

STATEMENT OF  
MR. RICHARD HELMS

DIRECTOR OF CENTRAL INTELLIGENCE

ON

S. 1035 AND H.R. 17760

SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

20 June 1968

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are withholding from their employees certain rights guaranteed by the Constitution. I am distressed that these inferences have appeared since they have no basis in fact. I propose to show that despite our special requirements for knowledge and control of our employees, our concern for the individual and his rights is no less than that of the most concerned American.

I would first like to address myself to the problems of the Central Intelligence Agency and to my personal responsibility under the National Security Act of 1947 (Section 102 (d) (3) "for protecting intelligence sources and methods from unauthorized disclosure." Later, I will speak from the standpoint of my intelligence community responsibilities.

As I said a moment ago, my colleagues and I in the Central Intelligence Agency are as keenly interested as any American in protecting the Constitutional rights and freedoms of all of our citizens.

Most of us joined the Agency in the first place, and continue to work for it, because we believe in the basic democratic freedoms and because we believe in them strongly enough to be concerned over the threat to these freedoms by external, aggressive forces.

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Our men undertake difficult--and often dangerous--missions abroad in the firm conviction that they are helping to preserve the democratic rights of the American people.

It is an undeniable, if unfortunate, fact of life that the international community is neither bound by ironclad guarantees against aggression and subversion nor composed exclusively of peaceful, stable democracies. It is this reality which confronts the U. S. Government, which shapes the mission of the Central Intelligence Agency, and which makes necessary my statement before this committee today. In short, in the real world the survival of the United States as a free and democratic state depends on its ability to protect itself against the aggression and subversion of hostile powers.

Survival requires that the forces, the plans, and the weapons with which we would defend ourselves are safeguarded from potential enemies. Similarly, it is vital that we have foreknowledge of the capabilities and intentions of a potential enemy to attack us.

And so it seems to me that in this struggle which has been forced upon us, we have no choice but to ensure the integrity, the high morale, and the competence of the men and women who work with our vital secrets, and seek out those of the potential enemy.

It has always been my understanding that under our American way of life and our form of government, the rights of the individual are of paramount importance, but no right is absolute. They are all conditioned and circumscribed to a degree by the rights of others, by the common welfare, by the concept that rights are accompanied by reciprocal responsibilities, and by the survival of the nation.

The right to vote is conditioned by the requirement of maturity. The right of free speech is circumscribed by slander and libel laws, and may also be limited by the requirements of government service. The rights to assemble and bear arms are limited by the requirements of law and order.

To deal more directly with what we are discussing today--that is, the conditions of government employment in a sensitive activity--I submit that the minimum requirement is that the individual must be qualified for the job.

And I further submit that an individual who is demonstrably a potential security risk--whether it is because of his vulnerabilities, his instability, or his associations--is not qualified for a position where he will be dealing with the most sensitive secrets of our national security. I cannot deny a man the right to be a Communist, a wastrel, or a drunkard--but I can and must tell him to go and exercise those rights somewhere else--not at CIA.

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Nearly every Communist Bloc official who has defected to the West during the past ten years has told us that the various departments of the United States Government responsible for our national security are prime targets for penetration by Communist Intelligence Services. For example, Oleg Penkovskiy, the Soviet Intelligence Officer, stated, "Soviet operations officers are active in collecting large amounts of information on the U. S. and other countries, but mostly on the U. S., 'the principal enemy'." In carrying out this doctrine, worldwide projects have been initiated to probe, to seek out and to recruit Americans--official and private, civilian and military--to conduct penetrations and subversions and acquire this Government's sensitive national security information. We are all too keenly aware of the successes which have been achieved.

The overriding emphasis of our enemies on the recruitment of people, particularly Government employees, may help to explain the significance which must be attached to our ability to rely implicitly on the security, loyalty and integrity of those persons we employ.

Gentlemen, if our enemies know their job--and they do!--the agent they have in mind will do his utmost to appear as and work as a competent, loyal, and dedicated American--up to the moment when

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they need him. Both to avoid suspicion, and to work his way into a position of responsibility and access, he will seem to be doing his best as a conscientious U. S. military or intelligence officer.

The problem boils down, essentially, to making sure that we do not hire a man who is already their agent, and that we do not have any employees in our ranks who are susceptible to recruitment as their agent.

Relating this problem to the legislation proposed in S. 1035, I have reservations about the strictures on some of the screening procedures which we use in considering personnel for employment; about limitations on the questions we can ask in determining their suitability; about the privacy stipulated for an employee's activities and associations outside the office; and about a number of the administrative procedures set forth.

As I indicated in my opening remarks I am impelled to raise these objections because the National Security Act of 1947 makes me individually responsible, as Director of Central Intelligence, for the protection of intelligence sources and methods from unauthorized disclosure.

I believe that the proposed legislation contains provisions which would subject me to limitations which are incompatible with the responsibilities which the Congress in 1947 placed on the Director of Central Intelligence.

I do not think I need to belabor the general argument of why it is necessary to condition the absolute rights of those who wish to work for us.

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I propose to tell you specifically how we safeguard the rights of applicants and employees under the procedures required by security. I feel that with this information you will then be able to judge for yourselves whether our procedures are so excessive that they need to be curbed by legislation.

Let me start with the applicant for employment. In the Central Intelligence Agency the process of recruiting, evaluating, and hiring candidates is primarily the responsibility of three elements: The Office of Personnel, the Office of Medical Services, and the Office of Security.

The Office of Personnel is staffed with professional recruiters, placement officers, and personnel managers, trained in the evaluation of candidate potential. The personnel files which they compile and maintain on each applicant and employee are controlled files. This means that they are available only to those supervisors and managers in the Agency who need to see the information in order to place the man where he will be of the greatest usefulness to the Agency, and where he can accomplish the most for his own development and advancement.

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Second, there is the Office of Medical Services, staffed with professionally qualified doctors, psychologists and psychiatrists who direct and manage the Agency's medical program. There is a medical file on each applicant and employee. It is controlled and reviewed by the Medical Staff, in accordance with professional medical ethics.

Third, there is the Office of Security, with professionally trained security and investigative officers responsible for the security investigation of all applicants, and the security of our employees throughout their Agency careers. A Security file is also compiled on each applicant and employee which is treated as extremely sensitive and privileged information. It is under tight controls and is available only to Security staff officers and top echelon Agency officials, and again only when there is a demonstrated need for access to and review of the file contents.

Thus any sensitive information which might impinge on the privacy of the individual is collected and reviewed only by highly professional specialists

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who limit themselves to what we have to know; the information is controlled and safeguarded by these same professional specialists; and when it becomes necessary for Agency managers to make a decision on medical or security questions, these same professional specialists generally give the managers their judgments based on the information--not the information itself.

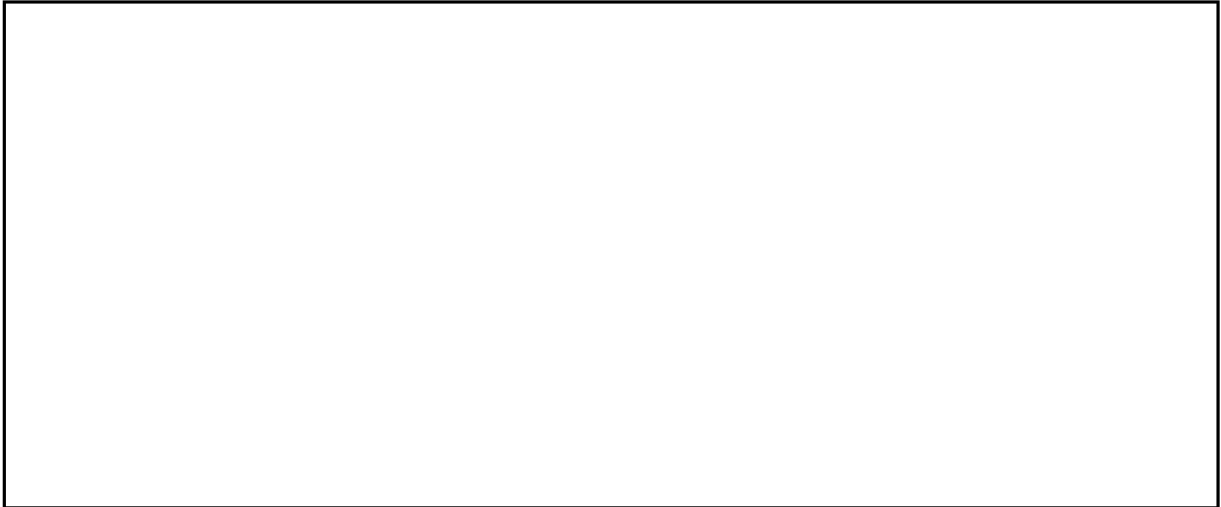
We have a recruiting system, with branch offices throughout the country, which seeks out potential applicants on the campuses, in industry, and the various levels of public life. As a rule, these applicants know very little about the procedures and processes of the Agency, so we try to inform them in advance of our detailed processing requirements. Each applicant fills out an extensive Personal History form and a medical form. He is told in advance that he will be subject to a medical examination, a professional or clerical employee test battery, a personnel interview, and a comprehensive security investigation including a polygraph interview.

To assure privacy of sensitive personal information, we ask the applicant to place his completed

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If the individual appears to have the desired professional qualifications, we ask him to take a test which measures intelligence, verbal skills, interests and other aptitudes. The completed test-

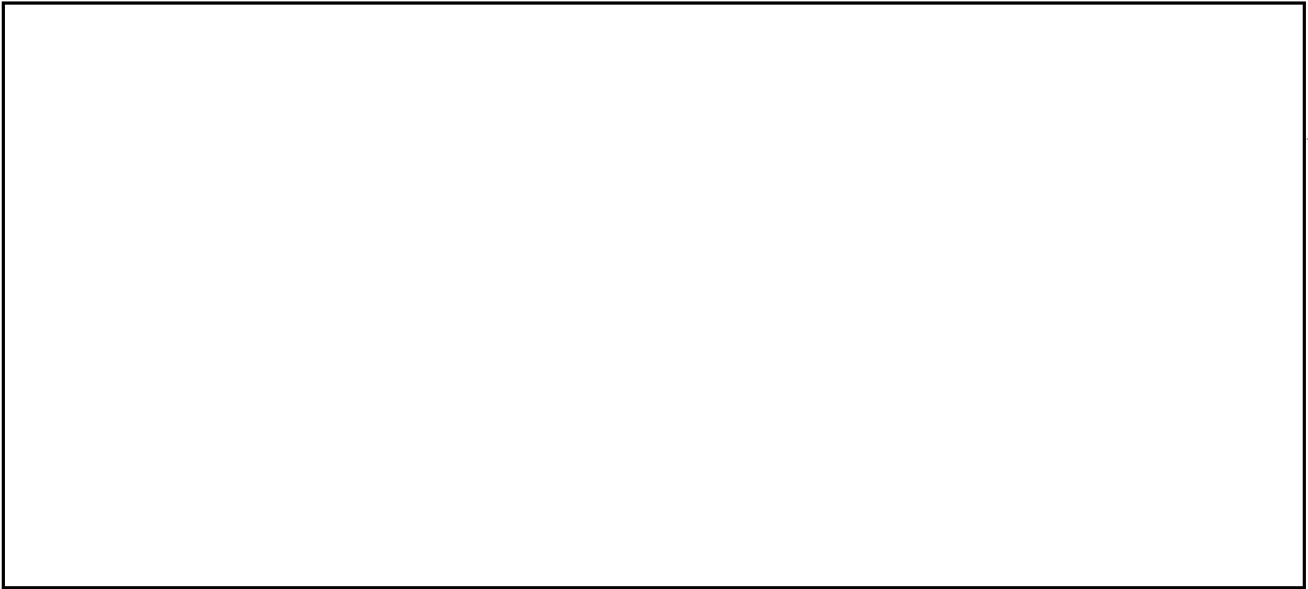


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If the applicant's qualifications show promise as a potential employee, we then initiate a security investigation. On the other hand, if any disqualifying information or lack of skills are evident, we simply drop interest in the applicant and so advise him.

The Security investigation is a very comprehensive check of the applicant's background, academic

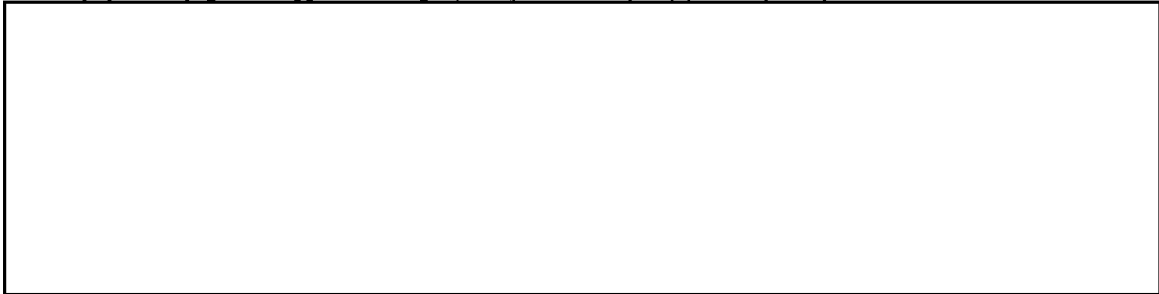
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The sole purpose is to enable us to determine whether the applicant is a person of stability, integrity, trustworthiness and loyalty. We look for all the positive, favorable elements of his educational training, experience, and proficiencies. At the same time we are most concerned as to whether his past record is good, whether he has any behavioral deficiencies such as excessive drinking, possible use of drugs, whether he is irresponsible financially, and whether he has been associated with any subversive organization.



As you can see, we are interested in the total  
man.



During this process, the applicant is invited to Washington for further tests and interviews which will permit our final selection determination. In the course of a two-day visit, we explore with the applicant more fully his academic qualifications, experience and occupational interests. He then is given a clinical medical examination by our Office of Medical Services, to determine his fitness for duty.

In the course of the medical examination, the applicant is asked to complete a personality questionnaire. This questionnaire is not a test. It is a psychological screening device. The answers



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The applicant is asked in advance to sign a statement of his willingness to participate in a polygraph interview. He is fully briefed on the nature of the polygraph, the manner in which it will be used, and the questions to be asked. The operator reviews each of the questions carefully with the applicant, to be certain that there is no misunderstanding as to the purpose and intent of each question. No unexpected questions are introduced into the test procedure. The questions are standard for each interview. The applicant may stop the test at any time for a further explanation of the procedure or the questions.

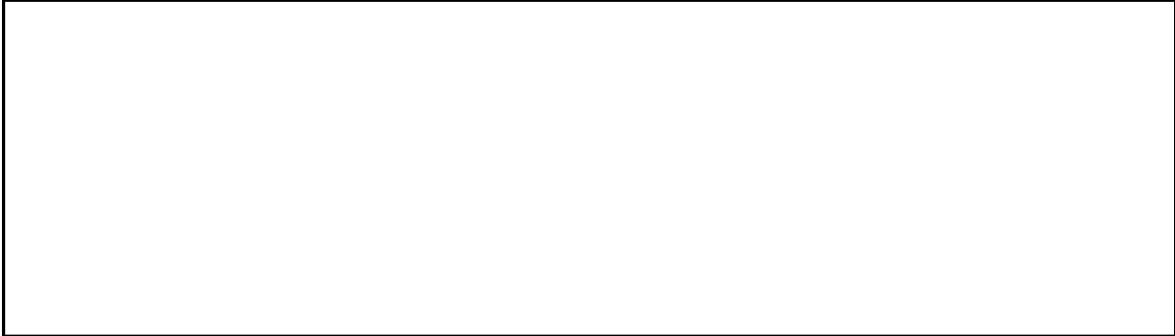
A polygraph interview is conducted with full consideration for the interests and concerns of the applicant.

The final decision on whether to offer a position to an applicant is made on the basis of the information derived from all of these screening procedures. Sometimes the information does not add up to a clear-cut decision to hire or to reject. There might, for example, be some factor which is not strong enough for outright disqualification, but

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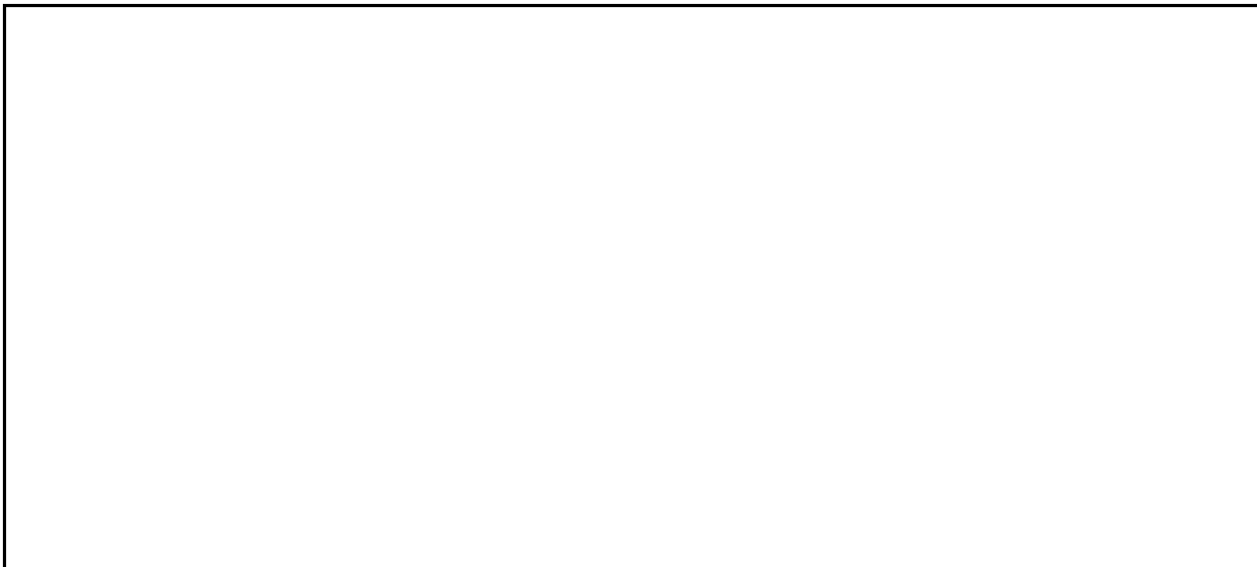
And I might add that if at any point an applicant feels that his interests have been mishandled, he can raise a question or make an appeal which will immediately be investigated by a senior officer of the service involved, and by the Inspector General, who is a member of my personal staff.

Certainly, questions are asked in the personality and security screenings which might well be considered an invasion of privacy in some employment situations in private life. I ask you to consider, however, that if, by neglecting such screening, we were to hire a man with subversive associations, or with mental instabilities that could magnify under stress, or with moral peculiarities susceptible to blackmail, we would be building into our national security exactly the loophole that the KGB and all other Communist intelligence services are seeking.

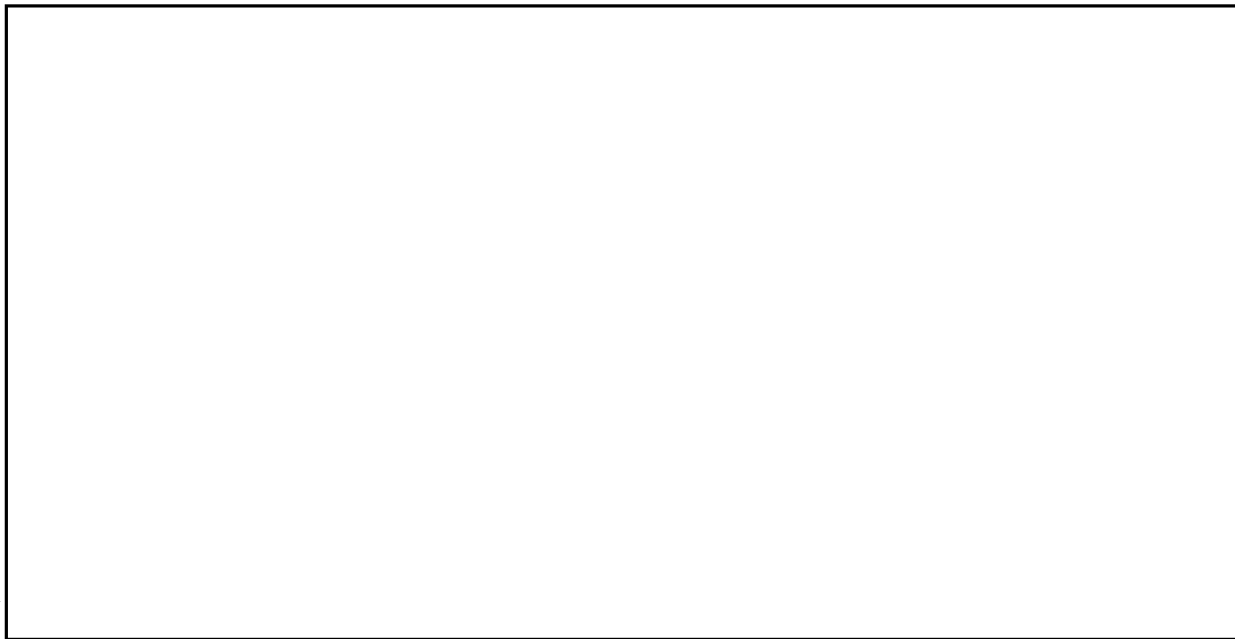
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So much for the applicant--Let me now discuss the question of the individual who has passed all of these screening procedures, and is in our employ.



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Sections 1 (e) and 1 (f) of S. 1035 severely restrict psychological and polygraph screening in our security procedures. I hope I have already demonstrated how important these screening devices are to our successful conduct of the intelligence business. It is true that the CIA, FBI and NSA are to be given a partial exemption from this exclusion by Section 6 as it now stands. The CIA exemption, however, requires a personal finding of need by me or my designee in each individual case, which certainly carries the implication at least that the psychological or polygraph screening is an extraordinary and undesirable exception, rather than a necessary procedure in every case.

Under the provisions of Section 1 (k) an employee cannot be denied counsel or other person of his choice from the very outset of any interrogation which could lead to disciplinary action for misconduct. Gentlemen, this raises particularly sensitive questions for the Central Intelligence Agency in that our activities are under continuous review to determine the effectiveness of the operations, the quality of the information derived, and the professionalism with which the operations are conducted. These reviews

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I understand, Mr. Chairman, that you would also like my views on HR 17760, which you have recently introduced.

My overall impression is that this bill represents a considerable improvement in defining the rights and obligations of the employees as well as the departments and agencies. Certain of the provisions of the bill, however, would seem to create problems for those agencies which are exempted from the classified Civil Service system because of their national security responsibilities. The Central Intelligence Agency, among others, is specifically exempted from the Classification Act of 1949 and thus its employees are not in the competitive service.

Let me list briefly the provisions which could affect the security and the efficiency of CIA:

--Subsection (4) of Section 7172, setting forth the right of unrestricted decision of an employee to engage in lawful activities or undertakings not related to his Government employment.

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