addressed was to determine which committee would be responsible for which governmental area. While the broad scope of an agency or activity was often clear in outline, overlapping issues often arose which could be of interest to any of several committees or subcommittees. As an example of the difficulty of restricting the range of oversight issues to a narrow range of committees, one can examine the different House committees which dealt with topics related to intelligence gathering during 1975. The Appropriations Committee held hearings on CIA domestic activities, while Government Operations studied government data banks and Privacy Act exemptions, the Judiciary Committee listened to testimony regarding FBI abuses, Science and Technology concerned itself with information dissemination, Ways and Means studied IRS use of confidential funds, and the Select Committee on Intelligence held continuous hearings on a host of related topics.

In the case of Interpol, any number of committees and subcommittees could claim legitimate interests justifying their oversight of Interpol. Theoretically if one looks at a directory of the various congressional committees, it is apparent that any of the following might have some basis of interest:

Senate Committees:

Appropriations
Foreign Relations
Governmental Affairs
Select Committee on Intelligence

House Committees:

Appropriations
Government Operations
International Relations
Judiciary
Science and Technology
Select Committee on Narcotics and Drugs
Abuse Control

Furthermore, in addition to the potential interest of any of these major committees, different subcommittees could potentially compete for oversight jurisdiction. The inherent ambiguity and complexity of this system leaves much room for the play of political factors. As Maxwell Hamilton of the Washington Post observed:

Committees other than Appropriations have overlooked Interpol for other reasons. Nominally a private organization headquartered across the Atlantic in Paris, it does not fall neatly into the jurisdiction of any of the established oversight committees. 1/

1/ The Washington Post, May 7, 1975.

For example, although in the House it was Eilberg's judiciary subcommittee which conducted the most critical oversight hearings on Interpol, in the Senate the oversight on Interpol centered in Montoya's Treasury subcommittee of the Appropriations Committee. The House Judiciary subcommittee whose full title is the Subcommittee on Immigration, Citizenship and International Law, could claim jurisdiction because the U.S. Interpol dues bills, while most recently submitted by Treasury, fell within the authorization mandate over the Justice Department. While the exact language of this bill and its relationship to the dispute over Interpol between the Justice and Treasury Departments are discussed in a separate chapter, it can be seen that even within this major committee itself, jurisdictional rivalries were bound to occur.

Several years ago, the jurisdiction for Interpol's dues authorization fell under Congressman Jack Edward's Subcommittee Number Four, as it was then called. In the wake of the restructuring of House committees, Peter W. Rodino, Chairman of the House Judiciary Committee, reassigned Interpol to what became Eilberg's subcommittee. Edwards apparently contested this transfer, in part, because his committee had jurisdiction over the Justice Department's law enforcement activities, such as the FBI and its National Computerized Information Center (NCIC).

However, although Edwards did visit St. Cloud in 1975, there is no evidence that the visit was more than a perfunctory one. On the Senate side, however, since Treasury was actually staffing and running the U.S. Interpol shop until mid-1973, Senator Montoya could legitimately oversee U.S. participation in Interpol by scrutinizing the justification for Treasury's appropriations.

There are different perceptions as to the usefulness which such jurisdictional ambiguity and overlapping performs in the exercise of congressional oversight functions. From the point of view of the U.S. NCB chief, the fact that his office had to respond to many duplicative queries from separate committees was not well appreciated. Louis Sims seemed to feel that while Congress was performing its authorized and responsible function in examining the policies and performance of the U.S. NCB, this jurisdictional overlap resulted in a great duplication of effort and in a waste of much government time.

Certainly there seemed to be little, if any, coordination between the questioning or evidence received by the various subcommittees. The questioning of the various hearings was often repetitious and meant that not only did Interpol Chief Sims and Treasury officials need to go up to the Hill again and again, but that there seemed to be an unnecessary need to prepare separate hearing and briefs

and testimonies. It should be remembered, however, that this kind of criticism is by no means restricted to the case of Interpol. As noted by Stephen Bailey, "if Congress is to become a more responsible instrument of the public interest, than both houses need to improve their internal machinery," particularly in such areas as scheduling and coordinating joint hearings.¹

From the point of the view of the committee staff, however, such jurisdictional overlaps served a protective and useful function. They felt that because different committees could choose to involve themselves in a certain area independently of the activities or hearings of another committee, there was a greater likelihood that important issues would not be overlooked and that political dynamics would not totally subvert or stymie a legitimate inquiry. The discussion of the political dynamics of congressional oversight of Interpol in Section B confirms the importance of having separate committees independently conduct hearings so that the possible biases of one particular chairman are less likely to permanently prejudice the outcome of oversight hearings.

¹ / Congress in the Seventies, p. 107. -

(7) Executive Privilege and Problems of Intelligence Oversight

Two significant areas still remain in exploring the problems of congressional oversight of Interpol. These relate to the nature of executive privilege and the problems attendant in the oversight of intelligence-related agencies.¹ Both of these issues bear directly on the question of congressional access to information regarding U.S. involvement in Interpol. Although the criminal justice records transmitted and filed by the Washington NCB are not intelligence material per se, they contain or refer to intelligence-related information, particularly in the case of narcotics. Narcotics intelligence, an area in which Interpol has been most active, is often related to more subtle political and economic intelligence. The divulgence of such information could jeopardize the interests of state, hamper law-enforcement efforts, and endanger agents and informants abroad. Such at least were the arguments that long left the foremost U.S. intelligence agencies free from the scrutiny of congressional committees. There will obviously be times when, for reasons of administrative efficiency, national security, or even political survival, the executive branch must decline to comply with congressional requests for information.

¹ / The more general arguments relating to this debate can be found in Raoul Berger, "Executive Privilege Versus Congressional Inquiry", UCLA Law Review, (August 1975), pp. 1288-1364. See also Bernard Schwartz, "Executive Privilege and Congressional Investigatory Power", California Law Review, (March 1959), pp. 3-50.

Although the dispute over executive secrecy has stirred American political debate as early as the Jay treaty, the Watergate scandal not only resulted in an upsurge of congressional oversight but brought both the issue of congressional access to intelligence information and the matter of executive privilege to the fore.¹ The Senate Watergate Committee's lawsuit to obtain presidential tapes and documents, the case of United States v Nixon (418 U.S. 683(1974)), and the House Intelligence Committee's contempt action against Secretary of State Kissinger underscored the contemporary relevance and divisiveness inherent in the separation of powers. These cases, however, applied to the particularities of the Office of the President rather than to the executive branch in general.²

In addition to the limitations stemming from the concept of executive privilege, there are also specific statutory provisions which provide agency protection of intelligence sources and methods, as well as restrictions on the accounting and auditing procedures disclosable to

¹ / A more detailed account of the early debate, see Francis E. Rourke, Secrecy and Publicity (Baltimore: Johns Hopkins Press, 1961).

² / For a discussion of recent court decisions regarding executive privilege see Justice Raoul Berger, Executive Privilege: A Constitutional Myth, (1974); and Sofaer, "Executive Privilege: An Historical Note", Columbia Law Review, (Oct. 1975).

the Congress. The hidden spending power of the CIA and the use of these funds to finance covert operations abroad provided a flagrant example of executive abuse of its freedom from congressional oversight. Similar abuses by members of both the foreign and domestic intelligence gathering agencies, such as the IRS and the FBI, revealed a history of illegal and unsanctioned activities which had long escaped detection or censure.¹

The subject of congressional oversight of the intelligence community had received mounting criticism as the unfolding records revealed unconstitutional and often criminal behavior by Federal agencies in the course of the civil rights and anti-Vietnam movements. The range of criticisms has varied from those who claimed deliberate blindness on the part of the "sweetheart" subcommittees intended to oversee these agencies, to the less conspiratorial criticisms which blamed the absence of oversight on the dispersal of jurisdiction and staff insufficiencies. Harry Howe Ransom, for example, faults the Congress more for the inconstancy and randomness of its attention when he writes:

¹ / See for example, the report of the Joint Committee on Internal Revenue Taxation, Investigation of the Special Service Staff of the Internal Revenue Service (Washington: U.S. Govt. Print. Off. 1975)). For an intensive inquiry into the FBI's abuses, also see Sanford's Ungar's exhaustive treatment in The FBI: An Uncensored Look Behind the Walls (Boston: An Atlantic Monthly Press Book, 1976).

The argument is not that congressional attention to the intelligence system has been absent. But such attention has been sporadic, unsystematic, incomplete, and at times casual... If this is so, Congress is susceptible to manipulation by executive branch. 1 /

At a later date, the GAO in its investigation of the FBI domestic intelligence operations concluded that: "Neither the Justice Department nor the Congress exercised adequate control and oversight over FBI domestic "intelligence operations. Legislation is needed."²

Amidst the clamor and the political turbulence, several formal changes affecting congressional oversight of intelligence resulted. In 1975 the House and Senate Select Committees to Study Government Operations with Respect to Intelligence Activities were created; the

1 / Harry Howe Ransom, "Congress and the Intelligence Agencies," in Harvey C. Mansfield (ed.) Congress Against the President, Proceedings of the Academy of Political Science, vol. 32, no. 1, (1975) p. 159.) Other critics, however, have not been so charitable as is evident if one scans the pages of the New Republic. Generally, many have agreed with Senator Mike Mansfield's assessment when he stated, "Returning to the subject of intelligence, I would strongly emphasize the fact that both the executive and legislative branches have been inexcusably lax in supervising intelligence activities." (Commission on the Organization of the Government for the Conduct of Foreign Policy, Report (Washington D.C.: U.S. Govt. Print. Off., June 27, 1975, p. 231.)

2 / FBI Domestic Intelligence Operations -- Their Purpose and Scope: Issues That Need to be Resolved, Report to the House Committee on the Judiciary by the Comptroller General of the United States, February 24, 1976, p. 14.

select committees were the first non-appropriations committees since World War II to be granted comprehensive jurisdiction over intelligence.¹

The creation of these committees, however, had no direct impact on oversight of Interpol. Neither of the Committees conducted oversight hearings on Interpol, although apparently there had been some attempt to include Interpol in a general survey conducted by the Committees. As reported in the Washington Post:

Interpol itself avoids Congress. Recently, when one of the committees investigating intelligence sent out questionnaires seeking to identify which agencies should be scrutinized, Interpol replied that it was not worthy of consideration. "We did not fit into any of the categories of intelligence they listed," said Louis Sims, chief of Interpol's U.S. National Central Bureau.

In a narrow sense, Sims is correct; strictly speaking, Interpol is not a member of the U.S. intelligence family. But it is at least a distant cousin freely sharing its resources and potential for abuse. Access to law enforcement information is just one example.^{2/}

¹/ There many different proposals over how to best establish the permanent oversight Committee. The main issues involved the membership pattern, jurisdiction, authorizing power, reporting requirements, congressional veto provisions, and methods of assuring non-disclosure of confidential and classified information. As a result of the strong differences, only the Senate Select Committee on Intelligence has been made permanent.

²/ The Washington Post, May 7, 1975.

Sim's disclaimer, however, could also be said to be contradicted by some earlier statement by Interpol officials. For example, during those hearings on the border enforcement activities of the Customs Bureau, Myles Ambrose, then head of Customs, was asked by Congressman Steed: "Do you still maintain your relationship with Interpol?". Ambrose replied: "Yes, sir. I serve as a delegate to the Interpol Conference. I continue to do that." Mr. Steed then asked: "Is Interpol gearing up to take any new steps to try to cope with the growing international smuggling crime operation problem?". To which Mr. Ambrose said: "Yes, it is, as a matter of fact, Interpol has expanded its intelligence operation with reference to the narcotics situation. We are presently working jointly with Interpol and the Customs Cooperation Council staff on a paper for the next meeting of Interpol on the relationship between Customs and the police narcotics effort area."¹

¹/ Hearings before a Subcommittee Of The Committee On Appropriations House of Representatives, 91st Congress, 2nd Session, Subcommittee on Departments of Treasury and Post Office and Executive Office Appropriations, 1970. pp. 1089-92.

CHAPTER III: THE POLITICAL DYNAMICS
OF CONGRESSIONAL OVERSIGHT OF INTERPOL

In this Chapter we will examine the actors involved in congressional oversight of Interpol. The domestic political interplay which evolved between the Treasury Department, the Justice Department, the key congressional committee staff and a private religious lobby group had a great deal of impact on the course of oversight over Interpol.

(1) The Political Dynamics: a General Discussion

This chapter examines more closely the way in which the Congress became involved in oversight of Interpol and the political dynamics of that involvement. The focus here is on which committees chose to hold oversight hearings and the political factors that catalyzed their decisions rather than on the subject matter and the course of the hearings themselves which are reserved for later chapters. The subject of U.S. participation in Interpol and of Interpol's international activities was relatively overlooked by the Congress for over two decades with the exception of the rather perfunctory hearings associated with the dues authorization bills and the 1958 report of the Special Subcommittee on the ICPO. As Myles J. Ambrose, the Treasury official who was most instrumental in reinvolving the U.S. in the ICPO, stated in 1969:

"As far as I know, there never were any hearings or legislation, and the legislation history, as I relayed to you before, presumably would be contained in Congressional sources, which I do not have available." 1/

There are probably several reasons why Interpol received such short shrift. First of all, for a long time, U.S. operations with Interpol were very insignificant,

1/ In a letter of December 8, 1969 to Michael Fooner, a criminal justice researcher who was seeking information for his forthcoming book on Interpol. Ambrose was at the time of writing of this letter, the U.S. Commissioner of Customs, but had previously been the Director of the Office of Law Enforcement Coordination which the U.S. Interpol National Central Bureau came under.

especially in comparison with the international legal attache system of the FBI or the overseas operations of either the State Department or the CIA. Concomitantly, U.S. overt expenditures on Interpol in the form of membership dues were very nominal -- from \$25,000 in 1958 to \$140,000 in 1976. For a Congress whose oversight for a long time dwelled on the number of dollars involved, rather than on the long-term policy implications of a particular activity, such a sum was paltry in comparison with the \$28 million spent by the Department of Treasury alone in 1976.

There are several other overlapping reasons for the congressional lack of interest in Interpol. In spite of Interpol's media frame, the ICP0 itself had a low profile in the United States. In fact, during one of the early hearings one of the congressmen bluntly asked "What is Interpol?" and he did not intend this as a purely rhetorical question. Several congressmen indicated during interviews that at first they thought Interpol was a purely fictional organization in the order of James Bond's SCHMERTZ. Part of this may be due to the fact that during its first post-war decade, Interpol was first a French operation, then a European operation and could not have been said to have been truly international until the late sixties. Its visibility in the United States was especially low until

1973 when the U.S. NCB began an active dissemination program. From 1973 to 1976 only one Interpol General Assembly session was held in the United States and only two in the North American continent.

Clearly, in terms of the earlier discussion on choosing oversight priorities, Interpol did not appear to be of pressing urgency to the Congress. It was not a great budgetary expenditure, nor was it closely linked to any strong political or economic constituencies of the Congress. In fact, not even American law enforcement authorities on the state and local level were very aware of or interested in Interpol. Until 1974, it would have been safe to assert that the only vested interest in U.S. Interpol participation originated in a very small nucleus of federal U.S. law enforcement related agencies -- the Secret Service, the Alcohol, Tobacco and Firearms Bureau, the Bureau of Narcotics and Dangerous Drugs (which became the Drug Enforcement Agency), Customs, and to a lesser extent, the FBI.

Furthermore, with respect to the opportunities for executive branch oversight, Interpol activities were lost in the proliferation of much costlier and more extensive activities. As far as Treasury's exercise of oversight over Interpol, according to the Justice Department's criticism, it could be said that higher-level Treasury officials were preoccupied with the problems entailed in

domestic and international economics and Treasury's law-enforcement activities, such as the Secret Service or its National Law Enforcement Transfer System (NLETS), were not of great interest to them. Even when Treasury officials became more involved in U.S. Interpol during after 1969, the fact that Interpol operations were more international than domestic in scope also weakened the opportunity for oversight. Another possible source of oversight within the executive branch could have been the President's Office of Management and Budget which has the authority to review not only fiscal outlays for programs but also the policies and performance of a program. OMB, however, has only three examiners for all of Treasury; so it can be easily seen that Interpol would have to be a low priority for them.

Prior to 1975, the Congress was involved with Interpol in only one major area. This consisted of the testimony and legislation needed to authorize the U.S. to pay membership dues to the ICPO. The original enabling act for U.S. dues membership contribution was passed in June 10, 1938 as Public Law 75-587, which authorized the Attorney General to accept and maintain U.S. membership in the ICPO and to pay \$1,500 per annum in membership dues. After the disruption of World War II, it was not until 1958 that Congress again became involved in U.S. Interpol membership.

The earlier formal membership had been abandoned by

the Justice Department because of Hoover's 1950 repudiation of the ICPO. After the FBI pulled out of Interpol, Treasury officials had continued attending meetings of the ICPO and participating on a limited low-level unofficial basis in such areas as counterfeiting of currencies, stolen arms and certain security work of the Secret Service. Since the Justice Department seemed to have no use for the ICPO, Treasury was eager to pick up the ball, particularly in light of its general policy initiative to upscale the U.S. fight against international narcotics trade. In 1958, however, the Treasury Department, through the intercession of Myles Ambrose, persuaded both Hoover and the Congress to permit Treasury to be officially designated as participating in Interpol. The actual text of Public Law 85-768 is as follows:

The Act of June 10, 1938, c. 335, 52 Stat. 640 (22 U.S.C. 263a) is amended to read as follows: "That the Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. Each participating department and agency is authorized to pay its pro rata share, as determined by the Attorney General, of the expenses of such

membership. The total dues to be paid for the membership of the United States shall not exceed \$25,000 per annum."

Approved August 27, 1958. 1/

The Attorney General thereupon formally designated the Treasury Department as the U.S. Interpol representative. This meant that the U.S. Interpol National Central Bureau would be staffed, housed and funded within the Treasury Department. It also meant that Treasury would be responsible for the obtaining the future membership increases from Congress and was, at least, theoretically the primary overseer of U.S./Interpol operations. In terms of our earlier discussion of jurisdictional boundaries, this meant that two very different committees now had oversight authority over Interpol. The House Judiciary Committee had jurisdiction as a result of the fact that the 1958 statute, while permitting Treasury to be designated, still left the primary responsibility with the Attorney General. Within the Appropriations Committees, the Treasury subcommittees had jurisdiction over the actual budgetary outlays for U.S. participation.

1/ The correspondence of this period shows that, while there was some initial discussion about Justice's relinquishing Interpol to Treasury altogether, the final language of the Act retained Justice seniority as a "designating" authority.

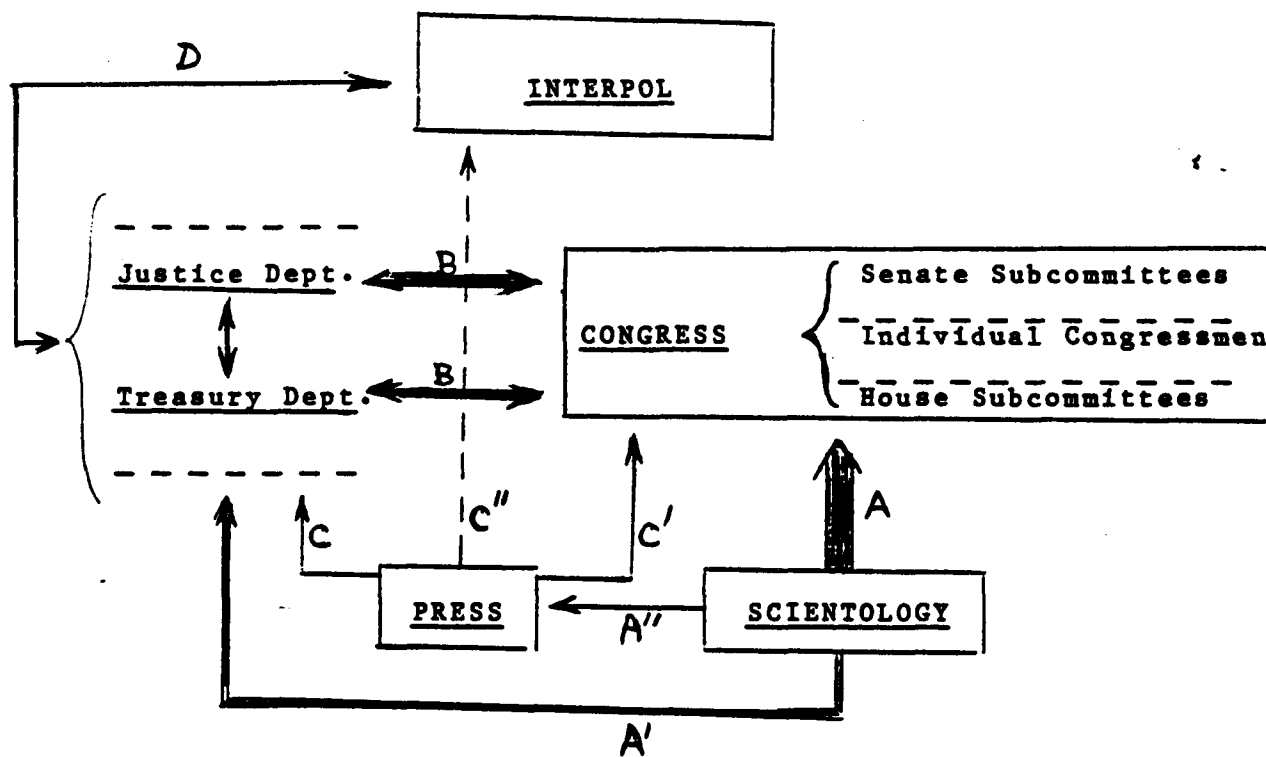
There remained some ambiguity, however, about the the precise legislative basis for the appropriations of Treasury findings for U.S. Interpol activities. When Scientologist Vaughn Young sent a letter to the Office of Management and Budget asking for clarification on this, OMB admitted that although "the Treasury Department Appropriations Act is the bill that appropriates funds for Interpol dues" as part of the "salaries and expenses" allocated to the Office of the Secretary, "the bill does not mention Interpol specifically."¹

We have already noted earlier the effect of the Nixon-Vietnam years and the Watergate scandal on increasing the extent of Congressional oversight. In the case of Interpol, the political climate of the early seventies set the stage for the involvement of a private organization, the Church of Scientology.² It is fair to say that the Scientologists were the catalysts whose unremitting lobbying on the Hill resulted in the first extensive oversight hearings on Interpol. The role of the Church was to be pivotal in determining the scope and intensity of Congressional inquiry, and recalls the emphasis placed earlier by Kaiser on the importance of public groups to the process of democratic control.

¹/ Letter from Joseph Laitin, Assistant to the Director of the Office of Management and Budget of May 9, 1974. The Bill referred to is PL 93-143.

²/ A full description of the Church of Scientology and its role in the Interpol hearings follows in Section (2).

TABLE TWO: THE POLITICAL DYNAMICS OF
CONGRESSIONAL OVERSIGHT OF INTERPOL



The documentary evidence on Interpol submitted to Senator Montoya by the Scientologists, in the words of the Washington Post, culminated in the May, 1975 Montoya special hearings on Interpol which marked "The first time Congress has seriously questioned the legitimacy and value of Interpol".¹ Before enlarging on the role of the Church of Scientology, it is useful to introduce a flow chart of the political forces and actors which were involved.

Table II is based on the kind of analysis undertaken by Morton Halperin in his study of bureaucratic politics and foreign policy.² This model differs from our earlier model in Chapter I which was intended to clarify the interfacing levels of national/international oversight; the focus here is on the political dynamics centering on the Congress. The main actors, as seen from the diagram, are the components of the Congress, the Senate subcommittees, House subcommittees, and the individual legislators. Impinging on the Congress are both the Justice and Treasury

1 / The Washington Post, May 7, 1975.

2 / This kind of analysis is undertaken by Morton H. Halperin, Bureaucratic Politics And Foreign Policy (Washington, D. C.: The Brookings Institute, 1974). See also, Halperin and Donald Kanter, "The Bureaucratic Perspective: A Preliminary Framework", in Readings in American Foreign Policy: a Bureaucratic Perspective (Boston: Little, Brown and Co., 1973), pp. 1-42. Graham Allison utilizes a similar framework in The Essence of Decision (Boston: Little, Brown and Co., 1971).

Departments, in the executive branch, and the Church of Scientology.

The equal boldness of vectors A and B indicates that the relative influence of each of these was roughly commensurate, although the influence of vector B is bi-directional, indicative of the fact that there is a powerful feedback element upon the executive branch. Vectors A, A' and A'' indicate the influence of the Church of Scientology on the Congress, on the executive branch and on the press. The Scientologists' influence on the press is further relayed through vectors C, C' and C'' which in turn affect all the actors in the diagram. The bi-directionality of A' vector and each of the C vectors is an indication of the fact that not only does the press receive and publicize information received from each of the main actors, but its publicity can in turn have either positive or negative influence on the actors themselves. The greater strength of A'' in relation to the other C vectors indicates that the Church of Scientology had a greater interaction with the press than any of the other actors.

The following sections amplify the role of each of these actors and the interactions between them. The first section introduces the Church of Scientology and the next sections enlarge upon the political dynamics of the

Treasury/Justice dispute (as represented by vector D), the effect of this dispute on congressional involvement (vector B), the role of the legislative subcommittees and the individual legislators, and finally the role of the press.

(2) The Role of The Church of Scientology

The Church of Scientology played an important role in catalyzing congressional interest in Interpol. There is little question that the Church was able to successfully harness the diffuse uneasiness bred by Watergate into a purposeful scrutiny of the sheltered I.C.P.O. At the same time, it should not be assumed that the Church's role has been an unequivocally useful one; for while it did help spark and prod congressional attention to Interpol, at the same time the zealousness of Scientology denunciations often served to estrange Congressional and executive staff.

The role of the Church in its perceived relationship as an exorcist and spiritual confessor to government has been a complex and difficult one. With respect to Interpol, the challenging findings of their research group demanded a congressional response. On learning of the extensiveness of Scientologists' involvement in government matters, particularly with respect to Interpol, one is prompted to raise some questions. What is the Church of Scientology? What interests does it represent? Why has it become involved in such an intense campaign to expose Interpol? And finally, what merits lie in its accusations?

In many ways a comprehensive response to these questions is outside the scope of this dissertation, which

pretends to be neither a theological and sociological analysis of the Church, nor an assessment of its accusations.¹ What this discussion does hope to accomplish, however, is to shed light on the ways in which the involvement of the Church affected both the Congress and the executive branch. The massive documentation briefs and testimonies submitted by the Scientologists to Congressional staff members raised serious questions about the ethical stature of Interpol staff as well as related questions about the ways in which the organization functioned. The Nazi related accusations formed by the Church of Scientology resulted in wide publicity and hence, congressional attention, to important associated issues such as the protection of privacy and civil liberties. At the same time, the widespread press coverage staged by the Church served in some ways to sensationalize the issue of Interpol and to polarize the participants, both domestically and abroad.

While the dissertation does not undertake an analysis of the Church of Scientology, a brief accounting of the

¹ / A very sympathetic account of the Scientologists' involvement with Interpol can be found in the treatment of Omar V. Garrison's, The Secret World of INTERPOL (Ralston-Pilot, Inc., New York, 1977). The basic reference sources regarding the philosophy and practices of the Church are available from the Church of Scientology, Publications Organization, U.S., The American Saint Hill Organization, (2723 W. Temple St., Los Angeles, California.)

Church and a history of its involvement with Interpol must be undertaken if the context of the congressional hearings, or of the response to them, is to be understood. This brief history will also serve to convey a sense of the strained and sometimes hostile relationship between the Scientologists and members of the government.

The Church of Scientology was founded by L. Ron Hubbard in 1950 and has since expanded rapidly both in the United States and abroad, now claiming some two million members.¹ The Church regards part of its mission to be the exposure of what it deems to be the abuses, cruelties and dishonesties on the part of different sectors of the society. In pursuit of this, the Church has been particularly vocal in its criticisms of elements of society whose conduct it considered unethical; thus both governmental and nongovernmental agencies such as the psychiatric profession, the Internal Revenue Service, and the criminal justice system, came under its scrutiny.²

1 / The Scientologists are very insistent that the derivation of their name be fully understood. The word Scientology derives from two Greek words: scio which means to know in the fullest sense of the word, and logos which denotes the study of (a subject). Thus Scientology is taken to mean the study of knowing, or knowing how to know in life .

2 / The activism of the Church is reflected in its own publication of a handbook entitled "How to Use the Freedom of Information Act", compiled by The Council of Scientology Ministers, (5030 Franklin Ave., Hollywood, Ca., 1976).

In the course of its investigations of what the Scientologists considered to be criminal or unethical behavior on the part of various governmental agencies, the Church of Scientology eventually uncovered materials which purported to prove that Interpol had been serving as a Nazi sympathizer organization. The documentation of these and related charges against Interpol were submitted in a long report entitled A Documented History of Interpol to Senator Montoya's Treasury Appropriations Subcommittee in 1975. This report, however, was a small part of the investigation which the Scientologists undertook to expose what they considered to be an evil and abusive international agency. During the course of the next two years, numerous additional data and briefs were submitted to various subcommittees and Congressional representatives on the Hill. Additionally, the Church filed extensive Freedom of Information requests both with the Washington Interpol office itself, and with associated U.S. government agencies.¹

Although it could be said that the role of the Church of Scientology both nationally and internationally vis-a-vis Interpol has been a decisive one, the climate which

¹/ As early as September 1974, in the period predating Congressional interest in Interpol, UPI released a nationwide story entitled "Police Face Lawsuits" which cited that the Church had already filed 18 law suits against law enforcement departments and organizations and had an outstanding total of \$1 billion in suits against the government.

these accusations generated proved to have both positive and negative influences on the course of Congressional inquiry. It could be argued, even by those sympathetic to the Church, that the participation of the Scientologists may have at partially hindered effective oversight of Interpol as a result of the negative manner in which its intense lobbying on the Hill was perceived. Furthermore, the Scientologists had a substantial direct impact on the responses and behavior of the Washington Interpol office, as well as that of Interpol in France. The acrimony and suspicion engendered on both sides left neither side unscathed, and greatly affected the kinds of questions asked in the hearings as well as the openness of the replies which were received.¹

The mistrust with which the Scientologists were perceived is also important in this context because it affected, on one side, the integrity with which the Scientologists' testimony and documentation were credited, and on the other side, the intensity and manner with which the Scientologists pursued their campaign. Although this is not the place to elaborate on the causes of this mutual animosity nor the history of the extensive litigation

¹/ Not all private lobbyists groups have responded to Interpol in the same way. In an interview with staff at the Intelligence Documentation Center of Washington, D. C., a group which gained notoriety for exposing CIA agents abroad, the conclusion was that Interpol appeared to be a legitimized police old boy network and nothing else. (Interview of February 17, 1976.).

involved, there is no doubt that their numerous suits against the IRS, the FDA and the FBI colored the general government response to the Scientologists. That this was the case as early as 1974 is hinted at by Treasury's Deputy Assistant Secretary, James B. Clawson in a letter to Congressman Rees:

"The history of INTERPOL's dealings with Reverend Young has been less than candid and I apologize for any misunderstandings on our part. Understandably, the INTERPOL Office has been hesitant to give out information to anyone concerning the Church of Scientology case because of a law suit." 1/

From many meetings with officials at Justice, Treasury, State and staff aids on the Hill, it is clear that the Scientologists were regarded by some as religious paranoiacs whose political motivations were distorted, if not altogether suspect.² Such a perception was not uniform, however. Some officials came to have a grudging respect for the steadfast dedication, discipline and

1/ Letter of August 23, 1974. Congressman Rees represented the Los Angeles district which was the base for one of the major Scientology headquarters in the United States.

2/ In a telephone interview with Dan Sheehan, the celebrated attorney who successfully counselled the Scientologists in their litigation over the FBI seizure of their documents, he indicated that he has been consistently astonished at the unprecedented ill of ease with which Scientologists have been perceived by government agencies. Sheehan stated that though he himself thought quite well of both the intensity and calibre of their dedication, he has never encountered the consistently negative reactions inspired by the Church, even in his work with radical civil rights and religious groups. (Interview of September 30, 1977.)

systematic quality of their work. The Scientology representatives were clean-cut, forbearing and apparently most sincere and earnest in dedication to their cause. It was not clear to many, however, why the Church of Scientology should be so concerned with such an esoteric organization as Interpol. Nor was it clear how a group of such rather young acolytes could manage to generate a steady stream of documentary briefs, letters, Freedom of Information requests, and stupendous litigation.

Surprisingly, the lack of consistent or reliable information regarding the Church led many interviewed staff to turn to this researcher with questions such as "What is the Church of Scientology?" or "Why are they interested in Interpol?", or "What do you think of their claims?" This reflects on the confusion and politicization of the way in which the Scientologists were regarded. As they became increasingly involved with several of the key committees dealing with Interpol, questions about them became more frequent and the perceptions of them more pointed.

The following exchange in early 1976 between Clarence Miller, a member of the House Appropriations Subcommittee, and Jeff Friedman, the national chairman of the Scientologists' National Commission on Law Enforcement and Social Justice (NCLESJ) reveals this uneasiness about the Church, its funding and its information network:

Mr. Miller. From the information that you have presented here today, it appears that you would have to have quite a few people to investigate and to travel, in order to gather that information. You were talking about cases in Germany, in France. I have not had an opportunity to go through all of the cases, but do you have people that are able to gather this information?

Mr. Friedman. We have commissions, people working in these areas. It isn't that we go there and get it, but they send it to us.

Mr. Miller. Could you give us some information on that as to who your contacts are in other countries who provide you with information?

Mr. Friedman. I don't know which information you are specifically talking about.

Mr. Miller. Any information that you have presented in the cases. It took a lot of people in order to gather this information.

Mr. Friedman. I will tell you mostly it was gathered from the National Archives in Washington, in going through Interpol magazines, past Interpol magazines at the library. We didn't really have any network set up getting this information. All this information, the Nazi history and background, the different cases of Interpol use of statistics is all in their own magazines. We didn't have to go too far. You can go to any library and get the past issues of the magazines.

Mr. Miller. So you do not necessarily have contacts in foreign countries.

Mr. Friedman. Oh, no.

Mr. Miller. Or a network that would feed information back to you. Here you come in, and provide information, the cases that you have prepared. But, I don't have any other information on it. Apparently if you researched their publications at the Archives, it would take some time. You spoke of working in the drug abuse program.

Are you working now? Who are you working for now in order to prepare this information? This certainly would cost some dollars. Could you convey to us what organization you are with or who pays you for this?

Mr. Friedman. I don't get paid for this. It is the National Commission on Law Enforcement and Social Justice. We have offices all over the United States. People do the research. People in Washington go to the library. This is over a 2-year period. This wasn't done a few weeks before these hearings. This is over a 2-year period collecting the information, sending away for magazines, books and things like that.

Mr. Miller. And you volunteer your time for this is what you are saying.

Mr. Friedman. Right.

Mr. Miller. And the others do too.

Mr. Friedman. Right.

Mr. Miller. There are no paid principals.

Mr. Friedman. There are no salaries.

Mr. Miller. Very admirable. Very good. Thank you. 1/

1/ March, 1976 Hearings before the House Subcommittee of the Committee on Appropriations, pp.1010-1013. The context of this exchange is further discussed within the treatment of the hearings of Chapter VI.

Mr. Friedman's answers on this last were a bit defensive. While technically the NCLESJ, which he represents, does not have an international network nor are its volunteers salaried, the Church of Scientology, whose interest it represents, does. Still, Friedman's response before Steed's hostile subcommittee is somewhat understandable in view of the history of the Scientologists' earlier encounters with the U.S. government.¹

At this point it is necessary to enlarge on the way in which the Church of Scientology became involved with Interpol and on the creation of the NCLESJ, which was the primary Church agent for dealings with the Hill.. First, it should be made clear that this area is rather murky and difficult to substantiate except through the Scientologists' own account or through hearsay evidence from various government staff. According to their Documented History and a series of articles submitted by them to the Free Press, the story of the Scientologists' involvement in Interpol began in a rather oblique way. In June, 1973, Freedom, the Church's monthly public magazine, carried an article on the war-time atrocities perpetrated by graduates of Germany's Max Plank Institute.² According to Freedom, these

¹ / The story of the Church's encounters with the U.S. government cannot be recounted here; however a very sympathetic account can be found in either Garrison's The Hidden Story of Scientology (1973) or in his The Secret World of Interpol (1976).

² / See the Los Angeles Free Press articles of December, 1974 for a complete record of these original Freedom articles.

wrongdoings and macabre "medical experiments" did not end with the war, but continued to find modern "psychiatric" justifications in more recent work associated with the Max Planck Institute for Brain Research at Dusseldorf and its associated staff.¹

According to the Scientologists, as a direct result of their expose the Max Planck Institute arranged to have the West German Federal Police investigate the Church of Scientology in order, in the German's words, to "preserve the integrity of German psychiatry." This report apparently contained data on the Scientologists, obtained from both the FBI and Interpol files. Somehow a copy of the report was obtained by a German photographer sympathetic to the Church. As a result, the Church began its own investigation to determine the linkage between the Planck Institute and Interpol, as well as litigation and research as to why Interpol and the FBI had files on the Church of Scientology. As a result of this preliminary research conducted both in the U.S. and abroad by Scientology staff, especially by Vaughn Young, the Church, in March 1974, announced the formation of a special commission to obtain public information and support for its campaign to expose abuses by law enforcement

¹/ Freedom even linked the Institute to the then President Nixon through Nixon's psychiatrist Arnold Hutchsnecker, who allegedly had "established several secret camps in Germany in 1926."

agencies.¹ Treasury official James Clawson presented a somewhat conflicting account of the Scientologists' involvement. According to him, their concern centered around the fact that the Los Angeles police in 1950 had mistakenly recorded that L. Ron Hubbard, the founder and spiritual spokesman of the Church of Scientology, had been arrested. This mistaken record had somehow been transmitted by the FBI to overseas police through Interpol. Clawson did not admit that such mistaken files had been transmitted as such an admission would raise a very legitimate question as to why Interpol should act as a conduit of such information, since any queries regarding Hubbard or the Church would clearly have been in the province of a "religious" violation.² Nor would he yield any information on press statements such as that in the Washington Post

1 / The NCLESJ had a five-point program which included: (1) The placement of ads in national publications to solicit testimony from anyone who has suffered from inaccurate data contained in police files, and the holding of special hearings on such incidents. (2) A national survey of attorneys who have handled such cases. (3) The investigation of instances of church and church organizations' harassment by federal law enforcement agencies. (4) A study of the accuracy and security of federal crime computers and accesses to files by other nations through Interpol. (5) Investigations into the accuracy of and access to civil intelligence files kept by federal law enforcement agencies.

2 / See Chapter VI for an extended discussion of Interpol's Articles Two and Three which specifically prohibit its involvement in political, religious, military, or racial matters.

which warned:

"The West German police easy access to Scotland Yard files on the Church of Scientology suggest that the information passed along the Interpol network is not limited to strictly criminal justice information. 1/"

However, Clawson did indicate that the Scientologists came to Interpol and Treasury, as well as to the FBI, with queries as to what files existed on them. They had information, apparently, that not only had Ron Hubbard been erroneously ascribed with a criminal record, but that the Church was supposedly linked in Interpol's files with "narcotics smuggling."

Unfortunately, this researcher was unable to ascertain whether in fact such illegal files were kept by Interpol regarding Church activities, or the nature and extent of these files. For the purposes of this dissertation, however, it is clear that the Scientologists were anxious to find out what files existed on them and felt that they ought to have the right to review and correct these if they were inaccurate; hence the spate of FOIA requests. Furthermore, the Church felt that such abuses by Interpol and other law enforcement agencies not only threatened its own viability but also endangered the rights of private citizens

1 / David E. Anderson in the "Washington Window" of the Washington Post, April 28, 1974.

both in the U.S. and abroad.

As noted earlier, part of the mistrust of the Scientologists stemmed from the fact that among religious organizations alone, the Church had filed more Freedom of Information suits than any other. Many of these suits did not relate directly to Interpol but involved attempts by the Scientologists to obtain access to files they believed were being illegally kept on them by the CIA, FBI, and IRS. Others involved attempts to get access at government documents like those of the U.S. Interpol office.

There is no question that in many instances, government officials were needlessly resistive and unforthcoming in assisting Scientology requests. James Clawson, then a high-ranking Treasury official, admitted that even he found Treasury's lack of response to the early Scientology inquiries regarding Interpol indefensible. He recalled that during 1974, Vaughn Young, the chief Scientology researcher on Interpol at that time, returned again and again with direct and legitimate inquiries which went unanswered. It was only after the Church of Scientology learned to use the newly enacted Freedom of Information Act that Treasury officials began to take serious note of their queries. Interpol's U.S. Chief, however, complained of the constant stream of minute FOIA requests being submitted by the Scientologists. He felt that, given his

small and already over-worked staff, the barrage of requests issued by the Scientologists not only cost him and his staff a great deal of thankless effort and time but seemed like a form of harassment. The relationship between the U.S. Interpol office and the Scientologists grew beyond an adversarial one to one of constrained mutual intolerance whose only bridge was the legal link that bound the government officials to respond, if only in form.

From the Scientologists point of view, however, the explanation for this governmental intractability was straightforward: Interpol was seeking to hide its covert history and its illegitimate existence. It does not seem that the Scientologists regarded most of the U.S. Treasury officials as villains, though much of their Interpol documentation does read like a spy story. The Documented History and associated briefs pressed upon congressional staff members made frequent connections with the notorious Watergate lot; names like Egil "Bud" Krogh, Erlichman, and Ed Morgan appear often in connection with Interpol's U.S. history.

The Scientologists, in their submissions to the Congress, included many specific charges against Interpol, some of which were thoroughly documented while others were less so. Of the latter category, some of the allegations,

particularly those which dealt with speculations about behind-the-scenes political machinations between the Treasury Department and CIA during the late 60's under Nixon, were based on tenuous links and tended to leap to unsupported conclusions. In fairness to the Scientologists, however, much of their documentation is impressive and derived directly from official U.S. Government sources. According to Vaughn Young, most of the documentation for the war-time Nazi involvement of Interpol was unearthed from the files of the National Archives alone, and is in the form of official State Department and Justice Department records.

To verify independently the truth of the Scientologists' allegations is neither possible nor necessary within the scope of this dissertation. What is significant is the respect and credibility with which they were received in some government quarters, and the impact this had in initiating congressional interest in Interpol. It is particularly noteworthy that James Clawson (the superior of the Washington NCB for much of this period) gives them high marks for having done "their homework very carefully."¹ While in some quarters, the briefs of the Scientologists were regarded with contempt if not derision, many congressional staff seemed impressed with the quality of much of

¹/ In an interview on January 15, 1977.

the evidence, even when they thought the Scientologists' had stretched their evidence a bit thin. Within these numerous special reports and investigations which were submitted to the key congressional committee members were highly provocative conspiratorial allegations whose truth would be hard to establish except through elaborate information sources.

Armed with the force of their careful documentation, their ceaseless visits to congressional and administrative staff, and the Freedom of Information Act, the Scientologists welded themselves into a pressure group that could not be ignored. While some officials snickered at them behind closed doors, others like Beard and Moss found great courage and merit in their arguments and became allies. Another powerful tool which the Scientologists had frequent access to was the press, whose role will be dealt with shortly.¹

In looking at the influence of both the Scientologists and the press, one quickly reaches the conclusion that in the area of oversight of international organizations, domestic pressure groups can play a powerful if not an indispensable role. Certainly, neither the Scientologists

¹ / On the need for allies in a protest by the non-powerful see Michael Lipsky, "Protest as a Political Resource," American Political Science Review 62, 4 (December, 1968), p. 1146. Also see, William John Hanna, "Student Protest in Independent Black Africa," The Annals of the American Academy of Political and Social Science, 395, (May, 1971), pp. 171-183.

nor the press have any vested authority to review the the United States by virtue of the Freedom of Information Act. Thus, though the opinions expressed by the Scientologists may not have been regarded as adequately grounded by all and may have struck some as excessive, they certainly affected the sensibilities of both the domestic and foreign Interpol bureaus. In the European countries in particular, the great press coverage given to the Nazi issue, as well as the lobbying of Scientologists with foreign government officials, brought greater attention to Interpol.

While the allegations of the Scientologists were meant to cast doubt on both the utility and ethical conduct of the International Criminal Police Organization, the representatives of the Treasury and Justice Department sought to uphold both the need for and the upstanding character of the organization.

(3) The Executive Branch and the Role of the Treasury/Justice
Dispute

The dispute between Treasury and Justice as to which department should house and operate the Washington Bureau, has had a major bearing both bureaucratically and politically on the course of the oversight process. The acrimony and powerful political reverberations engendered several years ago by the Justice/Treasury dispute over narcotics administration persisted in the ill-will between these two federal agencies in certain areas and found expression in the case of Interpol representation.¹

The charged political climate, on one hand, made congressional oversight more difficult because of the competing pressures exerted by these two agencies, while, on the other hand serving to sharpen the gaze of congressional scrutiny. The Treasury/Justice dispute had a direct bearing on the course of Congressional oversight not only because it affected which committees were willing or unwilling to delve into the subject of Interpol, but also because it influenced the kind of information and testimony the Treasury and Justice Departments submitted to the Congress.

¹ / This conflict became focused on the Drug Enforcement Administration of the Justice Department and resulted in congressional hearings on the conduct of federal narcotics enforcement. See Federal Drug Enforcement, Hearings before the Permanent Subcommittee of the Committee on Government Operations, U.S. Senate, 94th Congress, 1st Session, June, 1975.

The political interplay between the Treasury Department, the Justice Department, the Congress and the Scientologists is best corroborated by the following letter to Deputy Attorney General Tyler which merits full quotation:

Dear Judge Tyler:

Recently, the Justice Department (apparently Glen Pommerening) transmitted a secret report to to the staff of its Senate Appropriations Committee accusing the Treasury Department of professional incompetence in connection with its management of INTERPOL. . . . I would assume that the report was transmitted without your approval, since it is directly contradicted by your letter to Steve Gardner, . . . Nevertheless, the Justice Department report has been utilized in testimony before our House Appropriations Subcommittee to attack me personally and the Treasury Department generally. I enclose a copy of the testimony of Jeff Friedman, Chairman of the National Council on Law Enforcement and Social Justice, 1/ and of Congressman Edward Beard before the House Appropriations Subcommittee on Treasury, Postal Service, General Government.

I tried to reach you by telephone yesterday to advise you of these facts and ask you to repudiate in writing to our House Appropriations Subcommittee what is an unauthorized and inaccurate Justice Department document. This situation, as I have previously advised you, is rapidly growing to an embarrassment to the Ford Administration, and unless the so-called "report" is disavowed, we will be forced to testify shortly concerning its motivation, origin and accuracy.

With my best regards,

Sincerely,

Donald R. Macdonald
Assistant Secretary 2/

1/ The NCLESJ as noted earlier is a Scientology-based organization.

2/ Letter of April 2, 1976.

The high level to which the Justice/Treasury dispute rose from a memorandum to Treasury Secretary William E. Simon from James E. Connor.¹ In it, the White House official writes that "The President received your memorandum on Interpol and chose at this time not to make a decision. He directed Jim Cannon, however, to work with you and the Attorney General in order to resolve the problem." Secretary Simon had apparently written to President Ford complaining that Justice's move to reacquire operational authority for U.S. Interpol was "unwarranted and detrimental."

The report referred to by Treasury's Assistant Secretary Macdonald entitled, "Interpol: A Discussion of its Activities and Membership" was completed in December, 1973 by the Office of Management and Finance at Justice and became a political football in the congressional discussions over whether the U.S. ought to participate in Interpol and whether the Treasury Department should be allowed to continue to represent U.S. participation.

This report, in fact, is the only known internal investigation of U.S./Interpol participation by the executive branch and the sole instance of attempted executive oversight over Interpol known to this researcher. After a very brief description of Interpol's structure, the report

¹ / Interdeparmental memorandum of July 16, 1976.

explains the history of the Justice Department's involvement with Interpol and its subsequent withdrawal from the ICPO as a result of Hoover's disaffection. The overt reason for Hoover's early withdrawal in 1950 is described in a memo written by him in 1957:

the FBI withdrew from INTERPOL in 1950 because the results obtained through membership did not justify the financial outlay involved. It appeared that while there were some conscientious officers connected with the International Commission of Criminal Police . . . the officers principally responsible for the activities of the Commission were motivated by ambition to further their own ends and therefore had relatively little interest in the problems of law enforcement for the benefit of the member countries. Also, the organization placed itself in a position of being utilized by member countries for political purposes in June 1950, when it issued ten circular wanted notices at the request of the Czechoslovakian police relative to individuals involved in the March 24, 1950, escape from Czechoslovakia aboard an aircraft of the Czechoslovakian Air Lines. 1/

"As an alternative to participation in Interpol," the report continues, "the FBI established the so-called Legal Attaches in selected U.S. Embassies to maintain liaison with most country police. The Director of the FBI believed that this arrangement was far more productive

1/ Internal Justice Dept. Report of December, 1973, p.3.

than the multilateral relationships coordinated through Interpol."¹ Ungar's book on the FBI² suggests that the correlation was perhaps reverse, i.e., that Hoover in seeking to establish his own autonomous international police information system, and may have decided to cool his previous enthusiasm for the then ICPC as a result.

Having quoted Hoover's rather scathing memo on Interpol, the Justice report proceeds to vindicate U.S. participation in Interpol without addressing the key criticisms cited by Hoover and makes the case for the Justice Department reclaiming of jurisdiction. Instead, the report argues that most of Interpol's functions most properly belong within the Justice Department. With reference to Treasury's handling of U.S. participation, not only does the report insinuate that "There is also some speculation among informed Justice officials that Treasury may 'pad' the statistics in their favor to strengthen their position as U.S. representative to INTERPOL," but it concludes that, "Under the Treasury Department, the U.S. delegation to INTERPOL has become too parochial, too large, too representative of Treasury, i.e., no other country sends a representative from their customs service, and too static. The U.S.

¹ / ibid, p. 4.

² / Sanford J. Ungar, FBI (Boston: Little, Brown & Co., 1976), pp. 227-228.

delegation is not representative of criminal police activities in this country and is not professionally competent to deal with the General Assembly agenda.¹

As noted in McDonald's letter, this report was transmitted to Montoya's Senate Appropriations Subcommittee by Glen Pommerening who was seeking to have Interpol returned to Justice. As an ironic aside which substantiates the shallowness of Justice's oversight effort, it was Pommerening who testified before the House Judiciary subcommittee in 1977 and exasperated Eilberg by being ill-informed and unprepared. A copy of the report, however, had been requested by a staff member on Montoya's staff, Burnett Van Kirk. Apparently, neither the Justice Department nor Treasury were happy with the politicization of the Interpol issue nor with the growing congressional interest in it and neither had control over the extent of this involvement. An internal Justice Department memorandum of this period comments that "Further delay will only contribute more acrimony and debate by a cast that continues to grow in number (Justice, Treasury, Montoya, Hruska, Vankirk, Beard, Steed, and the Scientologists)".²

One of the interesting sidelights of the Treasury/

¹ / Ibid, p. 9.

² / Memo of April 8, 1976 to Rudolph Giliani from Glen Pommerening.

Justice dispute is that neither department had a carefully enunciated internal policy regarding Interpol nor was in control of the political dynamics on the Hill. Certainly the Justice Department seemed a bit uncertain about the interplay of Senate interest as evident from an internal memo which speculates:

There is no plausible reason to explain Senator Hruska's interest other than the possibility that Mr. C. Burnett Van Kirk, a minority professional staff member of the Senate Appropriations Committee has displayed an unusual interest in INTERPOL activities. Mr. Van Kirk recently accompanied Senator Montoya on a visit to the General Secretariat in Paris. 1/

Mr. Kirk's interest is probably best explained as a result of the intense lobbying efforts of the Scientologists whose Documented History on Interpol alerted his attention. In the most general terms it could be inferred that, on the House side, the House Judiciary Subcommittee tended to support Justice's arguments while the Treasury Appropriations Subcommittee, headed by Thomas Steed was supportive of Treasury. It was generally assumed that Steed, who had been a staunch supporter of Treasury in the acrimonious political struggle to move narcotics

1 / Memo of March 24, 1976 to Harold Tyler, Deputy Attorney General from Edward Scott , Acting Assistant Attorney General for Administration.

administration to Justice's DEA, would continue to be supportive of Treasury's Interpol operations. In fact, though Steed's subcommittee was virtually forced to accept the Church of Scientology's rather polemical testimony in its public hearings of March, 1976, the Committee responded to the testimony with its own rather harsh and unresponsive cross-questioning of the Scientology witness, as we have have seen in the exchange between Congressman Miller and Jeff Friedman as cited above.¹ Steed's unresponsiveness to the Scientologists is also reflected in allegations that when he had finally received the supportive testimony brief sent by Vaughn Young in the spring of 1977, he disgustedly threw these into the trashcan. The Scientologists apparently got wind of this and publicized it in the European papers.²

On the Senate side, Montoya's subcommittee would certainly have been thought to have been supportive of Treasury since only Treasury's operations fall in Montoya's subcommittee. Such reasoning, however, might be contradicted by

1/ Hearings Before A Subcommittee Of The Committee On Appropriations House of Representatives, 94th Cong., 2nd Sess., Part 1, Department of the Treasury; Tom Steed of Oklahoma, Chairman.)

2/ This researcher was unable to get any documentary corroboration of this incident from press clippings or from Steed's staff; however, two separate sources in the administration lent credence to this incident.

the strong independent oversight role exercised earlier by Montoya. Not only had the New Mexico Senator carried out intensive oversight hearings into the IRS but he had a long interest in the protection of personal privacy. Still, it is not clear what political motives were behind Montoya's decision to hold the first real congressional investigation of Interpol, in 1975 hearings. In the words of the Senator, "Our prime interest is to assure that viable protections are provided concerning the safeguards and accuracy of personal information about U.S. citizens which may be available from the various computerized data systems to which Interpol has access."¹

Senator Montoya's motivations in holding the Interpol hearings, however, were not altogether so lofty nor unpolitical. In his letter to Deputy Attorney General Tyler, Montoya expresses his deep concern about Justice's plans to reassume responsibility for Interpol operations.² Montoya's strong support of Treasury's role became evident in the May, 1976 hearings. While a full discussion of the Montoya hearings is reserved for Chapter VI, a portion of the first Montoya hearing needs to be touched upon to shed further light on the political dynamics of the Treasury/Justice dispute.

¹ / 1975 Montoya Hearings, p.2. See Chapter VI for a more general discussion of this hearing.

² / Letter of December 15, 1975 to Harold Tyler, Jr., from Senator Montoya.

At these February, 1976 hearings, Montoya announced early in the sessions that "recently the Department of Justice has established an agency which is performing the functions of Interpol and duplicating the effort and expense that now attends the Treasury operation."¹ What Montoya was referring to was the fact that, to pave the way for its intended reclaiming of U.S. Interpol operations, Justice had opened up an Interpol liaison office with a director, Andrew Tartaligno. Justice was also, according to Macdonald's testimony, in the process of hiring an additional six personnel to staff this office.

Senator Montoya then asked Macdonald to clarify the legislative history of Public Law 85-768, the statute of 1958 which, as noted earlier, permitted the Attorney General to designate Treasury as the U.S. Interpol representative. After accepting an insertion of the legislative background, Montoya pointedly asked: "Could it be that the Department of Justice doesn't want Interpol overseen by this subcommittee and this is a way to take the oversight authority away from us?". To which the Treasury official demurred: "I have never gotten any indication of that from the Department of Justice, Mr. Chairman." Montoya continued: "Are you aware of the fact that it is the intent of this subcommittee to maintain the responsibility for liaison and central operational activities of Interpol

¹ / Op. cit., p. 175.

with the Department of the Treasury?". Montoya then pressed the questioning in the direction of indicating the FBI, and thus Justice's, unsuitability for running Interpol. In fact, he even seemed to be leading Treasury to assert that Justice officials had been junketing overseas Interpol trips. Interestingly, although Treasury officials have made it clear in off-the-record statements that Tartaligno and the Justice staff were taking unnecessary foreign trips, Mr. Sims avoided such aspersions though he did state that: "There have been times in the recent past when a certain Justice representative attended conferences and it was not with the United States representative to Interpol's approval."¹ Certainly, the Department of Justice had no illusions about Montoya's support of Treasury.

In replying to a list of questions from Senator Hruska the Justice Department was asked: "Did you know that as a result of these investigations the Treasury Appropriations Subcommittee has publicly praised the Department of the Treasury, and in particular the Secret Service, for their outstanding operation of the American participation of INTERPOL?". To which Justice replied: "We are aware that the Treasury Appropriations Subcommittee has expressed satisfaction with the activities and operations

¹/ The reference here is clearly to Justice's Andrew Tartaligno; op. cit. p.194.

of the United States National Central Bureau."¹

With respect to executive branch bureaucratic politics, a final note should be made regarding the role of the Department of State. As we shall see in Chapter IV, the unusual evolution of Interpol's status as an international organization left it in a hybrid position so that it was not a full-fledged intergovernmental organization. This fact, along with the ICPO's dubious importance in the eyes of State Department officials, resulted in the fact that the State Department played virtually no part in U.S. Interpol participation aside from facilitating the sending of U.S. government delegates to the annual Interpol General Assemblies. While the State Department bore much of the costs associated with hosting the only American IPCO Assembly (held in Washington, D.C. in 1956), it refused all subsequent requests by Treasury for funding of U.S. Interpol activities. Clearly, Interpol was regarded by State's international organization staff as a low-level Treasury law-enforcement operation. The only strong interest in Interpol recently surfaced from State's extradition office which began to complain in 1975 that Treasury was preempting and circumventing the legitimate function of the State Department in the sphere of extradition proceedings.

¹ / Op. cit., pp. 194-196, passim.

(4) The Role of the Individual Congressman

From the above, it is evident that the intimacy of the dynamics between the executive branch and the Hill has been not only highly political but has involved both governmental and nongovernmental actors. Having discussed the political dynamics of the committees, the role of the individual congressman also needs to be examined. While Montoya, Eilberg and Steed were chairmen of subcommittees which claimed jurisdiction over Interpol, Congressmen Beard and Moss, although not members of the cited subcommittees, became seriously interested in oversight of Interpol as a result of the involvement of their staff members. To a certain degree, the involvement of certain individual legislators, Congressmen, as well as of certain staff aides on some of the Congress legislative committees reflected no more than an interest in overseas "junkets." Without naming these individuals, the lack of seriousness of their oversight interest in their trips to St. Cloud, whether in 1959 or in 1975, is evident from the fact that often these trips were barely planned; there were no hard questions or any insistence on examining the ICPO's data files or procedures nor any follow-up on such visits. More often than not the best evidence suggests that such visits were more in the nature of social sightseeing occasions in which ICPO Secretariat staff showed off

Interpol's radio transmission network and the facilities, with only a cursory review of its criminal justice record-keeping system.

In the case of Congressman Edward Beard, a Democrat from Rhode Island, his strong involvement resulted from the fact that the Scientologists had presented their evidence of Interpol's Nazi involvement to his aide Morton Blender. Mr. Blender had been one of the journalists covering the Jerusalem Eichmann trials and took a strong interest in the Scientologists' brief. Beard's interest was heightened by virtue of the common cause he shared with the Scientologists in advocating reform of mental health facilities.

Congressman Beard, however, was a member of the Education and Labor and the Veteran's Affairs committees and at that time still only a freshman congressman with very limited political influence in the House. Furthermore, despite Beard's overwhelming popularity in his home state, neither Interpol nor the Scientologists represented any viable political constituency in Rhode Island. Notwithstanding, Beard and his staff launched a minor campaign of letters to various administrative officials as well as to the GAO, demanding a more intensive scrutiny of Interpol. The involvement of Congressman Beard's office differed from that of the subcommittee staffs in several respects. Most

salient of these was that both the political dynamics of the situation and the personality of Beard himself permitted him to issue exhortatory press releases regarding Interpol which would have been unthinkable from the more visible members of the foregoing subcommittees.¹ This was, in part, because Beard styled himself as a political maverick who chose his issues very personally while still being responsive to his political constituencies in Rhode Island. Beard's freshman status in the House, however, may help explain for his support of Scientology efforts to investigate Interpol.

It may have been largely his refreshing naivete about the political processes of the House or of Washington's governmental dynamics as a whole which permitted him to espouse a position for which he had no observable political returns; though this is not to imply that individual congressmen never champion causes unless they have political support committed behind them. However, it does seem to this writer that Beard's involvement was based not so much on a sense of political pragmatism, since neither Interpol nor the Church of Scientology represented interests in Rhode Island, as much as on an idealized sense that the

¹ / For example, in a statement released by UPI, Beard is quoted as saying that "Interpol is a definite threat to the privacy and basic human rights of every man, women and child in the United States." UPI release of September 6, 1975.

government had an important mission to perform in scrutinizing this "dangerous" organization. Hindsight also tends to confirm that Beard's interest in this subject was colored by his newness in Washington. By the time of his second term and the summer of 1977, both he and his staff had become completely inundated by constituency matters, the work of his particular subcommittees and the hectic calls on the Floor and had no more time or interest in Interpol. Furthermore, there is reason to suspect that by that time Beard had become more cautious about allying himself with the Scientologists perhaps as a result of the controversial publicity they had received during the FBI raid of Scientology headquarters.

Beard's freshman status and the fact that he was not a member of an Interpol-related subcommittee seemed to have impaired his ability to exercise oversight over Interpol. This is clear from the poor response to the correspondence issued by his staff regarding to Interpol. Although letters were written to Clarence Kelly, then director of the FBI, to Henry Kissinger, as head of the State Department, to the Attorney General and to the GAO's Comptroller General, the responses in general were succinct when not fatuous and unhelpful. The State Department, for example, when asked by Beard's staff about Interpol's legal standing as an intergovernmental organization, sent a vague

reply and then archly referred him to the Congressional Research Service of the Library of Congress. Congressman Beard had explained that his investigation of Interpol indicated that not only were U.S. police officials unaware of Interpol's legal mandates or prerogatives but that Interpol operated as "a private group, under no treaty, international agreement or other official status." While Beard's statement was rather polemical, the question was a serious one which merited a considered reply. Interestingly enough, however, a firmer subsequent query sent to the State Dept. in the wake of the press publicity given to the Montoya hearings, prompted State to give a more formulated opinion, whose details are more appropriately dealt with in Chapter IV.

The FBI's replies to Beard's queries on U.S. Interpol participation and the reasons for Hoover's withdrawal met with no better a response. The final letter simply reiterated information which had already been disclosed by the Scientologists in their testimony to Montoya's subcommittee. Neither did the GAO respond to Beard's call for an investigation until the offices of Senate Montoya and Congressman Moss sent their letter of February, 1976.

It may be that the general unhelpfulness encountered by Beard's staff was a result of the fact that, aside from a few key offices in Treasury and Justice, few in the government were at all familiar with, or interested, in Interpol.

Still, it would seem that the poor overall response to his early queries of 1975 went unheeded because he was perceived as lacking political influence on the relevant committees and also probably because he was seen as linked with the Scientologists.

These factors may help explain the lack of committee action on a special bill submitted by Beard which aimed at curbing Interpol's powers. H.R. 14780 was submitted to the House on July 21, 1976 and was intended "to condition United States membership in the International Criminal Police Organization upon such organization agreeing to comply with the provisions of the United States Code relating to the protection of individual privacy from misuse of Government records."¹ Beard explained that he felt there was a need for a law that would "safeguard the American citizen from the international dissemination of false files" and that since Interpol was bound neither by the Freedom of Information Act nor the Privacy Act, an aggrieved citizen could not get his files corrected or expunged of false information. H.R. 14780 is the only recent legislation introduced regarding Interpol aside from the dues authorization bill before the House Judiciary subcommittee. Nonetheless, the bill received absolutely no consideration by any of the committees involved in Interpol hearings and simply died a quiet death.

¹ / H.R. 14780 of July 21, 1976, p.1.

It is instructive to contrast Beard's involvement with that of John Moss, who, as a ranking member of the Government Operations Committee, wielded a great deal of influence and also had a consistent interest in congressional oversight. Moss himself, however, never became personally involved in Interpol but permitted one of his key staff aides to investigate the matter for him and to report on it. Frank Silby collected substantial documentation from the Scientologists regarding Interpol's alleged abuses and took personal interest in the Nazi allegations. Despite Silby's intense and prodding interest in Interpol, however, Moss's subcommittee on Government and Individual Rights never chose to call for actual hearings on Interpol, perhaps because both Montoya and Eilberg's subcommittees had already evidenced a move towards meaningful oversight.

Congressman Moss's office, however, along with that of Senator Montoya, was successful in obtaining a joint letter from the Senator and Congressman requesting that the GAO investigate Interpol. We have noted that Beard, alone, was unable to move the GAO in this direction; as a result of the joint letter by Montoya and Moss, however, the GAO's international office did undertake the first and only comprehensive inquiry of Interpol. The results of the GAO report will be discussed in later chapters but within the context of this discussion one concluding observation needs to be made. Although the GAO can be a powerful

force in the balance of power with the executive it must at the same time remain sensitive to possible charges of political biases. In this respect, although the draft version of the GAO's Interpol investigation seemed ready by late August, the GAO refused to release it until December. Ostensibly, the reason for the delay was the need for careful interagency review and commenting on the draft report. While there is no direct evidence to the contrary, several seasoned political observers outside the GAO speculated that this delay was really motivated by a wish to avoid releasing a report which would have been seen as critical of the way in which the then-Republican administration had managed U.S. Interpol participation. Such a report, if released right before the election, might have been construed as a political move harmful to the Republican campaign.

As a concluding note on the role of the individual congressman, it is important to remember that not only does the individual congressman have more limited staff resources to devote to such oversight issues as Interpol, but also he may also find that the various subcommittees are reluctant, if not obstreperous, in their cooperation. Moss's assistant and Beard's staff were both frank in confiding about the lack of cooperation and outright hostility with which they were dealt by Montoya's and especially Eilberg's

committee staff. The lack of cooperation and coordination among various actors on the Hill was not restricted to the lone Congressman but also extended to the various hearings held in different parts of the Congress. Thus, for example, many of the questions and testimonies submitted by Montoya's committee occurred repetitiously in other hearings, sometimes to the dismay and tedium of Treasury officials. But while the lack of cooperation resulted in a great duplication of effort, the case can also be made, as previously noted that a healthy sense of rivalry and competition among the various Hill actors assured a more thorough examination of the issues involved.

(5) The Role of the Press

The last major actor involved in the political dynamics of Congressional oversight of Interpol is the press. Model II as depicted on page 108 and the discussions of the preceeding sections have already stressed the important role which the press played in bringing attention to the Scientologists' allegations. As can be seen from that model, vectors A", C, C' and C" refer respectively to the press interactions with the Scientologists, the executive branch, the Congress and the U.S. Interpol NCB. All these vectors are depicted as two directional because of the feedback and interplay between the actors. This is clearly the case since each of these actors were both sources of information to the press at one point, while at other points they acted as the objects of press attention. Thus, for example, while the Scientologists were constantly supplying the press with releases about Interpol's Nazi connections, at other times the Scientologists themselves became the center of the public glare after the FBI raided their Church headquarters.¹

The role of the press in the case of Interpol has not been a steady or consistent one; much of the attention accorded to the Interpol issue seems to have been generated around the more sensationalist issues involved in connection

1 / See the Epilogue for the details of this FBI incident.

with the Nazi- sympathizer allegations, rather than in a discussion of the larger issues of accountability or privacy safeguards. The importance of the post-Watergate concern in abuses of intelligence and privacy can be seen to have helped generate a different sort of interest in Interpol. Earlier, the press was more apt to run a story like the one in The Wall Street Journal which was captioned "Interpol Helps Fight Rapidly Growing Wave of Major Global Crime"; this story gave a rather glorified description of Interpol which completely ignored any considerations of privacy or accountability. Such coverage contrasts sharply with a more recent caption in The Los Angeles Times which read, "Interpol Assailed at Hearings."¹

Among all the vectors involved in press interactions, Vector A" stands out as the strongest because the Scientologists made the most consistent and successful use of press resources. It is impossible to count the numerous newspaper articles printed in the United States alone in the period from 1974 to 1977 which were released by Scientology sources to the press; but certainly there were well over several hundred such stories. The range of periodicals spanned such firmly established papers as The New York Times and The Washington Post to other less more underground publications like the L. A. Free Press and the

¹ / The Los Angeles Times, October 26, 1976, p.23.

Los Angeles Vanguard. Certainly the syndication of articles through the UPI and AP meant that small-town papers throughout America, like the Evening Press of Binghamton, New York, could run stories captioned "Senate to Study U.S. Interpol Tie." Some of the adverse publicity stories even got into university papers, such as the one misleadingly captioned "Interpol works for the CIA, Government Says," in The Ticker, Baruch University's student paper.¹

More often than not, it was clear that Scientology officials had been the major source of these articles because of the strong emphasis given to allegations by the Church and the NCLESJ. At the same time, while some of the press gave free reign to the Scientologists' allegations with stories like those of The Free Press which elaborated the possibilities of an Interpol/Nazi/Nixon/CIA connection, others were more cautious in their write-ups. The Evening Press, for example, after reporting the accusations of the NCLESJ, cautioned that "Although the commission says it can document its findings and charges, a lengthy report and compilation of documents does not seem to prove any criminal activity on the part of Interpol"²

1/ Article of November 3, 1976.

2/ Christian Science Monitor, November 18, 1970.

Not all the critical press was generated by the Scientologists, however. In 1970 The Christian Science Monitor reported Swedish police dissatisfaction with Interpol in a story captioned: "Swedish Office Charges Interpol Drags Its Feet." The article cited Swedish police anger at what they termed the inefficiency and lack of initiative of Interpol.¹ Certainly, there was a wide gamut of press interest in the Interpol case. Religious editor William Willoughby of The Washington Star News wrote quite a number of articles which sympathized with the Church's plight as the victim of unwarranted harrassment by the IRS and FDA and as the illegal object of files by various government agencies and Interpol.²

In the religious community, the Jewish press accorded some attention to the Nazi allegations implicating Interpol. The Jewish People, for example, gave full play to the Scientologists' brief and featured a front-page headlined "The Nazis of Interpol." The poor journalistic quality of much of this reporting, however, is evident from the example of the story just cited. While the front photograph reads:

1 / Christian Science Monitor, November 18, 1970.

2 / See, for example, Willoughby's lengthy article of December 21, 1974, in The Washington Star-News, entitled, "How to Make 'Dirty Tricks' List."

"Former Interpol President and Gestapo Colonel Otto Steinhausl," the actual article contains no reference to Steinhausl, and certainly Steinhausl was never a President of the ICPC or the ICPO after the War. The Free Press series of 1975 even confuses the data that had evidently been given to them by the Scientologists, when they mistakenly assert that F.E. Louwage, who had reestablished the ICPC after the war, had been hung as a result of the Nuremberg trials.

The Scientologists utilized the press not only as a relay for information which they felt should be made public, but also in an attempt to solicit evidence regarding abuses of public citizens by Interpol. In seeking such corroboration, for example, the Scientologists ran the following ad during 1974:

The National Commission on Law Enforcement and Social Justice has been conducting an investigation on INTERPOL, the private International Police Organization. If you have been abused or victimized by INTERPOL or harrassed overseas by possible false INTERPOL files, we want to help. Most people are unaware that INTERPOL may be the source of this harrassment. If you know or suspect INTERPOL harrassment please contact 1/

1 / The International Herald-Tribune, April 1, 1974.

Nor were the newspapers the only media to which the Scientologists had recourse. In November 1975, Tom Snyder of the Tomorrow Show hosted an entire two-hour interview with Vaughn Young and Morton Blender of Beard's staff. Most of the questions revolved around the issue of the potentials of abuse by Interpol and Interpol's Nazi war-time involvement. The Scientologist also took this occasion to solicit any public information of wrongdoings by Interpol on behalf of the NCLESJ.

Treasury officials took a very dim view of the Scientologists' recourse to the press. In testimony before the Senate Subcommittee, Mr. Macdonald complained:

"A group known as the Church of Scientology is presently in litigation with various branches of the the United States Government, including INTERPOL. INTERPOL has no objection to litigating the matters which are the subject of the suit before the Federal Courts and is confident of the outcome of this litigation. The Church of Scientology has, however, for reasons best known to itself, decided to "try its case" in the newspapers, attacking INTERPOL with calumnies to which, to this point, we have responded only in our testimony before you, Mr. Chairman, of May 6, 1975. 1/"

While most of the stories and publicity connected with

1/ Senate Subcommittee on Treasury Appropriations, 1976, p.171.

Interpol played up either the privacy considerations or the Nazi allegations, few asked about the effectiveness of Interpol's activities, about how it is run or financed, about the ethics of its staff and operations, or about the problems with which it was contending in attempting to assisting the handling of international crime. These issues are not black and white nor can they be simply addressed in the frequently sensational two-page articles found in the press. At the same time, not all of the press publicity accorded to Interpol was sensational nor one-sided, though clearly the press could dramatize the issues of privacy and computer abuses most readily in the post-Watergate climate. Tom Snyder, for example, called the U.S. NCB and asked Louis Sims to do a rebuttal interview to the November program. Mr. Sims declined, however, perhaps because of feelings that such an interview would only add fuel to the fire, and also because such publicity on the part of a Treasury government official, could be readily used against him by the Justice Department. The U.S. Interpol office received numerous inquiries from public and press alike regarding the Scientologists' allegations. Most of these calls had to be handled by its Chief because of the sensitivity of public statements, particularly since both congressional and executive branch attention in this area was spotlighted on Sims' handling of

the issues. Understandably, since Mr. Sims also had to continue running the full-scale operations of the Washington Bureau, as well as overseas business related to annual and regional meetings of the ICPO, he did not seem well-disposed to indulge the barrage of press inquiries. According to interviews with him, Mr. Sims seemed to feel that, in many cases, the time spent explaining Treasury's position regarding its Interpol operations was misspent since reporters often ignored or omitted many of the important points he raised.

In concluding this discussion of the role of the press in the political dynamics of U.S. Interpol oversight, it is fair to say that while, on one hand, the press served to excite the public interest and concern about a long-neglected function, on the other hand, it did tend to sensationalize the issues involved. Still, the pressure of the press, which in large part served as a conduit of the concerns of the Scientologists, did serve as both catalyst and medium for Congressional scrutiny. Also, on the international level, many of the European papers accorded some attention to the newly voiced concerns by those who feared similar abuses to those publicized in the United States. This kind of adverse publicity, however, made it difficult for both researchers and U.S. officials to obtain ready access to the Secretariat staff and files, although it also helped to stir some tentative investigations of Interpol by European governments.

it also helped to stir some tentative investigations of Interpol by European governments.

CHAPTER IV THE QUESTION OF INTERPOL'S
STATUS AS AN INTERNATIONAL ORGANIZATION

This chapter will deal with the manner in which the United States came to participate in the International Criminal Police Organization and with the question of the ICPO's standing as an international organization. The first sections concentrate on the history of the ICOP's status in the international community, while the last section will deal more directly with American participation in the organization and Interpol's status in the United States.

1. Interpol's Standing as an International Organization

One of the complex questions that was raised in the course of Congressional inquiry into the nature and extent of American participation in Interpol, revolved around the issue of Interpol's legal standing as an international organization. In the words of the letter from Senator Montoya and Congressman Moss to the General Accounting Office:

Interpol is a private organization, and we have been unable to establish that it has ever been established by any international charter or treaty. Its constitution and bylaws, binding on its U.S. office, have never, to our knowledge, been submitted to or approved by the U.S. Congress. Yet it seems to be enjoying all privileges of a U.S. Federal agency. 1/

It is interesting to note that this quotation is a clear restatement of the position taken earlier in the Documented History submitted by the NCLESJ to both Moss' and Montoya's office; they write, "Interpol is a private organization. It has never been recognized or established by any international charter or treaty. It has no police powers whatsoever."² Their history goes on to liken Interpol to a multinational firm, like General Motors or RCA, which has franchises in various countries and personnel from other countries who work at an international headquarters.

1/ See the appendix for a full copy of this letter.

2/ Op. cit., pp.2-3.

Yet while it was the NCLESJ which first brought attention to the unusual legal standing of the ICPO, the matter is one which merits a more dispassionate examination than that accorded by the Church. In the words of the GAO Report: "Interpol's status is important to its ability to elicit cooperation among its members, compliance with its rules and regulations, and recognition."¹ The main avenue of approach for Congressional scrutiny of an international agency would have to be centered on the role of American participation. In the case of Interpol, Congress justified its query "because of America's financial contributions, use of the U.S. law enforcement personnel and facilities as well as crucial privacy and data access questions."² If Interpol were regarded as a purely private international agency, of the order of the International Police Association, for example, which is headquartered in England, it would indeed be difficult to justify housing and staffing its U.S. office in the main Treasury Building in Washington, D.C., much less giving it vital access to FBI and Treasury computerized information systems.³

¹ / GAO Report (1976) p.25.

² / Ibid., p.44.

³ / The GAO Report and the 1975 Montoya hearings report both examined the various computerized record systems to which the U.S. Interpol National Central Bureau had access.

(2) The Problems of Defining Intergovernmental Versus Non-Governmental Organizations

One of the central problems to a clear statement of Interpol's status has been the general lack of concise definitions and criteria in the terminology of international agencies. To quote again from the GAO Report:

"Although the United States is not a party to any international agreements or treaties defining INTERPOL's international status, various terms have been used to describe INTERPOL's status. The United Nations, the General Secretariat, and U.S. Treasury officials refer to it as intergovernmental; others call it private or non-governmental organization, and may perceive it as an organization in the mold of a United Nations." 1 /

For purposes of clarity, one could visualize a hierarchy of international organizations which could be visualized diagrammatically as a pyramid with the United Nations at its apex and the nongovernmental organizations at the base, thus:

(1) U.N.

(2) U.N. Agencies

(3) Intergovernmental Organizations

(4) Nongovernmental Organizations

1 / Ibid, p. 25.

Such a diagram illustrates both the uniqueness of the U.N. at the apex and the increasing number and diversity of organizations at the base. Categories (1) and (2) are unambiguous and are clearly established as having privileged legal standing in the international community. Clearly, the U.N. is in its own category as the single most influential international organization. Category (2) embodies the associated U.N. agencies which, like the U.N., have greater influence than any of the international organizations which fall below level (2). Within category (2) would be such agencies as UNESCO, FAO, ICAO, UPW, WHO, ITU, ILO and the World Bank.¹

The distinction between categories (3) and (4) however is not always clear. The United Nations' definition for category (3), the intergovernmental organizations, versus that for category (4), the nongovernmental organizations, seems at first glance mutually exclusive when defined thus, "Any international organization which is not established by intergovernmental agreement shall be considered as a nongovernmental organization for the

¹/ See D. W. Bowett, The Law of International Institutions (London: Stevens & Sons, 1975) for a thorough discussion of the classification of international organizations. For a full listing of international organizations, see International Organizations in World Politics Yearbook, Avi Shlaim (ed.) (Boulder, Colorado: Westview Press, 1974).

purpose of these arrangements."¹ Furthermore, to be eligible as an intergovernmental organization, the establishing agreement must be signed by three or more states and supported by the membership contributions and other donations of the signatory countries. Additionally, the delegates to such an intergovernmental organization should be designated by the participatory countries. The Council of Europe, the League of Arab States, the Organization of American States, and the Organization of Petroleum Exporting Countries are examples of institutions deemed "intergovernmental" by the United Nations. These organizations can serve political, administrative, or purely technical needs (as in the International Bureau of Weights and Standards) and are created by conventions or treaties.

While the above definition may seem unequivocal in providing for distinct criteria to distinguish between categories (3) and (4), it becomes apparent that some ambiguity remains. Resolution 288 (x) of the Economic and Social Council, while making no attempt to explain what is meant by the term "international organization," goes on to elaborate seven different aspects whereby NGOs may be

¹ / Yearbook of International Organizations (Brussels, Belgium: Union of International Associations, 1974), p.15. Also see Juris Arvids, "The Structure of the International System 1945-1970: the Network of Bilateral Treaties", Ann Arbor Dissertation Abstracts, (1973).

considered to serve on a consultative basis with the United Nations. In general terms however, ECOSOC Resolution 1926 (XLIV) of 23 May 1968 stipulates that:

. . . Any international organization which is not established by intergovernmental agreement shall be considered as a nongovernmental organization for the purpose of these arrangements, including organizations which accept members designated by governmental authorities, provided that such membership does not interfere with the free expression of view of the organization. 1/

NGOs have in common the fact that their aims, sponsorship and activities encompass three or more countries. Generally, they are private associations, which while non-profit in purpose, sustain themselves by various private contributions which can include governmental "subsidies." Their activities, policies and decisions, however, are not binding on the respective governments of the member countries, and they can be regarded as humanitarian, commercial, technical, or purely fraternal international lobbyists.² Category (4) of the NGOs, then, can be seen to encompass the largest and most diverse number of international institutions, numbering over 1,000

1/ ECOSOC Resolution 1926 (XLIV), May 23, 1968, p.2.

2/ They can, however, have a political impact. See the thesis by Roy Simon Godson, "Non-Governmental Organizations in International Politics, the American Federation of Labor, the International Labor Movement and French Politics, 1945-1952." Ph.D. Dissertation, Columbia University, 1972.

institutions listed on various consultative bases with the United Nations. By its complex criteria for NGOs, the U.N. qualifies such diverse organizations as the International Federal Fruit Juice Producers, the Carnegie Endowment for International Peace, the Society for the Prevention of Cruel and Inhumane Treatment of Prisoners, and the Boy Scouts World Bureau.¹

The International Association of Chiefs of Police (IACP) headquartered in Gaithersburg, Maryland is a useful contrast to Interpol's vacillating status. As one of the foremost professional international police organizations, the IACP does not operationally handle any actual investigative data but is more concerned with problems and issues relating to serving the criminal justice community. It provides some training, research, technology transfer and a social/professional police exchange. The IACP's status, as conferred by ECOSOC, has been listed as #265 of the U.N.'s nongovernmental organizations.²

Yet in spite of the seeming exclusiveness of categories (3) and (4), there have been several exceptional

¹ / For a comprehensive treatment of international NGOs see International Non-Governmental Organizations (New York: Lyman Cromwell White, Greenwood Press, 1968). See also J. J. Lador-Lederer, International Non-Governmental Organizations and Economic Entities (Israel: A. W. Sythoff-Leyden, 1963).

² / Unlike Interpol, the IACP has adamantly refused any consideration of issues relating to political terrorism.

international organizations which the U.N. has chosen to consider intergovernmental despite the fact that they have not been formally constituted by treaty or convention. Aside from Interpol, the International Union of Official Travel Organizations, the Asian-African Legal Consultative Committee, the Nordic Council, and the Council for Technical Cooperation of the Colombo Plan have also been designated "intergovernmental" organizations although none of these have been based on treaties formally ratified or acceded to.¹

In a lengthy discussion of the implications and merits of according "intergovernmental" standing to the International Union of Official Travel Organizations (IUOTO), the Secretary General reported to ECOSOC on the advisability of a change in IUOTO's designation from NGO to an IGO. This was deemed preferable to forcing the organization to undergo the uncertainties of reconstitution and formal ratification. The report notes that organizations like IUOTO can result from "an agreement in simplified form"² in which governmental agreement is on a voluntary internal legislative or administrative basis. A full quotation

¹ / For information on the last two of these, see Lawson, International Regional Organizations (New York: Frederick A. Praeger, Inc., 1964), pp. 197-201.

² / United National Economic and Social Council Documents, "The Constitutional, Organizational and Financial Implications of the Establishment of an Intergovernmental Tourism Organization," E/4750 of 29 October 1969, p. 15.

from the report should serve to encapsulate the view of the U.N. Secretary General on this matter:

In the past, the term "intergovernmental agreement" has apparently been interpreted, for purposes of the arrangements concerned, as a treaty concluded between States and duly signed and ratified or acceded to by the members of the organization. Such a definition, which is currently accepted, has the advantage of clarity and provides a test considered to be generally satisfactory, but is not the only possible one. If the Economic and Social Council so wished, it could recognize, by a more flexible definition, that certain international organizations also exist which are established by agreement but without the full formalities which attend the conclusion and entry into force of a treaty, where the degree of state participation is such that the organization concerned is in fact essentially of an intergovernmental character. 1/

Clearly, the Economic and Social Council did so wish, and IUOTO was redesignated as an intergovernmental organization. It should be remembered, however, that the fact of United Nations designation does not fundamentally alter the still-ambiguous legal standing of those international institutions, like Interpol, which while essentially governmental in character, still are not pro-forma "intergovernmental." On the other hand, an official declaration by an organ of the U.N. does serve to add legitimacy to

1/ Ibid., p.13.

these organizations. It is important to observe that Interpol has been one of the very few international organizations whose designation has been officially reversed by the United Nations from originally that of an NGO to that of an intergovernmental organization.

(3) Interpol's Early Status

The U.N. record, as well as the statements reflected in various official U.S. documents, have long been equivocal with regard to Interpol's status. Originally, the U.N. did designate Interpol as an NGO, not apparently without some confusion as noted by Jean Nepote:

"The conditions under which 'consultative status as a non-governmental organization' was granted to Interpol in 1947 are indicative of the doubt and hesitation surrounding the subject. At that time, some means of co-operation with the United Nations had to be found, and those in authority in the Organization thought of the 'consultative status' procedure. The initial application was submitted . . . but was rejected, mainly on the grounds that the nongovernmental status of the I.C.P.C. had not been established. A second application, including precedents and proofs, was submitted in 1948 and was accepted. 1 /

Reflecting the official American view of Interpol's status in these early years, a 1949 account entitled "The International Organizations in which the U.S. Participates" put out by the Department of State, refers to what was then still the International Criminal Police Commission, describing the organization and U.S. involvement. At that time, Hoover and correspondingly the FBI, were members of the fledgling Commission which had reestablished itself

1 / Jean Nepote, "The Legal Status of the ICPO-Interpol," (1974), p.3.

under the direction of Florent Louwage and the protective auspices of the French and Belgian police authorities. It is important to note that the Department of State document clearly refers to the ICPC's members as being individual police organizations, rather than the United States as such, as being a member. The document states that "Each national police organization which is a member of the Commission is entitled to one vote"¹ and continues, "The Director of the Federal Bureau of Investigation is the United States member of the Commission but in this capacity he represents the Bureau rather than the United States government in view of the fact that the Commission is a nongovernmental international organization."²

The same 1949 document reports that ECOSOC had decided, on February 16, 1949 in resolution 214, that the Commission should be given consultative status as a Category B (NGO) with the U.N. "on the basis of the Commission that the organization was based on the adhesion of state police systems undertaken with the approval of governments but without direct agreement of governments."³

Interpol's own official view of itself has been inconsistent in this regard. While a 1966 report entitled "The Legal Status of the I.C.P.O.-Interpol - An Essential

¹ / Op. cit., p. 225.

² / Ibid., p. 226, emphasis added.

³ / Ibid.

Consolidation" states directly that "Interpol members are 'official police bodies' . . . (who) take part in the organization's activities without express consent from their governments."¹ A later report of 1974 shifts the emphasis to declare that these "official police bodies . . . obviously cannot participate in Interpol's activities without express formal agreement of the governments concerned."²

In actual practice, the "formality" of such agreements is by no means uniform, though an official document solemnizing a members's accession by signatures from the Chief of State or from the Minister, is common practice. France, Argentina, Morocco, Bolivia and the U.S. have confirmed their Interpol affiliation by law or decree. But again, such official sanction does not technically fulfill the U.N. criterion for an official "intergovernmental" organization. The ambiguity here resurfaces in the question of what constitutes "governmental sanction" - a phrase used by Interpol's Secretary General. Article 4 of the Interpol Constitution makes it imperative that the various NCBs of the member states must be represented by the "official police bodies" which are designated by their respective governments.

¹ / Op. cit., unpublished Interpol document, p 4.

² / Jean Nepote (1974), p.3.

Clearly, Interpol has found itself in a dilemma that results from the fact that it performs an essentially intergovernmental function which by all prevailing rules should have necessitated that it go through the normal channels of international convention and ratification. Another possible route would have been for the original ICPC to have come under the aegis of an international agency, such as the League of Nations. In fact, Captain Van Houten, one of the originating pioneers of the ICPC in its pre-war days strongly supported such an idea at its inception. He suggested that "to overcome any possible shortcomings and to ensure the fullest cooperation . . . , setting up an International Police Bureau at the League of Nations Council" which would be a kind of "supreme court" to control the then already envisaged "national bureaus."¹

Captain Van Houten's efforts in this direction were strenuously resisted by Johannes Schober, then police commissioner of Vienna, who succeeded in bringing the nascent commission under Austrian domination, a circumstance which resulted in the ICPC's eventual cooptation by the German Kriminalpolizei.² One can only speculate whether the history of the original ICPC would have been a happier one had it been a part of the League of Nations.

¹ / Cited by Paul Marabuto in "La collaboration policiere internationale" (thesis), (Nice, 1935).

² / For the details of Schober's enormous influence on the pre-war ICPC, see especially Harry Solderman's Police-man's Lot (New York: Funk & Wagnalls, Inc., 1956).

Similar suggestions that the ICPC be brought under the watchful eyes of a world-recognized international organization arose again when Louwage, in re-establishing the ICPC after the war, sought to free it from the stigma of its collaboration with the German Gestapo. An interesting parallel situation to that of the ICPC existed in the case of the International Penitentiary Association, which would have been one of the oldest international organizations in existence had its wartime cooperation with the Germans not irreparably stained its integrity. By virtue of its wartime collaboration with the Nazis, at the close of the war the functions of the organization were brought under the United Nation's umbrella and now continue within the purview of the Social Defense unit.

In this vein, the Documented History implies that it was precisely to avoid the careful scrutiny and watchful constraints entailed in obtaining an intergovernmental agreement that the nascent ICPC at the end of the war sought, on the one hand, to avoid being coopted into the U.N. system, while on the other hand circumventing the conventional process of constituting a formal intergovernmental organization. The record does show that, on the American part at least, there would not have been clear

sailing for ratification of Interpol membership at that time as there was opposition within the State Department to renewed U.S. participation.¹ The Commission therefore set a course of obtaining what amounted to quasi-governmental sanction by utilizing the diplomatic channels available through its Belgian and French connections. Since police authorities of various states were invited to the ICPC conferences by the official state-level lines normally utilized for intergovernmental dealings, the air of intergovernmental legitimacy was obtained, although by conventional terms the ICPC had to be regarded as strictly nongovernmental at that time.

In fact, what information is available indicates that during its early years the ICPC deliberately sought to maintain its nongovernmental status, perhaps in order to tone down its rather hybrid standing. In 1947 the ICPC, as noted, formally requested NGO "consultative-status" of the U.N. - a request that it had to resubmit because the U.N. doubted its NGO status. This original denial was deemed "an adverse decision" by Louwage who then submitted a reapplication that "brought out more clearly the organization's Nongovernmental character."² The ICPC's NGO

¹ / Dean Acheson, then heading the State Department, consulted with the Attorney General, who wrote on May 31, 1946 that the U.S. attendance at the ICPC conference would be "undesirable." Cited in the Documented History, p. 56.

² / Jean Nepote, unpublished Interpol document of 1966, entitled "The Legal Status of the ICPC-Interpol," p.4.

status was finally approved in 1949 by ECOSOC resolution 214 VII D, which promptly had to also delete the ICPC from the official list of intergovernmental organizations prepared in 1948.

(4) Interpol's Recent Status in the U.N. and France

Since those early days, the ICPC has found its NGO status, as well as the unconventional form of its character, to be a considerable disadvantage. The 1956 rewriting of the ICPC Constitution structured Interpol more along the accepted lines of other intergovernmental bodies and can be seen as a move to strengthen Interpol's standing in the community of international organizations. Notwithstanding this restructuring, the basic dilemma inherent in the lack of official international ratification had to be surmounted. Interpol found an ingenious, and at that time novel, legal device by which to circumvent this difficulty. This was through Article 45 of the 1956 Constitution which stipulated:

"All bodies representing the countries mentioned in Appendix I shall be deemed to be Members of the appropriate governmental authority unless they indicate in writing that they cannot accept this constitution. Such a declaration should be made within six months of the date of the coming into force of the present constitution."1/

The seventeen countries officially represented at this reorganizational meeting were: Belgium, Chile, Czechoslovakia, Denmark, Egypt, France, Great Britain, Iran, Luxembourg, Netherlands, Norway, Poland, Portugal, Sweden, Turkey, and Yugoslavia.² As is evident, the United States did not

1 / International Criminal Police Organization: Constitution (ICPO unpublished edition of Oct. 1967), p. 3.

2 / International Criminal Police Organization: History & Constitution (ICPO private printing of 1958), p. 7.

It should be noted that Poland and Czechoslovakia did not remain members, though Romania and Yugoslavia, of the - (cont.)

officially attend this meeting, thus it did not have the choice to object to Article 45. It could therefore be argued, as the Scientologists have done, that the original enabling legislation of 1932 no longer suffices to authorize U.S. membership in the reconstituted ICP0.

While there were no formal objections or official denials forthcoming from the various member states, it cannot be said that such a procedure constitutes a bona fide international agreement. Silence does not bespeak assent, especially on the international level. Nonetheless, Interpol's ingenious use of Article 45 did set a precedent for the U.N. Report on IUOTO previously referred to. The report suggested that IUOTO might similarly revise its statutes to include a provision that all countries now members shall be automatically deemed to continue as members of IUOTO's revised constitution, unless they took exception within a specified period of time.

Subsequent to the adoption of its new constitution by these means, Interpol intensified its efforts to reverse its designation as an NGO; a status which, a letter of 1966 reveals, was found to present drawbacks of a general, economic, and administrative nature. This letter states that the Interpol's NGO standing might "damage its prestige as an international authority. It involves a risk, in

(cont.) communist countries, are current members. See Section (1) of Chapter V for a fuller treatment of this point.

particular with respect to certain international associations of police officers which are undeniably nongovernmental and which, legally, exist on the same basis as the ICPO-Interpol. This situation might hamper ICPO efforts to oppose any attempt to encroach on its powers and prerogatives."¹

The other drawbacks of Interpol's anomalous legal status involve its legal standing and vulnerability, particularly in the country of its headquarters, France. For example, the Paris Convention of 20 March 1883 would not serve to protect Interpol's name or emblem as long as the ICPO was not regarded as intergovernmental under French law. Furthermore, Interpol found itself unable to obtain health insurance or pension plans for its employees in France except through complex roundabout means. Also, Interpol could find itself liable to suits of various kinds - individual claims of damages or for compensation which would have to be met in court as if Interpol were a private corporate body.²

¹ / Ibid., p.10. The organization Nepote might have been referring to was the International Police Association, headquartered in England, which has been quite critical of Interpol.

² / A discussion of the privileges and immunities associated with the organizations can be found in Frederick L. Kirgis, Jr., International Organizations in their Legal Setting, Documents, Comments and Questions (New York: West Publishing Co., 1977).

As a result of these potential dangers and after long negotiations, Interpol sought during the early '70s, to persuade the French government as well as the United Nations to accord it special status. The agreement sought with France, designated as the Accord de Siege or the headquarters' agreement, would entitle Interpol to many of the legal and economic immunities accorded intergovernmental organizations.¹

The initiative to obtain the privileges normally accorded intergovernmental organizations from the French government was well underway by 1969, at the same time that a similar move was underway to change Interpol's NGO designation at the U.N. There, the debate regarding Interpol's standing was a long and involved one, held under the auspices of the Economic and Social Council's Committee on Nongovernmental Organizations, beginning in March 1969. Naturally, the debate centered around the fact that Interpol had long been regarded an NGO and clearly did not fulfill the normal criteria for intergovernmental status.

¹ / The agreement included: (1) the power to sign contracts, to buy and sell property, and to bring actions or defend itself in court, (2) diplomatic privileges for the headquarters, (3) exemption of property and possessions from seizure, confiscation, requisition and expropriation, (4) special exemptions from various French regulations regarding currency transactions, special taxes, customs, duties and employee taxes, and finally (5) special rights for ICPO personnel from foreign countries who reside in France.

Interestingly, the Soviet representative, supported by the representative from Bulgaria, took exception to the majority view of the Committee, maintaining not only that "like many socialist countries, the Soviet Union has serious objections to the activities of Interpol"¹ but that Interpol should not even be on the agenda of that committee, since the Committee was only entitled to examine NGOs and, the Soviets maintained, Interpol was clearly intergovernmental. Such a position, which received no support from the other Committee members, would have left Interpol in the paradoxical position of being neither legitimately NGO nor intergovernmental.

During the March 1969 meeting, the long procedural debate of the ECOSOC Committee, which had been attended by Interpol's current Secretary General, Jean Nepote, found no real solution regarding Interpol's status for that year. In the meetings held through 1970, an interim agreement was obtained which permitted Interpol to continue to serve on a consultative basis as a category II (NGO) until a sui generis status could be accorded it. Interpol was asked to submit a draft of a special arrangement before the Council Committee for further consideration. By the following year, the ECOSOC Committee on Nongovernmental

¹ / ECOSOC Report (1969), p.8.

Organizations in resolution 1579 (L) of 20 May 1971 entitled, "Special arrangement for cooperation between the United Nations and the International Criminal Police Organization," agreed to permit Interpol to participate in ECOSOC in accordance with rule 79 of the Rules of Procedure. This meant that, without having expressly worded the change within the text of the ICPO/ECOSOC special agreement, the Council had allowed exceptional intergovernmental status to Interpol, as rule 79 applies to the participation of intergovernmental organizations only.

The decision of the Council was further confirmed by the fifty-ninth session of 23 July 1971 in decision 109 (LIX). The special arrangement provided for a continuous exchange of information between Interpol and ECOSOC, and for consultations, technical cooperation, exchange of observers at organization meetings, and the exchange of written statements and agenda items on matters of common concern. According to the various texts of these meetings, several important factors contributed to the Council's affirmative decision.¹ First, the precedent of IUOTO

¹/ For further information on these meetings and resolutions, refer to the following documents of the U.N. Economic and Social Council, 214VIID (16 February 1949), 262IXZ (10 August 1949), 288BX (27 February 1950), 1296 (XLIV) (23 May 1968), and especially E/4647 of 7 May 1969. The more recent resolutions involving Interpol are: E/4799 (March 14, 1970), E/4945 (February 18, 1971), E/RES 1579 (L) (June 3, 1971) and E/INF140 (July 14, 1975).

and the few previously cited international organizations which had been granted intergovernmental status despite the fact that they were not established by formal intergovernmental agreement, paved the way for a similar solution for the ICPO. Secondly, Interpol had for some time cooperated closely with the United Nations, especially in Europe, in the field of narcotics control through the U.N. Advisory Committee on Drug Abuse Control. As Mrs. Liselotte Waldheim, Programme Officer of the Division of Narcotics Drugs at the U.N.'s Geneva office wrote in a letter to this researcher: "Quite generally, we have excellent relations with Interpol which are illustrated by a close cooperation both in the training of enforcement officers and the production of audio-visual materials."¹

It seems clear that the Council felt it necessary to encourage this close cooperation with Interpol in the area of narcotics control. A third factor, probably of minor importance, was that the change in Interpol's status entailed no additional financial costs on the part of the U.N. Finally, though this is not mentioned in the texts of the meetings, Interpol itself had doubtlessly lobbied extensively

¹ / In a letter to the author describing the nature of the relationship of the U.N.'s Narcotics Division to Interpol, dated December 11, 1975.

both directly, on the part of the Secretary General, who had laid forth a persuasive case for Interpol's de facto inter-governmental status, and indirectly, through the various national Interpol bureaus.

Other than the United Nations, several other international and regional organizations had, over the course of years, recognized the official nature of Interpol's activities on a de facto basis. As early as 1929, when the ICPC was not more than an aspiring commission operating out of the office of the Vienna Police, the International Convention on the Suppression of Currency Counterfeiting proposed to fully utilize the counterfeiting services of the fledgling "International Bureau" until "the creation of an international office" which was at that time envisaged. More recently, the International Telecommunications Convention of Montreux, 1965, allotted special radio frequencies to Interpol as "necessary for the international exchange of information to assist in the apprehension of criminals."¹

Various European conventions on suppression of illicit drug trafficking, extradition, repatriation of minors, and traffic in persons, have included suggestions of cooperation with Interpol. Also, the International Civil Aviation Organization (ICAO) and the International Telecommunications

¹ / Cited by Nepote in "Legal Status" (1976), p. 3.

Union (ITU) have worked with Interpol on a consultative basis over a number of years in matters such as unlawful seizure of aircraft, aircraft sabotage investigation, and international victim identification. Finally, several prominent intergovernmental organizations have long had close relations with the ICPO; the Customs Cooperation Council, the Council of Europe, the Organization of African Unity, and Pan-Arab Social Defense Organization have had long-term projects dealing with common concerns.

Interpol's efforts to strengthen its legitimacy as an intergovernmental concern were successful both with the United Nations and the French Government. Interestingly, while both efforts began in earnest in 1969, the French Headquarters' Agreement was not obtained until after the Economic and Social Council's favorable decision in the spring of 1971. The Accord de Siege was approved by the French Parliament on 23rd of December 1972.

1/ For a brief summary of the relationship of these organizations to Interpol, see the Fiftieth Anniversary Issue of Interpol, (Special ICPO issue of 1973), pp.80-81.

(5) The History of U.S. Membership in Interpol and the Question of Interpol's Legal Standing in the U.S.

United States participation in Interpol began with American attendance at the first Austrian meetings arranged by Johann Schober in 1923. These meetings resulted in the establishment of the ICPC to be headed in Vienna, where it remained until World War II. During the earliest part of this period, when transatlantic communication was very slow, the U.S. hardly participated at all. With time, as the commission began to establish itself in European police circles, the U.S. became increasingly involved.

By 1935, the Attorney General could write that J. Edgar Hoover "was already familiar with the work of the International Criminal Police Organization."¹ Hoover, already a member of the International Association of Chiefs of Police, sent Drane Lester to the 1937 ICPC conference, held in London. In 1937, the Attorney General sent the FBI's Assistant Director to participate in the thirteenth meeting of the ICPC. In fact, during these early years, it was mostly the FBI and thus the Justice Department which had an interest in the new international police organization.

By the next year, the Justice Department had arranged for U.S. membership in the ICPC to be enacted into law on

1 / Letter of April 10, 1935 to the Secretary of State.

June 10, 1938 , in the form of 22 U.S.C. 263(a), which has been quoted earlier. In the letter sent to the Congress supporting this statute, the Attorney General recommended U.S. membership in the ICPC, which at that time had 31 European countries as members, stating that such participation would afford the FBI "a medium for exchange of information with law enforcement officers in foreign countries." Furthermore, he noted, "Its activities do not in any manner affect diplomatic relations or political matters but are restricted solely to the exchange of information relative to technical and scientific methods of crime detection and to the exchange of fingerprints and other data concerning international criminals."¹ As we shall see in the course of later chapters, this description of Interpol's possible overseas implications with respect to U.S. participation is a rather facile one, clearly intended to assuage whatever nascent doubts may have existed in the Congress' mind at this early period.

The newly enacted U.S. membership proved ill-starred, however. In spite of the FBI's assiduous work in obtaining legislative sanction for U.S. membership, the FBI could not attend the 1938 ICPC Conference held in Rumania. U.S. participation in the organization had come to an abrupt

¹ / Cited in House Report #2471, 75th Congress, Third Session, May 24, 1938.

stop as it became increasingly evident that the ICPC was becoming the unequivocal instrument of Nazi expansionist policies.

This is perhaps the best point at which to briefly summarize the course of the Nazi takeover of the ICPC; a circumstance which probably would not have occurred had the original Commission not been headquartered in Austria. The history of Interpol's takeover and involvement with the Gestapo has been well documented by the Scientologists in their Documented History, which substantiates much of their account by Department of State and National Archives official declassified records dating from this period. According to these records, with the German takeover of Austria in 1938, German officials began to preside over Interpol's functions. By 1941, Gestapo Chief Reinhard Heydrich became Interpol's president and arranged to move its headquarters to the Wannsee suburb of Berlin. When Heydrich was assassinated in 1942, Ernst Kaltenbrunner became his successor, as witnessed by a June 1943 edition of the ICPO's magazine then called "Internationale Kriminalpolizei" which featured Kaltenbrunner in full dress uniform on its cover.¹

The records of Interpol's activities while under the

1 / Kaltenbrunner was hung at the Nuremberg prisons in 1946.

German authority do not reveal the extent to which their files or membership were utilized; certainly none of the Allied countries participated during this period, with the exception of the last and memorable Conference of 1939. The strongest incriminating evidence about Interpol's possible war-time activities is the passing reference by a biography of Adolf Hitler that the infamous Wannsee Conference of 1942, during which the "final solution to the Jewish problem" was planned, was held in Interpol's offices. Since this was also the same building for the Gestapo and since Heydrich's presidency of the ICPC was only a minor aspect of his Gestapo functions, there is much room for speculation on the possible overlap of ICPC and S.S. functions in this period.¹

At the same time, such evidence can hardly be deemed damning of the post-war Interpol organization unless it can be confirmed, as the Scientologists feel they have done, that the key organizers and staff of the new ICPC were in fact hidden Nazi sympathizers or collaborators from the war-time period. An analysis of these charges is outside the scope of this dissertation -- except to note, as we have already done, the importance which such assertions

¹ / Pierre Steven Payne, The Life and Death of Adolf Hitler, (London: Cape, Ltd., 1963), p.465.

played in eliciting press interest and in mobilizing congressional action.

The only remaining point made by the Scientologists which does bear upon this discussion is the misrepresentation of this period of Interpol's history by virtually all official accounts of the ICPO. Whether consulting the World Almanac, the annual reports of the Secretary of State, or administration briefs submitted to the Congress, one finds the surprisingly uniform assertion that Interpol had been disbanded and ceased to function during the War. Furthermore, at the time when the ICPC was beginning its move to re-establish itself in 1946 under the direction of Louwage, the wartime record of the ICPC was glossed over, if not denied, not only by the European organizers, but by American officials as well. Thus, for example, in the report printed by the Committee on the Judiciary in 1958, based on testimony obviously supplied by Treasury officials, Interpol's history during the war is dismissed thus:

"During World War II its activities were disbanded."¹

During its tenuous reactivation, the ICPC was most eager to reenlist American participation and it seemed that J. Edgar Hoover was equally eager to oblige. Hoover's support of the new ICPC extended to the fact that he

¹ / House Report No. 2577, 85th Congress, 2d Session, p. 2.

quickly was elected to its vice-presidency; this in spite of the fact that in May of 1946, the then Attorney General wrote the Secretary of State advising that, "it is my studied recommendation that no representative of the Government of the United States be designated to attend this meeting."¹ Hoover's enthusiasm with the ICPC ended abruptly in 1950. In the intervening years until 1958 Treasury officials, concerned mostly with problems of narcotics trade and counterfeiting, continued to attend the ICPC Annual Assemblies on an informal basis, though the ICPC never itself officially announced the U.S. resignation. Though this history of Treasury's accession of U.S./Interpol membership has already been detailed in an earlier chapter, the question of Interpol's legal standing in the U.S. requires further discussion.

Jean Nepote concludes his discussion of Interpol's legal status with the statement: "Custom proverbially precedes law."² Apparently, the GAO investigation requested by the Congress tends to agree with his conclusion. As noted earlier, the issue of Interpol's legal status was one of the questions posed by Senator Montoya and Congressman Moss in their request for the

1 / Cited in the Documented History, document number 51.

2 / Op. cit., (1976), p. 4.

investigation. The GAO Report evades a definitive statement on this issue with the justification that, "Interpol's international status, however, is not directly relevant to its operations in the United States. Operations supporting its international objectives are carried out by the Treasury Department, which is the subject to the force of U.S. law."¹ The view of the Treasury Department, in turn, on this issue is that "Interpol is intergovernmental because each Interpol bureau is an official office within its country's government, which appropriates funds for it; the laws governing the operation of each bureau are the laws of its country; and the Interpol officers and Executive Committee are elected by government officials from all countries."² Nonetheless the report does concede: "U.S. membership is not the result of an international treaty or agreement and Interpol does not have express international status in the United States."³

Within the context of the United States' government, rather than that of the United Nations, the problem of

¹ / GAO Report (1976), p. 26.

² / Supra, pp. 25-26. Note that a full discussion of Interpol's organizational law and structure follows in the next chapter.

³ / Ibid., p. 5.

Interpol's status still does not yield a simple solution because there has been no comprehensive system for the differentiation or classification of the great number of multilateral international organizations in which the U.S. participates.¹ The U.S. can participate in such organizations in accordance with the provisions of treaties, international agreements, congressional legislation, or special Executive arrangements..

According to the Legal Office of the Department of State which handles many of the legal implications of U.S. participation in these organizations, neither the Congress nor the Department of State has ever formulated a consistent set of policies or hierarchy by which to administer such participation. Although, for example, the International Organization Immunities Act, set forth under Public Law 79-291 (22 U.S.C. 288) permits specific privileges and immunities to be accorded to the listed organizations, similar provisions may or may not be accorded to many of the non-listed organizations. In order to qualify under the statute, the specific public or private international organization not only has to qualify for U.S. participation

¹/ Thus see the complex and inconclusive classification yielded by R. Roger Majak in International Agreements: An Analysis of Executive Regulations and Practices, prepared for the Committee on Foreign Relations, 95th Congress, 1st Session, March 1977.

pursuant to a treaty or specific legislation, but also must be designated as qualifying by a Presidential Executive Order. Some international agencies may not be on the selected list yet may still receive certain privileges or immunities based on the terms of their ratifying charter, or based on specific provisions. These privileges and immunities can range from the host of special considerations accorded under what is known as a "hostship" agreement for those international organizations with world headquarters in the United States, or can amount to very limited provisions which only minimally honor American participation.

Prior to the GAO investigation, the Treasury Department submitted extensive evidence in response to the questions of the Senate Appropriations hearings. The brief for the May 1975 hearings maintained that, by virtue of the United Nations recognition accorded to Interpol by the Economic and Social Council's Resolution of 1971, Interpol was "a legitimate intergovernmental organization."¹ In this case it seems not so much that custom precedes law, but that recognition, in attendance with custom, seems to precede the law.

While the legal niceties of Interpol's status are lacking, both the Treasury Department, by dint of its

¹/ Hearings before the Senate Subcommittee on Appropriations (1976), p.48.

active participation through the Washington NCB, and the GAO Report, seem to confirm the operational realities which support Interpol's de facto intergovernmental standing. The Treasury Department's legal authority to participate in Interpol derives directly from 22 United States Code 263a (Supp. V, 1975) which is an update of the 1938 statute quoted earlier. The conclusion of the GAO Report is that this law alone is adequate authorization not only for American participation in Interpol, but for the staffing and space allotted for the U.S. NCB, as well as for the services, equipment, and access to federal law enforcement records required for the functioning of the office. On the official legal basis at least, the U.S. Interpol office is completely subordinate to the statutory limitations and guidelines on Federal activities, by virtue of being, in effect, a part of the Justice and Treasury Departments.

Another important aspect of U.S. participation in Interpol was also noted by the GAO Report and concerned the limited U.S. approval of the 1956 Interpol Constitution. Interpol's unusual Article 45 was noted before as a method of circumventing the need for formal ratification. However, in addition to the unconventionality of Article 45, by virtue of which a country not submitting a non-

acceptance declaration was deemed to have approved the 1956 Constitution, it would have been very difficult to have said that the U.S. had participated in approving the constitution, as the U.S. at that time was not a formal member of Interpol and had no official representation to the 1956 General Assembly session. The history of why the U.S. withdrew from Interpol membership in 1950 remains for the next chapter, but the fact remains that by 1956 the U.S. had still not officially rejoined the organization although members of the Treasury Department and the Department of Defense continued to informally attend ICPO General Assemblies as observers. Clearly, even if the procedure of Article 45 was taken to be legally admissible, it could not have been seen to apply to a country which had withdrawn membership at that time. The U.S. did subsequently decide to renew its membership in the organization, but at no time was Interpol's constitution brought before the executive branch or the Congress for express approval.

That this question concerned the Congress is evident from Bilberg's questioning of both Treasury and Justice officials in 1977, when he asked:

"The INTERPOL constitution has not been expressly approved by either the Executive Branch or the

Congress. INTERPOL apparently considers that the United States has approved its constitution because it has not received a non-acceptance declaration by the United States.

Are there any reasons why the Executive Branch has not formally approved the INTERPOL constitution or requested Congress to do so?

And does it maintain this attitude to preserve the flexibility of joining or not joining INTERPOL in its operations?"¹

The reply of the U.S. NCB chief, Mr. Sims is telling in its simplicity and directness:

"To my knowledge there is no reason why the Interpol Constitution has not been expressly approved by the Executive Branch or the Congress. Since the Interpol Constitution does not conflict with U.S. laws, there has apparently been no requirement to have the constitution formally approved. This is particularly true since the Interpol Constitution does not, nor cannot require the United States, or any member country to provide information to the General Secretariat or foreign police, nor to conduct any investigation. The Interpol Constitution therefore serves as a general guideline and only compels the General Assembly and certain other conferences or symposiums to act in accordance with it."²

¹ / Unpublished transcript of Eilberg hearings, p. 48.

² / In a responding brief of May 12, 1977 by Louis B. Sims of the Washington NCB to the House Judiciary Subcommittee.

In conclusion, the importance of Interpol's legal standing in both the international community and within the United States is that it resulted in an ambiguity as to whom Interpol was really responsible to at various levels of its operations. The unusual and hybrid status through which the ICPO evolved is on one hand, a reflection of the circuitous route which it took when it reconstituted itself after World War II -- a route which perhaps was unavoidable if its founders wished to speedily carry on with their business. By establishing itself originally as a nongovernmental organization which had essentially governmental functions, and then switching to an intergovernmental status without calling for a genuine multilateral convention, the ICPO left itself open to the criticisms which emerged in the congressional hearings. Thus, the unusual history of Interpol's legal development and its ambiguous standing as an international organization leave it unclear as to whom Interpol is accountable to.

CHAPTER V:
INTERPOL -- ORGANIZATION AND ACTIVITIES

In order to fully understand the nature of the issues confronting the Congress in its oversight of Interpol, it is necessary that the reader have a good grasp of what Interpol is and how it functions. The unusual functional arrangement between the ICPO Secretariat and its member National Central Bureaus was a frequent subject of congressional queries and is also, in some ways, at the heart of the difficulties of rendering Interpol accountable. As we shall see in this Chapter, this unique arrangement means that Interpol functions dually on both the national and international planes.

(1) Overview

We have earlier observed that the public image conveyed by the media has done much to sensationalize the name of Interpol but has misrepresented the power and activities of the organization. The popular television series of the 60's, The Man From Interpol depicted the Interpol's agent as a fearless, globe-trotting James Bond who could brazenly cross national frontiers in relentless and righteous pursuit of international villains. The real Interpol, in the words of Jean Nepote, is: "an official machinery for permanent and organized cooperation between the police forces of the affiliated countries."¹ This machinery is based on certain guiding principles which along with the organizational structure of Interpol are examined in the following sections.

Interpol today bases itself on the 1956 Constitution which modernized and reorganized its earlier mandate, as already discussed earlier. Until 1956 Interpol was officially known as the International Criminal Police Commission--at that time, however, it was decided that the word Commission connoted an impermanence so the official name was changed to the International Criminal Police Organization (the ICPO). The name "Interpol" itself dates from 1946 when a succinct telegraphic address was

¹/ Unpublished document obtained during visit to St. Cloud; Jean Nepote address to the International Association of Chiefs of Police, 1969.

needed to register the ICPC with the Parisian post office authorities. This catchy cable designation became widely used not only among the National Central Bureaus but among the press and public who understandably preferred it to the more cumbersome full title of the organization. By 1956 the use of "Interpol" had become so pervasive that it finally received official sanction in the new Constitution.

The structure and operating principles of Interpol are embodied in several of its basic texts which include the 1956 Constitution, comprised of fifty articles, the General Regulations, the Financial Regulations, a policy report governing the National Central Bureaus, and the International Police Radiocommunications Regulations. The aims of the ICPO--Interpol are set forth in Article 2 of the Constitution as follows:

"(a) To ensure and promote the widest possible mutual assistance between all criminal police in authorities within the limits of the laws existing the different countries and in the spirit of the 'Universal Declaration of Human Rights'; 1/ (b) To establish and develop all institutions likely to contribute effectively to the prevention and suppression or ordinary law crimes."2/

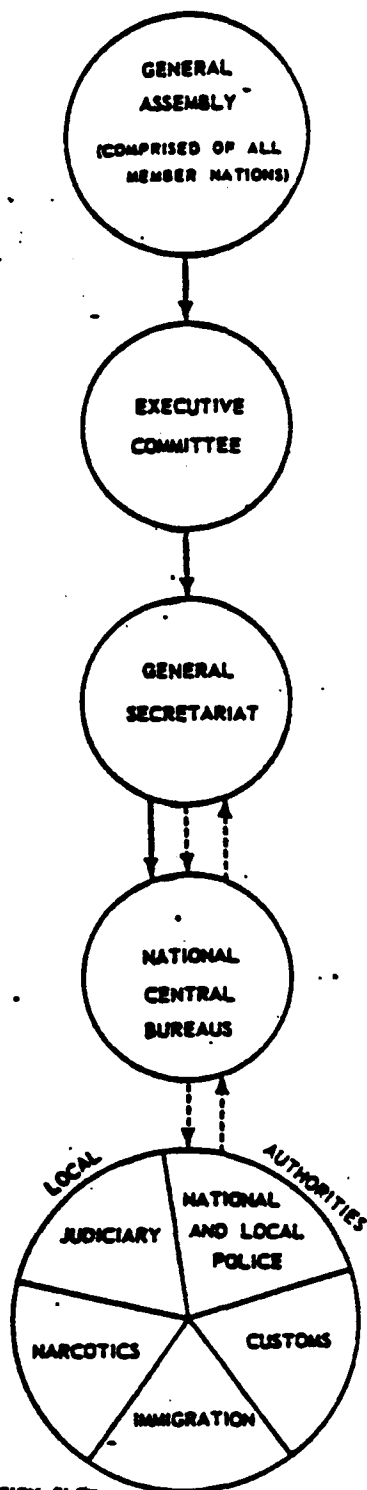
1/ Note that this reference to human rights is the only one found in Interpol's official texts.

2/ The International Criminal Police Organization: Constitution and General Regulations, (ICPO edition of 1963), p. 8.

An overview of the organization shows that the current constitutional framework of Interpol is structured much along the lines of many contemporary international organizations. This is largely the result of the rewriting of Interpol Constitution in 1956 which, as noted earlier, reconstituted the then International Criminal Police Commission into the more acceptable international format of the International Criminal Police Organization. Interpol's structure consists of four main organs: the General Assembly, the Executive Committee, the General Secretariat, and the National Central Bureaus. A chart of these main components, as seen from the vantage point of the U.S. NCB, follows on the next page.

Interpol's General Assembly is similar to that of other international organizations and, according to Article 6 of the Interpol Constitution, is the "body of supreme authority." It is composed of official delegates from each member country's designated police agencies, who generally meet for one week of each year to vote on matters concerning the organization. According to Article 7, these delegates should include: (1) high officials of departments dealing with police affairs, (2) officials whose normal duties are connected with the activities of the organization, and (3) specialists in the subjects on the agenda.

TABLE THREE: DIAGRAM OF COMPONENTS OF INTERPOL * 203



..... INFORMATION FLOW

———— ORGANIZATIONAL RELATIONSHIP

SOURCE: PREPARED BY GAO FROM DATA OBTAINED FROM GENERAL SECRETARIAT AND NATIONAL CENTRAL BUREAUS

* Source: GAO Report, p. 2,

While each nation may send as many delegates as it deems appropriate (and can afford) to the General Assembly session, with such delegations sometimes numbering up to 20 representatives from one country, only one vote is allowed per nation. These delegates meet in order to set down policies and principles of Interpol covering every facet of its activities--international police cooperation, measures and resolutions to combat crime, the appointment of the various Interpol officials, and the finances of the organization.

The General Assembly meets in closed general and special committee sessions to discuss and vote upon matters put forth in an agenda which must be agreed upon 90 days prior to the convening of the session. This annual meeting is usually held in a different country, with attempts made at a rotating representation of the major continents. Even in the selection of the host country for the General Assembly, political factors have occasionally intruded, as in the situation which arose in 1959. As a result of growing pressure from the British, Germans, Canadians and, especially, the Americans, who had just formally rejoined the ICPO, plans were made to hold what would have been the first Interpol General Assembly session outside of France, in Lahore, Pakistan. Late in October, however, shortly before the session was to be held, the Pakistanis announced

that they would not permit the Israeli government to attend. Myles Ambrose, then chief American/Interpol designate, insisted that the U.S. would not attend if the Israelis were excluded; as a result, the General Assembly was held in Paris on an emergency basis in late December instead. We shall see in latter sections that the problem of political sensitivities has been of central concern to Interpol.

The 1977 General Assembly session was attended by some 350 delegates, specialists and observers. The United States delegation had fourteen members from eleven different federal agencies concerned with various aspects of international crime. The meetings of the General Assembly are not open to the public or press thus, according to the U.S. Interpol Chief, permitting a more open give-and-take among the various national delegates and thereby fostering the thrust and professional intimacy that are requisite for a genuine spirit of cooperation to develop which will be sustained beyond the duration of the session.¹

The fact that these sessions are closed to the public has implications for the ability of public groups to inspect or comment on the proceedings. When Vaughn Young requested a copy of a special General Assembly report on illicit drug traffic, Louis Sims in a letter of August 30,

¹ / The official working languages are English, French and Spanish, though Arabic has also been recently accepted on a qualified basis.

1976 replied that, while he did have a copy of this report, its release would have to be approved by Interpol's Secretary General. Subsequently, in a cable on August 31, Nepote informed Sims that "General Assembly Reports are confidential and cannot be released to individuals. Although in this case it is likely that the report was not released to the Scientologists more because of the ill-feelings between these two parties than because of the sensitivity of the information in the study, other information regarding the ICPO is also unavailable both to the public and to inquiring governments.

For example, in May 1975, as a result of Montoya's questions to the U.S. NCB, Louis Sims sent Secretary General Nepote a request for a list of Interpol employees, officers and staff members, together with a brief description of their professional backgrounds. Nepote's refusal to comply cited article 30 of Interpol's constitution which states that "In the Exercise of their duties, the Secretary General and the staff shall neither solicit nor accept instructions from any government or authority outside the Organization."¹ Such a reply seems to exceed the spirit of Article 30 which was designed to free the ICPO from any undue influence by its member states rather than to shield the Secretariat from the very legitimate inquiries of its member governments.

1 / ICPO Constitution, (1959).

Mr. Nepote's responsiveness in this area proved to be more flexible than his cable indicated. Possible because it became clear that a refusal to comply with Sim's request could lead to strong congressional dissatisfaction and thus possibly to U.S. withdrawal from the ICPO, Nepote subsequently allowed GAO officials to visit Secretariat headquarters and did release substantial information to them; although not, apparently, the professional background descriptions of his staff. This latter request was an outgrowth of the Scientologists' claims that some of the current Secretariat staff had been members of the Gestapo underground during the war.

This year's session approved the membership applications of two new countries, thus bringing Interpol's total membership up to 127 states which encompass virtually every non-communist state and principality.¹ Missing from the Interpol roster is the Republic of South Africa, though there were rumors that its membership is being negotiated behind the scenes.

Of the communist countries, Roumania and Yugoslavia are members and there is a speculation that Poland may be interested in rejoining as well.² There has been some confusion as to whether or not Cuba is a member. The U.S. NCB, according to Vaughn Young, denied that Cuba was still a

¹ / See the appendix for a full listing of members of the ICPO.

² / Poland had been present during the 1956 rewriting of the ICPC constitution but has since withdrawn.

member in 1974; however, during a personal interview by Young with Nepote in 1976, Cuba was still counted as a member. According to the September 1977 issue of the ICPO's Review, Cuba is still listed among its members, although a special asterisk by its name explains that the provisions of Article 53 of the General Regulations have been applied. Article 53 states that a member which constantly fails to fulfill its financial obligation may have its right to vote suspended and may be refused any other benefits of membership until its obligations are settled. Since this provision has been applied to Cuba but not to other members which are badly in arrears, such as Italy, it seems likely that U.S. publicity about communist member ties with Interpol may have occasioned this uncommon severity on the part of the ICPO. There have also been some rumours that Poland may be interested in joining Interpol.¹

Given such diverse international representation at the General Assembly sessions, it is apparent that, in the course of performing its official functions, the annual session also provides both an important social as well as professional occasion, during which individual links are forged between police of many different nations. The General Assembly

¹/ For an insight into the Soviet view of Interpol refer to the earlier discussion of Chapter III wherein their official position regarding Interpol was that Interpol was not an NGO but was rather intergovernmental and that they did not approve of its functioning.

session provides an important opportunity for the shaping of official and unofficial consenses which take place in various committee meetings as well as on an informal basis throughout the assembly session. This interchange performs an invaluable function in facilitating the subsequent bilateral and multilateral cooperation of police agencies, many of which are thousands of miles apart. Clearly both the face-to-face contact and the intense interchange on matters of mutual concern perform an invaluable role in generating the kind of esprit de corps needed to keep Interpol running.

The 1976 Ghana session passed several resolutions whose brief listing provides a sense of the diversity of subject matters taken up in the committees, although it is difficult to assess the extent to which these resolutions indicate more than an exhortatory consensus to work in these areas. One resolution notes with satisfaction the progress made by the United Nations Fund for Drug Abuse Control (UNFDAC) in developing useful programs in narcotics control and urges increased support of UNFDAC, particularly for the crop substitution program of Thailand which threatens to elapse. Another resolution concerns police intervention and cooperation in connection with the illegal traffic in wild life and urges that the National Central Bureaus take whatever actions they are empowered to, in order to prevent and

detect the illegal traffic in wild life. Other resolutions include the submission of a new form for the tabulation of international crime statistics by the General Secretariat, a resolution encouraging greater cooperation and exchange of information regarding frauds involving arson, a resolution addressing crime in port and dock areas, and a lengthy, complex resolution addressing the problems of international fraud and commercial crimes. Additionally, two resolutions dealing with the financial contributions and with a restructuring of the Executive Committee were passed and will be elaborated on shortly. Such resolutions are important not only because they set the tone for the Executive Committee and the General Secretariat to follow after the General Assembly has adjourned, but because they characterize the limited nature of the policy direction set by the General Assembly.

(2) The Executive Committee And President of Interpol

The General Assembly elects the delegates of the Executive Committee by secret ballot. The 1976 Accra session amended Articles 15 and 16 to enlarge the previously thirteen member committee to fourteen members. The Committee now is headed by the President of the organization who presides over four Vice-Presidents, each from a different continent, and nine delegates. Prior to 1976, the Gentlemen's agreement of 1964 stipulated that the previous thirteen posts be allocated with three members per each continent and with the President and three Vice-Presidents each from different continents as well. The new amendment was formulated to ease the constraint of electing the President from specific continents by having the four Vice-Presidential posts represent the four continents.

Interpol's sixth President after its reorganization was Paul Dickopf of the Federal Republic of Germany, who occasioned much adverse publicity by the press after it was discovered that Dickopf had been a member of the SS during the war. Although the fact that Gestapo chief Reinhard Heydrich served as Interpol's president after 1941 can be excused by virtue of the fact that the ICPO at that time had been completely taken over by the Germans, it was not so easy to explain how an organization dedicated to helping ferret out international criminals overlooked the

fact that its president had served as an S.S. Officer. According to records found in the National Archives, Dickopf had been S.S. #337259 in the Sicherheitsdienst, which was an elite of the SS.¹ Though a letter by Simon Wiesenthal in 1974 confirmed that Dickopf had been ranked as an SS-Untersturmfuhrer after 1939, when confronted with this evidence the ICPO Secretariat replied that:

Born in 1910, Mr. Dickopf began his career by entering the German CID after finishing his secondary studies and upon completing his military service. He was head of the Identification Department in the former "Land" of Baden at the outbreak of World War II, but because of his hostility to the Nazi regime, he was forced to flee the country, escaping first to Belgium and then to Switzerland, where he was granted asylum as a political refugee. At the end of the war, Mr. Dickopf returned to Germany and helped to reorganize the German CID. 2/

The discrepancy between the Scientologists' evidence and the official Interpol response was impossible to resolve by confronting Dickopf himself since he had died in 1973. However, although both Montoya's and Eilberg's committees asked for information on this issue within the context of the broader allegations linking the ICPO with the Nazis, no more satisfactory response was given. Earlier, in a speech during 1968, James

1/ The details of the case against Dickopf can be found in Garrison's Secret World of Interpol, (1976), pp.197-205.

Also, see The Documented History, (1975), pp. 38-44.

2/ Cited in U.S./NCB Response to the Eilberg Committee, April, 1977.

Hendrick, then Vice-President of Interpol, complimented then President Dickopf thus:

"I had the opportunity to visit Mr. Dickopf's headquarters in Wiesbaden and can attest to the efficiency and sympathetic intelligence with which Mr. Dickopf's operation is conducted. 1/"

In personal interviews with Interpol's Chief, Louis Sims and with Myles Ambrose, both of these officials supported Dickopf's character and professional integrity.

Leaving this contentious and unresolved issue aside, Interpol's current President and head of the Executive Committee is Carl Persson, head of the Swedish Police, whose term expires in 1980. Since 1946 seven different presidents have presided, the last having been a Canadian.² There was apparently much demand at last year's session for the American head of the U.S. delegation, H. Stuart Knight, to run for the presidency, but the U.S. declined the offer, perhaps because of the pressures of the recent Congressional spotlight on Interpol in the U.S. as well as the tensions between Justice and Treasury.³ Mr. Knight, however, continued to serve as one of the four Vice-Presidents; the

1/ Speech of November 22, 1968 before the Treasury Law Enforcement School. (Document made available by U.S./NCB.)

2/ The presidents of Interpol since 1946 have been: F. E. Louwage (Belgium), A. Lourenco (Portugal), Sir R. L. Jackson (United Kingdom), F. Jarva (Finland), F. Franssen (Belgium), P. Dickopf (Fed. Germany) and W. L. Higgitt (Canada).

3/ Mr. Knight was at that time the Director of the U.S. Secret Service, a division of the Treasury Department.

others come from Indonesia, Tunisia and Belgium. The remaining eight delegates of the Committee also hold three year terms and currently represent the United Kingdom, Panama, Ghana, Zaire, Phillipines, Jordan, Argentina, and Germany.

As specified in Article 22, the Executive Committee generally meets twice a year, prepares the agenda of the General Assembly and ensures that its decisions are carried out. Additionally, the Committee approves the Program of Activities and the Draft Budget before these are submitted to the Assembly for a vote. It also is instructed to supervise the administration and work of the Secretary General. In many ways the Executive Committee can be regarded as the supervisory arm of the General Assembly as it mediates for the members at large in the interim between annual General Assembly sessions. Article 21 stipulates that "In the exercise of their duties, all members of the Executive Committee shall conduct themselves as representatives of the organization and not as representatives of their respective countries." This provision is intended to emphasize that the Executive Committee members are chosen partly as representatives of their respective continents and therefore should not function with merely local national interests in mind. Critics of Interpol have cited Article 21 as basically subversive of the proper national loyalties and

obligations of the delegates. They assert that the obligations of Article 21 would compel, for example, Interpol Vice-President H. Stuart Knight, to place the interests and policies of the organization above those of the United States. In practical terms, however, the Treasury Department and the U.S. NCB have replied that such a conflict simply has not arisen and that the primary law governing NCBs also holds true for Mr. Knight - which is that the national laws of the respective countries always take precedence in the case of any potential conflict.

The last two organs of Interpol are the most important in terms of the actual day-to-day functioning of the Interpol machinery, to use a favorite metaphor of Jean Nepote. The General Secretariat and the network of National Central Bureaus can indeed be envisaged as two concentric spheres whose outer radii represent the numerous NCB surrounding the central nucleus of the General Secretariat. The center both emanates and receives communication from the satellite NCB. This description of the model offered in Interpol's journals is complemented by the view of our diagram which depicts direct bilateral and multilateral interchange among the NCB themselves without having to go through Secretariat headquarters. Given this basic schematic model, the relationship of the General Secretariat to the National Central Bureaus can be more readily conceptualized.

(3) The General Secretariat

In many ways the General Secretariat is the most important single element of Interpol since it represents the permanent base from which the essential administrative and technical functions are performed. Interpol's General Secretariat is currently housed in Paris.¹ There also are located Interpol's central files and radio-communication center for its world-wide transmissions.

Although the ICPO's Secretariat was the core of the organization, the General Secretariat, per se, was formally incorporated into the Interpol constitution only in the 1956 revision of the original ICPO statutes. The supranational character of the Secretariat is enunciated in Article 30 which asserts that: "the Secretary General and his staff shall neither solicit nor accept instructions from any government or authority outside the organization. They shall abstain from any action which might be prejudicial to their international task." This injunction seems intended to establish the basically autonomous character of the international organization. The duties of the General Secretariat are enumerated in Article 26 which merits full quotation:

¹ / At 26 rue Armengaud in Saint Cloud, a suburb of Paris. There it occupies the sole modern ten-story building, which was expressly built in 1966 to house Interpol headquarters.

Article 26

The General Secretariat shall:

- a) Put into application the decisions of the General Assembly and the Executive Committee,
- b) Serve as an international centre in the fight against ordinary crime,
- c) Serve as a technical and information centre,
- d) Maintain contact with national and international authorities, whereas questions relative to the search for criminals shall be dealt with through the National Central Bureaus.
- f) Produce any publications which may be considered useful,
- g) Organize and perform secretariat work at the sessions of the General Assembly, the Executive Committee and any other body of the Organization,
- h) Draw up a draft programme of work for the coming year for the consideration and approval of the General Assembly and the Executive Committee.
- i) Maintain as far as is possible direct and constant contact with the President of the Organization.

The Secretariat is headed by the Secretary General whom the Assembly elects by secret ballot; his term of office is five years and he may be re-elected. The General Regulations stipulate that: "The Secretary General should be or have been a police official. He should preferably be a national of the country in which the center of the organization is seated."--i.e., in less circuitous terms, the Secretary General must be French, and in fact a great proportion of

the Secretariat's some 168 employees are in fact French, though law officers from some 20 member countries, including the United States, are also assigned at Saint Cloud. There have been three Interpol secretary generals in the period since 1946, each of which wielded far greater power and influence than the more honorific presidents who presided for shorter terms.¹ As is frequently the case in international organizations, Interpol's Secretary General is the most important individual and provides both leadership and continuity to the operations and policies of the organization, which because of their more sporadic and distant relationship neither the President nor the Executive Committee can provide. At the same time, the Secretary General also has a great deal of discretion in dealing with both specific daily issues and more general policy matters. Nepote's choice of the manner in which to respond to Congressional inquiries was not dictated by specific Constitutional or prescribed policies as much as by his own personal interpretation of what best suited the organization.

To execute its functions, the Secretariat is composed of several main "Divisions" a review of which serves

¹ / Since 1946 the Secretary Generals of Interpol have been Messieurs Louis Ducloux, Marcel Sicot, and currently Jean Nepote. Mr. Nepote's term is due to expire in 1978 at which time he indicates that he plans to retire rather than seek re-election.

not only to highlight the structure of the Secretariat but also illustrates the actual day-to-day operations at St. Cloud.

The administrative functions for the Interpol network are handled by the Division of General Administration which also performs the internal housekeeping functions necessary to the maintenance of the headquarters itself. This includes the preparations for General Assembly sessions and staff meetings, maintaining the activity statistics of the organization and handles general correspondence. It also includes the services which form a vital part of Interpol's communications functions: its radio network, translation, photography and printing. This Division prepares the annual budget, bookkeeping, investment and general management of financial affairs. Additionally, it is responsible for relations with the press and public, a task recently made more onerous with the increase of world-wide adverse publicity regarding Interpol.

The Division of International Criminal Police Cooperation represents the heart of the organization because it handles the numerous cases of international crimes which are received, relayed, evaluated, recorded and circulated. Two of the three activities listed by Interpol as its top priorities fall within the purview of this division and

Criminal cases can be brought to the attention of the Interpol Secretariat either at the request of a National Central Bureau, directly through a national police agency, or on its own initiative. It is within this division that the most exciting, along with the more mundane, aspects of the fight against international crime, can be found. The wide variety of crimes are allocated among five major sections which handle: (1) murder, burglary, assault, theft, picking pockets, fraud while changing money, car thefts, stolen property, missing persons (including minors), (2) breach of trust, fraud, unlawful interference with civil aviation, smuggling, (3) bank frauds, forgery, (4) drug traffic, morals offenses, traffic in women, and (5) currency counterfeiting. These sections, as can be seen, are not categorized under any theoretical criteria but have been pragmatically rationed out so as to evenly distribute the workload, as well as to maximize on technical expertise.

The oldest and most established of Interpol functions includes its publication of the Counterfeits and Forgeries Review in four languages. The ICPO's activities in recording and centralizing records of counterfeit currencies have been widely recognized and its review is a standards reference internationally. The other four major divisions

while dealing in different contexts of crime, evolve about a common purpose to establish the whereabouts of a specified criminal and to make his crimes, location and movements known to appropriate officials. As already noted Interpol itself, specifically the Secretariat, does not have any detectives who can set out to investigate a criminal; nor does it have any of the inherent police functions of arrest, detention or imprisonment. It is the national police officials, operating through the NCB, who perform these functions hopefully within the mandates of their respective national laws. The Secretariat's Criminal Police division, however, functions to coordinate the endeavors of the various NCBs by keeping centralized records, specialized filing systems, and by providing a continuous round-the-clock radio network that encircles the globe. It also circulates special color-coded notices, akin to the FBI's most-wanted posters, which give the the photographs, fingerprints, aliases and other vital data regarding alleged criminals.

Some additional information should be covered at this point in order to better illustrate the nature of the relationship between this vital division of the Secretariat and the various NCBs. The general methods of cooperation between the NCBs and the Secretariat include: (1) the exchange of data and documentation regarding an individual

wanted on the part of several countries and (2) the circulation of information of general interest to all countries, which by letter or telegram requests the arrest of an international criminal with a view to his subsequent extradition. In the first category, the initiative often falls to a particular NCB requesting information about or the arrest of, a specific wanted individual. This request, transmitted either by telegram or letter, can be sent to one or several specified NCBs. In the case of letters exchanging criminal records or information resulting from specific checks or surveillance conducted by one national police on behalf of another, such correspondence may be kept purely between the involved NCBs--but generally copies are transmitted to the General Secretariat. The reason for this centralization of copies, which is much encouraged by Interpol, is that in case the criminal has committed crimes in additional countries or has evaded capture, the centralization of pertinent data makes it possible to extend the dragnet more effectively. Clearly, the Secretariat is free to intervene whenever it considers it necessary to pass on any information it deems significant on a particular case.

This issue was raised by the GAO Report, which explored the question of whether the U.S. Bureau was provided with copies of all information in the General Secretariat files that involved U.S. citizens. The fear was that other NCBs

might be trading information with each other and the Secretariat about U.S. citizens abroad without the knowledge or consent of the U.S. NCB. The GAO Investigation reports that the Secretariat files could in some exceptional cases involving document exchange between national bureaus have copies of which the U.S. NCB was unaware. In reply to Congressional concern over this issue, as transmitted to the Paris headquarters by the U.S. NCB Chief, the Secretary General "offered to introduce a systematic check of all correspondence exchanged by national bureaus to ensure that the U.S. Bureau would receive documents affecting U.S. citizens." The GAO Report indicates, however, that despite this proffered willingness, there has been no one-time request for full access to all information available at Interpol headquarters on U.S. citizens made on the part of the U.S. Bureau.¹

The second category of cooperation mentioned earlier is the circulation of information of general interest to all members, wherein an NCB or the Secretariat transmit an "Interpol broadcast" through the telecommunications system to all countries on the Interpol radio network. Such notices are sent out in the following cases:

- (1) when a country asks for a search to be made for an offender with a view to his arrest and extradition.

¹ / GAO Report (1976), p. 23.

(2) when there is a request to trace the whereabouts of, or obtain information about, persons who have disappeared or who are wanted but for whom an arrest warrant has not been issued.

(3) when the Secretariat deems it necessary to warn countries about itinerant international offenders, so that the various NCBs may, at their discretion, choose to put has not been issued.

(3) when the Secretariat deems it necessary to warn countries about itinerant international offenders, so that the various NCBs may, at their discretion, choose to place the individual under surveillance, or deal with him as is appropriate within their country.

These notices give the subject's identity specifications, providing a summary of the offenses committed, a photograph and fingerprints, details of his criminal activities, and where applicable, the exact reference of the arrest warrant. The printed version of these notices are the color-coded circulars noted earlier. The red indexed notice denotes that an individual is wanted for arrest with a view to extradition and contains, along with the person's description, the precise details of the warrant issued. These red-tabbed notices are generally accepted as sufficient documentation to empower provisional arrest in the detaining country and are the starting point for the judicial procedure of extradition.

In one case, that of Mohammed Sami, such a red-tabbed notice was issued at the request of the Washington NCB and resulted in the arrest of Sami by European police. Since the U.S. NCB had issued this notice without checking with the State Department and since Sami was under the protection of diplomatic immunity within the U.S., the U.S. government refused to follow up the foreign arrest with an extradition order. Sami then proceeded to sue both the U.S. government and Interpol. This case is discussed further in Chapter VI but at this point it should be noted that mistaken arrests can occur. By and large, Interpol's provisional detention procedure has been generally based on special provisions within extradition treaties that provide for the provisional arrest of suspected persons.

To forestall the possible flight of an individual accused of certain crimes while he is in a foreign country, extradition treaties provide for his provisional detention for limited periods of time in order to permit the formally prescribed documents and procedures, entailed by the diplomatic process of extradition, to be carried out. It should be noted that a red-tabbed general circular is not necessary for Interpol to be instrumental in extraditing an individual, two NCBs can work bilaterally or in concert with the Secretariat, exchanging vital data and documents in the course of a few hours time, without having recourse to a general circular.

The blue-indexed notices are intended to request information only and generally do not call for any enforcement measures regarding the individual. Such notices are circulated with a view to collecting additional data such as checks on identities or aliases, convictions and sentencing records, or even the addresses of persons missing from their families.

The green-indexed notice means warning and is intended to alert countries to the recidivist professional international criminal. Such an itinerant criminal is known to have left behind a long track of crimes and convictions, and while not currently wanted for arrest may very possibly be committing new crimes in unsuspecting countries.

The last of the color indexed circulars is appropriately black, the traditional color for death, and serves to inform members of unidentified dead bodies. These notices are published either when there is no known identity for the deceased or when the deceased is known to have died or been killed under a false identity. The black circular lists the circumstances of death, body description and fingerprints, and seeks to establish the true identity of the deceased. Not all of these circulars obviously, need refer to criminal cases, though many of the unidentified bodies are the unfortunate victims of heinous crimes.¹

¹/ The reader interested in some of the more dramatic, if not sometimes morbid, cases resolved by Interpol notices, can refer to Fooner and Tullet's books (see bibliography).

Finally, the Secretariat also circulates information about the modus operandi used by offenders, circular letters on the activities of specialized offenders and, generally, information considered of assistance to criminal investigators.

At this point mention must be made of the Secretariat's central files which enables it to monitor the activities of international criminals, respond to requests for information, initiate wanted notices, and to provide for special research regarding international crime. The central files are at this time not computerized though plans are underway to do so. At this time, the files are in the form of index cards and reference folders, the cards of which are stored in enormous circular files. The various cards are filed by categories establishing names of offenders, accomplices, victims, reporters of crimes or important witnesses, dates and places of birth, given names, aliases, and additional relevant information. A file is also established listing special types of crimes, peculiar modus operandi or other distinctive features of unresolved crimes, as well as identifying data such as the date, place, and other specifics of the offense committed. Altogether, according to the 1976 Secretariat tabulation cited by the GAO Report, the following records were maintained:

TABLE IV: RECORDS & FILES AT THE SECRETARIAT¹**Index Cards:**

Alphabetical	944,000
Phonetical	938,000
Special	<u>609,000</u>

2,491,000

Reference folders:

287,000

Files:

Individual	23,000
Case	3,500
Art objects	2,200
Dead bodies	<u>300</u>

29,000**Total**2,807,000

According to Interpol's written policy, all the information disseminated within its network is intended to be confidential and accessible only to appropriate police and judicial authorities. Significantly, there was no such explicit policy until the recent public pressure on the U.S. NCB, which unanimously endorsed by the Assembly. The Privacy Resolution (43/Res/BCN/1) notes "the concern of many countries with the privacy of the individual with regard to criminal justice information," and urges the NCBs and the General Secretariat to "take into account privacy of individuals and strictly confine availability of information to official law enforcement and criminal justice agencies."

1 / Source: GAO Report, (1976), p. 35.

In spite of this official structure against the unauthorized use of confidential or private information, there is clearly no practical way to insure against such abuse. In the case of the U.S. Bureau, all outgoing documents are red stamped with the statement that the materials furnished are not to be disseminated outside the receiving organization except to official law enforcement and justice agencies, unless the expressed permission of the U.S. Bureau is obtained. The GAO Report notes, however, that officials of the Treasury Department have admitted that, "because of the alliance of foreign police systems with their intelligence branches, there is always the potential for information to be accessible to them." The GAO report also states that the U.S. Bureau has likewise found no examples of the unauthorized use of privileged information, although the report did cite reservations about the conditions under which certain information was being released, as will be discussed in subsequent chapters.¹

Interpol also publishes its monthly International Criminal Police Review, a brief booklet-type journal that contains articles pertaining to various aspects of international crime and police work, as well as serving as the Secretariat's bulletin for policy and organizational news

¹ / GAO Report, (1976). p.36.

dissemination to its NCB. The bold yellow and black faced journal is intended to be of a restricted, confidential nature because some of its technical articles might inadvertently provide useful information for the more studious sort of criminal. For this reason, the journal is only sent out to the official police connected with national agencies in addition to the automatic mailing to the NCB.¹ Nonetheless, the supposedly restricted nature of the Review seems intended mostly to inflate its status, since the rather modest review is rather easily obtained through any of the large major reference libraries here in the United States.

The International Criminal Police Review has also occasioned some criticism from the Church of Scientology for some of the articles which it has featured. Particularly offensive to them were articles such as that printed in April 1950 issue in which Paul Marabuto, writing on "Crime and Religious Creed" writes that:

"Jews hardly participate in offences which require a man to drift away from society and to adopt a purely passive attitude. On the other hand, they seem to be more inclined to offences with a materialistic purpose to them. But what, above all, appears from statistical comparison, is the preference which Jewish offenders have for offences which require the use of craftiness and, similarly, their hatred for violence." 2/

While the editorial judgement of the Review may occasion-

1/ The Review is usually issued in the three basic official languages of the ICPO.

2/ Cited in the Documented History, p.51.

ally be a poor one, the real issue at hand is that the ICPO in many ways has shown no inclination to set high standards of professional conduct for its participant National Central Bureaus. In concluding this chapter we hope to have given the reader a fair idea of the manner in which the ICPO is constituted and of the unusual dual international/ national character which it has by virtue of its National Central Bureaus. The duality of this mechanism permits the ICPO to assert that it serves only as a communications exchange network; since Interpol itself, in a sense, never does go out itself to arrest, investigate or detain citizens in any country. However, a police official at an NCB outpost, while wearing his local national police hat, could and does perform these functions. What in fact will happen is that such an Interpol official, while serving "under the local laws" of his country, will be expected to cooperate with calls for information, detention, and even arrest from the Interpol network. The assumption is that these NCB officials, and the other associated local police on which they can rely will not abuse the privileged information network that they have in Interpol. It is also assumed that they will not in other ways be corrupt nor abuse the prerogatives of their power. Such an assumption, however, is not always a fair one as we shall see within the context of Chapter IV.

1/ Another article cited by the NCLESJ which confirms the dubious taste of the Review is one which expounds on the merits of procreation among the mentally deficient. See, "Offenders on the Couch", Op. cit., October 1967, p.236.

(4) The National Central Bureaus

Having thus outlined the core of Interpol's network, it remains to examine the final organ of Interpol's international machinery--the network of National Central Bureaus, without whose interest, participation, and contribution, the work of the General Secretariat would be rendered void. By now the reader should already be familiar with the broad rudiments of the NCB. These are designated by their respective governments to serve as permanent Interpol liaison posts. As has also already been established, the NCB must by necessity be housed and staffed by the national police authorities of their respective member states. Harkening back to the principle of national sovereignty, the Interpol Constitution enjoins the member states to "do all within their power which is compatible with the legislations of their countries to participate diligently in its activities."¹

Interpol's Constitution has surprisingly little to say about the conduct or operation of the NCB. Although the first of the National Central Bureaus had been designated as early as 1927, it was not until the 34th General Assembly session of 1965 that any official policy regarding the National Central Bureaus was adopted, in the form of an appendix to the General Regulations. The actual head of

¹ / International Criminal Police Organization: Constitution and General Regulations, (ICPO ed. 1963), p.12.

the NCB, who may also be the chief delegate representing that country at the General Assembly, is whomever is appointed "by the competent governmental authority of that country."¹ This ambiguity seems unique to the United States. In the case of those countries whose police functions are basically subsumed under the military arm of an authoritarian regime, the appointment by the competent governmental authority means that the Interpol NCB is directly under the national police of that nation. GAO officials who visited foreign NCB in Germany, France, Italy, Spain, India, Japan, Thailand, Peru, Brazil, and Venezuela noted that the police functions here were centralized under the ministries of justice or interior. Typically, they reported, the heads of these NCB were professional law officers whose bureau came under the office handling international activities for the national ministries. The staff size of an NCB can vary from a few persons who also double in serving the national ministry as in Peru, to the impressive size of 50 persons serving the very modern

¹/ Ibid, p. 15. In the case of the United States, this presented a certain embarrassment to the Secretary General, who had in recent years been accustomed to dealing with the Treasury Department representatives as official delegates, when an official of the Justice Department presented himself at an Interpol symposium as the "official" U.S. designate.

facilities of the Weisbaden, Germany NCB.¹

The NCB are empowered to request various sorts of assistance from the police of other countries. Such assistance can be requested directly on a bilateral or multilateral basis among several NCB through the exchange of letters or telegrams, copies of which, as noted earlier, are usually sent to the Secretariat for central filing though they need not be. More often, however, the NCB choose to transmit their requests for information directly through Interpol's radio telecommunications network. This still does not mean that the Secretariat obtains its own record of the transaction nor that all countries on the radio network need be involved. Special prearranged codes signal the intent of the originating NCB as to which countries are to receive the message as well as to whether the Secretariat is to retain a copy for its centralized records or whether it merely automatically retransmits the message through its radio headquarters. With reference to the privacy issue, this means that not all transactions among the NCB even if transmitted through St. Cloud, are available for inspection through the central files at the

¹ / GAO Report, p.34. The report also cites as examples that the United Kingdom NCB falls under Scotland Yard, and the Weisbaden (German) NCB comes under the Bundescriminalamt of the German Federal Bureau of Criminal Justice.

Secretariat. On the other hand, this also assures the NCB confidentiality should they choose to restrict a case on a bilateral basis yet still profit from utilizing Interpol's quick and inexpensive communications system.

The NCB gain several advantages from affiliating with Interpol. On the multilateral basis it is difficult for the police authorities of any one nation to quickly know which appropriate office of a foreign country to contact regarding a criminal case, because of the complex differences along which different national police are organized. While in many countries the police are organized at a national level, in others they come under separate local authorities or may even fall under a complex federated system such as that of the United States.¹ The difficulties of rapid bilateral and multilateral cooperation is further exacerbated by linguistic and legal differences as well as the constraints imposed by limited funding. In a telling observation about the economic and technological hardships under which the NCB of many of the underdeveloped countries are forced to operate, the Chief of the U.S. NCB pointed out that these bureaus clearly do not have the kind of resources at their disposal which would permit them to

¹ / The GAO Report discusses at length the relationship of these state and local authorities to the Interpol network and to the FBI. See the chart of their inter-relationship on page 34.

supply neither the manpower nor the costs associated with having their own international communications network.¹ Merely the costs of telex and cable lines necessary to a rapid exchange of information are prohibitive for these states. In fact this is why Interpol has insisted on maintaining what the GAO Report cites as the "slow and outmoded communications system" based on the Morse code radio transmission.² Even though the cost of Morse code equipment outlays is substantially less than that of other international telecommunications systems, some of the poorest member countries have still been unable to acquire such equipment. In addition to the moderate cost of radio equipment, the Morse system has the added advantage that the operator himself need not be trained in the language of the message. The code-word system utilizes five letter code-words in place of complete phrases for which each country has its own decoding book in its own language, thereby not only

1/ At the Cannes 1974 General Assembly, the Pakistan delegate noted that instructions in modern investigative techniques and methods of surveillance are much needed by the developing countries. When the Indian delegation proposed that a training institute for senior police officials be set up within the ICPO, the Secretary General countered that such an institute would be too costly and possibly political, and offered instead to institute two-week specialized training courses and symposia for the Lesser Developed Countries.

2/ Op. cit., p. 29.

protecting the confidentiality of messages but also reducing the need for a multilingual staff among the NCBs.

It is significant, in this context, to contrast the paucity of resources in some of the underdeveloped countries against the elaborate overseas law enforcement representation of the United States. Aside from the vast network of the Department of State's system of embassies and consulates abroad, the Federal Bureau of Investigation has its own legal attaches system which appends to that of the Department of State.¹ Furthermore, the Drug Enforcement Agency, the Customs Service, the Bureau of Immigration and Naturalization, as well as the Postal Service, not to mention the CIA and the various Armed Services, all have representatives abroad who can serve a law enforcement function. Needless to say, this does not mean that these agents have police powers of arrest or can even properly conduct independent investigations overseas--but this merely suggests that whereas the U.S. has a number of organizations on which it relies to coordinate its international law enforcement needs, for many lesser states Interpol is the only means of extending their reach overseas.

¹/ The Department of State's foreign services system of embassies and consulates performs important coordinating functions in criminal matters involving American citizens abroad. It should be kept that many nations have comparable diplomatic networks which often include some criminal law experts.

In addition to providing its members with a low cost system for rapid communication with other countries on criminal matters, Interpol also provides specialized technical assistance through the services outlined in the foregoing sections, as well as serving as a forum for professional and personal interchange.

The foregoing sections have already suggested the wide array of information covering all aspects of law enforcement, that is exchanged among the broad spectrum of member states. From A in Algeria to Z in Zanzibar, Interpol's NCB can respond to mutual queries of all kinds, from simple requests for details of a criminal record or a cursory check on pertinent case information, to requests for a full-field investigation or surveillance and to provisional arrest with a view to extradition. Naturally, the more developed countries are those that must contend most with the negative side effects of exploding technological developments and soaring international travel. But while computer fraud is still limited to the more developed states, modern developments such as the use of light aircraft and helicopters for smuggling, or the hijacking of a nation's airplane are problems no longer restricted to the wealthy few. Even if it remains true that the various member NCB have interests that center more around certain particular issues, such as problems of opium cultivation or heroin manufacture which are particularly

significant to Thailand, Turkey, France and Mexico, more and more countries find themselves affected by criminal trends from which they previously thought themselves exempted. For example, Roumania and perhaps Poland, now find themselves contending with the illicit traffic in narcotics. As another example, the tremendous rise of stolen art is no longer a problem that concerns merely the Western European states and the U.S., but now affects the ancient artifacts of Egypt, African states and the Latin American countries.¹ The problem of gold smuggling, while regarded as very serious by India, still threatens the currencies of virtually every nation. The United States likewise has an enormous range of concerns in the sphere of international crime, with over eight federal agencies alone representing the U.S. delegation in attendance at this year's Interpol General Assembly.

The differences of interests, involvement and resources available for crime-fighting are reflected in the varying staff and facilities invested in the respective National Central Bureaus by their governments, as well as in the nature and extent of their participation both through the

¹/ Interpol has been a pioneer in the international effort to recover stolen art. Its published collection of twelve most valuable stolen art works, receives wide circulation globally, though the recovery statistics are discouragingly low nonetheless.

the NCB and as delegates to the General Assembly. The disparity of resources and involvement is likewise reflected in the very membership dues contributed by the NCB to Interpol's budget. The financial contributions, which constitute the basic means of support for the General Secretariat and the attendant Interpol functions, are assessed according to a budgetary unit system. Depending on its size and state and development, a country is free to choose the extend of its membership dues by joining one of the twelve budget unit groups which range incrementally from one budget unit to eighty. For 1975, about 77% of Interpol's total annual income of \$2,903,500 derived from these membership contributions.¹

The extent to which the Secretariat can succeed in its efforts at combating international crime depends in large measure on the degree of support and commitment it can enlist from the NCBs. Not only is it up to each NCB to see that foreign and local inquiries are responded to, but in the words of the 50th Anniversary Issue, it is also up to them to: "ensure their country's active participation in international cooperation, notably by arranging for the resolutions adopted by the Organization to be applied at

¹/ Resolution 45/Res/I of the 1976 Interpol Assembly, raised the membership dues assessed for each budgetary unit to 8,900 Swiss francs.

the national level, and by ensuring the observance of the basic principles laid down in the Constitution.¹

While the extent to which the affiliated NCBs have attempted to ensure national observance of Interpol policies, as enunciated both in the Constitution and in adopted policy resolutions, is beyond the scope of this dissertation, it is clear that various problems present themselves regarding Interpol's ability to assure itself of the NCB's cooperation, compliance and ethical behavior. A hint of this problem can be inferred from the resolution adopted at the 1976 Assembly session which notes the shortcomings in Interpol's international framework caused by the lack of permanence and continuity in the NCB staff. The resolution recommends that the national departments responsible for staffing their NCB make a more concerted effort to retain those officers already familiar with the day-to-day aspects of Interpol operations, especially those who have received specialized training at the Secretariat.² It is noteworthy that the language of the resolution, echoing that of the majority of international organizations, has been couched in words such as "urges" and "recommends"--since clearly Interpol General Assembly resolutions have no power

1 / Op. cit., p. 23.

2 / Resolution 45/AG/PRO/RES/BCN adopted October 19, 1976.

to command beyond the voluntary assent of the individual member states' willingness.

Throughout its publications, Interpol makes a point of emphasizing its inherent dependence on the NCB and, while priding itself on the facilities of the Secretariat headquarters, ascribes foremost importance to the NCB. In a typical quotation, the 50th Anniversary Issue emphasizes that "The role of the NCBs is all-important," and continues "(It) will be realized that a service appointed as, its country's INTERPOL National Central Bureau retains its national title and remains subject to its national laws and authorities. Its internal organization is also a matter of national responsibility."¹ As will be discussed further in the succeeding chapter, this carte blanche concession to the national autonomy of the NCBs is somewhat understandable, given the current state of international affairs. Yet, such apparent autonomy of the part of the NCBs could be construed by some to indicate the Interpol itself is nothing more than a very loose conglomeration of police authorities and, as such, really does not even constitute a cohesive enough international organization to represent a substantial threat to democratic control. In actual fact, however, the very real independence of the NCBs is considerably mitigated by the strong centralizing influence of the

¹ / Op. cit., p. 23.

Secretariat as well as by the convergence of interests that results from a professional elite. Interpol continuously asserts that it is merely a sort of central relaying station designed to facilitate the exchange of information amongst the NCBs. The implication here is that how this information is obtained and what is to be done with it, are completely up to the various NCBs themselves and is in no part the responsibility of Interpol itself.

Article 23 of the Constitution states that the NCBs "can initiate within their own country, in accordance with their national laws, any police operation on behalf of another country." It is true that even if Interpol did not exist, police officials could and in fact do initiate such actions as are legal or expeditious within their own nation. On a simply bilateral or and multilateral basis, it is more than possible for police authorities to abuse or even violate the prerogatives of their power without having recourse to Interpol at all. Interpol's model of itself as a sort of "machine" of international cooperation reflects its image of itself as an impersonal mechanism whose operation is devoid of moral, legal, or purposive implications. It is true that section (a) of Article 2 setting forth Interpol's aims, was amended in 1956 to coincide with the spirit of the "Universal Declaration of Human

Rights." However, aside from this rather perfunctory bow in the direction of protection individuals from possible abuse, there are no other references in any of the basic constitutive texts that suggest either sanction, reprobation, or even a means of detecting, recording or redressing such occurrences.

CHAPTER VI:
THE COURSE OF THE HEARINGS AND
THE MAJOR ISSUES RAISED REGARDING INTERPOL

This chapter will deal with the main thrust of the congressional oversight efforts regarding participation in Interpol, and will be in two parts. The first part will deal directly with some of the major issues raised in the hearings, while the second part will focus on the hearings themselves. Thus, this chapter will analyze both the course of these hearings and the substance of the congressional hearings.

Many of the questions raised by the various subcommittees were repeated often in the course of other hearings, thus presenting a great deal of overlap. Generally, we shall see that the hearings raised questions both about the way in which Interpol functioned as an international organization and about the way it was operated as an American activity. The main subjects of congressional scrutiny can best be summarized as questions relating to:

- 1) The manner in which Interpol both as an international and domestic operation is organized and functions. These discussions included the structure of the ICPO and its NCBs, its constitution, and the organization of the U.S. Washington Bureau in its relationships to other U.S. federal law enforcement agencies.

2) The legislative history of U.S. participation, including all the enabling statutes in their various forms, the various dues ceilings permitted over the years, the history of Justice's and Treasury's statutory designations as the primary agents for U.S. Interpol operations, and discussions about the legal status of Interpol.

3) The efficacy and cost-effectiveness of U.S. participation in Interpol; this included requests for the statistics of the number of cases handled by the NCB, the number of resulting arrests and the costs of the U.S. NCB, including not only the actual membership dues but the associated costs of staffing and running the Washington Bureau. Also included were discussions of the Interpol's effectiveness in the interception of narcotics and stolen art. The competing work of other federal agencies work overseas was discussed as well.

4) The possibility of political misuse of Interpol's network. These questions

centered around possible instances where communist member countries could have access to inappropriate information on U.S. citizens and where other foreign NCBs through devious means might obtain sensitive information regarding citizens for political purposes. Within this context there was considerable discussion of the history of Hoover's withdrawal of the FBI from membership in the ICPO and of whether or not Cuba was in fact still an affiliated member country. Questions of inappropriate political access also included discussions of to the extent to which Interpol should involve itself in international terrorist incidents, and whether the U.S. NCB performed any intelligence functions either separately or in association with the CIA. Also relating to this issue, there have been several queries as to whether the Nixon/Watergate group had misused access to Interpol's network.

5) The possible abuse of the rights to privacy of U.S. citizens through the

Interpol network. It is fair to estimate that at least half of the discussions of the hearings dealt with this issue and with issues directly relating to the rights of privacy. Thus there was extensive questioning about what kind of information was released, when could it be released, who would it be released to and what kind of dissemination would such information obtain. On the domestic level, this included questions about the number and content of U.S. Interpol files, the access to FBI and Treasury's computerized law enforcement files and the kinds of disclosures permitted under the Privacy Act. On the international level, questions were repeatedly raised about whether foreign countries could launder improper queries through their NCB in order to ferret out personal information about a U.S. citizen. The hearings often asked whether private groups and organizations could use Interpol's network. Also related was the issue of whether an individual citizen could have the right to

review his Interpol file and what procedures existed for correcting possible misinformation. There was considerable discussion of whether the final disposition of individual cases was transmitted and obtained, both domestically from the FBI, and internationally from the foreign NCB. Finally, the issue of whether an individual only suspected of a crime by Interpol would thereby have a file opened on him, was also raised.

6) The ethics of Interpol personnel both in the U.S. and abroad; these included questions relating to the financing of the ICPD, the qualifications of staff hired by the U.S. NCB and at St. Cloud, and possible improper behavior by staff at foreign NCBs. This included testimony about cases of corruption in the handling of narcotics by foreign NCB officials.

7) The possible complicity of Interpol staff with Nazi organizations. Most of this testimony was restricted to the supporting briefs submitted by the NCLESJ; the only hearing in which the

congressional staff themselves raised these questions was during the most recent 1977 hearing conducted by Eilberg's subcommittee.

8) The Treasury/Justice dispute.

Although there was not a great deal of open congressional discussion of this issue within the hearings themselves in certain instances, particularly the 1976 Montoya hearings, the subject was quite pronounced.

9) Finally, there was limited discussion of the Church of Scientology itself.

Thus, the Church was referred to several times in testimonies submitted by the Treasury Department and members of the NCLESJ were questioned about the Commission itself during the 1976 Treasury Appropriations Subcommittee hearing.

For ease of reference, a chronology of the major hearings is presented on the following page, along with an appropriate abbreviation for each, in order to facilitate subsequent references and footnoting.

CHRONOLOGY OF THE MAJOR CONGRESSIONAL
HEARINGS ON INTERPOL

Abbreviation

IC 1959

U.S. Congress. House. Committee on the Judiciary. Report of a Special Committee on the International Court of Justice and the International Criminal Police Organization. Committee Print. Washington, D.C.: Government Printing Office, April 1959.

EDWARDS (71)

U.S. Congress. House. Committee on the Judiciary. Subcommittee No. 44. International Criminal Police Organization. Hearings, 92nd Cong., 1st Sess., September 10, 1971. Chairman: Don Edwards.

MONTROYA I

U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service, and General Government. Treasury, Postal Service, and General Government Appropriations Bill, FY 1976. Hearings, 94th Cong., 1st Sess., April 24, 1975. Acting Chairman: Henry Ballmon.

MONTROYA II

U.S. Congress. Senate. Committee on Appropriations. International Criminal Police Organization: Review of United States Participation in Interpol. Hearings, 94th Cong., 1st Sess., May 6, 1975. Chairman: Joseph Montoya.

MONTROYA III

U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service, and General Government. Treasury, Postal Service, and General Government Appropriations Bill, 1976. S. Rept. 94-294 to accompany H.R. 5987. 94th Cong., 1st. Sess., July 21, 1975. Chairman: Joseph Montoya.

MONTROYA IV

U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service, and General Government. Treasury, Postal Service and General Government Appropriations Bill, 1977. Hearings, 94th Cong., 2nd. Sess., February 24, 1976. Chairman: Joseph Montoya

STEED (76)

U.S. Congress. House. Committee on Appropriations. Subcommittee on the Treasury, Postal Service, and General Government. Department of the Treasury, Part I. Hearings, 94th Cong., 2nd. Sess., March 26, 1976. Chairman: Edward Roybal.

EILBERG (77)

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Immigration, Citizenship, and International Law, Unpublished transcript. of the 95th Cong., 1st. Sess., March 30, 1977. Chairman: Joshua Eilberg

GAO REPORT

U.S. Government Accounting Office. United States Participation in Interpol, the International Criminal Police Organization, Department of the Treasury, Report of the Comptroller General of the United States, ID-76-77.

Part A: The Focus of Congressional Concern

The following sections focus on those issues which directly relate to the potential for political and human rights abuse within Interpol's network. Such a focus is needed to concentrate on the topics which represented the unifying theme of congressional concern; other issues such as those associated with the status and structure of Interpol or those related to the efficacy of the organization itself, have been dealt with in earlier chapters or will be treated within the context of the hearings themselves. In this section, we will particularly examine the problems which arise from the attempt to define international crime in a way that is consonant with Interpol's Articles 3 , its principle of non-involvement in sensitive areas. We will also examine the way in which this principle affects the ICPO's handling of international crimes such as terrorism. In our discussion, we will need to raise the controvertial accusations which were raised by the NCLESJ. While it is not within the scope of this dissertation to weight the merits of these accusations nor is it within our purpose to exonerate or malign the ICPO. The highly accusatory and conspiratorial charges are replete within the numerous reports, letters, and official testimonies submitted by the NCLESJ to various congressional committees. Since it was these very accusations which shaped the questions and discussions of the hearings themselves it is essential that the thrust of their arguments be grasped if the cause of congressional concern is to be understood.

(1) Article 3 - The Principle of Non-Involvement

Article 3 of the I.C.P.O. Constitution establishes one of the basic principles of its operation and states that:

"It is strictly forbidden for the Organization to undertake any intervention or activities of political, military, religious or racial character." 1 /

That this interdiction is regarded as of primary importance to Interpol can be seen from its prominence as early as the first 1946 ICPC Constitution as well as from the fact that it is reiterated in virtually all of Interpol's publications and public speeches.

Section (a) of Article 2 of the 1956 Constitution, in succinctly recognizing "the limits of the laws existing in different countries," and Article 3 can both be seen as Interpol's official disclaimer of any intentions of encroaching on national sovereignty. Both articles can be seen to embody two important principles common to all international organizations--the principle of national sovereignty and the principle of general consent among nations. These articles were clearly formulated in an effort to assuage the doubts of member countries who feared that an international police agency could prove meddlesome if not outrightly subversive to the sovereign boundaries of nation states.

1 / The emphasis is Interpol's as quoted from the 50th Anniversary Issue, (1973) p.34.

In the words of Interpol:

"All inter-state relations are based on the principle of the respect of national sovereignty....

"Police co-operation would have been out of the question had this principle been disregarded, since matters connected with police work are one of the most sensitive areas of government policy. As all idea of supranationality was rejected, police co-operation has been based on the individual and joint action of each police force operating within its own country and respecting its own national laws, both with regard to form and content. Article 2 of the Organization's Constitution states this principle quite clearly."1/

Certainly the U.S. government, among other Interpol members, has been concerned lest Interpol's network be used for political purposes. It may be recalled from Chapter IV that one of the main reasons cited for Hoover's withdrawal from the ICPC in 1950 was that Interpol had assisted in the return of several political refugees to Czechoslovakia.² Interpol's explanation for this incident is that they were not returned on the basis of their political crime but because they had illegally hijacked an airplane. We will see shortly that, partly as a result of this incident, Interpol for a very long time absolutely refused to become involved in assisting in hijacking and terrorist matters.

1 / Ibid. p.16. For a discussion of the some the problems this presents see Gerhard Mueller, ed. Treatise on International Criminal Law: Jurisdiction and Cooperation, (Springfield, Ill.: Charles C. Thomas, 1973).

2 / Czechoslovakia had been a member of the early ICPC but withdrew subsequent to this incident.

As early as the Report of the Special Subcommittee of 1959 there are indications that the Congress continued to worry about this incident and its implications. The report states that "One of the chief concerns of the subcommittee was whether Interpol is susceptible of being used in any way by other countries for political activities." The subcommittee concluded, however, that "After consultation with police officials directly connected with Interpol's work in five European countries and with American officials both in Europe and the United States, the subcommittee is of the considered opinion that the practice does not exist. In the nature of things, Interpol could not tolerate anything which carries a suggestion of political activities and retain the good will and membership of the participating countries."¹ The importance of Article 3 as a reassurance to its member states is obvious to Interpol itself. To quote once more from Interpol, a legal advisor writes: "The policy of noninterference in the internal affairs of member countries as well as the strict avoidance of cases involving political, racial or religious questions has contributed, in no small measure, to promote the excellent spirit of understanding that prevails in Interpol's Assemblies and the splendid record of efficiency that it has maintained in its crime-fighting activities."²

¹ / IC 1959, p. 16.

² / Kesera Karunatileke, "The Role of Telecommunications in International Collaboration for the Suppression of Crime," (Yearbook of the A.A.A., Martinus Nijhoff, The Hague, 1970) -cont.

Less glowingly, the Scientologists have amassed supportive evidence, however, that apart from Interpol's war-time political collaboration with the Bundeskriminalpolizei, Interpol has more recently evidenced its involvement in cases which were clearly not purely criminal in nature. They cite the case of Thomas E. Utter, an American who was arrested in Australia in 1974. Although at that time he was wanted in California on suspicion of murder, the Scientologists' research plot to free Moise Tshombe who, during 1967, was imprisoned in Algeria after being deposed as Congolese president. Utter, according to a long report in the Los Angeles Times in 1970, had made elaborate plans and had been implicated in a political plot to free Tsombe on the basis of "independent evidence -- including passports, visas,..., Interpol investigation and confidential...reports."¹ While Interpol's involvement in the Utter case is explicable in terms of 1974 California charges of murder, their earlier involvement as early as 1970 cannot be explained in terms of a purely criminal case. Furthermore, Utter's protestations, as reported by the LA Times, that he had been framed for political reasons, raise additional question that must remain unanswered here.

Further evidence that Interpol's networks may occasionally be used for noncriminal matters is adduced by the

(cont.) p.102. (Karunatilleke served as legal advisor to the ICPO at the time of writing of this article.

1 / Jerry Cohen, "Tsombe Tied to Missing LA Woman", Los Angeles Times, April 8, 1970.

Scientists' April 1977 statement to the House Subcommittee on Treasury Appropriations. In that statement, Vaughn Young, as research director of the NCLESJ, describes his recent experiences while travelling through Europe to obtain information on Interpol's operations. According to him, the head of Interpol Germany personally wrote defamatory releases to the German press which accused Young of misrepresenting himself illegally as a U.S. official of the Congress and of falsely circulating a "fictitious" G.A.O. report. Furthermore, Interpol had also sent a warning over its own telex lines indicating generally that Young was a Scientology agent who was not to be trusted. Young's statement also states that the ads placed in the International Herald Tribune soliciting information on people who had been abused by Interpol, had brought in letters from every part of the world.

Unfortunately, this researcher was unable to obtain additional corroborative documentation from the Scientists about these claims. What does remain certain is that these kinds of accusations prompted Senator Montoya and Congressman Moss' letter to GAO. The GAO's final conclusions, however, although very critical of the basis on which information was being released by the U.S. NCB, did appear to exonerate Interpol on this matter. Their report states that "There was no evidence in the files made available to

us that personal or political information about Americans was being disseminated abroad by the U.S. Bureau."¹ should be noted, however, that the GAO's statement was a very carefully worded one which limited itself to evidence made available within the files of the U.S. Bureau. Such an investigation would not completely vindicate Interpol since the most likely source of potential abuse would probably be within foreign NCBs. Such abuses would not be recorded in the U.S. files at all; nor is there a guarantee that all information transactions would be duly recorded.

Aside from The question of the misconduct and misuse of Interpol's network will be further examined in Chapter VI, but aside from this issue, the next section addresses the difficulty Interpol faces in seeking to define "international crime" so that it effectively excludes non-criminal matters.

¹ / GAO Report, p.13.

(2) The Problem of Defining "International Crime"

The difficulty of obtaining a workable consensus among the nation-states in the area of international crime is reflected in the lack of any recognized body of international law and the resultant lack of agreement on what constitutes "international crime." Our usage of the term "international crime" here is made difficult by the fact it is often used to refer to crimes based on conventions, treaties or customary law, such as Genocide or piracy, rather than to what are essentially national crimes with crossnational ramifications. The latter are conceptually those crimes which are not international according to international law, but are nonpolitical criminal acts which have been defined and are punishable by municipal (national) law. Most of the crimes which Interpol handles are of the latter category, and we shall adhere to their use of the term "international crime", keeping in mind that these most often refer to the latter category. However, while many of the crimes are inherently "trans-national" rather than international, there is an overlap in the case of such instances as war criminals and air hijacking.

The confusion and lack of an agreed-upon definition for "international crime" is part and parcel of the reasoning behind Article 3 of Interpol's Constitution. The problem Interpol faces in finding an acceptable definition for "international crime," is, in a broader context, similar

to that faced by the United Nations in defining international aggression, or the problem of defining terrorism. The consensus definition obtained by the General Assembly of the U.N. in 1974 was the result of a laborious process of legalistic, political and ideological sifting and the tenuous culmination of many years' work of bargaining.¹

In the case of Interpol, there exists no codified body of laws defining "international crime." The various national penal codes and laws that do exist are applicable only within their respective countries.² The primacy of the nation state in the law-making and enforcement process of the international arena result in serious ambiguities as to what constitutes international crime.³ To date, the most effective instrument for obtaining international consensus in this areas has been the writing of bilateral and multilateral conventions, such as the 1949 Convention On Traffic in Persons or the Single Convention on Narcotic Drugs of 1961. These efforts to universally identify certain types of crimes have been very poorly subscribed;

1 / For an exhaustive account tracing the efforts of nations and scholars to define international aggression, see Benjamin B. Ferencz, Defining International Aggression, the Search for World Peace (Oceana Publications, Inc., Dobbs Ferry, New York, 1975). Attempts to define terrorism in legal terms are addressed in Statement of Reasons for the Draft Convention on Terrorism and Kidnapping, Document CP/Doc 54/70, OAS, 4 November 1970.

2 / See, Whose Law? What Order? A Conflict Approach to Criminology, Ed. by William J. Chambliss and Milton Mankoff, (New York: Wiley & Sons, 1976). Also, Georg Schwarzenberger, International Law and Order (New York: Praeger Publishers, 1971).

3 / There are numerous texts of international law that discuss this problem. Cheriff Bassiouni in particular has -(cont.)

often the most offending countries are those which will not sign. Furthermore, while such agreements stipulate that the acceding nations prosecute these crimes at the national level, these conventions do not embody any effective sanctions against those nations which fail to prosecute the recognized crime.

In a speech delivered to the Police College at Bramshill, England, Jean Nepote, who in addition to his current post as Secretary General of the ICPO has also been one of its longstanding legal theorists, attempted to delineate the criteria by which Interpol could identify "international crime."¹ From the outset, Nepote admits that no international laws exist defining "international crime" and that the term must be seen as applicable only to certain categories of those acts defined as crimes by national laws of individual states. As a working definition Nepote suggests the formula: "any criminal activity which has an international bearing, either in itself or because of the character or behavior of the offender or his accomplices, should be considered an international crime."²

By this formula, an individual stealing traveller's checks in Hawaii and cashing these in Canada is clearly

(cont.) addressed himself to the implications of the current state of international law to the problems of law enforcement on the international level. See, for example, his International Terrorism and Political Crimes (Springfield, Ill.: Charles C. Thomas, 1976).

1 / Jean Nepote, Address to the Police College (1966) p. 3. For a comprehensive bibliography of the current literature in this area, see B. de Schutter, Bibliography on International Criminal Law (Oceana Publications, 1972).

2 / Nepote, op. cit., p. 3.

engaged in international crime. By the same token, a currency counterfeiter living in Marseilles who prints and circulates his false bills only locally, is still committing an "international crime" because the counterfeit specimens may well find their way to Turkey, Hong Kong, or Chile within a few months time. Nepote's formula refers to the character and behavior of the criminal; a man who has been repeatedly convicted of purely local fraud in France, Spain, Switzerland and then Italy is clearly an international swindler though each specific instance of his crime is purely local. Similarly, a criminal having committed a local offense who then flees for refuge to, say, a Caribbean isle, also becomes an international criminal.¹

Notwithstanding his attempt at precise criteria, Nepote is forced to concede that, "the formula I have suggested is not a rigid definition and can be freely interpreted in accordance with each individual's ideas on law enforcement and international cooperation."² On one hand, this admission can be seen to reflect on the current diversity and ambiguity that has already been discussed. On the other hand, critics of Interpol have been quick to point out that the "freely interpreted" nature of the

1 / A more scholarly analysis of the ensuing chase can be sought in N. M. Poulantzas, *The Right of Hot Pursuit in International Law* (Oceana Publications, 1969).

2 / G.A.O. Report, p. 20. For a discussion of this problem from another perspective, consult Ivo D. Duchacek, *Rights and Liberties in the World Today: Constitutional Promise and Reality* (American Bibliographical Center, Clio Press, 1973). Also, see M. Moskowita, *International Concern with Human Rights* (Oceana Publications, 1974).

definition by which Interpol and its NCBs must operate on, can indeed be quite freely continued. Given the fact that the roster of Interpol members includes Algeria, Spain, Rumania, Yugoslavia, Greece, Turkey, Iran, Bolivia and Taiwan, to list but a few of those countries whose legal, political, and ideological systems differ appreciably, should a United States citizen be subject to the "freely interpreted" definitions of these states? As a matter of course, citizens travelling or working abroad must fall under the domain, laws and norms of foreign countries and have only limited protection by virtue of being a United States citizen, thus protected by a powerful state through the diplomatic channels provided by the Department of State. Thus, a great deal of the hazard of travelling is inherent in the fact that Americans necessarily come under the jurisdiction of the nations which they visit. But still, Interpol channels could conceivably provide special access to privileged information regarding United States citizens abroad. Such information need not be for a definite arrest of a known crime already committed, but can provide information regarding an investigation of a "suspect." As the GAO Report points out, "the information released will be used in an unknown environment, i.e., under differing national customs, standards of conduct, peculiarities in law, and due process of law, and by governments ranging from liberal democracies to totalitarian

regimes.¹ As an example, a U.S. citizen who has unwittingly violated some local national sanction, might find himself unknowingly the subject of an international "suspect" list via Interpol's radio networks and files; or, he might for example, be involved in a business transaction which threatens certain local interests or perhaps he had neglected to pay adequate under-the-counter bribes to certain officials. What is there to forestall those national officials from initiating requests for confidential data through Interpol that could be used to defame, harrass or mistreat him?

In all fairness, as we shall see further on, there exists little evidence that such misuse has occurred to any appreciable extent. The most notable exceptions are the Sami and a few other cases brought to light by the Church of Scientology in which claims of unwarranted harassment by foreign NCBs and Interpol have been made.² The manner in which the U.S. NCB attempts to protect U.S. citizens against unjustified intrusions into their privacy, merit an extended discussion which goes beyond the scope of this section. Nonetheless it is important to note here that the possibilities of abuse of Interpol's network, either by its member National Central Bureaus or by its own headquarters staff, had been largely ignored by Interpol until the recent U.S. congressional oversight proceedings.

¹ / Op. Cit., p. 20.

² / The Sami case is discussed further within the context of the Steed hearings, infra.

This omission can be explained, in part, as a conciliatory effort on the part of the organization to maintain the goodwill necessary to keep diverse nations working together. Obtaining the necessary consent to keep a diverse membership's willingness to cooperate is made easier if only the lowest common denominator of agreement is sought, and if rigorous standards are not demanded. The inherent ambiguity of defining "international crime" is a political reality rather than a theoretical or moral inadequacy on the part of Interpol. As the 50th Anniversary Issue of the ICPO notes:

"Among the many criminal cases which arise there are of course occasional 'borderline' cases which may be considered as ordinary law offences by some, but as political offences by others. It is precisely in such borderline cases that the principle of national sovereignty discussed above has an important role to play: each government reserves the right to grant or withhold its co-operation in accordance with the laws and principles in force in its own country."1./

It should also be noted that the ambiguity of defining "international crime" can serve not only as leeway for possible abuse by local officials but, in the eyes of police officials, can also serve to encumber their legitimate efforts to wrestle with the growing number and array of

1 / 50th Anniversary Issue, (1973), p.16.

international criminals. Such officials find themselves helplessly circumscribed by complex administrative and diplomatic procedures. This aspect of the problem can perhaps explain why it is that Interpol, until only recently, has not found it necessary to set firm policy and guidelines to protect against possible abuse. From the viewpoint of a police professional, it is the criminal who is too well-protected by the diversity and stringency of national laws and legal procedures. Another quotation from Interpol serves to illustrate this sentiment:

"Naturally, the level of co-operation of a national agency or of a country depends on its willingness and the means at its disposal. Some would like to co-operate but lack the necessary facilities; others have their hands tied by restrictive national laws which make it impossible to take certain measures in certain circumstances. In the unending battle between Justice and Crime, we have to admit that, despite considerable progress made through and thanks to Interpol, national borders prove far more of an obstacle for police officers than they do for criminals. 1 /

The interviews with the Chief of the U.S. NCB as well as with other law enforcement officials in federal agencies served to confirm this impression. Generally, the sentiment was that while the right to privacy and redress of

1 / Jean Nepote, "The Enforcement Machinery of International Criminal Law," in A Treatise of International Criminal Law, Vol. I, (Springfield, Ill.: Charles C. Thomas, Inc., 1973), p. 678.

individuals had to be respected, considerably too much attention and administrative energy were being devoted to this issue and resulted in making it more difficult to apprehend, convict, or deter criminals.

In concluding this section on the definition of "international crime" and its relation to the fundamental principles of Interpol as set forth in Articles 2 and 3, it is clear that Interpol has had to deal with the basic realities of the international sphere -- the inherent disorder and diversity of national laws and practices.

Two of the areas where these have presented special problems for Interpol are the area of terrorism and the handling of Nazi and Fascist criminals accused of having committed crimes during the war. Before discussing Interpol's reluctance to handle international terrorist incidents, brief mention should be made of Interpol's refusal to participate in the apprehension of ex-Nazi war criminals. Interpol has insisted that war criminals fall under the category of political acts and maintains that by the normal standards of judicial practice, Nazi crimes against humanity fall in the category of crimes customarily protected by the granting of an asylum.¹ In

¹/ One of the central points of controversy in the Nuremberg trials was whether the international community could apply international law directly to individuals. See, Phillips C. Jessup, A Modern Law of Nations (New York: The Macmillan Co., 1948), pp. 161-167.

doing so, however, Interpol files against the decisions of the major international organizations, including the United Nations with which the ICPO so closely wishes to be identified. With respect to this issue, the U.N. specifically asked all governments to "Take all necessary measures to cause the arrest of . . . war criminals . . . and to cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of those countries."¹ Other organizations, such as the Inter-American Conference On Problem of Peace and War, held in March 1945, also agreed that Nazi criminals would be returned for punishment to the place of commission of their crimes.

Although on its own, such a refusal might be characterized as no more than a pusillanimous position, in view of the other allegations linking the ICPO with ex-Nazi sympathizers, Interpol's reluctance to pursue war criminals takes a more serious cast. Nonetheless, Interpol's position stands on legally defensible, if morally dubious grounds.

¹ / U.N. General Assembly Resolution of February 13, 1946. See also, Frederick H. Maugham, U.N.O. and War Crimes, (Chicago: Greedwood Press, 1951).

(3) Interpol's Handling of Terrorism

The Church of Scientology has vociferously asserted that the ICPO's convenient adherence to Article 3 has rendered Interpol virtually powerless to intervene in a wide variety of contemporary crimes plaguing the world of nations. In their Documented History of Interpol, the NCLESJ contrasted what they believed to be the facts versus fallacy of Interpol's handling of terrorism:

"FALLACY #7--'INTERPOL was among the first to fight international terrorism and skyjackings.'

FACT--INTERPOL refused to even discuss the matter for several years despite the pleadings of a number of countries. In 1969, a secret study was made which was not made public and, as a result, drew even more criticism. The best it has chosen to do is a meaningless resolution in 1973 urging 'due enforcement of the law and observance of international obligations.'"1/

Leaving aside the vehemence of this characterization, Interpol's stand on terrorism can be seen as ambiguous at best. The definition of what is meant by international crime particularly problematic in the area of international terrorist activities².

1 / Documented History, p.3.

2 / A very comprehensive recent treatment of the theoretical and practical problems encountered by the international community in responding to terrorist and political crimes can be found in International Terrorism and Political Crimes, which contains many valuable essays which the interested reader may wish to consult. (1976). Also, see (cont.)

A New York Times article of 1972 announced that "Interpol Urges Drive on Terror" when it unanimously approved an American-sponsored resolution urging its then 110 members to intensify their efforts to combat "nonpolitical" terrorism. The article goes on to quote Jean Nepote, Secretary General of Interpol, as saying that "a criminal act combined with what some countries might regard as a political act would still be classified as a criminal act by Interpol" and cites Nepote's example of a plane hijacking obtaining ransom monies in support of a political movement as still being a "criminal" act.¹ Nonetheless, the actual wording of the resolution shows Interpol's stand to be an ambivalent one. Citing the examples of "certain aspects of modern international criminality, such as the holding of hostages with the intention of perpetrating blackmail or other forms of extortion" the resolution continues that "the 41st General

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Bowyer J. Bell, Transnational Terror (Washington: American Enterprise Institute, 1975), and Brian Jenkins and James Johnson, International Terrorism: A Chronology, 1968-1974 (Santa Monica, Calif.: The Rand Corporation, 1975).

1 / The New York Times, May 17, 1972. A Discussion of the ethical aspects of political crimes can be found in Stephen Schaefer, The Political Criminal: The Problem of Morality and Criminal Behavior (New York: Free Press, 1974).

Assembly of Interpol recommends that member countries take appropriate measures within the limits of Articles 2 and 3 of the constitution of the organization." The New York Times goes on to quote Martin Pollner, then chief delegate of the American Interpol representation, as having "conceded that there 'might be differences over what Interpol would regard as a political crime' and that 'In most cases the Secretary General of Interpol would determine the organization's position on specific acts of terrorism.'"¹ In actual fact, it is difficult to gauge the number and type of cases involving terrorism in which Interpol has interceded because Interpol offers no such statistics.

A special fall symposium on terrorism was held in Paris in 1976 under the auspices of Interpol and was chaired by Jean Nepote. The conference was especially well-attended by the airport and seaport police authorities of the developed countries. Remarking on the proceedings, Commissioner Joseph Kaitz of the New York Waterfront Police characterized Interpol and the Secretary General's stand as pusillanimous and of little use in the real problems confronting these port police in handling the urgency of international terrorism. His impression coincided with that voiced by two other sources who felt that, under Nepote, Interpol's

¹ / New York Times, September 26, 1972.

present policy regarding terrorism was to conciliate the third world countries, particularly the Arab members.¹

The impression of Interpol's reluctance to engage itself in a vigorous anti-terrorist program was also confirmed by an interview with an official of the International Civil Aviation Organization. ICAO played a major role in formulating and obtaining the ratification of the Montreal Convention regulating of the treatment of air hijackers. This official felt that, while ICAO had received both the assistance and good-will of Interpol in this area, Interpol had been understandably shy of involvement or commitment to the problem.² Interpol did however pass a resolution at the 1974 General Assembly held in Cannes urging that "all member countries take early action to implement the provisions adopted by ICAO for the safeguarding of internationally civil aviation against acts of unlawful interference."³ Generally, it is clear that, notwithstanding the tone of Interpol resolutions in the area of terrorism and air hijacking, Interpol has found it difficult to assume active leadership or participation in such

1 / Interviews of February 1976 with Commissioner Kaitz in New York.

2 / In an interview with Ted Abrams of ICAO, January 17, 1976, in Montreal.

3 / Interpol Resolution, Safeguarding International Civil Aviation, 43/Res/Avia. See also Martin Mijhoff, Jurisdiction Over Crimes on Board Aircraft (The Hague, 1973).

politically charged areas.¹

In fairness to Interpol, however, it has not only been this international organization which has found its hands virtually tied by the realities and pressures of the contemporary world scene. An excellent parallel exists in the case of the International Atomic Energy Association (IAEA) which has faced enormous obstacles in its functions of administering the international nuclear safeguards program designed to detect the diversion of nuclear materials for nonpeaceful purposes. The IAEA has found itself in a cross-pressured situation where the technical and political limitations imposed by its various member states has severely curtailed its ability to adequately supervise nuclear stockpiles against possible terrorist use.²

On the national level one need only look at the recent release by French legal authorities of the Palestinian terrorist Abu Daoud who had been apprehended in France last January 1977 on suspicion of being the terrorist who had

1 / The interested reader may wish to refer to some of the recent works dealing with aircraft hijacking. S. G. Agrawala, Aircraft Hijacking and International Law (Oceans Publications; Dobbs Ferry, New York, 1973), Nancy Douglas Joyner Aerial Hijacking as an International Crime (same publisher, 1974), and Edward McWhinney, Aerial Policy and International Law (same publisher, 1971).

2 / The G.A.O. has issued a special report on these limitations entitled, "Role on the International Atomic Energy Agency in Safeguarding Nuclear Materials," July 3, 1975, (Govt. Printing Office.)

planned the 1972 Olympic massacre in Munich. Daoud's release on a legal technicality as well as the refusal by French authorities to permit Israel to extradite him and the resultant world-wide criticisms incurred by the French for his release illustrate the powerful cross pressures which make it difficult to separate political and economic considerations from legal or "criminal" ones.¹

In the case of Interpol it is clear that Article 3 attempts to extricate Interpol operations from these sensitive and often rebounding sorts of involvements. Even so, aside from the issues of terrorism, air hijacking and political kidnappings, such vital areas of contemporary international crime as multinational corporate fraud, transnational income tax evasion and transnational bribery and corruption present vital issues in which it is difficult to separate out the "political, military or racial considerations."² In order to be effective, international agencies must be supported by the majority of member national and must operate, if not on unanimity, at least on a plurality

1 / New York Times cover story of January 12, 1977, entitled, "French Court Frees Terrorist Suspect; He flies to Algeria." This case is interesting because there were hints that Interpol France originally helped apprehend Daoud.

2 / Interpol has held symposia and regional conferences on all these subjects. The following chapter will amplify U.S. federal agencies' interests in these areas of international crime.

of agreement. Such a plurality is difficult to achieve in the face of political, economic, social and ideological differences. Yet it is often in the very context of these differences that the major problems of the international community arise. Interpol's articles are an attempted response to this dilemma. On the one hand, the member states would like to see Interpol active in helping to tackle the real problems of international crime, while on the other hand, they also wish to have Interpol avoid involvement in what they consider to be politically or otherwise sensitive matters. This kind of ambivalence is bound to reflect in the kind of regulations and internal policies which the ICPO feels would be acceptable to its membership at large, and may well explain its long history of inattention to such issues as safeguarding of privacy or the issue of corruption of officials within its network.

(4) The Difficulty of Self-Policing

Given the nature of its international membership, as just discussed, and the disparate and widespread number of police officials who participate within the National Central Bureaus, it is clear that Interpol would be faced with considerable obstacles if it embarked on a program of self-policing. Certainly, Interpol can hardly be expected to play guardian for a collection of 127 countries. At the same time, one must ask if it can completely absolve itself of the inherent responsibility which it assumes in undertaking to encourage and provide the means for an international interchange among police officials. Based on our earlier discussions of Chapter V, it should by now be clear that the ICPO evidenced no signs of attempting to provide either moral leadership or vigilance with respect to the possibility of untoward activities conducted on its behalf.

The question of whether an Interpol official could misrepresent his intentions, authority or claim for information is one which arose frequently throughout the congressional hearings. By and large, the perspective assumed in the questioning was from the vantage point of how the Washington NCB could gauge whether or not an incoming inquiry from an overseas member NCB was a part of a bona fide investigation. Was it not possible, congressional members asked, for a spurious inquiry to come in whose real intent was to help

frame, blackmail, or otherwise do injury to a travelling citizen who had not committed a recognized crime in that country? Or, even in those cases where the individual was the subject of a genuine investigation, was there convincing evidence for the crime; was the crime extraditable by U.S. laws; and was there any assurance that U.S. assistance in this area would not be used to mistreat or wrongly incarcerate an individual? One particularly sensitive area of potential abuse is associated with narcotics control, an area in Interpol has been very active and an area which traditionally has been one most susceptible to corruption and abuse.¹

Associated with such questions, congressional members evinced considerable concern as to the ways in which Interpol could assure itself of the ethical conduct of its participant officials. It is one thing for an international organization to disavow any responsibility for the completely autonomous actions of the government officials of the sovereign states. It is another thing for the ICPO to disclaim any authority over the rules and regulations which it may enforce for those police officials who, while

¹ / The kinds of abuse which can occur in international narcotics control are exemplified in Luis R.S. Simmons and Abdul A. Said, eds., Drugs, Politics and Diplomacy: The International Connection (Beverly Hills: Sage Publications, 1971); and M. Mikkelsen, "Drug Law Enforcement: Report submitted to the Second International Congress on Drug Abuse and Addiction", International Criminal Police Review, March 1975, pp. 259-71.

serving as participants in their respective National Central Bureaus, partake in and have access to the ICPO's status and information network. Thus, one must ask: what degree of responsibility can Interpol assume with respect to the actions of its member NCBs?

The question is not a moot one and bears directly on the general theme of the dissertation which is whether an organization such as Interpol needs to be overseen by its member states and what kind of obstacles present themselves to such oversight? Clearly, if Interpol itself is unable or reluctant to police itself, particularly in this very nebulous area of its NCBs, who after all constitute the heart of its operations, then one must ask is such policing essential and if so, who can police it?

The Scientologists amassed a great deal of evidence, some of it circumstantial but some of it well-documented by newspaper articles and police reports, of instances where an individual had been mistakenly or deliberately mistreated in the hands of police officials associated within the Interpol network. Yet the Scientologists were not the only ones whose evidence pointed to wrongdoings on the part of certain ICPO affiliate police. In an AID report describing the activities of the Bolivian NCB during the late 60's, the report reveals that although the specific duties of the Bolivian Interpol agents was to intercept shipments of such

drugs as cocaine and to arrest subjects involved in illegal trade, the last two Chiefs of the Bolivian NCB drug control unit have been jailed for trafficking in cocaine. Furthermore, the Interpol unit had been the target of public criticism because of the corruption and graft which had prevailed there in the last several years prior to the investigation.¹

There is other evidence that police officials staffing some of the NCB, particularly in Latin American states, have engaged in corrupt and illegal practices. Ladislav Farago, in his book Aftermath: Martin Bormann and the Fourth Reich, in writing of the difficulty of locating and extraditing Nazis hiding in certain countries, reports that:

"the local commissioners of Interpol are natives of the countries through which people like Bormann and Mengele move. They are susceptible to the same kinds of abuse that made the vaunted international police organization woefully ineffectual in South America. 2/

Farago continues to describe the incident of one of the most wanted Nazis, Klaus Altmann-Barbie; for illegally assisting him, two Interpol chiefs in Latin American countries, were dismissed by their own governments for

1 / AID Report, pg. 6, as cited in the NCLESJ's special report of 1977 to Congressman Beard.

2 / Ladislav Farago, Aftermath: Martin Bormann and the Fourth Reich (New York: Simon and Schuster, 1974), pp. 287-288).

blatant corruption, which included the smuggling of currency and suspicion of murder.¹

Yet the question still remains, can Interpol be held responsible for the activities of its member NCBs? In terms of the thesis of the dissertation, it is important to note that not until pressure was brought to bear by the Church of Scientology and Congressional inquiry was there any formal Interpol pronouncement on the manner in which its NCBs handled information received by means of the Interpol network. It betrays a strange naivete from an organization accustomed to dealing with the manifestations of crime that it should seem so oblivious to its possibilities within its own network. Obviously, it also reflects an unwillingness to jeopardize the goodwill and facile acceptability by its member states.

While all international organizations have been handicapped in imposing effective sanctions or enforcement standards on their participant member states, Interpol's conspicuous lack of attention in this area tends to confirm Kaiser's observation that international professional elites

¹ / The Social Defense unit of the United Nations has long wrestled with this problem in the context of torture and other cruel treatment of prisoners by member states. See, for example, the paper on this subject submitted by the Secretary General, to The Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, A/Conf.56/8, presented September 19, 1975 at Toronto, Canada.

do evolve highly ego-centric and particularized value systems which, without proper oversight and accountability,

This is not to conclude, as the Scientologists have done, that officials of Interpol have deliberately omitted meaningful guidelines of NCB and Secretariat policy aimed towards the protection of individual rights and towards corrective recourse in those cases of possible abuse of Interpol's elusive prerogatives. It does, however, indicate that a professional international elite composed largely of practicing and retired police officials is more concerned with eliminating the barriers to effective cooperation and tends to view civil libertarian protective laws as cumbersome, if not foolish, measures that only hamper the ability of the police to adequately protect society from the ravages of the criminal.

Part B: The Course of the Hearings

In earlier chapters, we have already laid the ground for understanding some of the political factors which played upon the various congressional committees in initiating or catalyzing the Interpol hearings, and we noted that the major thrust of these hearings did not begin until the intensive lobbying campaign of the Scientists in 1974 which led to the first of the Montoya hearings. Prior to the Montoya hearings of 1975, most of the legislative attention to Interpol occurred: (1) in 1938, at the time of the passing of the original statute enabling the Justice Department to pay its membership dues to the ICPC; (2) in 1958, at the time that the Treasury Department took over this role; and (3) subsequently, in the process of periodically raising the authorized dues ceiling.

Earlier chapters have already dealt with each of these periods and have also exemplified the rather perfunctory nature of these inquiries. A possible exception to this characterization is the visit undertaken by the Special Subcommittee of the House Judiciary to the various European offices of Interpol, including the Paris headquarters, in February 1959. However, the trip was only part of a more extensive itinerary to meet with officials of the International Court of Justice, and the final report of

the committee devotes only three pages to the ICPO. The impression of the final report submitted by the Special Subcommittee is that most of it could have been quoted verbatim from the public relations staff of the ICPO with a bit of added help from the Treasury officials. While the committee did voice its concern as to "whether the organization is susceptible of being used in any way by other countries for political activities," thereby indicating that the committee staff probably had an access to the Hoover's stated record as to why he pulled the FBI out of Interpol, it very smoothly concluded that "In the nature of things Interpol could not tolerate anything which carries any suggestion of political activity and retain the good faith and membership of the participating countries."¹

The report strongly endorsed Interpol's operations, effectiveness and techniques, and even worried about the potential loss of Interpol's vital records in the event of a future armed conflict, suggesting that the FBI might act as a central depository for all of Interpol's files. The report did, however, admit that "it is conceivable, in the light of world conditions, that the forms of government existing in the participating countries, could be replaced

¹ / IC 1959, p. 12.

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or modified and even overthrown by ones with ideologies in conflict with our own and that they, in turn, could seek to use Interpol for their own devious ends." Such a concern hardly stems from the rather facile conclusion cited above, nor with the committee's final recommendation that the Treasury Department make timely reports to study the work of the ICOP for "evidence which, in their opinions, could have a bearing on security matters."¹

It is interesting to note that, even at this time, several of the major concerns voiced during the more recent hearings were raised; these were the issues of the effectiveness of the organization, its cost-effectiveness for the U.S., and the issue of potential misuse for political purposes. The concerns which were not voiced at this time were the potential for abuse of individual citizens rights of privacy, an issue which overlaps but it distinct from the possibility for political misuse, and the question of the ethics of the organization staff itself, both at the Secretariat and at the affiliated NCBs. This latter issue is one which connects to another more subtle issue and that is the question of accountability, in other words to whom is Interpol as an international organization accountable. This question, perhaps, was implicit in the minds of the

¹ / Ibid, p. 13.

visiting congressional staff in their suggestion that Treasury maintain a careful watch over Interpol operations; a vigilance which, we have seen, did not occur except indirectly in the sense that Treasury for some time permitted US/Interpol operations to atrophy, thus obviating any need for great concern on the American side.

(1) The 1971 Hearing Before the House Appropriations Subcommittee

After the flurry of interest generated by Treasury's reactivation of Interpol membership, congressional interest seems to have wanted for some time, with the exception of the rather procedural approval of the dues ceiling increases. This interest seems to have intensified somewhat after Treasury began to strengthen the U.S./Interpol office in the late '60s as part of the intensification of the international campaign against narcotics. During this period, in 1971, Congressman Edwards of the Special Subcommittee Number 4 of the House Judiciary Committee held a hearing on H.R. 9223 to increase the limit of dues for U.S. membership, from \$28,500 to \$49,000.¹ Testifying before the committee was Eugene Rossides, then Assistant Secretary for Enforcement and Operations at the Treasury Department, and

1/ September 10, 1971 - Hearing before Subcommittee No. 4 of the House Committee on the Judiciary, 92nd Congress, 1st Session, on H.R. 9223. Serial No. 12.

also at that time a vice president on Interpol's Executive Committee.

Although Edwards accepted the basic documentary evidence of Interpol's overall financial statement, its recent upgraded status in the U.N. and the need for what was still a rather small annual U.S. dues allocation, most of his discussion centered around a separate issue entirely. Basically, his interest in Interpol at the time revolved around the much more important political issue of the day which was that of narcotics control, both domestic and international. Thus, both Rossides' and Edwards' discussions centered around what the problems of narcotics trade through Turkey and France were, and how Treasury and particularly Customs could use its own and other international resources to bring to bear on these problems.

In Rossides' words:

Now that there has been so much national publicity...about the problems of narcotics...the various police organizations...throughout the world are getting more support from their own countries. Before it was like--I will not say pulling teeth, but in many ways it was. So now Interpol which has been passing resolution after resolution is getting a little more play because we have put pressure on them to have their various groups push... 1 /

1 / Edwards (1971), p. 6. Also, see the special hearings on Federal Drug Enforcement for illustrations of the kinds of abuses that can occur in this area. Hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Senate, 94th Congress, 1st. session, Part I.

The conclusion of the hearing very clearly was that inasmuch as Interpol could be harnessed to intensifying the U.S. effort to curb illicit narcotics trade, the U.S. should attempt to utilize the ICPO's facilities. In actual fact, most of the actual international law enforcement work in this area would have to be done by what were earlier the Bureau of Narcotics and Dangerous Drugs agents (BNDD), who later became the Drug Enforcement Administration (DEA) agents. The number of such U.S. agents overseas became more numerous over the last decade than any other law enforcement agents such as those of the FBI's legal system.

As explained in several interviews with Treasury officials who were familiar with the policies of that time, Interpol was needed in part to help serve as a legitimizing contact for U.S. narcotics agents overseas. That this fact was evident to the Congress is clear from the statement by the final 1958 report of the Committee on the Judiciary which states that "It is quite obvious that the matter of sending agents to foreign countries is a most delicate arrangement. Through Interpol membership, American agents, instead of appearing as obtrusive outsiders, would be working as fellow members of a recognized organization." The nature of such cooperation is made quite explicit by this committee report, which incidently, was committed to

the Whole House and was part of the legislative substantiation for the full-scale reactivation of U.S. participation in Interpol, by the succeeding statement which reads, "As a matter of course they [U.S. agents] would be entitled to such information as the Organization would gather. As a matter of comity they would receive such official and unofficial assistance and courtesy as our European contemporaries could give."¹ Note here the inference that Interpol "gathers" information, as well as the implication that Interpol's network would be useful for informal, undercover, investigative requirements. As an aside, this Report was inserted in its entirety as part of Treasury's brief before Montoya's 1976 hearings, but went unnoticed by both the Committee staff and probably by Treasury as well.

Although by and large the utilization of Interpol to help curb the international narcotics trade is most urgent and laudable effort, it is also true that the area of narcotics control has been the one most susceptible to corruption and abuse of all kinds on both the domestic and international levels. We have already mentioned earlier the charges that have arisen regarding narcotics abuse by NCB officials in some of the Latin American countries. It is interesting to note that Congressman

¹ / Report No. 2577, House of Representatives, 85th Congress, 2d Session. August 13, 1958; p.189.

Edwards did not address any questions to the potentials for abuse of Interpol's network either by Treasury itself or by other countries.

(2) The First Scientology Testimony Before A Congressional Committee

It was not until the attention of the Scientologists that the issues of privacy and ethics of Interpol as an organization, as well as the question of whether Interpol was in fact a bona fide intergovernmental organization, arose. We have already detailed in Chapter II the manner in which the Senate Subcommittee on Treasury Appropriations became involved through the Chairmanship of Senator Montoya and his staff Mr. Van Kirk, in responding to the Church's Documented History. On April 24, 1975 the NCLESJ submitted its Research Report to Senator Bellmon, then presiding over the Senate Subcommittee.¹

Reverend Young opened his statement with an appeal to "the basic precepts on which this great nation was founded," and apologized that "It is never a pleasant task for a citizen or public official to indicate public or dishonest

¹ / This research document was released to certain congressional committees by the Church of Scientology in the spring of 1975. While it is an unpublished document in this version, the Research Report, which is a condensed version was partially printed as part of Senate Hearings Before the Committee on Appropriations, Treasury, Postal Service and General Government Appropriations, Fiscal Year 1976, 94th Congress, 1st Session, H.R. 8597.

activities within his government. However, in the end, that is the strength of this nation because we can learn and reform."¹ Young went on to clarify the purpose of the National Commission on Law Enforcement and Social Justice, which he specifically affiliated with the Church of Scientology contrary to some later disavowals. He explained that the aims of the NCLESJ are to help achieve, "A civilization without insanity, without criminals and without war, where the able can prosper and honest beings can have rights, and where man is free to rise to greater heights." ²

This first congressional insertion by the Scientologists was a 17-page brief which emphasized the point that the ICPO was essentially "a self-proclaimed, self-styled, private police force that would be pathetic joke if it were not for the position they have managed to obtain in our Government without the knowledge of the Congress."³ In addition to explaining the reasons why the NCLESJ regards Interpol as a private organization which should have no right to access either the FBI or Treasury files, Young also makes the point that "Interpol is the only para-intelligence network in the U.S. . . . in that they do not conduct any investigations themselves but

¹ / Montoya I, p. 2185.

² / ibid, p. 2186.

³ / ibid, p. 2200.

serve as a 'go-between' or 'middle man' common to all intelligence systems. This may explain why they have never been noticed."¹ Young then proceeded to detail facts relating to Interpol's communist membership, their undelegated authority, and the unusual circumstances of certain financial contributions.

Although the foregoing chapters and the attention according to their arguments by the congressional committees have demonstrated the seriousness of these charges, at the same time there is little question that the tone of some of Young's charges was decidedly alarmist and tended to misrepresent at least the stated intentions of the ICPO. For example, Young made a great deal out of Interpol's statement that if the local police of a country are notoriously inadequate and fail to provide the member NCB with meaningful cooperation, then the Interpol team could "take direct action in other circumstances." Interpol's caveat, that "the definition of . . . (such action) must be left to each country" and that the actions of any NCB must be "in accordance with their national laws" are ignored in this context by Young.² It is true, however, that despite the formal disavowals of the ICPO's Constitution

¹ / Montoya I, p. 2190.

² / ibid, p. 2191.

the staff of particular NCB can misrepresent their Interpol authority and can claim prerogatives that are not legally theirs. The question becomes, however, is this the responsibility of the ICPD or is it still just a matter of police corruption at the national level which simply is endemic in certain countries?

Young concluded his statement with an appeal that the committee conduct a full-scale investigation of Interpol. Unaccountably, none of the Nazi allegations were included in the actual text of the statement but were inserted by inclusion of a press series from The News American of March 16-18, 1975, whose headlines ran "Interpol, with Ties to Reich Gets Data on Americans," "Hoover Secretly Attended Meeting," and "Interpol Follows Jews, Ignores Their Killers."¹ These stories were clearly based on materials supplied by the Scientologists, and one can only speculate that the reason the NCLESJ did not incorporate these accusations into its own statement was that perhaps they felt that the press publication might carry more weight.

(3) The May, 1975 Hearing of the Senate Appropriations Committee

As a result of his first preliminary testimony, on May 6, 1975, the first extensive hearings of the subject of

¹ / Supra, pp. 2203-2206.

Interpol, were held by Montoya's subcommittee. The hearings were specifically entitled "Review of United States Participation in Interpol", thus indicating that the the Congress only saw fit to review actual U.S. participation in this international organization, rather than the organization itself.¹ These hearings were released in an entirely separate publication, 117 pages in length, which represented the longest study that any governmental agency of the United States had undertaken of Interpol operations. The report included: a prepared statement by David MacDonald, a senior Treasury official, a history of Interpol, an explanatory letter from FBI Director Clarence Kelley about the U.S. NCB's access to the NCIC computerized FBI files, the estimated cost of the U.S. membership, Interpol's budget, Constitution, affiliated countries, and a supporting brief from Treasury Secretary William Simon explaining the nature and extent of Interpol operations in the U.S. The printed report also included a fourteen-page statement by the Reverend Vaughn Young.

Senator Montoya opened the hearings with the statement that:

I want to make it clear at the outset that this hearing is not intended to be accusatory in nature or to

1 / International Criminal Police Organization: Review of United States Participation in Interpol, Senate Hearings before the Committee on Appropriations, Fiscal Year 1976, 94th Congress, 1st Session.

indicate that any member of the sub-committee has doubts about either the integrity or dedication of Treasury personnel who perform duties associated with the U.S. participation in this organization.

Our prime interest is to assure that viable protections are provided concerning the safeguards and accuracy of personnel information about U.S. citizens which may be available from the various computerized data systems to which Interpol has access. 1./

We have noted earlier that it was fairly evident that Montoya's committee was interested in helping Treasury retain its designation of U.S. Interpol operations in the Treasury/Justice dispute. Thus, although Montoya wanted it clear that he was concerned about the nature of U.S./Interpol operations, particularly the privacy aspects, at the same time he did not wish the criticisms of the Scientologists to adduce to the manner in which Treasury was running its operations. Clearly, this represented a certain conflict of interest, and the Scientologists in subsequent interviews expressed a certain amount of cynicism about the line of Montoya's questioning. According to them, while he did raise most of the critical points which they submitted to him in their brief, his questioning was not as incisive or demanding as they would have liked. Although during

1 / Montoya II, p. 2.

their testimony they thanked him for "his concern for basic human rights," privately they expressed some unhappiness with what they regarded as his lax questioning.¹

If Montoya's questioning was viewed by the Scientologists as somewhat conservative in tone, at least he did raise most of the major points made by the Scientologists' brief. In addition to questions about Interpol's finances, structure, organization, and history Montoya also probed repeatedly into the handling of sensitive information, access by communist members, prospects of political misuse, and about the staff and administration of both domestic and international Interpol. During the hearing, the charges made by the NCLESJ were rebutted extensively during the repetitive cross-questioning of Treasury officials by Montoya; the substance of Treasury's rejoinders is best reserved for the latter section. The concluding tone of Treasury's statement, however, clearly indicated a pronounced deference to the committee's concerns regarding privacy; this was definitely a newly acquired sensitivity on the part of U.S. executive staff in charge of Interpol operations.

The outcome of these first two hearings was printed in July 21, 1975, in the form of a Report accompanying H.R. 8597, which was Treasury's appropriations bill for

¹ / Montoya I, p. 2210.

Fiscal 1976.¹ In a two-page summary of its findings, the committee asserted that "it believes it necessary that adequate safeguards are available to ensure authorized usage, confidentiality and accuracy with respect to personal information about American citizens which may be transmitted to foreign governments."² The Committee also recommended that as permanent policy, the U.S. NCB establish the practice of not appointing retired or politically connected persons onto its staff; this was an outcome of the findings that one political favorite, not otherwise qualified, had been placed on the Washington NCB rolls by Nixon White House referrals. Although the Report did allocate the necessary funds for the U.S./Interpol operations, Montoya's Committee evidently was not fully satisfied with the outcome of these first hearings and announced that:

The Committee plans to continue the inquiry into Interpol operations. Because abuses of Federal agencies are known to have occurred from 1969 to 1974, during which time the number of cases handled by the Washington NCB increased by 1,300 percent, the Committee will review the full range of Washington NCB activities during this period from procedures concerning personnel selection and assignment, to assistance provided to private and governmental organizations, both foreign and domestic. 3.

1 / Senate Report No. 94-294 on the Treasury, Postal Service, and General Government Appropriation Bill, 1976; July 21, 1975.

2 / ibid, p. 6.

3 / ibid, p. 7.

(4) The February, 1976 Hearing of the Senate Appropriations Committee

The next hearings were not held, however, until almost a full year later, on February 24, 1976. This was at the same time that Senator Montoya and Congressman Moss forwarded their letter to the GAO requesting a full-scale probe into Interpol operations.¹ In the intervening year, numerous stories by the press had given wide publicity to the Scientologists' allegations and to the 1975 Montoya hearings.² Also during that year, the Treasury/Justice dispute had intensified sharply. Montoya's position with respect to Interpol was thus more visible and, at that point in time, an important factor in the political dynamics both on the Hill and in the administration.

The most important aspect of the 1976 Montoya hearings, is who was not invited and whose testimonies were not solicited nor accepted. Neither Justice Department officials nor the Scientologists had been invited to testify nor to submit supporting briefs. The reasons they were not invited will become more evident from the testimony submitted by the NCLESJ to the House Appropriations Committee a month later.

1 / See the Appendix for a full text of this letter.

2 / Examples of such press publicity can be found in the discussion of the role of the press in Chapter III.

invited will become more evident from the testimony submitted by the NCLESJ to the House Appropriations Committee a month later.

The 1976 Montoya hearings were also briefer than the previous year's and covered many of the same questions; the final printed version was only half the length and was incorporated as part of the more extensive volume relating to Treasury Appropriations hearings. The hearing opened with Treasury's submission of a lengthy statement in which it responded to the Scientology accusations regarding the status of Interpol, the statistics of both the U.S. Interpol unit and the ICPO as a whole, privacy, Interpol's functions and its history.

Senator Montoya then surprised most of the persons at the hearing, including the Scientologists (who were in attendance only as spectators) with his announcement that the Justice Department had established an entirely separate "Interpol Liaison Office" under the direction of Andrew Tartaligno in a bid to regain the primary responsibility of U.S. Interpol operations. It seems fairly obvious that much of the subsequent questioning of Treasury officials was designed to make Justice's play for power look as bad as possible. Thus, Montoya says, "The Department of Justice, through the FBI and the DEA, is an intelligence gathering agency, as you know. Would you deem it wise to

have the intelligence gathering agency in one operational control of an information disseminating organization such as Interpol?"¹ Ironically enough, MacDonald and Sims seem to have missed their cues, or perhaps were anxious not to antagonize the FBI.

Treasury's MacDonald demurred with the supposition that all enforcement agencies are to some degree intelligence gathering agencies, thus contradicting other testimony by Sims which indicated that "Interpol's mission is to work strictly on criminal enforcement matters." Sims, furthermore, also demurred somewhat on Montoya's obvious lead, replying that "Mr. Chairman, to say outright that Interpol could not properly be put in one of the federal enforcement agencies, I think would be the wrong statement."² Montoya's adamant opposition to the intended takeover by the Justice Department was partly based on the argument that, since the FBI had a great deal of rather sensitive record keeping on individuals and criminals, the placing of Interpol in the Justice Department, would facilitate the mixing of criminal records files with private life information. Interestingly, even though Treasury's Interpol Chief Louis Sims was also opposed to the transfer of functions to Justice, Sims would not support these aspersions by Montoya making it clear that he

1 / Montoya IV, p. 193.

2 / ibid.

assumed that the Justice Department would probably be quite careful to keep its NCIC and Interpol access separate from information of that private "type."

Another issue which came under scrutiny during this second Montoya hearing was the personnel hiring policy of the U.S. NCB under its previous chief, Kenneth Giannoulles. Earlier, as a result of the NCLESJ brief, evidence was brought to light that an unqualified staff member was hired on the basis of political referral. During this hearing, Giannoulles was personally recalled from his position in Virginia, to testify before the committee on this particular issue. Giannoulles explained that he had been asked to hire J.C. Herbert Bryant, Jr. at the behest of Edward Morgan, the attorney who had been charged with backdating Nixon's tax statements. Bryant was hired as a GS-14 for the year 1973 to 1974 even though he was not a qualified active Federal law enforcement agent, and was permitted to perform nonspecialized work at the U.S. NCB. Giannoulles explained that this was the only occasion when this had occurred, and Sims had already accepted the Committee's earlier July report which firmly forbade such future occurrences.

The issue of improper hiring practices also arose at the conclusion of this hearing when Senator Henry Bellmon [D.-Oklahoma] questioned Sims closely about the young

female law enforcement assistant to Justice's Tartaligno. Ms. Philpot had previously worked as a secretary and intelligence research analyst at DEA, but was not an agent or a police officer, yet had been sent by Targaligno to substitute for his place at two Interpol conferences in Paris, although her grade level as only GS-12 whereas his grade was a GS-18. Senator Bellmon also took the opportunity to ask Sims about the possible junketing by Justice's prospective Interpol staff, particularly Andrew Tartaligno.¹

In addition to these areas of questioning, much of the 1976 Montoya hearing returned to the issues which had been raised the previous year. Thus there was considerable discussions of the screening of Interpol responses, the manner of safeguarding privacy, the content of Interpol's requests, the confidentiality of Interpol's responses. Again, questions were raised as to whether private persons or groups could utilize Interpol's facilities, what access the communist countries had, whether any telephone tapping of U.S. citizens was conducted by Interpol, and some questions about the financing of certain land and construction projects by the Secretariat in France.

1 / Montoya IV, p. 223.

2 / Certain Treasury sources confided that whereas Treasury officials always travelled coach on government trips, the Justice Department officials took first-class seats on their Interpol trips.

The final sense of this hearing was a tenuous and ambiguous one. Many different factors were in the offing in the spring and summer of 1976; some concerned Interpol operations directly and others related to the broader political factors contingent in a presidential election year. As noted earlier, the Treasury/Justice dispute had risen to a Cabinet level debate, soon disquieting the Republican White House. Also, the members of the Congressional committees had their attention on their own re-election campaigns, as well as their forthcoming participation in the Presidential campaigns. Thus, the 1976 February hearing seemed to close with a note of inconclusiveness that was further underscored by the what was to be a very long wait for the outcome of the requested GAO probe.

(5) The March 1976 Hearing of the House Appropriations Subcommittee

Also during this spring, in fact only a month later, the House Subcommittee Treasury Appropriations Subcommittee accepted the testimony the NCLESJ and agreed to hear two of their officials testify before the committee. On the afternoon of March 26, 1976, Congressman Edward R. Roybal took the place of Chairman Tom Steed to chair the hearings related to the general Treasury Appropriations bill for fiscal year 1977. Jeff Friedman, the National Chairman of the NCLESJ and Hugh Wilhere, the Washington, D.C. Director of the Commission, presented their testimony before the

committee. The Scientologists opened their testimony with a dramatic and effective gambit: they introduced a copy of an internal Justice Department study of the U.S. Interpol operations. This study, which has already been described in Chapter III, had never been made public and was quite critical of the way in which the Treasury Department ran the Washington NCB. Not only did it aver that Treasury may have padded their statistics in order to justify keeping the U.S. NCB, but it also cast aspersions on the caliber of the staff, levelling charges of "professional incompetence." Interestingly enough, however, it should be noted that the Justice report did not even attempt to evaluate the effectiveness of Interpol as an international organization or the issues of how it could be abused or improved as an international organization, but restricted itself largely to the assumption that U.S. membership in Interpol as an international operation was a foregone conclusion, and that the only relevant question was why the Justice Department should reassert its primacy in this area.

It may also be recalled from the discussion of Chapter III, that Macdonald was completely taken back not only by the existence of the report, which he had never seen though it had existed in the Justice Department over two years, but by the fact that what he regarded as a totally antagonistic group such as the Scientologists could have gained access to the report and had brought it up

before the committee. It is not entirely clear as to which Justice Department officials were aware that the report was in the Scientologists hands nor whether they played any role in encouraging its submission to the Congress. In any case, it certainly would have been more adroit to bring the report up before Kilberg's House Judiciary Committee rather than before Steed's committee, as he was known to be firmly supportive of Treasury's maintaining its Interpol role.

The report did score one important point for the Scientologists and that is to negate the earlier refutations by Treasury officials that the NCLESJ was the only group critical of Interpol operations. The Scientologists then further strengthened their case that there were other critics of Interpol by inserting into the records two other negative incidents regarding Interpol. The first of these is the case of Mohammed Sami, the diplomat who fled U.S. jurisdiction in order to retain custody of his children, and for whom the U.S. Interpol office had mistakenly issued a red-indexed arrest notice, only to discover, to their chagrin, that the State Department refused to extradite him.¹ Now, Sami had turned to the Courts and was suing not only the Treasury Department but Louis Sims as well, and the news of the Sami case had been publicized

¹ / See, "Interpol Hounds Father Halfway Around the Globe," by Tom Tiede of the Journal (Meridian, Conn.), Oct. 17, 1975. See also, the unpublished report by the NCLESJ entitled, "Interpol: A Report to Rep. Edward Beard," pp. 11-12.

in several papers. Following the Scientologists' lead, Sami filed a civil suit against the ICPO as an "alien association doing business at the Dept. of Treasury."¹ In submitting testimony regarding the Sami case, the point the Scientologists sought to score was that not only was the U.S. NCB circumventing the appropriate functions of the State Department, but that innocent persons were being victimized by Interpol's free license. The other brought up by the NCLESJ was that of Mark Moscowitz, an American citizen who was wrongly identified as "The Dreaded Moscowitz" by Secretary General Nepote. The Scientologists had managed to obtain the record of correspondence between Moscowitz and the ICPO Secretariat and the tale is a sorry one of Catch-22 bureaucratic red tape in which Moscowitz was put into the difficult position of proving his innocence. Although he finally did manage to convince the Secretariat to issue an all-points bulletin that vindicated his innocence, Moscowitz was undoubtedly subjected to much loss of status, time, money not to mention the emotional anguish of being mistakenly put on the wanted list of the world's international criminal police organization.

Perhaps this is a good place in which to briefly enlarge on the question of mistaken identities and incorrect ascriptions that can occur within Interpol's network. First of all, bureaucratic error can occur within any

¹ / Civil Action No. 76-0517, filed March 29, 1976 with the U.S. District Court of the District of Columbia.

organization and should not be a sufficient reason to condemn either the ethics or efficacy of the organization. Secondly, particularly in the area of international criminal offenses, there is an especially wide margin of possible error because of the many aliases, common names, shifting spellings and translations which arise. Also, even without the existence of an Interpol, on a direct bilateral and multilateral basis there are bound to be occasions when the police of one country mistakenly identify an innocent citizen. Thus, the case of Mark Moscovitz by itself is not sufficient to condemn the manner in which Interpol operates. At the same time, an organization charged with the kinds of responsibility and influence which Interpol has, must have a careful internal self-correcting mechanism first, to prevent and detect such errors, and secondly, to correct such errors as expeditiously as possible. The correspondence between Mark Moscovitz and Nepote does not impart a sense of the kind of judicious and expeditious concern which should be inherent part of the responsibility of an international organization with such tremendous influence over an individual's freedom of liberty. Certainly, while the Secretariat cannot go too far in the regulation of the conduct and affairs of its member NCB, it can certainly afford to be most responsive with respect to the Secretariat files and the color-indexed circulars and radio bulletins. The Secretariat's obtuseness in the case of Moscovitz does

not necessarily indict the ethics of competence of Interpol as much as the bureaucratic self-righteousness and complacency which are fostered in the absence of a sustained vigilance and oversight.

Returning to the testimony by the NCLESJ before Congressman Roybal, Jeff Friedman also reiterated many the earlier criticisms already submitted by Vaughn Young to Montoya's committee. Thus a seventeen-page brief with an addendum of an additional seventeen pages of supporting documentation was inserted into the records. These covered the full gambit of criticisms, from biting aspersions about Interpol's ineffectiveness in the interception of narcotics trade to details of several European cases in which Interpol had abused private citizens.

The NCLESJ testimony submitted to Roybal was also the first time that the charges of Nazi involvement were levelled directly in the testimony itself, rather than within appended news articles. The testimony charged that not only did Oskar Dressler, the founder of the 1923 ICPC, become an active member of the wartime Gestapo Interpol staff, but that both international and U.S. Interpol had lied about most of this history. Furthermore, the report documents the war-time involvement of the Interpol officials, and refutes the arguments that the 1972 Interpol President, Paul Dickopf could have been "drafted" into the S.S. without his interest and consent.

The most unusual case described in this brief is one of a young British man, Jeremy Cartland, who had been touring France with his older father during 1973. When during the night they were both attacked and his father murdered, the younger Cartland found himself detained and tortured by French police as a result of information supplied by Interpol. According to the Scientologists, there was a hidden Nazi link in this incident since Cartland's father had worked for British Intelligence MI-5 during the war and had come to France to locate a woman who had fought in the French resistance against the Nazis. Somehow, the Scientologists imply, Interpol in France and Scotland Yard were involved if not in the murder of the senior Cartland, at least in the attempted frame-up of his son.

The other major points of the prepared testimony covered the NCLESJ's assertions that Interpol was a private organization, quoting a letter from the Congressional Research Service letter which tentatively concluded that the ICPO was a private, nongovernmental organization, and the reasons for Hoover's withdrawal based on his ostensible fears of Interpol being used for political purposes. During their verval testimony, the Scientologists reiterated most of the points found in their earlier testimonies; thus they again stressed that Interpol officials had lied to the Congress, that Dickopf's history was misrepresented

and that he could not have been "drafted" into the S.S., that Interpol's statistics in narcotics interception were laughable, and that even in the area of helping to retrieve stolen art, the U.S. NCB itself confessed that while there were no actual statistics on recovery Interpol's success was low indeed.

Unfortunately for their purposes, particularly in the hostile climate of the House Treasury Appropriations committee, the testimony of the Scientologists occasionally lapsed into demagoguery, thus tending to undermine the meaningful and carefully substantiated criticisms they presented. Thus, for example, in faulting Interpol's pusillanimous stand on international terrorism, the report decries: "So, the mass murder of innocent men, women, and children is viewed by Interpol as political activity and something that should not be addressed by their organization."¹ One is led to wonder why the NCLESJ needed to express themselves in phrases which most certainly would have been considered exhortatory if not offensive to the ears of the congressional staff. Perhaps the religious nature of the organization inspires a very forthright intensity which comes through in their writings or perhaps the Scientologists regarded the

¹/ Steed, (1976) p. 984.

occasion of testifying before a Committee as an opportunity to address the American populace at large and felt that this style was a legitimate one.

Congressman Roybal did not seem particularly interested in pursuing the details of the cases presented by Friedman and seemed, in fact, more than a bit skeptical about their evidence. At one point he asked Friedman, "Do you have concrete evidence with regard to any incidents in which false reports have been filed or made against an American citizen?" When Friedman cited the cases mentioned above and also alluded to three other cases whose names he had to withhold, Roybal responded "Three instances does not really indicate that it is a matter of general practice."¹ Following this, there was an extended discussion in which Congressman Miller, also of the Committee, sought to clarify the issue of possible violation of rights occurring through Interpol; the point of greatest interest was whether Interpol files did contain information on persons who were merely under suspicion for a crime and had at no time actually been arrested. Congressman Miller stated that it was his understanding based on earlier testimonies by the Treasury Department that "the person listed or the names

¹./ Steed, (1976), p. 984.

conveyed would be charged with having committed crimes in at least two countries."¹

Like the earlier Montoya hearings, this House Appropriations Committee hearing also closed inconclusively with a promise by the Scientologists that they would submit to the Committee more detailed information about specific American citizens whose rights had been abused by Interpol, and with the Roybal indicating that "We hope to have another hearing with regard to Interpol, and at that time it would be advisable that this individual (a U.S. citizen whose rights had been abused and who had indicated to the Scientologists that he would be willing to testify) present his evidence."² During the very concluding part of this hearing, both Friedman and Wilhere were closely questioned by Miller as to the nature of the NCLESJ, its funding and sources of information. In this respect, it is evident that Miller had not done his homework since his questions on this subject evidenced no familiarity with the workings of the organization or with the linkages between the NCLESJ and the Church. It may be recalled from the early discussion of the congressional perceptions of the Church of Scientology in Chapter II, in which a portion of Miller's

¹ / ibid, p. 1009.

² ibid, p. 1010.

close questioning of the Scientologists was quoted, that the tone of the questioning was a hostile one though a verbal reading of the printed transcript does not convey the antagonistic air of this hearing as distinctly as personal attendance.

(6) The General Accounting Office Investigation

We have already referred various times to the letter sent by Senator Montoya and Congressman Moss requesting that the GAO conduct a full-scale investigation regarding various questions which they posed. In this letter, a full copy of which can be found in the Appendix, the legislators posed twenty-six questions which were based on the issues raised during earlier hearings and testimonies submitted by the Scientologists, with the notable exception of the Nazi allegations and the question of Interpol's assistance in international terrorist incidents. It should be noted that the introductory text to the letter contains the statement that, "Interpol is a private organization, and we have been unable to establish that it has ever been established by any international charter or treaty."¹ Given the fact that these legislators regarded Interpol as a private organization, they carefully worded their request to specify that the GAO probe "our involvement with Interpol" rather than Interpol itself. Thus, the GAO's final printed report

1 / United States Participation in Interpol, the International Criminal Police Organization, Department of the Treasury, Report of the Comptroller General of the United States December 27, 1976. p. 38.

reads "United States Participation in Interpol.....," making it clear that taxpayer's dollars were not being frittered away investigating private international organizations. Such caution still does not explain the reason why the GAO was not asked nor volunteered to investigate any of the Nazi-link allegations, nor did it inquire into the war-time history of the ICPC. These particular issues, in fact, were never raised at all until the March 1977 hearings held by Congressman Eilberg, except in the inserted testimonies of the NCLESJ.

It should also be noted that despite the report's title, the GAO probe did undertake to question and investigate Interpol on the international level. Not only did two staff members spend several days interviewing and researching at the St. Cloud Secretariat, but two of the GAO staff met with NCB officials in Germany, Spain, Italy, Thailand, Japan, India, Venezuela, Peru and Brazil. Thus, the GAO probe was the first and only extensive international survey of the NCB undertaken by any of Interpol's member countries. The investigation overseas, however, was confined to examining: (1) the relationship between the Interpol General Secretariat and the NCBs, (2) the way in which the NCBs were organized and staffed, and (3) the way in which the NCBs requested law enforcement information from the U.S. In addition, overseas U.S. law enforcement agents such as those affiliated with the FBI or DEA were

also interviewed to determine how they related to the local NCB and to the U.S. Bureau. It does seem that G.A.O. officials were not able to examine actual case records at St. Cloud or the local NCBs but confined their investigation to discussion with their staff.

Within the United States Bureau, however, the GAO undertook an extensive internal audit of the actual criminal investigative records, studying each 50th case on hand in the files between 1975 and 1976. Thus, the GAO probe was the first time that the Congress had independent access to the files and records of the U.S. Interpol office. In addition to the total of 110 cases which were thus reviewed and summarized for presentation in the final report, the GAO also reviewed the policies and operating procedures of the Washington NCB. Although most of this research was completed by the summer of 1976, the final report was not effectively released until the beginning of January, 1977. Part of the reason for this delay was that an initial version of the report was sent to both the Treasury and Justice Departments for their comments and review. The GAO as an arm of the Congress did not, however, need to elicit these agencies' agreements and, in fact, the Montoya/Moss letter specifically requested that formal agency comments not be obtained. Another reason for the delay has already been mentioned and is the

possibility that the GAO did not wish to be seen as interfering with the presidential campaign underway in the fall of 1976. As an ironic note, by the time the report was issued, the matter of Interpol was no longer of any concern to Senator Montoya since he had lost his bid for re-election to the Senate.

The scope of the review covered the broad gamut of issues relating to Interpol's international operations and to the domestic sphere. Of the former, the GAO examined the objectives, structure and funding of Interpol's international network, its legal status, and the operations of the NCBs. Of the latter, the report reviewed the U.S. Bureau case files, the origin and subject of information requests, the kind of information sent abroad, and problems in processing requests. The study gave particular emphasis to whether personally sensitive or political information was being disseminated by the Interpol network and whether inaccurate information was being relayed.

The study also looked closely at the efficiency and usefulness of the U.S. Interpol affiliation, particularly with respect to the possibility of unnecessary duplication arising from the existence of other U.S. agency representation overseas. The extent to which foreign countries utilized FBI or DEA agents directly rather than resorting to the Interpol network, and the extent to which these

agencies also preferred to deal with foreign police officials directly was examined because of the implications which this would have to the cost-justifications of U.S. participation.

Another domestic issue which was examined was the relationship of the U.S. Bureau to the extradition and diplomatic functions performed by the Department of State. The report noted that the State Department does not want State or locally initiated provisional arrest or preventative detention requests made through Interpol unless it has been ensured that the offense is covered by a current extradition procedure. Alluding to the case of Mohammed Sami, it also states that the State Department "prefers that requests be made through diplomatic rather than police channels."¹

The conclusions of the study were carefully worded and expressed considerable criticisms of the basis on which the U.S. bureau transmitted information, though mitigating these criticisms with a recognition of both the domestic and international limitations imposed on the NCB. While the GAO reported that no disclosure of individual personal habits or political activities were discovered, it also found that "almost half of the sample

¹ / GAO Report, p. 12.

cases . . . reviewed involved inadequate documentation" and that the U.S. Bureau "prematurely proceeded with various record checks and investigations.¹ What this meant was that foreign NCBs were sending requests for information from the U.S. NCB without providing substantial documentation to legitimize their inquiries, yet the U.S. Bureau was still responding to their queries. Furthermore, the report was critical of the fact that in many of the cases transmitted overseas by the U.S. NCB as obtained from the FBI's computerized NCIC, the final disposition of the cases was not reported. Likewise, in many of these cases, the final outcome of the cases in foreign NCBs was not reported to the U.S. Bureau.

The report concluded that:

Although GAO did not find any instances of improper use of information by other agencies, the U.S. Bureau may wish to explore the need for better guidelines to govern the interactions of overseas U.S. law enforcement agencies with the U.S. Bureau, foreign police, and foreign central bureaus, and,

.....a concerted effort must be made to clearly substantiate reporting of alleged criminal offenses and provide a sound basis for investigating such matters. The U.S. Bureau should be the model for other countries to follow in this regard 2/

1 / GAO Report, p. iv.

2 / ibid., p.iv and p.39.

The conclusions of the GAO report received fairly widespread, if exaggerated, publicity. On January 13, 1977, The New York Times reported that "G.A.O. Says Interpol Bureau Here Is Yielding Information Too Freely." The Times also quoted Congressman Moss as saying that the report "raises very significant until Interpol comes before Congress with some definite guidelines." After the report was released this researcher interviewed the U.S. Interpol Chief, Louis Sims, for his reactions and responses to the study. Sims objected substantially to the findings of the report and felt that the GAO had overstated its case in order to demonstrate an objectivity and critical stance.

CHAPTER VII: EPILOGUE AND CONCLUSIONS

Part A - Epilogue

The congressional hearings and the oversight process had a substantial impact in increasing both domestic and international awareness of the manner in which Interpol operated and the need for improving the safeguards associated with its activities. As a result of the hearings, one of the key congressional committees now seriously questions the merits of continued United States participation in Interpol.

What began as tenuous questions about the manner in which considerations of privacy are handled in U.S./Interpol operations have crystallized into grave reservations about the appropriateness and merits of continued association with the ICPO. Earlier, in the Prelude, we have noted Eilberg's annoyance and dissatisfaction with the level of response to congressional questioning regarding Interpol operations. Although the public transcript and proceedings of these hearings has yet to be released, it is already evident that congressional doubts about the continued U.S. participation in Interpol have not subsided, as some had expected. Eilberg's House Judiciary subcommittee has crucial leverage on this issue; if the subcommittee does not pass a new authorization bill to permit payment of the increased ICPO dues, then the United States would soon have to default on its membership.

Although Eilberg's staff have not issued any public pronouncements on this subject since the spring 1977 hearings, in recent interviews they have bluntly expressed their fundamental misgivings about continued support of U.S./ Interpol operations. The reasons they have given for their concern are several. First, the committee does not feel that the executive branch has adequately responded to congressional questioning. As the key staff member on Eilberg's House Judiciary subcommittee recently put it, "the blank check which Interpol had is no longer sufficient, now they have to justify their participation." He went on to explain that "this is the day of careful executive presentation, detailed justifications, zero-sum budgeting". Whereas previously, he explained, "we got in it, and then the U.S. just routinely went along", such reasoning would no longer suffice. The heightened congressional awareness of its oversight responsibilities, along with the attention brought to the subject, he felt, no longer permitted the Congress to default on its duties in this area.¹

Also, according to Eilberg's staff, the response of Justice and Treasury officials was too weak to justify continued participation in an organization about which many serious questions remained unanswered. Though the staff tried to discount the weight of the Scientologists' briefs, they did feel that the answers to many of the questions

¹ / Unpublished transcript of the March 30, 1976 hearings before the House Judiciary Subcommittee for International Law, passim.

which had been raised about possibilities of political misuse, corruption of Interpol officials, and the efficacy of U.S. participation were still outstanding. Finally, following the 1977 hearings Eilberg's staff had undertaken its own survey of federal and state agencies involved in international crime. While the results of this survey are not available, the subcommittee staff have indicated that these tend to indicate that Interpol would not be noticeably missed by the American crime-fighting community.

It will be remembered that Congressman Eilberg specifically warned Justice officials that further unsatisfactory responses to the committee's questioning would result in a refusal to authorize payment of U.S. membership dues to Interpol. Apart from the antecedent of Hoover's withdrawal, this has been the only time that there has been an explicit U.S. threat to "opt out." The U.S. could much more easily afford to forego Interpol membership than most other countries because of its other extensive law enforcement, intelligence and information gathering activities. This fact, combined with the uncertainties relating to Interpol's ethics and efficacy, substantially weakened the case for continued U.S. participation. One staff member explained that the committee wants to get guarantees of what the U.S. will receive for its membership rather than believe that the U.S. is staying in Interpol only because of vague apprehensions of what intelligence it might miss.

While Eilberg's committee has been slowly weighing the merits of continued U.S. participation in Interpol, several new political and bureaucratic developments have taken place.¹ We have seen that political variables in the form of the pressures generated by a public group and the political dynamics of the Treasury/Justice dispute were primary forces in the congressional oversight process. These same variables have shifted dramatically during the last year and the resultant changes have, in turn, tended to subvert the strength of congressional oversight of Interpol.

By the summer of 1977, the Justice Department had won the struggle to regain primary responsibility for U.S./ Interpol operations. A "Memorandum of Understanding" had been signed between the Treasury and Justice Departments which physically and organizationally transferred the actual Washington Interpol office and its operations from the basement of the Treasury building to the Justice Building. While Treasury's Interpol Chief, Louis Sims would be permitted to remain as the Chief for the remaining two years: by the terms of the agreement, Justice officials would have the upper hand in terms of policy matters and administration.

¹ / An outstanding example of the application of a bureaucratic politics model to the study of governmental decision-making can be found in Graham T. Allison, The Essence of Decision, Explaining the Cuban Missile Crisis (Boston: Little Brown and Co., 1971).

In light of the strong interest which the Justice Department displayed in arranging to regain the primary responsibility for U.S./Interpol operations and in light of Eilberg's clear expression of congressional intent during the March 1977 hearings at which Justice testified, it would have seemed likely that Justice officials would make a concerted effort to address the issues confronting U.S. participation in Interpol. In fact, at the close of that hearing, Congressman Eilberg specifically charged the Justice officials with investigating the possibilities of political and other wrongdoings within Interpol, on both the national and international level. Justice representatives Pommerening and Tartaligno agreed to set up a special task force for this purpose.

Bureaucratic and political changes within the Justice Department subverted their promise. With the change of administration following the election of President Carter, the issue of Interpol was lost in the restaffing of the Justice department. Also, Mr. Tartaligno, who had been designated the effective Justice head of the new Washington NCB, was subsequently reassigned out of the agency. Likewise, Mr. Pommerening duties were transferred to another area. Furthermore, part of the new responsibility evolved to the new Deputy Attorney General of the Justice Department, Peter Flaherty. By the time Mr. Flaherty had

begun to situate himself in his new position, he had decided to run for a position in the Congress. As a result of these changes, both congressional and executive intentions to carefully and systematically examine the history and merits of U.S. participation were undermined.

Another factor which undermined the strength and continuity of congressional scrutiny in this area was the loss of his senatorial seat by Joseph Montoya. Senator Montoya's position as long-standing Chairman of the Treasury Appropriations Subcommittee and his interests in the safeguarding of privacy had enabled him to play a key role in initiating the first meaningful congressional hearings on Interpol. With the loss of his seat, a new chairman would be assigned, who would need to be concerned with much more immediate and pressing domestic issues which claimed constituent interest or which had significant political weight. The issue of U.S./Interpol policy would have a very low priority indeed to a newly installed subcommittee chairman, struggling to acquire and wield influence in an arena where such issues as tax reform or Treasury's financial policies are involved.

The final factor which altered substantially during 1977 concerned the Church of Scientology. On July 8, 1977 the FBI conducted an early morning raid of the two leading Scientology headquarters in Washington D.C. and Los Angeles.

According to the search warrants, the FBI claimed that Church officials had illegally obtained copies of government documents and files.¹ While the final court outcome of this seizure has not yet been resolved, the notoriety brought to the Church intensified its ambivalent role vis-a-vis the Congress.

On one hand, some proponents felt that the harsh and legally questionable methods utilized by the FBI reinforced the Scientologists' contentions that government officials were victimizing the Church.² Also, this lent credence, in the eyes of some observers, to Scientology charges that the FBI, along with other intelligence-related agencies, had become paranoid about its illegal activities and files and as a result was trying to undermine the credibility of the Scientologists. On the other hand, some proponents felt that the charges claimed in the FBI search warrant raised serious questions about the ethics and legality of Scientology methods. This is because the FBI warrant claimed that the Scientologists had illegally placed Church officials in government agencies as spies and had also acted to steal official government documents on the Church out of government offices.

¹ / See The Washington Post, July 9, 1977, p. 1.

² / The different sympathies of both sides is illustrating by the contrasting treatments accorded to the same incident in the two major Washington papers, The Washington Post and The Washington Evening-Star, during the two weeks following the raid.

Along with the litigation which attended the seizure of Church documents, there was a great deal of press attention; in fact, the press seemed to seize upon the incident with the same sort of zeal which characterized its publicizing of the Nazi allegations.¹ Although the measure of influence which this incident had upon congressional staffers has not been investigated, that it had a deleterious effect on the credibility with which the Scientologists were credited cannot be doubted. Several congressional staff members privately expressed their reluctance to further associate themselves with the Scientologists' cause at a time when their political capital and influence were so controversial.

This may also help to explain, in part, the lengthy delay in the public release of the Eilberg hearings. Although the hearings were held in March of 1977, at the time of this writing they had still not been released. When asked for the reason of the delay, House Judiciary staff explained that it was due to the time needed to receive and process the responding briefs from Treasury and Justice officials and to the time needed to receive replies from the questionnaires that had been sent out to

¹ / Thus, on July 9, 1977 The Washington Post ran a front page lead headlined, "Agents Search Scientology Offices for U.S. Documents" Two weeks later on July 24,, The Post ran another lengthy and rather critical feature article which began on the front page where a picture of the Scientologists' founder was captioned "Scientology: Money-Maker or Religion?"

American police agencies. While these factors no doubt did serve as major contributors, it is also likely that the maelstrom caused by the FBI and Justice Department charges against the Church of Scientology also rendered Eilberg's staff reluctant to move swiftly in printing the record of committee questions, since many of these were based on evidence compiled by the NCLESJ.

While it is evident that the congressional hearings brought new attention and a sense of urgency to the hitherto unexplored Interpol operations, the inconclusiveness of the outcome of the hearings, as well as the the changing circumstances of the political forces, as outlined above, make it difficult to single out the final impact which these hearings had on U.S./Interpol operations. Furthermore, it was not possible to examine the extent to which the day-to-day operations of the Washington Bureau were affected over time by the course of the hearings, the Scientology publicity, nor the GAO investigation. Nonetheless, there is little doubt that the hearings made the U.S. Bureau extremely sensitive to issues which it could previously easily ignore.

We have seen that political variables in the form of the pressures generated by a public group and the political dynamics of the Treasury/Justice dispute were primary forces influencing this oversight. The interplay of the

Justice/Treasury dispute and the exposure in the press served to encourage as well as to discourage congressional oversight efforts. It is difficult to speculate how the campaign of the Scientologists would have fared in the absence of this dispute. On the one hand, in the absence of the mutual jealousies and criticisms (such as those evidenced in the Justice Department Report) the executive branch may have presented a more united front against the NCLESJ charges. Also, without this dispute, there could have been more of a "sweetheart" solidarity between the Treasury overseeing committees and the executive branch. On the other hand, the dispute may have also served to discourage meaningful oversight within the executive branch itself and perhaps also within the various congressional committees.

Thus, as an example, the decided partiality of Montoya's committee to Treasury's continued handling of Interpol operations may have acted to retard certain areas of congressional inquiry, while at the same time stimulating general interest in this area. The hearings themselves had a feedback effect on the outcome of this dispute. Thus, it is highly likely that the criticisms of the manner in which the U.S. Bureau operated which emerged from the hearings and particularly from the GAO Report may have helped precipitate the move of the U.S. NCB to the Justice Department.

Earlier chapters have also demonstrated that neither the executive branch nor the Congress exercised any meaningful oversight prior to the submission of the NCLESJ report to Montoya's staff and prior to the wide press publicity staged by the Scientologists. While the role of the Church of Scientology was an ambivalent one, particularly after the FBI raid, it can still be concluded that the Church was the primary force not only in stimulating domestic interest in Interpol, but in bringing world-wide attention and international scrutiny to a hitherto mythified organization.

Not only did the Church of Scientology impact upon the Congress but it also had a direct effect on both the executive branch and the ICPO at an international level. Its influence on both the domestic and international level of Interpol operations is very evident from the passage of the first and only ICPO resolution dealing with privacy. The "Privacy of Information" resolution was introduced by the U.S. Interpol delegation at the 43rd General Assembly Session held in Cannes during September of 1974, right after the first critical publicity regarding this issue had been generated by the Church. The resolution, which was passed unanimously, reads as follows:

Noting the concern of many countries with the privacy of the individual with regard to criminal justice information, and noting in addition, that the development of international crime requires an exchange of information on an international basis, the ICPO-Interpol General Assembly,...urges that in exchanging information the ICPO Interpol NCBs and the General Secretariat take into account the privacy of the individual and strictly confine the availability of the information to official law enforcement and criminal justice agencies.

Notwithstanding the flux of events, the NCLESJ and the Congress combined to bring unprecedented attention to the need for safeguarding the criminal justice information disseminated within the Interpol network. While the congressional hearings and the attendant Scientology publicity had the most substantial impact on the domestic level of Interpol operations, they also influenced the ICPO itself, both at the Secretariat level and upon member states. The GAO investigation, which was carried to European offices of Interpol, and the publicity generated by the Scientologists regarding Interpol within the European press, resulted in stimulating other countries to investigate their own Interpol participation and operations. Thus, Sweden and the United Kingdom began some national-level inquiries following the congressional attention generated within the United States.

1 / ICPO Resolution of September, 1974/PR23.

The American oversight of Interpol operations, particularly with respect to the GAO investigations, was unique in several respects. From the national point of view, it is highly unusual for congressional staff to conduct an overseas inquiry of an international organization. While Congressmen and their staff often do visit the overseas offices of such organizations, these visits are of an unofficial fact-finding nature rather than part of an ongoing congressional investigation. Most of the prominent international organizations have specific wording in their constitutive treaties which protects or immunizes them from the potential intrusiveness or politicization on the part of their member countries. Thus, for example, in the case of the multilateral banks as studied by Jonathan Sanford, it would have been unthinkable for congressional staff to directly present themselves to question either World Bank or other multilateral banks in an official United States Government capacity.¹ Any questions which the Congress may have would have to be submitted through the official United States representatives or delegates to the organization, along formalized channels.

¹ / Jonathan E. Sanford, American Foreign Policy and the Multilateral Banks: The Actors and Issues Affecting U.S. Participation in the International Development Lending Institutions, Doctoral Dissertation, International Studies, American University, Washington D.C., Dec.1977.

In the case of Interpol, it was probably the hybrid and irregular status of the ICPO as an international institution which permitted such an unusual treatment. Not only did GAO staff meet with and question Secretariat staff at St. Cloud, but as noted in the previous chapter, they also questioned the staff at over a dozen foreign Interpol National Central Bureaus around the world. To be sure, such questioning had no legal force whatsoever, and was submitted to only at the willingness of the officials involved. At the same time, no other foreign government has ever conducted a similar investigation of Interpol.

It can also be seen that American oversight involvement with Interpol has been unique in that a considerable amount of valuable domestic resources, in terms of both staff time and travel expenses, must have been spent on the part of the GAO team investigation Interpol operations overseas. While the total cost of this operation is not given in the report, if it is added to the implicit costs of the congressional hearing time spent on the subject of Interpol, as well as the hidden costs of the time spent by Treasury and Justice officials in preparation for these hearings, the total amount of resources expended in the course of congressional inquiry of Interpol would have to be substantially higher than the U.S. membership dues for

any recent year. This fact alone dramatizes the unique commitment which the American system places on the protection of democratic values and procedures.

The GAO staff were evidently quite sensitive to the important leadership role which the United States could play in this area. Their report concludes that:

We also recognize the inherent difficulties in 125 countries agreeing to and performing under a common code of conduct. Nonetheless, a concerted effort must be made to clearly substantiate reporting of alleged criminal offenses and provide a sound basis for investigating such matters. The U.S. Bureau should be the model for other countries to follow in this regard. 1 /

The history of the ICPO indicates that there was an important vacuum of responsibility which allowed it to be remiss in defining any standards for the safeguarding of communications by and between its NCBs. This vacuum existed because of several reasons. Part of this, was the unusual development of Interpol as an international organization. As we have seen in Chapter IV, Interpol was never formally constituted by any treaty or international agreement. Its self-constitutive nature may account, in part, for the reason that there were few restrictive provisions in its constitution and also may help explain

1 / GAO Report, 1976, p.39.

the earlier lack of any careful governmental scrutiny of its operations. We have seen that Articles Two and Three of its Constitution, in supporting the principle of national sovereignty, yield complete autonomy over the manner in which each nation chooses to operate its NCB. Until the U.S./Interpol hearings, the only guideline with respect to the NCBs was that they be staffed by police agents as appointed by the respective host governments.

The lax, rather laissez-faire attitude regarding the NCBs is largely due to the ICPO's fears of appearing to encroach on national sovereignty and thus eroding its membership base. An important correlate of this laissez-faire policy is that the ICPO has abrogated any attempt to hold its member countries accountable. Since the only way in which the member nations can hold each other accountable within the Interpol network would be through the ICPO itself (in the form of General Assembly resolutions, Executive Committee direction and Secretariat supervision), this abrogation weakens the potential for national oversight over the behavior of other nations' NCBs. This omission has been particularly noticeable in the areas of safeguarding criminal justice information from improper dissemination, in establishing controls and penalties for potentially corrupt NCB behavior.

Another important observation regarding Interpol's operations as an international organization emerges from the examination of Interpol's principle of non-involvement in political, military, racial or religious issues. Some of the problems which Interpol faces are a result of the lack of agreement as to what constitutes "international crime." The lack of unity results in conflicting signals as to whether Interpol should engage itself in handling issues which are often deemed "political" by certain states. This conflict has been particularly acute with respect to international terrorist activities and the apprehension and extradition of Nazi war criminals.

Prior to the GAO report, the strongest initiative regarding explicit control of Interpol came out of Congressman Edward Beard's office. It will be recalled that in mid-1976 Beard introduced H.R. 14780. This bill would have conditioned U.S. membership in Interpol on the ICPO's agreeing to comply with the provisions of the United States Code relating to the protecting of individual privacy from misuse of government records. The bill would have laid a basis for the protection of all citizens from misuse of data files and from incorrect or malicious data. The bill was quite unrealistic in the sense that it would be politically untenable for the ICPO to agree with any regulations which are so narrowly connected with an

individual country. Still, the intent of the proposed legislation was clearly to put pressure on the ICPO to generate more specific provisions in this area. While, Beard's bill never even got to a subcommittee vote, it may have helped prepare the climate for the rather strongly worded GAO Report which emerged at the end of that year.

At this point the summary recommendations of the GAO Report should be cited because these represent the strongest and most explicit directives emerging from the Congress with respect to Interpol. The report concludes that the U.S. Interpol Bureau should:

- 1) improve the screening of information by requiring specific information before proceeding with criminal record checks or
- 2) encourage foreign bureaus to report on case dispositions.
- 3) carefully screen all replies, particularly those to be sent abroad, to ensure that the information is relevant to the charges or investigations being made.
- 4) explore the need for better defined policy guidelines and operating procedures for overseas interactions involving Interpol. 1/

While GAO recommendations do not have the force of law and are not comparable to suggestions which emanate from congressional reports, they still can be remarkably persuasive and could have substantially effected the

1 / Op. cit. p. 36.

policies of the U.S./NCB. Unfortunately, the move of the Washington Interpol Bureau to the Justice Department with its attendant political and administrative changes seems to have weakened the potential impact of the GAO recommendations. The GAO Report came out at the beginning of 1977 and seemed to provide the support for what proved to be the most critical hearings on Interpol to date, the March House Judiciary Subcommittee hearings held by Eilberg. However, though the report did receive some publicity and though Eilberg's staff for the first time seemed to be seriously confronting the issues raised by American participation in Interpol, political timing proved it to be anticlimactic. In the Justice Department as well as in the Congress, we have seen that the changes which followed the new administration undermined the thrust of the initiative that had been generated.

It remains to be seen what the coming year will bring in terms of the final report issued by the House Judiciary Subcommittee. Regardless of whether the committee moves to authorize continued payment of United States dues to Interpol or not, it can be concluded that the congressional hearings, along with the General Accounting Office Investigation of Interpol, resulted in making the executive branch and the ICPO, at an international level, aware of the importance which Congress and the American public placed in the ethical and responsible conduct of its operations.

Part B - Conclusions

Our study of the International Criminal Police Organization and of congressional oversight of American participation in it contributes to our understanding of the increasingly complex and diffuse role which international organizations can play. Much of the contemporary theory of international relations has become very sophisticated and no longer deplores the fact that international organizations lack the authoritative or coercive powers associated with a "world government", arguing that even without such powers, international organizations can exert a positive, integrative force in various arenas. Thus the theory of international organizations, while moving away from studies of the United Nations system, has placed great attention on the role of international organizations in controlling conflict and promoting cooperation and considerable work has been done on the functional analysis of the burgeoning international institutions.

Much of this literature, however, emphasizes the positive potentials of international organizations and implicitly tends to advocate that they develop, if not supranational powers, a degree of functional independence which permits them to function for the global good. Thus, while there is a growing recognition of the subtle and diffuse arenas in which international organizations can operate, the question of how to assure their accountability

has been largely ignored. As an example, in talking of the potential role of international organizations in a future international system, Stanley Hoffman argues that, "a moderate world political system . . . requires that international organizations . . . be allowed to develop greater autonomy."¹ Such autonomy, Hoffmann hopes, would permit these organizations to perform an essentially positive role in contributing to maintaining moderation in the international system.

In a similar vein, Ernst Haas examines the positive function of international organizations in contributing to the process of international integration on a regional basis. Haas defines this process as one "whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities towards a new and larger center."² Like Haas, the writers of a Trilateral Task Force report see great advantages in the growing functional specificity of certain international organizations and argue that "Functionally specific international organizations succeed far better than multipurpose organizations in accomplishing concrete tasks. This is clearest for essentially nonpolitical

¹ /Stanley Hoffmann, "International Organization and the International System", International Organization, Vol. 24, No. 3 (1970).p. 409

² / Ernst B. Haas, "International Integration:The European and the Universal Process", "International Organization, Vol.15, No.3 (1961), p. 367.

issues such as those handled by the Universal Postal Union and the World Health Organization."¹ And from that foremost multipurpose organization, the United Nations itself, Phillipe de Seynes calls for a new "globalism" of greater activism by international organizations to help contend with the rebounding effects of escalating technology on world ecology.²

Yet while such literature is valuable in helping understand the increasing complexity of international organizations, it largely ignores the question of the ways in which the increasing "functional specificity" of these organizations renders them elusive and makes it difficult for them to be held held accountable to both their member states and to the constituent publics which they serve. The issue of the accountability of international organizations is one which relates to several other issues which have been raised in the recent theories of international relations: the nature of the actors in the international arena and the importance of technological interdependence.

The issue of accountability by international organizations presumes that these organizations can have an influence

1/ Carl E. Beige, Wolfgang Hager and Sueo Sekiguchi, Seeking a New Accommodation in World Commodity markets, A Report of the Trilateral Task Force on Commodities Issues (New York: The Trilateral Commission, 1976), pp. 25-26

2/ Philippe de Seynes, "Prospects for a Future Whole World", International Organization, Vol. 26, No. 1 (1972).

of their own and that they do not merely rubber-stamp the decisions or policies of their member-states. This leads to the question which Robert Cox has posed: "Are international organizations merely the instruments of national foreign policies or do they influence world politics in their own right?"¹ Cox, along with Harold Jacobson, has joined earlier theorists like Arnold Wolfers in their questioning of the traditional state-centric view of international relations and in pointing to the increasingly autonomous transnational activities of new actors in the international arena.²

Among these theorists, Robert Keohane and Joseph Nye in particular have developed a theory of transgovernmental relations which assigns much importance to the interactions of states which occur among various units below the central or state level. Such interactions they choose to refer to as either "transnational" in the case of nongovernmental actors such as multinational corporations, or "transgovernmental" in the case of the interactions of "sub-units" of government.³ As we have seen in Chapter I,

1 / Robert W. Cox, "The Executive Head: An Essay on Leadership in International Organization", International Organization, Vol. 23, No.2 (1969), p. 206.

2 / See Arnold Wolfers' classic essay,, "The Actors in International Politics", in Theoretical Aspects of International Relations, William T. R. Fox (ed.), (University of Notre Dame Press, 1959).

3 / Robert O. Keohane and Joseph S. Nye, "Transgovernmental Relations and International Organizations," World Politics, XXVII (October 1974). See also other citations in bibliography.

the importance of Keohane and Nye's model of transgovernmental relations to our study is that it outlines a spectrum of relative autonomy from central authorities by governmental sub-units participating in international organizations. Keohane and Nye's model, it will be recalled, posited the occurrence of both "transgovernmental policy coordination" and "transgovernmental coalition building."

Keohane and Nye suggest five major potential effects of such transnational interactions: (1) attitude changes, (2) international pluralism (3) increase in constraints on states through dependence and interdependence, (4) increases in the ability of certain governments to influence others, and (5) the emergence of autonomous actors with private foreign policies that may deliberately oppose or impinge on state policies."¹ In the case of Interpol, our findings indicate that among the above potential effects, the preponderant one has been the emergence of the ICPO as a largely autonomous actor in the transgovernmental arena. Before elaborating on our findings, however, it is useful to expand on some ways in which our study of Interpol bears upon some of the other effects enumerated by Keohane and Nye.

¹ / Op. cit., pp. xvi.

One of the central themes which emerges from our study is the problematic nature of international interdependence, a subject which has been widely discussed though not within the specific context of international criminal police cooperation. Thus, as an example, in a recent report of the Trilateral Commission Richard N. Cooper, Karl Kaiser, Masataka Kosaka write that "Interdependence, despite its many benefits, complicates the management of the modern welfare state -- it creates disturbances, interferes with national priorities and policies, and transmits problems from other systems. Conversely, conflicting national priorities of modern welfare states inevitably complicate the problem of managing a system of interdependence."¹ Similarly, Eugene B. Skolnikoff argues that the increasing interdependence between states for resources, markets, audiences, capital and information and the continuing coalescence of domestic and foreign affairs are also leading toward a reduction of the significance of governments as independent actors on the international scene.²

¹ / Richard N. Cooper, Karl Kaiser, Masataka Kosaka, Toward a Renovated International System, A Report to the Trilateral Commission (New York: The Trilateral Commission, 1977), p.8.

² / Eugene B. Skolnikoff, The International Imperatives of Technology (Berkeley: Institute of International Studies, University of California, 1973.)

The ambivalence of such interdependence is also underscored by Joseph Nye who observes that, "Rhetoric often makes interdependence sound like a good thing or an inexorable force toward cooperation...In fact, interdependence is neither good nor bad, and is just as easily a source of conflict as of cooperation."¹ In a similar vein, Bayless Manning, writing of the growing intermixture of national and international issues, which he terms "intermestic affairs", says that, "Interdependence means vulnerability."²

As we have already seen, Karl Kaiser agrees with Koehane and Nye's view that there is a growing proliferation of systems of decisionmaking and allocation of values which cut across frontiers and which intermesh different national and international bureaucracies. Kaiser draws some very pessimistic conclusions about the possibilities this implies:

The intermeshing of decisionmaking across national frontiers and the growing multinationalization of formerly domestic issues are inherently incompatible with the traditional framework of democratic control. The threat is all the more serious because it is sustained not by enemies of democracy but unknowingly by people who consider themselves to be acting within Western democratic traditions and because it results in part from the very forces of internationalism, interdependence, and economic advancement that have come to be regarded as indispensable.³

¹/ Joseph S. Nye, Jr. "Independence and Interdependence", Foreign Policy, Spring 1976, p.116.

²/ Bayless Manning, "The Congress, the Executive and Intermestic Affairs: Three Proposals," Foreign Affairs, January 1977, p.307.

³/ Karl Kaiser, "Transnational Relations as a Threat to the Democratic Process," in Transnational Relations and World Politics, Robert O. Keohane and Joseph S. Nye (eds.), (Cambridge, Mass.: Harvard University Press, 1972), p.356.

Traditionally, it has been assumed that the policies and activities of international organizations will be known to both the governments as a whole and the publics of the member states. Thus Inis L. Claude writes that, "the policies of states with respect to international insitutions are dependent upon conceptions of national interest and expectations as to whether or not the activities of those institutions will be compatible with and conducive to the protection and promotion of those mutual interests."¹

What is generally lost sight of is that the policy consensus among the participant states of an international organization may be that of a narrowly defined interest group or professional elite, albeit an international elite. In the case of the International Criminal Police Organization, this elite represents the common interests of various police officials. Thus, while the ICPO Constitution may indeed represent a virtual unanimity of the national interests and expectations of its police officials, does not mean that it also necessarily incorporates, responds to, or will take into account the divergent or opposing views of other national groups such as civil liberties groups.

¹ / Inis L. Claude, Jr., "International Organizations - The Process and the Institutions", in Volume 8 of The Encyclopedia of the Social Sciencies, David L. Sills (ed.), (New York: The Macmillan Co. & The Free Press, 1963), p.39.

In the case of Interpol, the problematic nature of this interdependence has a corollary in the equally difficult question of the disparate value systems among nation states and of the slow and laborious process by which a network of international rules and obligations is created. While in certain areas such as the Law of the Sea negotiations it is legal and economic principles and differences which need to be reconciled, in other areas the problem becomes additionally complicated by the need to obtain an international agreement on common norms. The idea that governments have certain obligations to uphold basic human rights has become firmly established in a few areas as evidenced by the prohibition against slavery and white slavery and the adoption of the Universal Declaration of Human Rights in 1948. But the imperfect observance of the latter underscores the fact that while the development of an international ethos or a transnational value consensus is an important process which has not evolved very far.¹

As our discussion in Chapters V and VI has borne out, the lack of a legal or moral consensus on what constitutes international crime results in farreaching problems to the ICPD. These problems become compounded by the elusive and necessarily secretive nature of Interpol's work, by its unusual history as an intergovernmental organization, and by its hybrid international/national character. Our study

¹/ It could also be argued by some that the U.S.' imposition of its own high value on privacy on other nations could be said to amount to "cultural imperialism" of a special sort.

of Interpol contributes to the the new and as yet limited literature of transgovernmental relations; while the U.N. and its specialized agencies have been exhaustively examined, the recent emphasis on the multinational organizations still does not focus on those problems associated with the special breed of specialized international organizations. These do not have the economic visibility of the multinational corporations nor the reputation for insidious political influence that has been associated with them; thus, the economic and political visibility of the new breed of international organizations is very low. At the same time, our study has pointed out the great pervasive, if hidden, effect that an international organization like Interpol can have, even if it deals in only one commodity -- information.¹

To summarize our findings more specifically at this point, in broadest outline the conclusions of our examination of congressional oversight of American participation in Interpol relate to the nature of, the need for, and the outcome of such oversight. First, we have seen that the definition of national oversight of Interpol's activities is made difficult because of ambiguities in what we have, for convenience, termed the primary, secondary and tertiary

¹/ For a legal discussion of the problems of handling international information flows, see G. Russell Pipe, "Transborder Information Flows: Requirements for a New International Framework", Work Paper for the Seventh Conference on the Law of the World, World Peace Through Law Center (Washington D.C.: October 12, 1975).

levels of potential influence of such oversight. Secondly, we have found that the exercise of such oversight presents formidable barriers relating both to the nature of the ICPO and the difficulties inherent in the process of oversight itself. Third, we have seen that political variables, on the national level, play an important role in the process of this oversight and that a private political pressure group may well have constituted that primary catalyst without which the pattern of congressional inattention would have continued. Fourth, and most central to the theme voiced at the introduction of the dissertation, we have seen that the operations of Interpol can indeed pose a legitimate threat to the welfare and rights of citizens around the world.

As we have seen, the ICPO is called upon by its member states to serve the necessary function of acting as a central headquarters and relay station for international criminal justice information. This exchange of information between the member states results in an interdependence which has both positive and negative aspects. On the positive side, an effective and speedy exchange of information will result in the apprehension of criminals and in the deterrence of crime. On the negative side, participant countries are dependent on the legal systems and moral behavior of other member countries with respect to how the information they receive and transmit is handled. Thus,

the Congress has been led to ask, to what extent does the need to exchange criminal justice information with other countries through Interpol threaten the wellbeing and civil liberties of U.S. citizens travelling abroad.

This dissertation contributes to the literature we have cited by examining the kinds of restraints, problems, and issues which arise when a national government attempts to exercise control over an international organization. The study of Interpol provides evidence both of the need for maintaining such accountability on the part of international organizations and of the conditions under which such accountability can be sustained by a national government. In the case of Interpol, it is clear that its activities and decisions can affect a great number of citizens even though their member states have not chosen to exercise a careful vigilance over the manner in which Interpol operates. From the discussions throughout the dissertation, it is evident that there is good reason to be concerned about the manner in which the affairs of Interpol on both the national and international level are conducted.

While there is little question that the kinds of services which Interpol performs are vital to helping control the rising incidence of different forms of international crimes, the history of Interpol operations and the early congressional inattention to it leave serious doubts about the willingness of governments and the

ability of the public to exercise a vigilant and sustained watchfulness over the intertwining exchange of information. The fact is, prior to 1975, virtually none of Interpol's member countries paid any serious attention to scrutinizing the way in which it was run. In fact when the United States resumed its ICPO membership in 1958, it did not even choose to formally review the new ICPO Constitution of 1956 -- this in spite of the fact that the statutory basis for American membership was predicated on the original ICPC of 1938. Nor was the United States the only country negligent in its oversight of the ICPO.

It will be recalled that Kaiser believes that part of the solution to this emerging threat in the area of transnational relations can be countered by the determined watchfulness of member countries. Such watchfulness, asserts Kaiser (and also Sanford and Goodman), is more likely to stem from those countries which have democratic traditions as well as the legislative mechanisms to exercise such oversight.¹ Kaiser et al. also anticipate the important role which public involvement must play in calling for national oversight in the area of transnational relations. Since national governments must be the primary

¹ / Op. cit., passim. See also, Margaret Goodman and Jonathan Sanford, "Congressional Oversight and the Multilateral Development Banks," in International Organization, Vol.29, No.4, (Autumn, 1975).

check, the question becomes to what extent have they been willing and able to do so? The larger question that we have raised in this dissertation, then, has been: to what extent and under what conditions does such national oversight occur and what are the obstacles to such oversight? Although our particular study applies to one specific case, the different levels of problems presented can perhaps be usefully generalized for further future study.

In reviewing the obstacles to the congressional oversight of American participation in Interpol, we see that these occurred on three different levels and can be usefully pictured as part of an ascending hierarchy of specificity. For ease of reference, these levels can be pictured as follows:

(1) Obstacles stemming
from the nature of Interpol

(2) Obstacles relating to congressional oversight of international organizations as a group

(3) Obstacles inherent to congressional oversight itself

The contribution of this dissertation relates largely to the elucidation of the kinds of problems which present themselves on levels (1) and (2), rather than those of level (3) which have already been studied extensively in the literature on American government as we have seen from our discussion in Chapter II. With the exception of the suggestive work of Karl Kaiser and the work of Goodman and Sanford, there exists very little literature which relates to the kinds of problems encountered on level (2). In examining the particular kinds of problems which arise in the case of oversight of Interpol, this dissertation adds to an understanding of both levels (1) and (2). Naturally, the problems of level (1) by definition are those which arise from the unique nature of Interpol itself. Thus, some of its characteristics have presented special obstacles and incentives to congressional interest. At the same time, part of these characteristics can be generalized and thus can be seen to apply to level (2) as well.

Beginning our analysis with level (1), we are confronted with the recurring theme of the dissertation - that it is the very nature of Interpol's operations which renders it a potential threat to civic liberties and makes it difficult to supervise. While Interpol performs an important and necessary function in assisting its member countries to intercept and forestall international crime, its activities of necessity are secretive and elusive. It is this very

secretiveness of its operations, as well as the fact that the Interpol communications network embraces numerous and far-flung regimes of different political and legal persuasions, that make Interpol's work highly susceptible to abuses of all kinds. Whether one chooses to regard the ICPO as a para-intelligence organization or not, the fact still remains that the day-to-day details of its operations are closely guarded.

Another set of characteristics on level (1) which rather uniquely complicates and thus tends to obstruct the exercise of national oversight grows out of the fact that Interpol was never established in the way of most intergovernmental organizations, i.e. based on a multilateral treaty or convention. This has resulted in its somewhat unusual treatment by the Congress, as witnessed by the overseas visit by GAO staff. In examining the functions of the GAO in Chapter III, we have noted that it is highly unusual for GAO staff to actually visit and question members of an international organization at location, as part of an ongoing investigation. The GAO's on-site visits were not investigations in the sense that they had no formal subpoena power nor could they freely examine files and operations at the various NCBs. At the same time, it is very unusual for the GAO to visit and question the staff and operations of an international organization.

The fact that Interpol was irregularly constituted seems to have rendered it more susceptible to the scrutiny of the GAO than would have been the case had it been constituted like the World Bank. As the study by Goodman and Sanford points out, the organization and structure of the multilateral banks has been carefully devised to protect them from the potentially political or other prying of national governments.¹ Thus, in Chapters IV and V we have seen that the hybrid character of the ICPO may have helped render it more accessible to congressional inquiry. On the other hand, the odd evolution and unique NCB structure of Interpol have also served to make it more difficult for the Congress to understand, query and investigate. Unlike most international organizations, Interpol simultaneously has both an international staff and secretariat, as well as a national staff and operations. Thus, a third characteristic of Interpol which has in some ways impeded the exercise of effective oversight stems from the structural relationship of the National Central Bureaus within the Interpol network. Although the NCBs are essentially each autonomous national units, their world-wide communications access through Interpol's network makes them an essential part of the Interpol system.

1 / Op. cit. pp. 1055- 1057.

Our earlier analysis of the overlap between the national and international levels of control, which we termed the primary, secondary and tertiary levels, has enlarged on some of the ambiguities that this presents in terms of control. The complexity of the Interpol system and its implications to congressional oversight have also been evident in the testimony of hearing participants which showed that the influence of the Washington NCB could not be regarded as strictly domestic since its operations and consequences not only extended to the international realm, but were affected in turn by the actions of the foreign NCBs as well. However, in spite of their integral relation as part and parcel of the ICPO machinery, there exist many obstacles to any attempt to establish rules which would hold them accountable for their participation in the Interpol network.

A final characteristic about Interpol which could also be said to have impeded effective oversight relates to the fact that as an international organization made up exclusively of police members, Interpol provides a rather unique opportunity for the establishment of elite professional bonds. We have already noted that the creation of such bonds within transgovernmental relations, and in our case in the sphere of international organizations, has been termed "transgovernmental policy coordination and coalition

building" by Keohane and Nye.¹ Such coordination and coalition building often occurs among the national governmental representatives who participate in intergovernmental organizations. As a result of the professional and technical interchanges which take place in the frequent meetings and activities within such organizations, there is a tendency for common professional interests to be built up.²

These common interests may in fact help pave the way for a smoother and more effective implementation of what would otherwise have been the discrete national policies of the individual participant countries. In such a case, we have Keohane and Nye's transgovernmental policy coordination. An example of this in the case of Interpol might be the decision to uniformly accept the use of fingerprints and other identifying features for all international identification. One may also encounter, however, instances where members of a professional international association agree to support each other in areas where the particular group may not be supported by its higher national governing authorities. This would lead to what Keohane and Nye have termed transgovernmental coalition building -- an activity which is not necessarily subvertive of democratic controls and can in some lights be construed as a sort of indirect transnational lobbying effort. In some cases,

¹ / Robert O. Keohane and Joseph S. Nye, O., cit., passim.

² / It should be noted that such transgovernmental intimacy is not expected to include countries which are ideologically divided, so that transgovernmental coordination or coalition building between the FBI and the MVD are considered improbable.

however, such coalition building might in fact knowingly or unknowingly subvert the intended national policies of the respective national governments.

The de facto rules and procedures of the ICPO could be regarded as such coalition building by the diverse police officials of its member countries; within this context our dissertation can be said to contribute some insights on the tensions between the conflictual and the cooperative aspects of international relation. Our analysis of Articles 2 and 3 of Interpol's Constitution emphasized the limitations which the ICPO placed on itself in seeking to define a workable framework for international criminal police cooperation. By minimizing the sources of conflict, i.e. different interpretations of what are political or other sensitive crimes the ICPO has sought to maximize police cooperation. At the same time, the resulting de facto coalition by the members of the ICPO implies two points: (1) that the ICPO's refusal to hold its member states responsible for when and how they use the Interpol network is a reflection of the more widespread tacit avoidance of many of the nation-states to take responsibility in this area, and, (2) that the ultimate responsibility for assuring the moral and accountable conduct of such an intergovernmental organization must still fall to the constituent national governments. Thus, to the extent that

the various nation-states are unwilling to hold themselves and each other accountable in the area of the dissemination of criminal justice information -- to that extent is Interpol essentially left to its own devices.

While there is little reason to believe that there was any conspiratorial intention in the ICPO's neglect of privacy safeguards and in its laxity regarding setting up and enforcing strict policy guidelines for the dissemination of information by its NCBs, a certain amount of myopia certainly seems to be evidenced. One could at least postulate that the ICPO had set up both a rigorous set of policies governing the methods of operation of the local NCBS as well as an internal inspection system. Such a system, if lacking the power to enforce compliance among on the national level, could at least expel or reprove non-compliant members.

Bearing in mind that our argument presumes that there is an inherent value in safeguarding privacy and in forestalling what is would be deemed as corrupt behavior given the standards of the United States and many of the Western European nations, we can conclude that the congressional attention and press scrutiny (even if the latter was often sensationalist) had a salutary effect on Interpol in bringing home the lesson that such concerns could not be treated so lightly. Keeping Koehane and Nye's treatment in mind, one is led to believe not so much

that the police professionals of the ICPO deliberately chose to evade privacy safeguards or to ignore ethics standards in the conduct of their own fraternity but that their perspective and concerns too narrowly defined their purview. This reinforces Kaiser's contention that the activities of such international organizations do need to be supervised and attended to.

Looking now at the obstacles relating to congressional oversight of international organizations as a group (level 2 in our diagram), we shall see that these bring to bear problems which arise from both the specific characteristics of the regulated international organization, and problems which are inherent to oversight itself. Thus, we have the convergence of two sets of problems. From the top, we have the problems already mentioned in Chapter I and discussed by Kaiser -- the activities of some of these international organizations are either very technical and abstruse, or they may be remote and seemingly insignificant. From the bottom (our level 1), there are many obstacles to the exercise of congressional oversight which occur on the national level alone. Here, the competing pressures resulting from scarce congressional resources of time, interest, and congressional staff traditionally have meant that only a limited number of subjects can capture the attention of the Congress.

One of the most interesting things about Interpol was

that for such a long time it was virtually ignored not only by the Congress but even by the executive branch itself. In terms of the balance of power between the executive branch and the Congress, the fact that Treasury for a long time housed and operated the Washington NCB meant that the largest part of the oversight responsibility vis-a-vis the ICPD as an international organization, should have fallen on its shoulders. In actual fact, however, for the longer period of U.S. participation in Interpol neither the executive branch nor the Congress paid any serious attention to U.S. participation. The responsiveness of the executive branch, in both the Treasury and Justice Departments, was forced by the FOIA campaign of the Scientologists and by the ensuing attention generated in the press. This responsiveness, with the limitations we have already noted in the Epilogue, was in large part a response to the call of the various congressional committees. Thus, while the executive branch held the upper hand as long as Interpol was unknown, the balance of power became a much more equal one once several of the key committees, such as the House Judiciary, became interested.

At the same time, within the perspective of congressional politics, it was clear that as long as the subject of Interpol had no domestic constituency, it would continue to be ignored by the Congress. This is the case for several reasons which relate back to the discussion above -- namely that the impact of Interpol on people's lives was in many

cases negligible as well as difficult to detect. Like many other international organizations, its activities seemed significant only to the restricted small number of mobile international criminals. Certainly, the everyday citizen was very unaware that Interpol could ever touch his life. Furthermore, Interpol represented a relatively insignificant budgetary outlay, thus there was no great taxpayer expenditures to justify. Neither was the subject of Interpol one which would generate great foreign policy debate. In fact, as we have already pointed out, many congressmen themselves thought Interpol was a fictitious organization.

In general, part of the obstacles which arise on level (2) have to do with the ambiguity inherent in congressional oversight of an autonomous international organization. It has often been assumed that through such devices as the veto or through reliance on consensual majorities, the various nation-states would be assured a method of control over those international organizations in which they participate. In actual practice, however, the attention, time, and funds necessary to exert meaningful vigilance are often lacking, and the exercise of national control through such formal and cumbersome mechanisms as the ICPO's General Assembly or Executive Committee leave much to be desired. Furthermore, and more central to the thesis of this dissertation, in the case of many such organizations the exercise of consensual majority does not circumvent the problem of professional elites.

Another potential mechanism of nation-state control would be through its financial or membership veto -- i.e. if the U.S. is dissatisfied with the policies of the ICPO, it could withdraw American membership or dues contribution. While such a move would be an effective means of foreclosing any potential of abuse within the U.S. itself, it actually still leaves the ICPO itself virtually uncontrolled; i.e. if it is assumed that the ICPO will continue to operate without U.S. membership, Americans travelling abroad would still be susceptible to potential abuse by its network. Again, it should be emphasized that it is not the contention of this dissertation that such abuses are rampant nor even that they exist but only that they can occur and that their eventuality alone is reason enough to make sure that the ICPO is held accountable by the states which create it. The last potential means of control is the one which has been exercised most meaningful when any meaningful oversight did occur -- and that has been using the superpower influence and prestige of the U.S. as an occasion to exert exceptional leadership and a strong example. We have seen in the Epilogue that the GAO had this kind of a function explicitly in mind when it set forth its recommendations.

Another main source of impediment to congressional oversight of international organizations stems from the weaknesses and flaws of the oversight system itself. As

two major critics of the American system of accountability have argued, "if there is anything to be learned from the record of oversight, it is that Congress usually cannot or will not sustain it over any long period of time."¹ We have already discussed the central weaknesses of the oversight system in Chapter II. Primary among these is the problem associated with the overlapping and confusion jurisdictions. As one adept observer of the system has concluded, "A basic defect in the organization and procedures of Congress in passing on the budget is that responsibility is hopelessly divided among numerous committtes and subcommittees, each considering only a small part of the finances of the government."² In the case of Interpol, this overlapping jurisdiction has both impeded and added momentum to the efforts to oversee Interpol. On balance, however, the long delay of action by the House Judiciary Committee and the default of interest in what was Montoya's committee cannot be attributed to the confusion of jurisdictions as much as to the factors already mentioned above and those which follow.

Given the history of congressional inattention to Interpol, it was only as a result of the domestic political climate following Watergate and the unusually channelled

¹ / Morton Mintz and Jerry S. Cohen, Power, Inc.: Public and Private Rulers and How to Make them Accountable (New York: The Viking Press, 1976), p. 577.

² / Joseph P. Harris, Congressional Control of Administration (Garden City, N.Y.: Doubleday and Co., 1964), p.319.

motivation of a private pressure group that congressional oversight of Interpol was catalyzed. While the dynamics of access to the legislative process have been studied by many able theorists, such studies have not focused on the ways in which such factors can affect international organizations.¹ Most pressure groups derive their power ultimately from either the potential political weight of their numbers (e.g. farmers, labor) and thus from the threat of being able to mobilize an effective political voice at the polls, or from the influence of the money which they can spend on effective lobbyists, lawyers and campaign contributions.

Traditionally, the most influential pressure groups have been those who have derived their power ultimately from either the potential political weight of their numbers (e.g. farmers, labor) and thus from the threat of being able to mobilize an effective political voice at the polls, or from the influence of the money which they can spend on effective lobbyists, lawyers and campaign contributions. Thus, it has often been those pressure groups like the top labor unions that could afford to spend large sums on their lobbying

¹ / See, in particular, the classic study of David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 2nd ed., 1967); see also E. Jewell and Samuel C. Patterson, "The Legislature and the Executive: Oversight, Supervision, Control" in The Legislative Process in the United States (New York, Random House,) 1975; and William J. Keefe and Morris S. Ogul, The American Legislative Process (New Jersey: Prentice-Hall, Inc.) 1977.

efforts and who thus are able to spend large sums on their lobbying efforts and consistently wield great influence. At the same time, there has been a trend for non-monied groups, such as civil rights and public interest groups to acquire growing congressional leverage. Thus, Stephen Bailey concludes:

Nor are powerful lobbies always the affluent ones. Certain civil rights groups exercise extraordinary influence, not because they are well-financed, but because they represent a powerful electoral and moral force in key segments of the voting public. 1/

International organizations, however, with few exceptions, do not have the political or economic saliency that can command great domestic constituent interest. Neither the voters nor the political parties have reason to be interested in their activities, except perhaps in the exceptional cases as in John Birch Society's lobbying efforts to rescind U.S. membership in the U.N., or more recently in the U.S. withdrawal from the International Labor Organization.² It is interesting to examine the qualities of the pressure group which managed to catalyze congressional interest in Interpol. We have seen that the Church of Scientology was the primary force not only in

1/ Stephen K. Bailey, Congress in the Seventies (New York: St. Martin's Press, 1970), p.21.

2 / In the latter, the issue was concern over the growing, and what was felt to be the disproportionate, influence of the Soviet Union in the ILO; see Secretary of State Kissinger's announcement of the U.S. intention to withdraw from the ILO and the attendant discussion of the issues involved in The New York Times, Nov. 6, 1975.

stimulating domestic interest in Interpol, but in bringing world-wide attention and critical scrutiny to a hitherto mythified organization. Yet in many ways the Church was a highly improbable instrument in this process -- lacking as it did any significant political leverage and having no economic interest in this area. It seemed unlikely that the congressional attention that accrued to Interpol from 1975 to 1977 could have been activated by the actions of a discrete handful of private citizens. Nonetheless, it seems that the post-Watergate climate, combined with their own particular messianic sense of duty which enabled the Church to serve as a highly effective pressure group. Lacking numbers and copious funds, the Scientologists managed to mobilize the threat of adverse publicity as well as to utilize the newly enacted Freedom of Information Act.

The persistence and perhaps voiciferousness of the Scientologists seemed to overcome the improbability of their success. To those who admired the Scientologists, the stern warning cited earlier by Congressman Eilberg to Justice officials was seen as a testimony to the dedicated and righteous crusade they had championed. To those who spurned the Church, the time and effort spent by the Congress on Interpol questions seemed a laborious and wasteful expenditure of taxpayers monies. Thus, some of

the Justice and Treasury officials felt that the Church had managed to make much ado about very little -- that Interpol was after all an insignificant outfit whose potential dangers has been sensationalized by the press at the instigation of the Scientologists.

Regardless of which camp one chose to take, the success of the Scientologists was in many ways a function of the dynamics of an open democratic society, and was regarded in a different light by different parties. The leverage of the Scientologists, however, was made possible both by the nature of the American political system and by the kind of values which they claimed to defend.¹ In terms of the concerns about how Interpol operates, however, this raises again the issue of the dangerous possibilities of abuse in those countries whose systems do not place high value on the safeguarding of individual rights to privacy nor on the scrupulous observance of due process of law. Unfortunately, it is those very countries which are unlikely to insist that their Interpol participation conform with careful legal and moral principles, as it is those countries which are most likely to evidence unregulated corrupt police practices. Not all societies so intensely espouse the

¹ / Gary Orfield discusses the ways in which socially active groups have attempted to make the Congress more progressive in Congressional Power: Congress and Social Change (New York: Harcourt Brace Jovanovich, Inc., 1975).

protection of privacy which the Scientologists and the press championed, nor would most political systems permit a private nongovernmental group to have such ready access to its legislative chambers. Though not all of the committees received the Scientologists with a friendly welcome, their testimonies were received even by those quite hostile to them. This underlines the uniqueness of the American congressional oversight system, a system which has evidenced unusual leadership in the area of oversight and which places exceptionally high values on democratic procedures as an inherent part of democracy itself. As Seymour Martin Lipset writes in Political Man, "democracy is not only or even primarily a means through which different groups can attain their ends or seek the good society; it is the good society itself in operation."¹

The dynamics of the Scientologists' lobbying effort also underscores the crucial, if uncertain, role which a lobbyist group can play in informing, persuading, and insisting that congressional attention be brought to a certain area. From the domestic vantage point alone, there has been much attention paid to the lobbying effort. Yet while many authors have commented on the seamier side of traditional pressure group politics, there has been a

¹ / Seymour Martin Lipset, Political Man (Garden City, N.Y.: Doubleday & Co., 1960), p.489.

consistent recognition of the positive function which lobbies can perform, particularly in helping to spur oversight efforts. In explaining congressional reliance on such lobbyists, the Ralph Nader Congress Project quotes New York representative Allard Lowenstein's complaint:

How much can anyone do with limited staff, and all the turmoil and what not to cope with? If you aren't independently wealthy, you can't have a staff that is capable of putting things together much beyond what you can come up with from the sources available to everyone -- the executive departments, the lobbies, the staffs of congressional committees, the Library of Congress. That's one reason why the lobbies are so influential. They have people who are able to spend all their time collecting data on why pollution is good for River X. What congressmen can match that? 1 /

The Nader Group replies: "None can. That's why congressmen so often have to depend on the superior manpower of the lobbies to suggest solutions to problems, draft legislation, provide the evidence for it, help develop legislative strategy, persuade the rest of Congress to go along, and even raise the problems in the first place. With the lobbies' pressure bearing in from all sides, Congress ends up, for the most part, responding to the heaviest push."²

This recalls our discussion of the political dynamics of the Scientologists access to the congressional committees

1 / Mark J. Green with Bruce Rosenthal and Lynn Darling, Who Runs Congress? , A Ralph Nader Congress Project (New York: Grossman Publishers, 1975). p.31.

2 / Ibid, p.31.

and their effective use of the press and the Freedom of Information Act. In the case of Interpol, the successful lobbying effort of the Scientologists cannot be attributed to great political influence or organization nor to the well-heeled effort as an affluent pressure group. In many ways the Scientologists effort can be styled along the lines of the burgeoning public interest groups such as environmental or consumer protection groups, whose dedicated and sometimes strident energies perform the gadfly role in the political process. Lacking both numbers and funds, the causes espoused by such groups gain strength from their real or apparent convergence with democratic and human ideals.¹ Thus, whether the championed cause be the removal of pollution or the freedom from unwarranted invasions on privacy, the ideals are those which have the traditional support of a democratic society. Such ideals, if properly channeled, can compensate for the lack of direct constituent or economic interest in the championed cause. In the case of Interpol, the post-Watergate climate and the strong interest this generated in safeguarding against unwarranted intrusions of privacy helped propel the arguments of the Scientologists.

¹/ For some limited parallels, one can compare the political dynamics of the citizens' movement, Common Cause. See John W. Gardner In Common Cause (New York: W.W. Norton & Co., Inc. 1972). See also John S. Saloma III, Congress and the New Politics (Boston: Little, Brown and Co., 1969).

It should not be assumed, however, that such a gadfly role is always necessarily perceived as a positive or useful function by all elements of the society nor does it necessarily breed virtue. The press, like the public, can be catalyzed by demagogic appeals based on generalized ideals whose specific value in a particular case may not be demonstratable. While the Scientologists may have felt themselves to be morally righteous, in some ways, the Washington Interpol staff , as noted earlier, seemed to have felt that the costs of replying to their queries and of preparing for congressional hearings prompted by the Scientologists' was a great burden to the U.S. NCB. and out of proportion to the monies spent on the U.S. operations. This echoes the observation of Joseph P. Harris that, "Investigations at times place a heavy burden of work on executive departments and agencies. When an agency is being investigated, its officers must put aside other duties and give virtually full time to the investigation. Important decisions are postponed, morale suffers, and the work of the whole agency is apt to be disrupted."¹ At the same time, the Chief of the Interpol unit did indicate that he realized the important need for congressional interest in this hitherto neglected area.

¹ / Joseph P. Harris, Congressional Control of Administration (Garden City, N.Y.:Doubleday and Co., 1964), p. 303.

By and large, if one assumes that there is great value in protecting individuals from potentially abusive intrusions on their privacy and from corrupt and unbridled practices by foreign police associated with Interpol, then the overall effect of the oversight effort by the Congress can be said to have been salutary. This is not to say that the Congress can assure that such abuses do not occur nor that its oversight in this area will continue to be an adequately vigilant one, but that the combined effect of its attention has been a decided increase in both domestic and international attention to the manner in which Inteprol handles its operations.

In conclusion, it can be said that in the case of Interpol the overall effect of congressional oversight interest was a stimulating and salutary one which prodded both the American office and the ICPO itself to examine their principles and operations more closely. The long term of governmental inattention to Interpol, however, tends to confirm the concerns about the threat which the burgeoning international and transnational organizations can present. Finally, this dissertation contributes to the very small but significant literature which examines the accountability of international organizations by bringing to light the kinds of obstacles which impede the national in such organizations and the kind of conditions which

permit the exercise of such oversight. The fact that it took a unlikely public pressure group, under rather unusual circumstances, to provoke congressional interest in Interpol operations - on one hand gives credit to the strength and flexibility of the American political process, but on the other hand, indicates that oversight of international organizations is a frequently overlooked function which is particularly difficult to initiate and sustain.

APPENDIX A

List of Member Countries as of 1978*

Algeria	Honduras	Oman
Argentina	Iceland	Pakistan
Australia	India	Panama
Austria	Indonesia	Papua New Guinea
Bahamas	Iran	Paraguay
Bahrain	Iraq	Peru
Bangladesh	Ireland	Philippines
Belgium	Israel	Portugal
Benin	Italy	Quatar
Bolivia	Ivory Coast	Romania
Brazil	Jamaica	Rwanda
Burma	Japan	Saudi Arabia
Burundi	Jordan	Senegal
Cameroon	Kenya	Sierra Leone
Canada	Khmer Republic	Singapore
Central African Empire	Rep. of Korea	Somalia
Chad	Kuwait	Spain
Chile	Laos	Sri Lanka
Rep. of China	Lebanon	Sudan
Colombia	Lesotho	Surinam
Congo	Liberia	Swaziland
Costra Rica	Libya	Sweden
Cuba*	Liechtenstein	Switzerland
Cyprus	Luxembourg	Syria
Denmark	Madagascar	Tanzania
Dominican Republic	Malawi	Thailand
Ecuador	Malaysia	Togo
Egyptian Arab Republic	Mali	Trinidad and Tobago
El Salvador	Malta	Tunisia
Ethiopia	Mauritania	Turkey
Federal German Republic	Mauritius	Uganda
Fiji	Mexico	United Arab Emirates
Finland	Monaco	United Kingdom
France	Morocco	United States
Gabon	Nauru	Upper Volta
Ghana	Nepal	Uruguay
Greece	Netherlands	Venezuela
Guatemala	Netherlands Antilles	Arab Rep. of Yemen
Guinea	New Zealand	Yugoslavia
Guyana	Nicaragua	Zaire
Haiti	Niger	Zambia
	Nigeria	
	Norway	

* Source: U.S. NCB data and ICPO Review.

**The provisions of article 53 of the General Regulations have been applied. (See Chapter V)

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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

GOVERNMENT OPERATIONS COMMITTEE
SUBCOMMITTEES:
LEGISLATION AND NATIONAL SECURITY
GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
DEMOCRATIC STEERING AND POLICY COMMITTEE

INTERSTATE AND FOREIGN COMMERCE COMMITTEE:
CHAIRMAN,
OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE
JOINT COMMITTEE ON ATOMIC ENERGY

B-161370

February 5, 1976

Elmer B. Staats
Comptroller General
General Accounting Office
441 G Street
Washington, D. C. 20548

Dear Mr. Comptroller General:

The United States is a member of INTERPOL, ostensibly an International Criminal Police Organization through which police forces in 120 countries may exchange data on criminal suspects. Members transfer information by access to each other's law enforcement files. In the U. S., this can include the FBI's massive National Crime Information Center. Interpol's National Central Bureau here, operating from Treasury Department facilities, seems to operate under no guidelines limiting what data on Americans can be disseminated abroad. Americans working for Interpol are Federal employees on loan from the Secret Service, Customs, the Bureau of Alcohol, Tobacco and Firearms and the Drug Enforcement Administration.

Interpol is a private organization, and we have been unable to establish that it has ever been established by any international charter or treaty. Its constitution and bylaws, binding on its U. S. office, have never, to our knowledge, been submitted to or approved by the U. S. Congress. Yet it seems to be enjoying all privileges of a U. S. Federal agency.

Interpol is not, to our knowledge, a part of the United Nations, and has never been granted any status by the General Assembly of that body. Therefore, because of America's financial contributions, use of the U. S. law enforcement personnel and facilities as well as crucial privacy and data access questions, we request that the GAO probe our involvement with Interpol, seeking specific answers to the following questions:

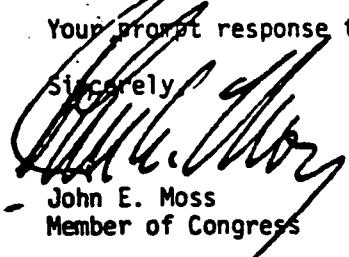
- 1) Exactly how much information does Interpol receive from the U. S. and precisely what is its nature?
- 2) Does Interpol have access to the FBI's NCIC system of the U. S. criminal information files, through Treasury's TECS system or any other ADP or manual system; including NLETS?
- 3) Do Federal law enforcement agencies collect criminal data from state and local authorities at Interpol request, and third party it abroad through Interpol?
- 4) What plans, if any, are being made to increase such data exchanges between the U. S. and Interpol?
- 5) Can Interpol place its own data on individuals into NCIC or other U. S. law enforcement agency files?
- 6) Does Interpol's office here, the National Central Bureau, possess or operate under any guidelines limiting what information on Americans may be disseminated to other nations?
- 7) Is data from American law enforcement agency files, once transmitted to Interpol, accessible to all 120 Interpol members, including several Communist nations and certain countries with whom we have no formal diplomatic relations?
- 8) A number of Americans, employees of various Federal law enforcement arms, staff the Interpol bureau at Treasury. Who do they report to and seek final approval of policies from?
- 9) Does Interpol have any legal right or permission to initiate investigations or data exchanges with U. S. law enforcement entities or state or local levels? If so, please elaborate.
- 10) What kinds of data banks and/or dossiers are being maintained in Paris on Americans and what does the U. S. government know about their contents or how they are utilized and the data disseminated?
- 11) Does the U. S. Government have full access to all such information in Paris at one time upon request?
- 12) Has our government ever made such a request?

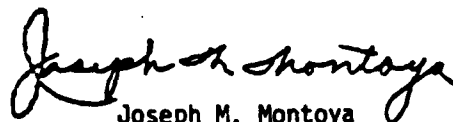
- 13) Is the American government helping to underwrite a growing international data bank it cannot monitor?
- 14) Interpol acknowledges in its internal publication that "exceptional contributions" have been made to it by unnamed persons in Switzerland, Venezuela and Brazil. Who are these individuals, and does the U. S. have access to information on them?
- 15) Have non-professionals lacking law enforcement experience ever been placed in Interpol's Washington office because of a politically-oriented referral?
- 16) Is there any dissemination by Interpol of personal and political information about American citizens neither accused nor suspected of criminal activity?
- 17) Interpol maintains files not only on known criminals but also on individuals "under suspicion", as well as data on complainants, victims and witnesses involved in criminal cases. Who has access to this data and to whom is it disseminated?
- 18) Are there any guidelines, either from Interpol's international headquarters or originating in Washington, governing exchange of unverified accusations, raw intelligence data and other information potentially damaging to innocent U. S. citizens?
- 19) Should Interpol be housed at the Treasury Department as if it were a Federal agency?
- 20) Does the U. S. receive any accounting from Interpol's Paris headquarters on how our financial contributions are being spent?
- 21) Interpol requested and received a \$135,000 grant from the State Department in September, 1974. Sheldon Vance of the State Department approved that request, yet the funds in question were administered by the Agency for International Development. Why was this request made? Who made it? What similar requests have been made and what was the disposition of the request? Why did AID administer it rather than the Treasury Department?
- 22) How deeply is Interpol involved in diplomatic functions, such as extradition requests? What is its relationship with our State Department regarding such requests?

- 23) Where is the scope of Interpol's authority to operate as described within the U.S. spelled out by statute?
- 24) Is Interpol carrying out police, diplomatic, intelligence, law enforcement and other functions without effective American oversight?
- 25) Does Interpol have access to the State Department's passport files?
- 26) Does Interpol have a U.S. Federal advisory board?

Your prompt response to this inquiry is urgently requested.

Sincerely,


John E. Moss
Member of Congress


Joseph M. Montoya
United States Senate

JEM:Fe.

APPENDIX C

LEGISLATIVE HISTORY REGARDING FUNDING FOR INTERPOL

- 1938 - P.L. 75-587 authorized necessary expenses for membership in INTERPOL not exceeding \$15,000 per year (52 Stat. 640).
- 1958 - P.L. 85-768 increased from \$1,500 to \$25,000 per year authorized expenses for membership in INTERPOL.
- 1967 - P.L. 90-159 increased from \$25,000 to \$28,500 per year authorized expenses for membership in INTERPOL.
- 1972 - P.L. 92-380 increased from \$28,500 to \$80,000 per year authorized for membership in INTERPOL.

Also authorized \$55,000 for unpaid dues to INTERPOL for calendar year 1970 and 1971.

(See attached for legislative history for Ninety-second Congress legislation).

- 1974 - H.R. 14597 introduced to increase funds for membership in INTERPOL from \$80,000 to \$120,000 and to authorize the appropriation of \$20,000 for unpaid dues for calendar year 1973.

LEGISLATION (92nd Congress), to increase the limit on
dues for United States membership in the
International Criminal Police Organization

H.R. 9332 - Executive Communication

increases annual authorized expenses for membership
in INTERPOL to \$49,000;

authorizes \$20,170 for unpaid dues for calendar
year 1970.

H.R. 11350 - clean bill ordered reported by full Committee

increases annual authorized expenses for membership
in INTERPOL to \$55,000;

authorizes \$23,000 for unpaid dues for calendar
year 1970.

H.R. 11350 - amended by Senate Judiciary Committee

increases annual authorized expenses for membership
in INTERPOL to \$100,000;

authorizes \$55,000 for unpaid dues for calendar
years 1970 and 1971.

H.R. 11350 - Conference report

increases annual authorized expenses for membership
in INTERPOL to \$80,000;

authorizes \$55,000 for unpaid dues for calendar
years 1970 and 1971.

Public Law 92-380

increases annual authorized expenses for membership
in INTERPOL to \$80,000; and

authorizes \$55,000 for unpaid dues for calendar
years 1970 and 1971.

CHRONOLOGY OF THE MAJOR CONGRESSIONAL
HEARINGS ON INTERPOL

Abbreviation

IC 1959

U.S. Congress. House. Committee on the Judiciary. Report of a Special Committee on the International Court of Justice and the International Criminal Police Organization. Committee Print. Washington, D.C.: Government Printing Office, April 1959.

EDWARDS (71)

U.S. Congress. House. Committee on the Judiciary. Subcommittee No. 4. International Criminal Police Organization. Hearings, 92nd Cong., 1st Sess., September 10, 1971. Chairman: Don Edwards.

MONTOYA I

U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service, and General Government. Treasury, Postal Service, and General Government Appropriations Bill, FY 1976. Hearings, 94th Cong., 1st Sess., April 24, 1975. Acting Chairman: Henry Bellmon.

MONTOYA II

U.S. Congress. Senate. Committee on Appropriations. International Criminal Police Organization: Review of United States Participation in Interpol. Hearings, 94th Cong., 1st Sess., May 6, 1975. Chairman: Joseph Montoya.

MONTOYA III

U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service, and General Government. Treasury, Postal Service, and General Government Appropriations Bill, 1976. S. Rept. 94-294 to accompany H.R. 5987. 94th Cong., 1st. Sess., July 21, 1975. Chairman: Joseph Montoya.

MONTOYA IV

U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service, and General Government. Treasury, Postal Service and General Government Appropriations Bill, 1977. Hearings, 94th Cong., 2nd. Sess., February 24, 1976. Chairman: Joseph Montoya

(continuation)

STEED (76)

U.S. Congress. House. Committee on Appropriations. Subcommittee on the Treasury, Postal Service, and General Government. Department of the Treasury, Part I. Hearings, 94th Cong., 2nd. Sess., March 26, 1976.
Chairman: Edward Roybal.

EILBERG (77)

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Immigration, Citizenship, and International Law, Unpublished transcript. of the 95th Cong., 1st. Sess., March 30, 1977.
Chairman: Joshua Eilberg

GAO REPORT

U.S. Government Accounting Office. United States Participation in Interpol, the International Criminal Police Organization, Department of the Treasury, Report of the Comptroller General of the United States, ID-76-77.

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- U.S. Congress. Senate. Committee on Appropriations. International Criminal Police Organization: Review of United States Participation in Interpol. Hearings, 94th Cong., 1st Sess., May 6, 1975.
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- U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service, and General Government. Treasury, Postal Service and General Government Appropriations Bill, 1977. Hearings, 94th Cong., 2nd. Sess., February 24, 1976.
- U.S. Congress. House. Committee on Appropriations. Subcommittee on the Treasury, Postal Service, and General Government. Department of the Treasury, Part I. Hearings, 94th Cong., 2nd. Sess., March 26, 1976.
- U.S. Congress. House. Committee on the Judiciary. Subcommittee on Immigration, Citizenship, and International Law, Unpublished transcript. of the 95th Cong., 1st. Sess., March 30, 1977.
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