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Ike's Constitutional Venturing: The Institutionalization of the CIA, Covert Action, and American Interventionism

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Cover Page Footnote

This work could not have been completed without the guidance of Miami University's Ryan Barilleaux, for the idea of 'venture constitutionalism' is his own. Dr. Barilleaux's insights steered this paper towards its current form, and his prose style serves a reminder--though one I still have difficulty in observing--that efficiency always trumps eloquence.

U.S. covert action from the 1950s onward was shaped, in part, by the success of a coup d'état orchestrated by the Central Intelligence Agency (CIA) in which the United States deposed the popular Iranian nationalist Prime Minister, Mohammed Mossadegh. The overthrow occurred in 1953, and replaced Mossadegh, who valued many American ideals, with Mohammed Reza Shah, “a tyrant who despised much of what the United States stands for.”¹ Ordered by President Eisenhower, the coup in Iran set the precedent for utilizing covert action as a means of achieving the United States’ goals. In so doing, President Eisenhower overturned the precedent set by his immediate predecessor, President Truman, that is, the precedent of using the Central Intelligence Agency in its intended function, gathering and evaluating intelligence. As will be shown and defined below, the coup is an exemplary case of venture constitutionalism. In ordering the coup, Eisenhower extended his authority as President by setting a new precedent of intervention without consulting Congress or the public. From here venture constitutionalism will be defined, the history of the CIA and its organizational context will be written, the coup will briefly be discussed, and then an explication of the constitutional venturing that took place therein will be provided.

¹ Stephen Kinzer, *All the Shah's Men: An American Coup and the Roots of Middle East Terror* (Hoboken, NJ, Wiley, 2008), X.

Defining Venture Constitutionalism in the Context of a Coup

Before any meaningful search for venture constitutionalism in President Eisenhower's coup d'état in Iran, venture constitutionalism itself must be defined. Venture constitutionalism is what political scientist Ryan Barilleaux felicitously defines as "an assertion of constitutional legitimacy that does not conform to settled understandings of the president's constitutional authority."² It is a form of constitutional risk taking. This assertion of constitutional authority manifests in three principle ways: first, venture constitutionalism to protect the institutional interests of the presidency; second, venture constitutionalism to promote U.S. security and pursue national interests; and third, venture constitutionalism to augment the president's role in policy making. The second form of venture constitutionalism is the form on which this paper's analysis is based. Now, prior to any application of the abovementioned form of venture constitutionalism to President Eisenhower's coup, it is necessary to look at the history of the CIA. In so doing, the coup can be contextualized and better understood as an act of venture constitutionalism. This will logically be followed by an abbreviated account of the coup itself, and then the principal reasoning behind the coup's classification as an act of second-form venture constitutionalism.

² Christopher S. Kelley and Ryan J. Barilleaux, *Executing the Constitution: Putting the President Back into the Constitution*, (New York, State University of New York Press, 2006), 42-45.

The Birth and Development of the CIA

In late 1944 President Franklin Roosevelt sent a note to General William J. Donovan of the wartime Office of Strategic Services (OSS), soliciting the General's opinions on postwar intelligence operations. Donovan replied that the demand for intelligence would be "equally pressing" and that "solving the problems of peace" would be contingent on intelligence, and general Donovan proposed to refashion the OSS into a "central intelligence service."³ The Director of the Federal Bureau of Investigation (FBI), J. Edgar Hoover, had fought with the OSS throughout the Second World War over the right to collect and analyze intelligence on a worldwide basis. This led to Hoover's own act of espionage in late 1944 when he obtained a copy of General Donovan's advice to President Roosevelt and leaked it to the *Chicago Tribune*, which then decried General Donovan as spewing machinations for a "super-spy system" in the postwar world.⁴

President Truman was also no friend of Donovan's. On September 20, 1945, Truman issued an executive order terminating the OSS, claiming that the United States had no use for a peacetime "Gestapo."⁵ Truman quickly discovered that he was wrong in this termination. Truman's disbanding of the OSS is best

³ Harris R. Smith, *OSS: The Secret History of America's First Central Intelligence Agency*, (Berkeley, University of California Press, 1972), 363.

⁴ Ibid.

⁵ Ibid., 364.

interpreted as the result of a hope for a future in which the United States would see, as Warren Harding famously stated, a “return to normalcy.”⁶ Yet the United States sat at the penultimate position of power in the postwar world, and, as such, the U.S. would need a centralized intelligence service. In January 1946, Truman established the Central Intelligence Group (CIG), which served at the behest of the president and was responsible for the “coordination, planning, evaluation, and dissemination of intelligence.”⁷

In July 1947, the National Security Act was passed, which provided the President with the National Security Council (NSC), renamed the CIG to the Central Intelligence Agency, and made the CIA an independent department.⁸ A short year later, Congress passed the Central Intelligence Agency Act, which exempted the CIA from all federal laws requiring the disclosure of Agency functions while also giving the Agency the power to spend money without regard to federal law, thereby allowing for a free-for-all subsidization of governments and organizations across the globe.⁹ The CIA was assigned five essential tasks: first, to advise the NSC on matters pertinent to national security; second, to recommend to the NSC efforts in the coordination of intelligence activities in all

⁶ Warren G. Harding, "Return to Normalcy," Teaching American History.

⁷ United States, United States Senate, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, 1975-76 (Church Committee), Final Report, S. Rep. No. 94-755 (1976), 6-9.

⁸ *Ibid.*, 12.

⁹ Stephen E. Ambrose and Richard H. Immerman, *Ike's Spies: Eisenhower and the Espionage Establishment* (New York, Anchor Books, 2012), 168.

departments; third, to accumulate, analyze, and appropriately disseminate intelligence; fourth, to carry out “service of common concern”; and fifth, to perform “other functions and duties” related to intelligence affecting national security.¹⁰

The Eisenhower Administration used the CIA's fifth function as a ballast as they sailed into the uncharted waters of coups and covert action. Indeed, in recounting the rise of CIA covert action of the magnitude observed in the Mossadegh's overthrow, the State Department's George Kennan described the CIA's mysterious fifth function, its charge to carry out ‘other functions and duties’, as “one example” of “why we thought that we ought to have some facility for covert operations.”¹¹ Here one can easily see the foundation for the constitutional venturing that was taking place during the Eisenhower Administration.

The CIA engaged in a few carefully-selected covert operations prior to the Eisenhower Administration, the first of which was an intervention in the Italian elections in April of 1948, in which, out of a fear that Italy was about to turn Red by way of a popular vote, the U.S. interjected campaign funds into Italy's Christian Democratic Party (CDP). The CDP won, and the CIA took this as

¹⁰ Ambrose and Immerman, *Ike's Spies*, 13.

¹¹ *Ibid.*, 31.

further licensure to intervene across the globe.¹² One might conceive of this covert action in Italy as constitutional venturing, and it is. However, the CIA's use of the United States' coffers to garner influence and achieve agency goals is incomparable with conceiving of and executing a coup d'état, an extreme form of espionage intended to topple governments.

Walter Bedell Smith was appointed as the CIA's director in 1950, and another year later, he recruited Allen Dulles as his deputy director. Under the leadership of these two men the capacity for covert action in the CIA swelled even more: the Office of Policy Coordination (OPC), charged with covert operations, saw an increase in personnel from 302 in 1949 to 2,812 in 1952; the OPC's budget grew from a meagre \$4.7 million in 1949 to \$82 million in 1952; and the number of foreign stations grew from seven in 1949 to forty-seven in 1952.¹³ This swelling of the CIA laid the foundation for the coup in Iran, and "by 1953 the agency had achieved the basic structure and scale it retained for the next twenty years."¹⁴ When Eisenhower entered the Oval Office, the CIA had become, as Allen Dulles described it, "the State Department for unfriendly countries," and Ike would use the Agency as such.¹⁵

¹² Harry A. Rositzke, *The CIA's Secret Operations: Espionage, Counterespionage, and Covert Action* (New York, Reader's Digest, 1977), 186-187.

¹³ United States, United States Senate, Senate Select Committee, 31-32.

¹⁴ *Ibid.*, 49.

¹⁵ Ambrose and Immerman. *Ike's Spies*, 178.

President Eisenhower Confronts the Communist Menace—Mossadegh

Ike was elected with the determination to fight the Communists as he fought the Nazis: everywhere and with every available means. When Ike entered the White House at the start of 1953, as Stephen Kinzer puts it, “the main fact of international political life was the spread of Communism,” and so evident was this fact that the United States was convulsed by a fear of Communist encirclement, “a terrible sense that [the U.S.] was losing the postwar battle of ideologies.”¹⁶ In the face of this threat, Eisenhower intended to use the CIA much more aggressively than Truman in fighting the spread of Communism. Under Truman, the Agency focused on its first responsibility of collecting intelligence, whereas Eisenhower saw in the CIA the potential to become one of America’s chief weapons in the Cold War. After all, Ike thought that nuclear war was unfathomable, conventional war impractical and unwinnable, and trench-warfare-like deadlock unacceptable.¹⁷ And so, as Stephen Ambrose wrote in his renowned *Eisenhower: Soldier and President*, when it came time to give the order to overthrow Mossadegh in Iran, Ike ordered the CIA to “Do it [...] and don’t bother me with any details.”¹⁸

¹⁶ Stephen Kinzer, *Overthrow: America's Century of Regime Change from Hawaii to Iraq*, (New York, Times Books/Henry Holt, 2007), 117.

¹⁷ Stephen E Ambrose, *Eisenhower: Soldier and President*, (Riverside, Simon & Schuster, 2014), 333.

¹⁸ *Ibid.*

The plan to overthrow Mossadegh, codenamed operation AJAX, emerged in the summer of 1953 and was planned by the Dulles brothers, Allen and John Foster Dulles, the former the Director of the CIA and the latter the Secretary of State under Eisenhower. For the sake of brevity, the coup's causal factors cannot be discussed at length here. Factors such as British involvement—including that of Prime Minister Winston Churchill, Foreign Secretary Hebert Morrison, and intelligence expert Christopher Montague Woodhouse—will have to be truncated. Suffice it to say that a British company, the Anglo-Iranian Oil Company (AIOC), perfidiously cheated Iran out of money it earned from selling the country's oil, such that, in 1950 alone, the AIOC collected more profits than it had paid Iran in royalties over the previous 50 years.¹⁹

Riding the tide of nationalism following the close of World War II, Mohammad Mossadegh came to power as Iran's Prime Minister in early 1951 and entered an international fracas by revealing the AIOC's avarice. Mossadegh's criticism of the AIOC was anathema to Iran's Shah, Mohammed Reza Shah Pahlavi, who had allied himself with the AIOC and Londoners who controlled it in an effort to preserve his position and power in Iran, both of which were called into dispute by Prime Minister Mossadegh.²⁰ Mossadegh continued, though, and

¹⁹ Kinzer, *Overthrow*, 118-119.

²⁰ The relationship between the Shah and Mossadegh was far more complex than can be revealed in this essay. For a fuller picture of their disagreements, consult James A. Bill, *The Eagle and the Lion: The Tragedy of American-Iranian Relations*, (New Haven, Yale University Press, 1989).

in 1951 led both houses of the Iranian Parliament to a unanimous vote to nationalize the oil industry.²¹ This resulted in *Time* naming Mossadegh man of the year in 1952 and entitling him “the Iranian George Washington.”²² Then, in October of 1952, Mossadegh broke off all diplomatic relations with Britain. Churchill, at this point Prime Minister, and Eisenhower, at this point president-elect, could now work together to vanquish “old Mossy” in Iran.

Much to Britain's dismay, the outgoing Truman Administration had been unwaveringly opposed to any form of intervention in Iran, and had, in fact, never engaged in covert activities aimed at toppling a government. Indeed, Sir John Cochran, a mouthpiece for Churchill, proposed that the British Secret Service join arms with the CIA to overthrow Mossadegh; the CIA's Kim Roosevelt later wrote, remembering what he told Cochran, “we had, I felt sure, no chance to win approval from the outgoing administration of Truman and Acheson. The new Republicans, however, might be quite different.”²³ The Eisenhower Administration seemed to be much more amenable with America's need to be ever-vigilant in the world of the Cold War, so much so that, upon Eisenhower's transition into the white House, the *New York Times* wrote “The day of sleep-walking is over. It passed with the exodus of Truman and Achesonism, and the

²¹ Kinzer, *Overthrow*, 117.

²² *Ibid.*, 120.

²³ Kermit Roosevelt, *Countercoup: The Struggle for the Control of Iran*, (New York, McGraw, 1979, 107.

policy of vigilance replacing Pollyanna diplomacy is evident.”²⁴ It helps, too, that the British, as Christopher Montague Woodhouse wrote, “emphasize[d] the Communist threat to Iran rather than the [British] need to recover control of the [Iranian] oil industry.”²⁵

What followed was the planning and execution of the coup against Mossadegh, who was unseated on August 19, 1953, despite numerous reports that Mossadegh was not, in fact, a Communist. Thousands of protestors, all paid off by the CIA, took to the streets on that fateful day, 200 of whom were Zurkhaneh Giants, essentially gargantuan weight lifters.²⁶ Mossadegh’s home was stormed and then, on August 20, he surrendered. Thereafter, on August 22, the Shah returned from Italy, where he had fled after a failed attempt to dismiss Mossadegh on August 15, a mere five days before the Prime Minister’s surrender. Upon his return from exile, the Shah spoke of Mossadegh’s removal from power and exclaimed “It shows how the people stand. Ninety-nine per cent of the population is for me. I knew it all the time.”²⁷

Eisenhower’s Iranian Coup and Consequent Constitutional Venturing

²⁴ *New York Times*, February 25, 1953; *Nashville Banner*, May 21, 1954. Online.

²⁵ Tim Weiner, *Legacy of Ashes: The History of the CIA*, (New York, Doubleday, 2007), 85.

²⁶ Roosevelt, *Countercoup*, 166.

²⁷ Ambrose and Immerman, *Ike’s Spies*, 212.

In his *Memoirs*, Eisenhower would commend the coup as a natural uprising of the Shah's followers against Mossadegh—no mention being made of the CIA's involvement. Yet in October of 1953, in a secret ceremony, Eisenhower awarded the National Security Medal to Kermit Roosevelt, the chief architect of the coup, thereby validating his work in operation AJAX.²⁸ In Ike's eyes, as was the case with the Dulles brothers and many others in the United States' foreign policy establishment, "the CIA offered the President a quick fix for his foreign problems,"²⁹ and, consequently, freed Eisenhower "from having to persuade Congress, or the parties, or the public"³⁰ of the validity—or even the legality—of his actions.

Eisenhower was—despite apparent influences from the Dulles brothers and the British—the principle agent in carrying-out the coup. After all, as George W. Bush would later posit, the President is "the decider."³¹ Indeed, in giving the thumbs-up for the coup in Iran, Eisenhower embarked on one of the greatest instances of type-two venture constitutionalism in the history of the United States. To clarify, the second type of venture constitutionalism occurs when the President is "promoting U.S. security and advancing national interests."³² The coup in Iran

²⁸ Jean Edward Smith, *Eisenhower: In War and Peace*, (New York, Random House, 2012), 626.

²⁹ Ambrose, *Eisenhower*, 333.

³⁰ *Ibid.*, 333-334.

³¹ "Bush: 'I'm the Decider' on Rumsfeld." CNN. April 18, 2006. Accessed May 29, 2018.

³² Kelley and Barilleaux, *Executing the Constitution*, 44.

is undeniably an act of this type, for the coup involved the President's foreign policy power and his emergency powers. In the case of the emergency powers, remember for a moment the urgency with which the Eisenhower Administration acted. Iran had an extensive thousand-mile border with the Soviet Union, was possessed of the world's greatest oil reserves, and had an active Communist Party.³³ Unsurprisingly, then, Ike was "concerned primarily, and almost solely, [with] some scheme or plan that will keep [Iran's] oil flowing westward."³⁴

Given the aforementioned 'fear of encirclement' that convulsed America and Ike's determination to beat-back Communism, an inexpensive and British-backed coup in Iran was an apodictically justifiable action. It helped, too, that the Dulles brothers unreservedly believed that the U.S. should obliterate any regime not overtly allied with the west.³⁵ Eisenhower's appraisal of the Communist threat is evidenced by his decision in the Rosenberg case, in which he allowed, much to his cabinet members' shock, Julius and Ethel Rosenberg, each of whom were charged with giving atomic secrets to the Soviets, to be executed.³⁶

Moreover, Eisenhower subscribed to the line in the Doolittle Report, a 1954 report on the CIA's covert activities, that read, in speaking of the Cold War

³³ Smith, *Eisenhower*, 620.

³⁴ *Ibid.*, 621.

³⁵ Weiner, *Legacy of Ashes*, 87.

³⁶ Ambrose and Immerman, *Ike's Spies*, 180-182.

as a game, that “there are no rules in such a game.”³⁷ So important was the fight against the Soviet Union that Eisenhower was willing to do anything to beat the Soviets, “even if the result was to change the American way of life.”³⁸ This is not to say that Ike was unjustified in his venture constitutionalism. Rather, the preceding text is intended to inform and contextualize the reasoning for the coup in Iran, and thus also the constitutional venturing that allowed for it.

As has been discussed, Ike's coup was an act of second-type constitutional venturing, the type aimed at promoting the Union's security and furthering national interests. Eisenhower—indeed, nearly everyone in the Administration—saw the situation in Iran as one that, depending on the outcome, could profoundly impact the Cold War struggle between the U.S. and the Soviets. The importance of the Cold War context in which Eisenhower's constitutional venturing took place cannot be understated. In fact, when refracted through the trials and tribulations of the Cold War, Eisenhower's transformation of the CIA into an arm for executive action appears less like constitutional venturing and more like a savvy geopolitical maneuver amid a struggle of global, titanic consequence.

Therefore, despite a lack of precedent for using the CIA to intervene and topple a foreign government, the Administration moved forward, and Ike

³⁷ *Ibid.*, 188.

³⁸ Weiner, *Legacy of Ashes*, 86.

ultimately gave the go-ahead. As a result, the CIA became a tool for Ike and the Administration to, as Evan Thomas has contended, “stop the Red stain from spreading on the map.” In assigning this responsibility to the CIA, Ike refashioned the Agency into “his personal action arm.”³⁹ From 1953 and through the hottest decades of the Cold War close relationships developed between the White House and the agencies and sectors within the United States’ government that were tasked with engaging in international affairs, the CIA being the first and most formative example.

The appeal of the CIA as an ‘action arm’ of the Administration precipitated from several causal factors. First, as historian Arthur Schlesinger notes, “Eisenhower didn’t trust the military [...] He knew too much about it,” and so the appeal of the CIA as an alternative is partially resultant from this distrust.⁴⁰ Of note, too, is the fact the Ike saw the CIA as an inexpensive option for action when compared with the strategies proposed by the military-industrial establishment. Second, there was simply no option of overt military action, such as placing boots on the ground—a move of that kind would surely set ablaze the third World War Eisenhower was so assiduously avoiding. Third, the Dulles brothers were the heads of both the State Department and the CIA, and the

³⁹ Evan Thomas, *The Very Best Men: Four Who Dared: The Early Years of the CIA*, (New York, Simon & Schuster, 1995), 110.

⁴⁰ *Ibid.*

brothers thus ran, as Stephen Kirzner has said, “the overt and covert arms of foreign policy” seamlessly throughout their time together under Ike.⁴¹ Finally, making use of the CIA freed Ike from the tedium of persuading Congress and the public of the need to act in Iran.

This use of the CIA was, as Stephen Ambrose noted, likely illegal. President Truman would later comment that “For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times a policy-making arm of the government.”⁴² To Truman’s point, as the coup played out in Iran, CIA veteran Frank Wisner remarked that the “CIA makes policy by default.”⁴³ Therefore, Eisenhower directed the CIA in a way that resulted in a venturing away from its initial purpose—and therein second-type venture constitutionalism is evident.

It should also be noted that the second type of venture constitutionalism has roots that reach into many presidencies preceding Ike’s stretch in the White House, thus forming a historical method of exercising presidential power. Indeed, as Ryan Barilleaux wrote, “Presidents have long asserted the authority to initiate military actions abroad without prior authorization by Congress,” which, of course, constitutes second-type venture constitutionalism.⁴⁴ To further

⁴¹ Kinzer, *Overthrow*, 122.

⁴² Ambrose and Immerman, *Ike's Spies*, 167.

⁴³ Weiner, *Legacy of Ashes*, 95.

⁴⁴ Kelley and Barilleaux, *Executing the Constitution*, 45.

demonstrate that Eisenhower's use of the CIA in Iran falls into this historical type of constitutional venturing, one needs only to read the noteworthy literature surrounding the Iranian coup's consequences, which are best summarized by Ambrose in *Eisenhower: Soldier and President* when he writes on the coup:

The methods used were immoral, if not illegal, and a dangerous precedent had been set. The CIA offered the President a quick fix for his foreign problems. It was there to do his bidding; it freed him from having to persuade Congress, or the parties, or the public. The asset of the CIA greatly extended the President's powers—at the expense of greatly extending the risks of getting in trouble.⁴⁵

The above-selected passage makes evident all the signs of second-type venture constitutionalism: quasi-illegal presidential action, resetting of precedents, lack of Congressional and public authorization, a measurable extension of the President's powers, and a high level of risk taking.

Yet Ike avoided criticism of his constitutional venturing for at least 20 years. This was made possible by the Acts mentioned earlier, which shrouded the CIA in secrecy. Only recently have scholars begun to consider the Iranian coup with a critical eye. Ike's Iranian coup has passed into historical memory, and so the coup's subsequent expansion of presidential power has been institutionalized.

⁴⁵ Ambrose, *Eisenhower*, 333.

In fact, the success of Eisenhower's use of the CIA in Operation AJAX encouraged the Eisenhower Administration to intervene elsewhere. Under Eisenhower, the CIA undertook 170 major covert actions in 48 different nations.⁴⁶ Unsurprisingly, given the threat of the Cold War, Eisenhower's commandeering of the CIA was acquiesced to, and, as has been made clear, is only now being subjected to criticism of any weight.

⁴⁶ Weiner, *Legacy of Ashes*, 87.

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