

*ASSR*

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Journal - Office of Legislative Counsel  
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31. (Internal Use Only - MMP) BRIEFINGS Diane LaVoy, House Permanent Select Committee on Intelligence staff, called with a total of eight requests: (a) three separate but related requests for briefings on Operations Center computer use of extracting intelligence and the CONTEXT system, the Task Force system and how the one currently in being (on Somalia) functions, and a follow up to the handling of last years' "Berlin tensions." After checking with [redacted] NFAC/CSS, I relayed these requests to [redacted] C/Operations Center. We agreed to set aside 1415 to 1615 hours on 2 March to brief Ms. LaVoy in the Operations Center. I called Ms. LaVoy back and confirmed this appointment with her. (b) four separate requests about various offices in NFAC - Current Reporting Group, Office of Weapons Intelligence, Office of Strategic Research, and both China and Africa within ORPA. Additionally, she asked for a listing of the NIOs, both by name and function. I have passed all of these requests to [redacted] in writing and have requested that we set up a briefing for Diane on 6 or 7 March 1978.

✓ 32. (Unclassified - MMP) LIAISON Jeanne McNally, secretary to Thomas K. Latimer, Staff Director, House Permanent Select Committee on Intelligence, called to relay a request from Representative Robert McClory (R., Ill.) about the location of Soviet dissident camps for dissidents per se and described the usual methods of handling dissidents. I suggested to Jeanne that the request might not be precisely what we had just discussed, and subsequently I received a call from Tom Latimer saying that Representative McClory's interest was in the displacement of Lithuanians et cetera within the Soviet Union. [redacted] NFAC/CSS, is pursuing this with Mr. Latimer.

Ms. McNally asked me whether 0900 would be an acceptable hour for the 15 March date that I had indicated to her was agreeable to the DCI for an open hearing (for the Subcommittee on Oversight chaired by Representative Les Aspin (D., Wis.) on the DCI's regulation on CIA dealing with the U.S. press. I told Jeanne that I would get back to her and passed this inquiry on to [redacted] Office of Legislative Counsel.

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[Redacted]

25X1

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25X1 15. [Redacted] LIAISON Phoned Earl Eisenhower,  
Senate Select Committee on Intelligence staff, and informed him I had had  
25X1 a search done of both Office of Security and DDO files in response to the  
allegations of [Redacted] of New York City, that she was being  
25X1 investigated by the Agency and that we had no record whatsoever of her.  
[Redacted] attorney had written to Senator Howard H. Baker (R., Tenn.),  
who asked the Select Committee to look into this matter. I agreed to give 25X1  
Eisenhower a blind memorandum on this subject.

[Large Redacted Block]

25X1 17. [Redacted] BRIEFING [Redacted] NE Division, 25X1  
DDO, briefed Stan Taylor, Angelo Codevilla, Abe Shulsky, Catherine  
Essoyan, Senate Select Committee on Intelligence staff, and Richard  
Beal, consultant to the Committee, on the recent Egyptian/Cypriot  
terrorist incident. This was another in a series of briefings this group  
is receiving in order to evaluate Governmental capabilities against  
international terrorism.

25X1 ✓ 18. [Redacted] LIAISON Returned via courier to  
Abe Shulsky, Senate Select Committee on Intelligence staff, the paper which  
the Soviet emigre gave to Senator Daniel P. Moynihan's (D., N. Y.) New York  
office on the Soviet missile program along with a translation of it.

25X1 19. [Redacted] LIAISON Received a call from Debbie  
Dubrule, Joint Economic Committee, who asked that George Tyler, also  
of the Committee, be put on the subscription list to receive the "International  
Energy Biweekly Statistical Review." I told her I would arrange it.

25X1 20. [Redacted] LIAISON Took a call from Ken Klein,  
House Select Committee on Assassinations staff, who reiterated the request  
25X1 for access to the [Redacted] paper. I explained that both Jackie  
25X1 Hess and Gary Cornwell, of the Committee, had already called with that  
request and that [Redacted] would return his call within a few days to  
convey our response.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 27 February 1978

1. (Unclassified - NDL) LIAISON Per her earlier request, I sent to Ann Proctor, Staff Assistant to Senator Thomas F. Eagleton (D., Mo.), the January 1978 issue of the National Basic Intelligence Factbook.



25X1

3. (Unclassified - THW) LIAISON Ernest Evans, Senate Armed Services Committee staff, called requesting an unclassified report on the portion of the Soviet military budget that goes to manpower. They intend to use such a report, if one exists, in open session. If no unclassified report exists, they would still like to obtain classified information on the same subject. The request is from the Subcommittee on Manpower and Personnel. I told Mr. Evans I would call him back. [redacted] will follow-25X1 up on this.

4. (Internal Use Only - THW) LIAISON Called David Bushong, Senate Select Committee on Intelligence staff, to see if he had any indication how the deletions in the Senate debate were being received by the various Senators. He suggested I call Bill Miller, the Committee's Staff Director, which I did. Miller indicated that no one had any problems so far.

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IMPDET CL BY *[Signature]*

Central Intelligence Agency

Executive Registry  
78-383/A



Washington, D.C. 20505

OLC RECORD COPY

OLC: 78-0665/a

*USSR*

27 FEB 1978

*Rep. Drinan*  
*Entire file*

Honorable Robert F. Drinan  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Drinan:

This letter is in response to your letter of 7 February 1978 concerning CIA intelligence activities.

There has been established within the Intelligence Community for more than three decades a program whereby persons may voluntarily provide information on matters of intelligence interest. This information, principally from U. S. citizens, has proven over the years to be of inestimable value in keeping the United States Government abreast of significant foreign developments in broad areas of importance.

The authority for the Director of Central Intelligence to undertake such a program is contained in Executive Order 12036, Sections 1-801 and 1-809 (copy attached).

I fully appreciate your concern that the families of such persons who have remained abroad may be subject to reprisals if the cooperation with the United States Government of their relatives is revealed. I wish to assure you that I am well aware of the sensitivities involved. In accordance with my statutory responsibility for the protection of intelligence sources and methods, any information collected through this program is handled with the most stringent controls and limited dissemination while at the same time protecting as inviolate the identities of our sources.

I trust that the foregoing is responsive to your request.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure

cc: DCI      DDCI  
ER      DDO

Dist.: Orig - Addressee  
1 - OLC Subject  
1 - OLC Chrono

OLC:MDC:mlg (22 February 1978)

Central Intelligence Agency



Washington, D.C. 20505

OLC 77-5457/b

27 FEB 1978

ENT. PACK  
SSCI

Russia

The Honorable Birch Bayh, Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to Senator Inouye's letter to me (Q#1070) requesting answers to eight questions on the Helms matter and copies of all correspondence between the Attorney General, or any other representative of the Department of Justice, and the Central Intelligence Agency requesting access to or use of documents in the investigation or prosecution of Richard Helms regarding his testimony before Congress.

We have been informed by the Department of Justice that, while the case against Ambassador Helms has been resolved, an investigation of certain ITT officials and other persons is being actively pursued. Many of the documents which were relevant to the Helms investigation are also relevant to the current investigation and, for that reason, the Department is reluctant at this time to provide copies of the DOJ-CIA correspondence on the case.

Below are set forth answers to the questions contained in your letter:

Q. (1) How many "potentially relevant" documents were identified? Did the Department of Justice explain what use it planned to make of these documents? Were Justice Department representatives prepared to use the information in questioning witnesses, in presentation of the documents to the grand jury, or for the actual use at trial? Did they distinguish which documents were to be used for developing the perjury charge, the so-called "ITT-cover-up" charge, or some other charge?

A. The Department of Justice attorneys were given access to Agency information, including classified operational traffic, intelligence reports and internal memoranda relating to operations and events in Chile in order that they might determine which documents fell within the ambit of the CIA-ITT-Chile investigation. From this corpus of documentary information the Department of Justice investigators identified materials which they considered relevant to the investigation. These documents, including 55,102 pages of material which were numerically stamped, were retained in special safes within the CIA, Office of General Counsel. The materials so identified filled four, four-drawer safes.

Drawing from this total collection the Department of Justice investigators then asked that some 758 documents, attachments and daily calendars and logs be reviewed to determine whether and to what extent they could be declassified for use as evidence in the course of the investigation.

The Agency was not informed which documents were to be used for developing a perjury charge, the so-called "ITT-cover-up" charge or some other charge. Nor was it informed whether the documents were to be used solely for presentation to the grand jury or also were to be used in questioning witnesses and for actual use at trial. To the best of our knowledge, however, the Department was interested in using these documents for all of these purposes, but at a minimum they wanted the latitude to use these documents as required.

Q. (2) Did the Department of Justice explain what protective action they intended to take with respect to these documents? Did they express any willingness to sanitize the documents to use in camera procedures; to refrain from using some documents in the grand jury or in public trials and limit their use only to interviews? Or, did they simply request bulk declassification of all of the documents which they reviewed?

A. The Department of Justice requested total declassification of the documents required so that they could be freely used for investigative and prosecutive purposes. Documents were declassified to the extent possible and we understand that the declassified as well as the sanitized documents were used in the grand jury proceedings. No special protective steps were taken with respect to these documents. As to other documents which might have become involved in the proceedings, for example, as a result of defense discovery requests, the Department of Justice represented that it would take such actions to protect classified material as might be possible under the Federal Rules of Criminal Procedure and be permitted by the trial judge.

Q. (3) Did CIA officials discuss this matter with Mr. Helms or any representatives of Mr. Helms during the period that he was under investigation? Or, were all discussions pertaining to these documents in this matter handled by the Department of Justice and all requests or possible requests for documents discussed between representatives of the Department of Justice and the CIA?

A. To the best of our knowledge there were only the following interchanges with Ambassador Helms or his representatives on the ITT-Chile Matter:

a. On 10 November 1975 Ambassador Helms asked about the status of the Justice investigation and whether indictments were in the offing. The Agency explained that same day, that Justice had used a grand jury in the District of Columbia to secure subpoenas of corporate records. On 11 November 1975, Ambassador Helms thanked the Agency for this information and asked to be advised of further developments.

b. On 7 May 1976, the Agency alerted Ambassador Helms to a draft Senate Select Committee addendum to a November 1976 report entitled, "Alleged Assassination Plots Involving Foreign Leaders," sections of which dealt with covert actions in Chile in 1970 and quoted former President Nixon's statements concerning the extent of his knowledge and approval of CIA actions in Chile. On 9 May 1976, Ambassador Helms thanked the Agency for this information and, noting that he did not know whether the statements were factually correct, suggested that a former senior Agency official be shown the draft and be asked to comment on it. On 11 May 1976, the Agency informed Ambassador Helms that the former official came to Headquarters, reviewed the Senate Select Committee's draft report, took issue with certain parts and so informed a member of the Senate Select Committee staff.

Q. (4) Of the documents provided to the Department of Justice, how many did the Department request the CIA to declassify? How many of the documents was the CIA willing to declassify? How many of the documents which the CIA was not willing to declassify fell into each of the following categories?

a. Documents which could not be declassified because they revealed the names of agents.

b. Documents which could not be declassified because they revealed the names of cooperating foreign nations.

c. Documents which could not be declassified because they revealed the names of cooperating Americans.

d. Documents which could not be declassified for other reasons.

A. According to our count the Department of Justice requested declassification of 758 documents and attachments of which 152 documents were declassified in full, and 519 were declassified in substantial part, deleting only cryptonyms, pseudonyms, names of personnel under cover, etc. Fifty-three documents could not be declassified and 34 documents have not been declassified pending additional review. The documents which could not be declassified either in whole or in part frequently contained a number of classified items falling within more than one of the above suggested categories (a-d). A single document, therefore, may be counted in more than one column in the chart below.

<u>Reason for denial</u>	<u>Documents denied in part</u>	<u>Documents denied in entirety</u>
a	97	12
b	17	1
c	30	11
d	466	49

Q. (5) Of those documents which the Department of Justice proposed declassifying as potentially relevant, how many of those documents were considered to be potentially exculpatory. Was there any review of documents or any other review to determine what classified information should be provided to meet constitutional obligations to the rights of the defendant?

A. It is assumed that one of the reasons for the Department's extensive review of Agency documents was to determine whether any documents were potentially exculpatory or otherwise required at trial to meet constitutional requirements but we do not know how many of the reviewed documents may have been identified as relevant for these purposes.

Q. (6) Was the CIA led to believe that Mr. Helms, if indicted, intended to raise any particular affirmative defense which would require disclosure of classified intelligence information? If so, what was that defense, and in general terms what was the nature of the information required to be disclosed? Similarly, was it the Agency's understanding that Mr. Helms would have made pre-trial motions requiring disclosure of classified information? If so, what motions did you anticipate and in general terms what was the nature of the information which would have been required to be disclosed? How did you get your information regarding this issue?

A. The Agency had no specific indication as to the line or lines of defense which would have been pursued by Ambassador Helms but it was assumed that broad discovery requests, supported by numerous pre-trial discovery motions, would have been forthcoming in the event of prosecution. In all likelihood such discovery would have sought production of a great deal of classified information including, of course, the information which was deleted from the documents provided to the Department of Justice.

Q. (7) Did the DCI express to the President or the Attorney General any official review of whether further criminal proceedings against Mr. Helms might jeopardize national security or sources and methods? Specifically, what was communicated and to whom was that view expressed?

A. The DCI indicated to the President and, in more specific terms to the Attorney General, the potential national security consequences of declassification of those items which were deleted from the documents which were requested by the Department of Justice.

Q. (8) Why would the disclosure of the names of agents; the names of cooperating foreign nations; or the names of cooperating Americans be needed in a prosecution for perjury or related charges pertaining to misleading Congress as to the covert action in Chile?



A. Any question as to why any particular information or document may have been required in support of any of the charges under investigation should more appropriately be answered by the Department of Justice.

Yours sincerely,  
SIGNED

STANSFIELD TURNER

Distribution:

Original - Addressee

1 - ER

1 - DCI

1 - DDCI

1 - OGC [redacted]

1 - OLC Subject

1 - OLC Chrono

OGC [redacted] OLC:LLM:hms (23 Feb 78)