



WE

DCI

testimony

Second page
Proposed revision letter
not yet cleared by OMB

Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your request for comments on S. 244, a bill to amend the National Security Act of 1947 to clarify certain provisions of that Act regarding activities of the Central Intelligence Agency. The language of the bill is identical to the amendment to the Military Procurement Authorization Act of Fiscal Year 1975 (H.R. 14592, Section 703), approved by the Senate on 11 June 1974, which was the subject of my letter to you of 14 June 1974. As you know, the amendment was not approved by the conference committee.

S. 244 is very similar to the bill you introduced in the 93rd Congress--S. 2597 (copy enclosed). In response to your letter of 25 September 1974, I assured you that the Central Intelligence Agency will abide by the letter and the spirit of the provisions of S. 2597 in the conduct of our activities even though the bill had not been enacted.

In my confirmation hearings in July 1973 and in the two letters to you referred to above, I expressed my full support for those provisions now proposed in S. 244 which insert the word "foreign" immediately before the word "intelligence" in Section 102(d) of the 1947 Act, thus clearly expressing the mission of CIA as relating only to foreign intelligence. While I believe the word "intelligence" in the original Act was generally understood to refer only to foreign intelligence, the proposed language will make this limitation even clearer to Agency employees, other Government officials, and to the public.

I also indicated in the correspondence noted above that I was pleased to accept the provisions now proposed in S. 244 concerning Section 102(d)(5) of the Act, which converts to a statutory requirement

respect to fully appropriate activities in the United States essential to the support of foreign intelligence activities abroad.

Section 102(d)(3) of the National Security Act of 1947 charges the Director of Central Intelligence with the responsibility "for protecting intelligence sources and methods from unauthorized disclosure." As you know, Mr. Chairman, I believe that more effective deterrents are needed to prevent unauthorized disclosures of intelligence sources and methods. I am hopeful that efforts to clarify this Agency's authority will ultimately be coupled with action to protect these essential resources, such as the proposal I submitted in January 1974 which is still under consideration in the Executive branch.

Please allow me to express my appreciation of your continuing interest in clear statutory delineation of CIA responsibilities. I wish to assure you of our understanding that the scope of this Agency's unique authority applies only to foreign intelligence and related activities.

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby
Director

Enclosure

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

8

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Second page
proposed main letter
not yet cleared by
OMB

Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your request for comments on S. 2597 and S. 3767. Both of these bills would amend the National Security Act of 1947 to strengthen and clarify certain provisions of the Act regarding activities of the Central Intelligence Agency. For the most part their provisions are identical and these provisions are acceptable to me. Where the two bills differ, I prefer the language of S. 2597.

The language of S. 3767 is the same as section 703 of the Senate amendment to the Military Procurement Act of 1975 (H. R. 14592) which was added to the bill as a Senate floor amendment and which was the subject of my letter of 14 June 1974 to you.

I fully support the identical provisions which insert the word "foreign" immediately before the word "intelligence" in section 102(d) of the 1947 Act, thus clearly expressing the mission of CIA as relating only to foreign intelligence. While I believe the word "intelligence" in the original Act was generally understood to refer only to foreign intelligence, the suggested language will make this limitation even clearer to Agency employees, other Government officials, and to the public.

I am pleased to accept the identical provisions concerning section 102 (d)(5) of the Act, which converts to a statutory requirement the long-standing practice of complete congressional oversight of our activities. Pursuant to current congressional procedures, the Agency

reports fully on its activities to the oversight committees of the House and Senate Armed Services and Appropriations Committees. This system has worked well in protecting the numerous highly sensitive matters reported to these Committees over the years. I am confident that any future congressional procedures which may be established will be as effective as the existing ones in meeting the dual objectives of complete security and maximum oversight.

Both S. 2597 and S. 3767 add a new section 102 (g)(1) to the Act which reiterates the existing prohibition against any police, law-enforcement, or internal-security functions, while setting forth permissible areas of domestic activity for the Agency. While both bills explicitly recognize the necessity that the Agency protect its installations, conduct personnel investigations, and provide information to other agencies, only S. 2597 recognized that the Agency must conduct activities within the United States in support of its foreign intelligence responsibilities. This latter proviso in S. 2597 is deemed essential so that there is no question that the Agency is permitted to conduct certain necessary activities in the United States. Of course such activities could not contravene the proscriptions in the Act against internal security functions but would be solely in support of our foreign intelligence mission, such as: (a) interviewing American citizens who are willing, voluntarily and without pay, to share foreign intelligence information in their possession with their Government; (b) collecting foreign intelligence from foreigners in the United States; (c) establishing support structures necessary to foreign intelligence operations abroad; and (d) providing technical assistance to the Federal Bureau of Investigation for its counterintelligence operations against foreigners.

S. 3767 adds a new section 102 (g)(2) which states that the Agency shall not "participate, directly or indirectly, in any illegal activity within the United States." I believe this section is inappropriate and unnecessary. No agency need be reminded by statute that it must obey the law. The personnel of this Agency are well aware of the legal requirements under which we operate as an instrumentality of the Federal Government and are fully committed to carrying out our mission within the confines of the law. Additionally, I believe the inclusion of this section in the basic charter of this Agency would imply that agencies not under such a restriction are free to engage in illegal activities.

Section (4) of S. 2597 reenforces the charge in the 1947 Act that the Director of Central Intelligence shall be responsible for protecting Intelligence Sources and Methods from unauthorized disclosure by requiring the Director to develop plans, policies, and regulations in the implementation of this responsibility. Any information indicating a violation of the Director's plans, policies, and regulations would be reported to the Attorney General for appropriate action. Section (4) would not create additional penalties for unauthorized disclosure.

As you know Mr. Chairman, I am of the opinion that more effective deterrents are needed to prevent unauthorized disclosures of Intelligence Sources and Methods. Specific legislation to this end is under active consideration within the Executive Branch. I do, however, support section (4)(g) of S. 2597 as clarifying the existing provision in the 1947 Act concerning the protection of Intelligence Sources and Methods from unauthorized disclosure.

Your interest in a clear statutory delineation of this Agency's functions and authority is appreciated, and I wish to assure you of our clear understanding that this Agency's responsibilities apply only to foreign intelligence and related activities.

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby
Director

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

1
c

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

14 JUN 1974

Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On June 3rd the Senate approved certain amendments to the CIA section of the National Security Act of 1947 in voting on H. R. 14592. With certain understandings outlined below, I am pleased to say that these amendments are acceptable to me.

As you know, I fully accept the amendment inserting the word "foreign" immediately before the word "intelligence" in the Act, to clearly express the mission of CIA as relating only to foreign intelligence. I also am pleased to accept the amended provision of Clause (5) of subsection (d), adding a requirement to report to the Congress any "... functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the [National Security] Council...".

With respect to the modified version finally adopted of a new section restricting CIA's activities in the United States, I believe that this language is fully appropriate on the understanding that certain foreign intelligence operations and certain activities necessary to the support of foreign intelligence operations can be legitimately conducted under Clause (5) of subsection (d) noted above, if specifically directed by the National Security Council and reported to the Congress. These would

include such current activities, described in my confirmation hearings, as (a) interviewing American citizens who are willing voluntarily and without pay to share foreign intelligence information in their possession with their Government; (b) collecting foreign intelligence from foreigners; (c) establishing support structures necessary to foreign intelligence operations abroad; and (d) providing technical assistance to the Federal Bureau of Investigation for its counterintelligence operations against foreigners. If this were not the intention of the Congress, I believe the United States would be unable to acquire significant foreign intelligence important to the national security. Perhaps this understanding could be included as an element of the legislative history of this Act.

The new subsection 102(g)(2) seems redundant and hardly appropriate in providing that a Federal agency should not participate in illegal activities. Further, I believe it possible that some could argue that such language affects the now clearly authorized acts of the Agency such as those outlined in Sections 5, 6, 7 and 8 of the CIA Act of 1949, exempting CIA from various provisions of law where necessary to the security of foreign intelligence operations.

Please allow me to express my appreciation of your interest in a clear statutory delineation of this Agency's functions and authority and my assurance that this Agency will respect in every way in the future the scope of the Agency's unique authorities as applying only to foreign intelligence and related activities.

Sincerely,

Signed

W. E. Colby
Director

Suggested Language for Incorporation in
Conference Report on H. R. 14592

New subsection 102(g)(1) of the bill clarifies activities in which the CIA may not engage within the United States. In enacting this new subsection, it is not intended to impinge upon activities authorized by law such as those currently undertaken within the United States in support of the CIA's foreign intelligence mission, including the receipt of foreign intelligence information.

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

1
D

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

6-10
see page 6-10

PREPARED STATEMENT ON H. R. 15845

BY

WILLIAM E. COLBY, DIRECTOR OF CENTRAL INTELLIGENCE

22 July 1974

Mr. Chairman, I welcome the opportunity to testify today on H. R. 15845 introduced by you and Mr. Bray. The amendments proposed in this bill would be the first changes in the charter of the Central Intelligence Agency, found in the National Security Act of 1947. In conformity with our American constitutional structure, the existence of the Central Intelligence Agency stems from an Act of Congress. This is a unique contrast to the tradition and practice of most intelligence services, but it is a necessary reflection of our free society. The result, I believe, makes us a stronger nation, whose citizens live in a freedom envied by most of the world.

The amendments would add the word "foreign" before the word "intelligence" whenever it refers to the activities authorized to be undertaken by the Central Intelligence Agency. I fully support this change. While I believe the word "intelligence" alone in the original Act was generally understood to refer only to foreign intelligence, I concur that this limitation of the Agency's role to foreign intelligence should be made crystal clear to its own employees and to the public. I hope this amendment will reassure any of our fellow citizens as to the Agency's true and only purpose.

Section (3) of the bill reenforces the charge in the original Act that the Director of Central Intelligence shall be responsible for "protecting

intelligence sources and methods from unauthorized disclosure." The amendment states that pursuant to this responsibility, the Director shall develop appropriate plans, policies and regulations but such responsibility shall not be construed to authorize the Agency to engage in any police, subpoena, law enforcement or internal security activities, and that any information indicating a violation of the Director's plans, policies and regulations, should be reported to the Attorney General for appropriate action.

This amendment conforms to my own understanding of the meaning of the original statutory language. As I said in my confirmation hearing, I believe that the original Act gives the Director a charge but does not give him commensurate authority. Under existing law, the Director is responsible for developing such internal administrative controls as are possible and appropriate to protect against unauthorized disclosure, but if such a disclosure is identified, his only recourse beyond internal disciplinary action, including termination of an employee, would be to report the matter to appropriate authorities for examination of possible legal action. As you are aware, Mr. Chairman, the Government did take legal action with respect to one of our ex-employees who declined to abide by the agreement he made when he joined CIA to protect the confidential information to which he would be exposed.

Mr. Chairman, I fully agree with this clarification of the precise nature of the charge on the Director to protect intelligence sources and

methods against unauthorized disclosure. As you know, I am of the personal opinion that additional legislation is required on this subject to improve our ability to protect intelligence sources and methods against unauthorized disclosure. The contract theory on which the previously mentioned litigation is based is indeed a very slender reed upon which to rely in all cases. My views on this subject became known publicly as a result of that case and the specifics of my recommendations on this subject are still under active consideration within the Executive Branch, so that an appropriate Executive Branch recommendation can be made to the Congress.

The bill would also require that the Agency report to the Congress "in accordance with such procedures as the Congress may establish" on those "other functions and duties related to [foreign] intelligence affecting the national security as the National Security Council may from time to time direct." The National Security Act authorized the National Security Council to direct the Agency to conduct a number of foreign intelligence activities which by their nature must remain secret. The Act made clear, however, that these functions and duties could only stem from a specific direction by the National Security Council rather than being determined by the Agency itself. The amendments do not change this situation but add the requirement of reporting to Congress.

Mr. Chairman, at present the Agency reports to the Congress about its activities in a number of ways. On certain matters the Agency reports

publicly, such as in this hearing and in my own confirmation hearings. The Agency further identifies for public release a number of matters affecting it or resulting from its efforts. A recent example was the publication of testimony on the economies of the Soviet Union and China provided to the Joint Economic Committee and published on July 19th with only a few deletions which related to intelligence sources and methods.

The second area in which the Agency reports to Congress is in its assessments of foreign situations. The Agency briefs appropriate committees of the Congress in executive session, using the most sensitive material available, thus providing the Congress the fruits of the intelligence investment made by the United States. I believe this type of reporting is particularly important, as I hope to make our intelligence of maximum service to the nation as a whole, and this can only take place if it can assist those in the Congress who share in the American decision-making process under our Constitution. The Appropriations Committees, the Armed Services Committees, the Foreign Affairs and Foreign Relations Committees, the Joint Committee on Atomic Energy, and others have been the recipients of this kind of material. Again, to the extent possible, information provided and discussed in these executive sessions is later screened for publication. In many cases the sensitivity of the sources and methods involved does not permit such publication, but the classified transcript of the briefing can be made available to the members of Congress.

The third area in which the Agency reports to Congress concerns its operations. Pursuant to long-established procedures of the Congress, reports on these matters, including the most sensitive details, are provided only to the Intelligence Subcommittees of the Armed Services and Appropriations Committees of each House. Mr. Chairman, there are literally no secrets withheld from these Subcommittees. In fact, I believe I have more than a duty to respond to them; I must undertake the positive obligation to volunteer to these Subcommittees all matters of possible interest to the Congress. As you know, these reports cover our annual budget, the details of our activities, and problems which may have arisen in some regard or other.

The procedures established by the Congress for this reporting have worked well. Large numbers of highly sensitive matters have been revealed to these Subcommittees over the years, and their classification has been respected. I am also aware of the sense of responsibility of the members of the Congress as a whole with respect to matters which must remain highly classified because of their sensitivity. Thus, I am confident that congressional procedures in the future will be as effective as those of the past and I welcome the codification of this relationship in the proposed amendment which requires the Agency to report to the Congress.

Mr. Chairman, the bill also reenforces the proscription in the original Act against police, subpoena, law enforcement powers or internal security functions. I wish I could say that this clarification was not necessary but as you know, Mr. Chairman, I have frankly admitted that the Agency did make some mistakes in recent years in this area. Your own report of the investigations of this Subcommittee dealt with those incidents. The Congress has, in Public Law 93-83 of August 6, 1973, made clear that the CIA may not provide help to the Law Enforcement Assistance Administration in assisting local police and law enforcement agencies of the states and municipalities. The language of the bill would go further in this regard and prohibit the Agency from engaging directly or indirectly in the above type of activities within the United States either on its own or in cooperation or conjunction with any other department, agency, organization or individual. This would restrict our collaboration with the FBI to the field of foreign intelligence or counterintelligence. It may also limit the degree of assistance the Agency could provide to the Secret Service, under the Secret Service Act, which authorizes it to call upon the assistance of any other agency of the Government to assist it in its mission (Public Law 90-331). While this amendment might restrict certain of our activities of the past which were not in any way reprehensible, I believe that its enactment at this time would be an appropriate way of clarifying the purpose of the Agency as related only to foreign intelligence.

I do note that the bill contains a proviso in this area which I believe is both appropriate and essential to the proper functioning of the Agency. This makes it clear that nothing in the Act shall be construed to prohibit the Agency from conducting certain necessary and appropriate activities in the United States directly related to its foreign intelligence responsibilities. I welcome this proviso not only for its content but also for its clarification of the propriety of some of the long-standing activities of the Agency which are essential to its foreign intelligence mission. These include:

- a. Recruiting, screening, training and investigating employees, applicants and others granted access to sensitive Agency information;
- b. Contracting for supplies;
- c. Interviewing U.S. citizens who voluntarily share with their Government their knowledge of foreign subjects;
- d. Collecting foreign intelligence from foreigners in the United States;
- e. Establishing and maintaining support structures essential to CIA's foreign intelligence operations; and
- f. Processing, evaluating and disseminating foreign intelligence information to appropriate recipients within the United States.

These matters were publicly reported by me in my confirmation hearing last summer, and I believe that there is general understanding of their necessity and propriety. The proviso in the amendment, however, would make this explicit.

The bill also adds a new subsection to the Act to prohibit transactions between the Agency and former employees except for purely official matters. I fully subscribe to the purpose of this provision, to assure that former employees not take advantage of their prior associations to utilize the Agency's assistance or resources or to have an undue influence on the Agency's activities. This is particularly directed at the possible use of the Agency's assets for "nonofficial" assistance outside the Agency's charter. I would like to say that such a provision is not necessary, but again I must admit that errors have been made. While I do not believe there were any instances of major import, I accept the desirability of making the limitations on the Agency's unique authorities quite clear.

The normal legal proscriptions against improper influence on Federal employees apply, of course, to the Agency. In addition, a regulation has been developed within the Agency, which is brought to the attention of each employee each year, that any CIA employee who believes that he has received instructions which in any way appear inconsistent with the CIA legislative charter will inform the Director immediately. I might point out that

in those cases which presented questions concerning the Agency overstepping its bounds, the propriety and dedication to American traditions of our own employees caused them to object to possible Agency activities outside its charter. In my confirmation hearing I stated that I am quite prepared to leave my post if I should receive an order which appeared to be illegal and if my objections were not respected.

Thus, we in the Agency are fully in accord with the purpose of this amendment. At the same time, I confess concern over some possible interpretations of the language of this subsection. I assume that "purely official matters" would include our normal relationships with our retirees or others who left the Agency. I would assume it would also enable us to maintain normal official relationships with individuals who left the Agency to go on to other Governmental activities so long as the "official matters" fall within the scope of CIA's legitimate charter and there is no undue influence involved. I do wonder, however, whether certain activities might be included under this provision as official which neither the Congress nor the Agency would want to countenance, and on the other hand whether the phrase might interfere with a contact with an ex-employee volunteering important information to the Agency.

Since the Agency has certain unique authorities under the National Security Act and the CIA Act of 1949 and since much of its work does involve

highly classified activity, I would think it appropriate that the Congress add to the Agency's legislative charter some special recognition of the high degree of responsibility imposed on the Agency and its employees as a result of the grant of these unique authorities. This could require the Director to develop and promulgate a code of conduct for CIA employees at a higher standard than that expected of Federal employees generally. Thereby, the intelligence profession would become one of those with special standards such as the medical or legal professions. The Director's unique authority to terminate employees in his discretion when necessary or advisable in the interests of the United States, pursuant to the National Security Act of 1947, would provide a sanction for the application of such high standards. Regular congressional review would provide an assurance that such a code of conduct was adequate and that it was being promulgated, applied, and adhered to.

Mr. Chairman, it has been a pleasure to have had this opportunity to comment on H. R. 15845. With the few reservations I have noted above, I fully support the bill. Most of all, I fully support the purpose of the legislation in clarifying the mission of the Central Intelligence Agency only to conduct foreign intelligence activities. At the same time, I am pleased that the modifications proposed to the CIA charter would not adversely affect its authority or capability to carry out the challenging task of collecting, processing and disseminating foreign intelligence in the world today. I believe

these amendments would mark an important milestone in eliminating any apparent conflict between our ideal of an open American society and the minimum requirements of secrecy in the intelligence apparatus necessary to protect this free nation.

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

11

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

STAT

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

Next 6 Page(s) In Document Exempt

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

Another amendment would amplify the current restrictions in law by specifying that within the United States the Agency will not engage:

"in any police or police-type operation or activity, any law enforcement operation or activity, any internal security operation or activity, or any domestic intelligence operation or activity."

The Agency fully accepts such amendments as a statement of prohibited activity and as a way to reassure any concerned that CIA has no such function. Last July, I so testified before the legislative oversight Committee in the House and last September, I wrote to the Chairman of the legislative oversight Committee in the Senate assuring him that the Agency will abide by the letter and the spirit of the proposed amendments.

The prohibition in these bills is supplemented by the following additional proviso:

"Provided, however, that nothing in this Act shall be construed to prohibit CIA from protecting its installations or conducting personnel investigations of Agency employees and applicants or other individuals granted access to sensitive Agency information; nor from carrying on within the United States activities in support of its foreign intelligence responsibilities; nor from providing information resulting from foreign intelligence activities to those agencies responsible for the matters involved."

Again, we welcome this as a clear statement of what the Agency properly does in the United States in support of its

foreign intelligence mission. As I described to you earlier and explained in my confirmation hearings, these include:

- (1) Recruiting, screening, training, and investigating employees, applicants, and others granted access to sensitive Agency information;
- (2) Contracting for supplies;
- (3) Interviewing US citizens who voluntarily share with the Government their information on foreign topics;
- (4) Collecting foreign intelligence from foreigners in the United States;
- (5) Establishing and maintaining support structures essential to CIA's foreign intelligence operations; and
- (6) Processing, evaluating, and disseminating foreign intelligence information to appropriate recipients within the United States.

I respectfully suggest that the Committee might indicate its support of these or similar legislative amendments in its recommendations.

A separate matter of concern deals with the question of appropriate oversight of the Agency. Within the Executive Department, the Director is appointed by the President with the advice and consent of the Senate and serves "during the pleasure of the President of the United States and for the time being."

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

1
F

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

Statement

W.E. Colby

Director of Central Intelligence

Before

Defense Subcommittee

of the

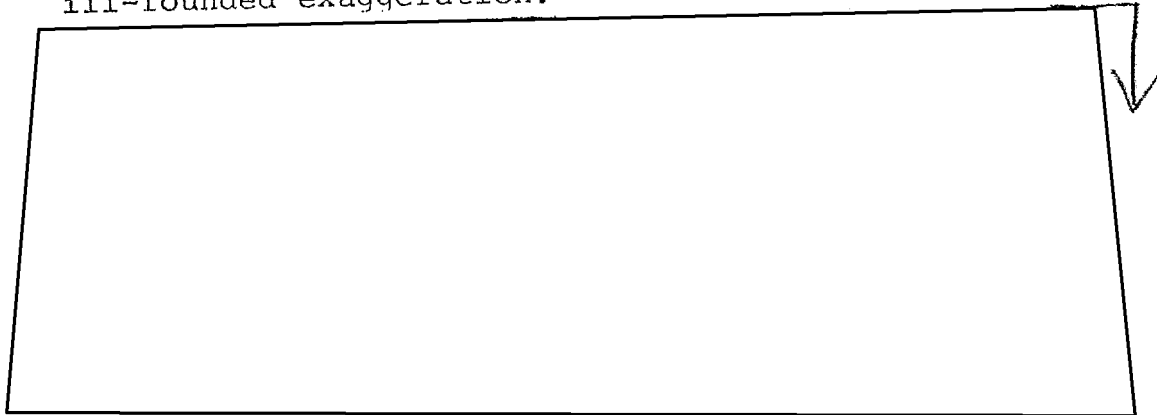
House Appropriations Committee

February 20, 1975

This Committee is well aware of the contribution intelligence makes to decisions about defense levels. I would also like to remind you of its contribution to the Strategic Arms Limitation and similar treaties. Such agreements help reduce the need for the heavy expense of arms.

I would like to stress another aspect of intelligence today -- its contribution to peace-keeping. Aside from its assistance to our ability to make treaties to reduce tensions between us and other nations, it has on occasion provided our Government information with which it has been able to convince other nations not to initiate hostilities against their neighbors. This peace-keeping role can grow in importance as our intelligence coverage improves. Correspondingly, it can decline if our intelligence machinery is made ineffectual through irresponsible exposure or ill-founded exaggeration.

STAT



STAT

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

Next 5 Page(s) In Document Exempt

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

1
9

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

REF ID: A66552R000100080001-0

NOMINATION OF WILLIAM E. COLBY

HEARING
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF WILLIAM E. COLBY TO BE DIRECTOR
OF CENTRAL INTELLIGENCE

JULY 2, 20, AND 25, 1973

Printed for the use of the Committee on Armed Services



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

99-275

Senator SYMINGTON. I know you know that much of the CIA operation in Laos had as much to do with intelligence as the production of carpets in the United States. It was the operation of a war conducted, at least in some cases, by the State Department and the Central Intelligence Agency to cover up what we were actually doing. That is what worries the American people, they find something going on for years, killing a lot of people, about which they had no idea.

Turning now to domestic activities the 1947 act provides: "The Agency shall have no police, subpoena, law enforcement powers, or internal security functions." I would ask you about several recent events, some connected with the Watergate case, involving the CIA. The purpose of these questions is not to elicit your opinion about decisions made by your predecessors or other CIA officials, right or wrong, good or bad; rather, to clarify the meaning of these statutory restrictions on domestic activity as expressed in the 1947 act.

Do you believe the prohibition against the CIA having police or law enforcement powers, or internal security functions, would prohibit the preparation of a psychological profile on a U.S. citizen?

Mr. COLBY. Not in every case, Mr. Chairman, because, for instance, we prepare a psychological profile on our applicants, on our applicants for employment, and I think we consequently have a legitimate function for some of these. But I think I agree with the thrust of your question, which is with reference to Mr. Ellsberg. It is not our function to use this capability in that case.

Senator SYMINGTON. That was my next question. Would it prohibit the preparation of a psychological profile on a U.S. citizen who was under indictment for crime, as was the case with Mr. Daniel Ellsberg in August 1971?

Mr. COLBY. Let us say that I do not intend to do this, Mr. Chairman.

Senator SYMINGTON. If anybody asks you to do it would you come back here and protest?

Mr. COLBY. If I cannot handle it any other way.

Senator SYMINGTON. If you cannot handle it any other way?

Mr. COLBY. Right.

Senator SYMINGTON. Thank you.

Would these provisions of the 1947 act prohibit the Agency from providing a camera, tape recorder, disguises and alias documentation to a White House employee if the Agency was informed that that employee was to use these materials to conduct an "interview," as was apparently the case with Mr. E. Howard Hunt, in 1971?

Mr. COLBY. This is a very complicated question, Mr. Chairman.

Senator SYMINGTON. Simplify it for us.

Mr. COLBY. For example, the Secret Service Act calls for the full collaboration of other agencies of the Government in the protection of the individuals designated for protection by that service. The question as to whether we should give the Secret Service certain assistance comes up. I propose to draw the distinction between—

Senator SYMINGTON. This was not Secret Service. The White House called the Deputy Director of the CIA requesting all of this apparatus be given Mr. Hunt.

Mr. COLBY. Right. I was using this as an illustration of the complexity of the problem, Mr. Chairman. In other words, I find it very

difficult to say here that we will never give any other agency of the U.S. Government help which they might use in their responsibilities because, for instance, we provide a considerable amount of intelligence to the FBI, and there are other ways in which we help the other agencies of the Government.

The fact is, however, that I think in that particular case a mistake was made and it will not be made again.

Senator SYMINGTON. A good answer.

Would the provisions of the 1947 act prohibit the use of a so-called safe house to provide such materials to a White House employee?

Mr. COLBY. I think the same answer applies to that question, Mr. Chairman.

Senator SYMINGTON. Would these provisions of the 1947 act prohibit the developing of a film for such a White House employee?

Mr. COLBY. Mr. Chairman, that depends. I mean, if one of the White House employees has a film of some particular thing or even needs a safe house for some perfectly legitimate purpose I really see no problem in the Agency helping him with that particular function. I think it is really a matter of what he is doing and whether the Agency participates by helping him in some improper activity, and I assure you that the Agency is not going to participate in any improper activity, although I can envisage a situation in which it would be appropriate for the Agency to help not Mr. Howard Hunt but a White House official to meet somebody without coming to public notice.

Senator SYMINGTON. In the CIA's interest, it is proper to state that when the Deputy Director, General Cushman, found out the nature and degree of this operation he notified the White House staff member who had requested it that he would no longer approve it.

Mr. COLBY. Yes.

Senator SYMINGTON. So I would not think you would have any problem with this question.

Mr. COLBY. I think that is exactly it. When it began to be indicated that the Agency would begin to participate in the activity in the United States in that regard the Agency withdrew from that participation.

Senator SYMINGTON. Would these provisions of the 1947 act require the Agency to insure materials loaned to a White House employee for one function were not used for another illegal function?

Mr. COLBY. Let us say I think we are going to be very careful with some of our unique equipment, Mr. Chairman, and we are not going to let it out without control.

Senator SYMINGTON. Is there any practical way the CIA can monitor the use of materials it provides to various employees in Government, including those in the White House?

Mr. COLBY. It depends on the equipment. With certain equipment we can, and frequently do, insist on knowing precisely what is done with that equipment, and that it is used in a legitimate purpose by the Agency in question.

However, I think that it is possible in most cases for us to do this, and we propose to do it.

Senator SYMINGTON. Is there any agreement between the FBI and the CIA regarding what is to occur if one agency, in the course of its operations, comes across the operations of the other?

Mr. COLBY. There is an agreement between the two agencies which was drawn up some years ago. I have not had a chance to review this

in detail but I propose to now that there is new leadership in both agencies.

Senator SYMINGTON. When you review it, will you submit to this committee your conclusions?

Mr. COLBY. I would be glad to.

Senator SYMINGTON. Thank you.

Does either the CIA or the FBI have the authority to tell the other not to continue with, or conduct, certain investigations; or, is there merely an agreement to notify the other agency in case of a potential conflict?

Mr. COLBY. I think the latter is correct. I do not think the CIA has the authority to direct the FBI to suspend an investigation. We do not. We do have the ability to explain to them that some activity has another explanation which they might not have known and as a practice we always do this.

Senator SYMINGTON. Nor would they have a right to do so to you?

Mr. COLBY. They do not have the authority to give me an order to suspend any activity, except, I suppose, in the area of domestic law if they told me I was doing something improper, they might have authority to direct me not to do it or arrest me.

[The following additional statement was provided for the record:]

We have an agreement that CIA's foreign intelligence operations in the United States will be coordinated with the FBI and terminated if the FBI determines them prejudicial to their activities.

Senator SYMINGTON. They would appeal to the President through the Attorney General, and you would appeal to the President direct, correct?

Mr. COLBY. I would go to the President, right.

Senator SYMINGTON. Aside from protecting the physical security of CIA property, such as the headquarters in Langley, Va., and conducting security investigations of its own employees, does the CIA need to have authority to provide direct or indirect support to any domestic law enforcement agency?

Mr. COLBY. Yes, Mr. Chairman, we do in terms of support to, for example, the FBI. If we learn that a certain agent of another country is coming here, I think it is important we be allowed to pass that information to the FBI and not be prohibited from doing so.

Senator SYMINGTON. Does the authority of the CIA to collect intelligence outside the United States extend to collecting intelligence on U.S. citizens abroad who do not appear to be involved with the activities of foreign governments or foreign institutions?

Mr. COLBY. No; it does not.

Senator SYMINGTON. Your answer is "No?"

Mr. COLBY. My answer is, "No," who were not involved with foreign institutions.

Senator SYMINGTON. Do you subscribe to Ambassador Helms statement in his published address of April 1971 that "We do not target on U.S. citizens?"

Mr. COLBY. I do subscribe to that. We target on foreign intelligence, Mr. Chairman, foreign intelligence and foreign intelligence services. There is occasionally some incidental mention of American citizens in this regard. That kind of information, if it indicates something improper, is turned over by us to the FBI. It is not handled by our Agency.

Senator SYMINGTON. Now, the so-called Watergate Committee, the one chaired by Senator Ervin, has recently released a set of documents dealing with the plan during the summer of 1970, apparently approved by the President, to establish an Inter-Agency Committee on Intelligence, which would include the Director of the CIA, and would deal with domestic intelligence operations. Do you believe that the prohibition in the 1947 act against the Agency having any police or law enforcement powers, or any internal security functions, would prohibit the Director of Central Intelligence from participating in the evaluation of intelligence on domestic groups?

Mr. COLBY. No; I do not, Mr. Chairman. I think that in that respect the Agency has an obligation to provide to the Government the results of its foreign intelligence activities and collection and if this can contribute to the Government's knowledge of some problem in the United States that this can properly be passed by the Agency to an interagency group but the Agency would not itself be engaged in those functions or exert those powers. It would merely pass the results of its activities abroad to that interagency effort and to the appropriate authorities of the Government.

Senator SYMINGTON. Well, it is my understanding that when the Central Intelligence Agency was created the most difficult problems that they had in writing the law were the objections of the Director of the Federal Bureau of Investigation because of his apprehensions about interference in domestic activities. You have no intention of doing anything of that character?

Mr. COLBY. Absolutely not, Mr. Chairman. I repeat that I read the word "foreign" before the word "intelligence" in the authority under this act.

Senator SYMINGTON. Based on some papers we received we have the right, I think, to believe that Attorney General Mitchell did not know of this so-called plan presented by Mr. Charles Tom Huston, a lawyer in the White House at that time. Perhaps Mr. Hoover in reporting to his boss, the Attorney General, requested that the plan—the request, be put in writing. If he did that, Mr. Mitchell, being a lawyer, unquestionably would have felt that higher authority was requesting Mr. Hoover to break the law. It may well be that is what happened and the reason the plan, after a few days, was abandoned. In any case, the people that I have discussed this matter with, who are far greater authorities on the Constitution than I am, feel that it was in effect a request to circumvent the Constitution, violate the Constitution. I am not asking for your opinion on that fact or lack of accuracy but I would hope that you would be very careful about this in the future because now everybody will be considering this from the standpoint of your operations. As I understand it, you do not intend to participate in any way in any domestic intelligence, is that correct?

Mr. COLBY. I do not, Mr. Chairman.

Senator SYMINGTON. Would this prevent you from helping to make policy regarding the collection of intelligence on domestic groups?

Mr. COLBY. I believe it would, yes, Mr. Chairman. I do not see that as within my responsibilities at all.

Senator SYMINGTON. Would the 1947 act prohibit the CIA from collecting, or providing the support necessary for collecting, intelligence within the United States on domestic groups?

Mr. COLBY. I believe that is the same question, essentially.

Senator SYMINGTON. Yes.

Mr. COLBY. And it would prohibit me from doing that.

Senator SYMINGTON. Would it clarify your responsibilities, Mr. Colby, and the responsibilities of the CIA under the 1947 act, if it were made clearer that your responsibilities extended only to foreign intelligence—namely, intelligence about or related to foreign governments, groups, or individuals?

Mr. COLBY. I would certainly have no objection to that. If it would relieve any concern that anybody feels about CIA, I would fully recommend that that be done. I think the easiest way for it is just to use the words "foreign intelligence."

Senator SYMINGTON. Ambassador Helms testified before the Senate Foreign Relations Committee that the requirement for the Director of Central Intelligence to protect intelligence sources and methods has sometimes led to the existence of a "gray area," using his words, of CIA responsibilities by implication verging on the requirement to be involved in domestic activities.

Do you know of any way to clarify or correct this situation?

Mr. COLBY. My interpretation of that particular provision, Mr. Chairman, is that it gives me a charge but does not give me authority. It gives me the job of identifying any problem of protecting sources and methods, but in the event I identify one it gives me the responsibility to go to the appropriate authorities with that information and it does not give me any authority to act on my own. So I really see less of a gray area in that regard. I believe that there is really no authority under that act that can be used. If, on the other hand, there is some concern over the matter I would have no problem because I do not view it as giving me any authority.

Senator SYMINGTON. Do you believe that some other Government official should have the overall responsibility to protect intelligence sources and methods in order to make it clear, for example, that it is not the CIA's responsibility to get involved in domestic law enforcement functions?

Mr. COLBY. I think, in a sense, Mr. Chairman, we all have the responsibility of protecting national security information, and that most intelligence sources and methods fall into that category.

Senator SYMINGTON. Well, if I understand, if there is a Government official that should have such responsibility, it should be yourself?

Mr. COLBY. For the intelligence field, I think it is myself no question about it.

Senator SYMINGTON. Right.

In general, what do you consider to be the proper scope of your agency activities within the United States?

Mr. COLBY. Mr. Chairman, we obviously have to run a headquarters here; we have to recruit people for our staffs, and so forth; we have to conduct investigations on those people; we have to protect our own intelligence sources and methods within the Agency; we have to contract with a large number of American firms for the various kinds of equipment that we might have need for abroad. We also, I believe quite properly, can collect foreign intelligence in the United States, including requesting American citizens to share with their Government certain information they may know about foreign situations.

We have a service that does this, and I am happy to say, a very large number of American citizens have given us some very important information. We do not pay for that information. We can protect their proprietary interest and even protect their names if necessary, if they would rather not be exposed as the source of that information.

We also, I believe, have certain support activities that we must conduct in the United States in order to conduct foreign intelligence operations abroad. Certain structures are necessary in this country to give our people abroad perhaps a reason for operating abroad in some respects so that they can appear not as CIA employees but as representatives of some other entity. Lastly, I think that there are a number of activities in the United States where foreign intelligence can be collected from foreigners, and as long as this is foreign intelligence, I think it quite proper that we do so, I can certainly go into more detail on this in executive session any time you would like, Mr. Chairman, but I reiterate that the focus should and must be foreign intelligence only, and that all the other activities are only supportive of that major function.

Senator SYMINGTON. If you should receive an order in the future which appears on its face to be illegal, what would you do?

Mr. COLBY. I would object to it and, if necessary I am quite prepared to leave this responsibility if it came to that.

Senator SYMINGTON. I did not hear you.

Mr. COLBY. And I am quite prepared to leave this job if it comes to that.

Senator SYMINGTON. Do you believe that CIA officials should refrain from making policy, or explicitly making recommendations about policy, and, if so, what steps can you take to insure that the CIA maintains its role as solely an intelligence organization?

Mr. COLBY. I do indeed believe that the CIA's role is to try to call what is happening abroad very accurately and precisely, and incidentally, to show two or three different interpretations if these legitimately exist. But the action that should be taken about that is a larger question dealing with the interest and policies of the United States and the various capabilities of the United States. These are not within the responsibilities of the intelligence community and, therefore, I think that the intelligence community should stick to its own business and not get into recommending what should be done.

Senator SYMINGTON. What would be your position regarding CIA collaboration with private American corporations overseas?

Mr. COLBY. Well, I think that in many respects there are perfectly legitimate ways in which we can collaborate with American corporations overseas in terms of the exchange of information and in some situations corporations overseas can help the intelligence activity and mission.

However, I think your reference is rather to the situation that developed with IIT in Chile and I think that our position there is that we are not going to be a conduit for corporate policies and that we will not allow ourselves to be controlled by some corporation.

Senator SYMINGTON. There would appear no reason, from the standpoint of logic, that prevents you utilizing American citizens in a foreign country to the best of your ability to obtain information. You would agree, would you not?

27

Mr. COLBY. Right.

Senator SYMINGTON. On the other hand, you would not want that corporation to take advantage of your request by in turn obtaining special favors from the Government?

Mr. COLBY. Right. I think we have only one source of our authority and that is the statute, and the President, and that we should make decisions on what we do overseas based on the best interests of the United States as articulated by the Congress and the President, and not by any individual company.

Senator SYMINGTON. As a member of the Subcommittee on Multi-National Corporations of the Foreign Relations Committee, I was impressed with the obvious lack of coordination with other committees and I think much of that trouble could have been avoided if there had been closer cooperation between the various interested committees.

I have some questions here, Mr. Colby, that Senator Hughes would like you to answer for the record. Many of them cover ground we have already discussed this morning.

Mr. COLBY. I will be glad to provide those answers, Mr. Chairman.

Senator HUGHES. Can you tell us publicly the budget totals for the CIA and for the rest of the intelligence community? If not, how are we to judge whether these amounts are appropriate in view of the intelligence product and the competing claims for Government resources?

Mr. COLBY. The budget totals for the Central Intelligence Agency and the members of the intelligence community have traditionally been maintained on a classified basis and revealed only in executive session. I defer to the appropriate congressional authorities for any change in this procedure. Budget requests are reviewed in detail in the Agency's annual budget hearings with the Appropriations Committees of the Senate and the House of Representatives.

Senator HUGHES. In order for the responsible committees of Congress to do their work on national security matters in a better informed way, would you accept legislation requiring the CIA to furnish these committees regular and special reports on matters within their purview, subject, of course, to proper security measures? Would this not be a valuable addition to the infrequent and wide-ranging briefings now given the committee?

Mr. COLBY. The Director of Central Intelligence traditionally has given briefings on the world situation and on specific topics to a number of Senate and House committees. I will review the matter and report to the Armed Services Committee on the possibility of supplementing such briefings by appropriate written materials, provided these can be maintained on a classified basis. I think this can be accomplished without legislation.

Senator HUGHES. What steps have been taken or will you take to insure that the CIA never again will be involved in domestic American activities, as it was in the training of police personnel from several U.S. cities and in the assistance to Howard Hunt and Gordon Liddy?

Mr. COLBY. A careful review has been made of all possible Agency involvement in domestic American activities, and instructions are being issued to ensure that no violation of the limitations of CIA's statutory authority takes place in the future. With respect to the training of local police personnel, I reiterate Dr. Schlesinger's assurance

that, despite the fact that its legality might be defended, any further such action will be taken only in the most exceptional circumstances and with the Director's personal approval. Regulations are being developed with respect to CIA assistance to other U.S. agencies and personnel to ensure that any such assistance raises no question of CIA involvement in domestic American activities.

↑ Senator HUGHES. Mr. Colby, published reports say that your experience has been in the plans and operations side of the CIA rather than in intelligence or science and technology. Because of the availability of new technical intelligence gathering means, not to mention the backlash and suspicion in many areas of the world regarding agents, do you believe that the time has come to reduce some of our overseas operations in order to put greater stress on intelligence analysis and science and technology?

Mr. COLBY. Over the past 15 years great stress has been placed on scientific and technological intelligence gathering, which has made a great contribution to accurate knowledge of important foreign developments. Overseas intelligence operations must only be conducted in circumstances fully justifying the risks involved and in situations which cannot be covered by more normal methods. Analysis has made a substantial contribution to intelligence and is being improved and refined to the greatest degree possible.

Senator HUGHES. Published reports also give you a key policy role in decisions to involve the United States in clandestine operations in Laos in the late 1950's and early 1960's—operations which grew into a secret, CIA-run war.

(a) On reflection, do you believe that it was wise for the Agency to get involved in such military operations?

(b) Do you believe that it is proper under our Constitution for such military operations to be conducted without the knowledge or approval of the Congress?

(c) Where should the line be drawn between CIA and Defense Department activities involving the use of armed force?

Mr. COLBY. The Agency's activities in Laos were undertaken in direct response to Presidential and National Security Council direction in order to carry out U.S. policy and at the same time avoid the necessity for uniformed U.S. involvement in Laos. These activities grew in size over the years to meet greater North Vietnamese and Pathet Lao pressure. The size to which these operations grew made it difficult to maintain normal intelligence procedures. Despite the difficulties for CIA, I submit that the Agency fulfilled the charge given it efficiently and effectively.

The appropriate committees of the Congress and a number of individual senators and congressmen were briefed on CIA's activities in Laos during the period covered. In addition, CIA's programs were described to the Appropriations Committees in our annual budget hearings.

In general, the line should be drawn between CIA and the Defense Department with respect to armed force at the point in which the United States acknowledges involvement in such activities. As a practical matter, however, the scale of the activity will, in many cases, also affect whether the United States is revealed as engaged in the activity.

Senator HUGHES. Where do you—and should we—draw the line

Question. Mr. Colby, your previous testimony about domestic activities of CIA has provoked some critical comment in the press. Would you give the Committee examples—hypothetical examples if you like—of the kind of CIA inquiries and interviews which you would view as proper within the United States?

Answer. Provided that CIA's activities within the U.S. are in the prosecution of foreign intelligence and do not contravene U.S. law, I believe they do not conflict with the statutory restriction against CIA involvement in domestic affairs. Examples of this kind of activity are:

- (a) Interviewing American citizens who knowingly and willingly share their information about foreign subjects with their government.
- (b) Collect foreign intelligence from foreigners temporarily within the U.S.
- (c) Establish support structures within the U.S. to permit CIA operations abroad.
- (d) Recruiting, screening and training our own personnel.
- (e) Contracting for supplies essential to foreign intelligence operations.
- (f) Providing training to foreigners in the U.S.
- (g) Passing the results of foreign intelligence operations to appropriate U.S. agencies having a legitimate interest therein, e.g., the FBI.
- (h) Under the economy act, providing assistance or service to other U.S. agencies for activities within their statutory authority which do not involve CIA in activities outside its statutory authority.

Question. In the same vein, would you cite instances of CIA assistance to other government agencies which you would view as proper under the 1947 Act?

- Answer. (a) Advising the FBI of the imminent arrival in the U.S. of a foreign terrorist.
- (b) Training in Communist doctrine and practices to the FBI, Secret Service, etc. Advise other agencies with personnel serving abroad on Communist espionage techniques likely to be practiced against them.
- (c) Passage to the Drug Enforcement Administration of results of intelligence operations abroad revealing the details of the drug traffic.
- (d) Reporting to appropriate authorities evasion of U.S. export controls as learned by foreign intelligence operations.

Question. Some recent critical press comment has been provoked by the fact that Director Helms approved—or signed off on—the now controversial 1970 domestic intelligence plan. Would that plan, to your knowledge, have involved CIA in activities beyond the authority of the 1947 law, either inside or outside the United States?

Answer. The history of the 1970 domestic intelligence plan demonstrates that CIA participation was limited to the foreign intelligence contribution to meet the problems of internal security. The only specific option considered for CIA was that CIA coverage of American students (and others) traveling abroad or living aboard should be increased insofar as they are involved with foreign subversive elements which might utilize them against the interests of U.S. internal security. If implemented, this would have been consistent with the provisions of the National Security Act of 1947.

Question. There has been recent press speculation with respect to CIA involvement in a reported 1959 attempt to overthrow Prince Sihanouk in Cambodia. Will you comment, please?

Answer. Prince Sihanouk is under a somewhat understandable misapprehension as to CIA's involvement in a 1959 attempt to overthrow him. CIA did not support or instigate that attempt. Some of our allies were involved in support and stimulation of that attempt, and Prince Sihanouk inferred U.S. responsibility from their involvement. His belief was reinforced by his discovery of an intelligence operation conducted by CIA which maintained contact with the leadership of the coup group for intelligence purposes only. Since this group carried a radio and other paraphernalia, Prince Sihanouk inferred that this signified active support of the coup effort rather than merely a contact for intelligence purposes.

Question. A press report from Cambodia published yesterday (Washington Star-News) suggests the development there of a clandestine aid and advisor program similar to that in Laos. Please tell us what role CIA is now playing in Cambodia Are CIA employees engaged in any activities other than intelligence gathering and analysis?

179

gence coverage of the Vietcong infrastructure and these questions are ones which I shared and at the same time tried to resolve.

Question. How relevant are the contents of the [deleted] cables to the situation in 1973?

Answer. I think there are a number of intelligence indicators that VCI strength in 1973 is considerably less than it was in 1970, both in terms of numbers and, particularly, in terms of effectiveness and capability. There are several factors present in 1973 which were not present in 1970: Since the January 1973 Paris Agreements, North Vietnam has infiltrated ethnic North Vietnamese administrative and political personnel to perform VCI functions that would certainly be performed by ethnic southerners if the latter were available. Furthermore, the North Vietnamese have had to dispatch north-erners to perform these local functions despite the release of substantial numbers of civilian prisoners (former VCI) held by the GVN, who would presumably be available to resume their VCI activities on the other side. In 1973, there is of course a much higher degree of GVN presence, security and effective administrative control in the countryside than there was in 1970. This may well reduce the incentives to participate in the VCI, even for Communist sympathizers. Factors such as these, I believe, make the July 1973 situation appreciably different from that of June 1970.

Question. Paragraph [deleted] of the [deleted] 1970 cable states, in part: [deleted] In light of the developments since 1970, the massive disruptions of 1972, the ceasefire agreement of 1973, and the current situation in South Vietnam, comment on this statement.

Answer. I believe the strength and effectiveness of the VCI has been substantially reduced since 1970. I would prefer not to set a statistical level. The VCI and the North Vietnamese are infiltrating some additional strength, as noted above, but there is no indication at this time that the VCI has gained strength or effectiveness since January 1973.

Question. Define the objectives of the Phoenix Program. With appropriate documentation, what is your understanding of the degree of success or failure in accomplishing these objectives?

Answer. The Phoenix program was designed to bring order and effectiveness to the government, if not the Communist, side of the struggle between the VCI and the people and government of South Vietnam. I believe it made a substantial but not necessarily decisive contribution to the government's ability to resist the attempt to overthrow it and the massive military assault in 1972.

PREPARED QUESTIONS FROM SENATOR HUGHES

[Questions submitted by Senator Hughes. Answers supplied by Mr. Colby.]

Question. Can you tell us publicly the budget totals for the CIA and for the rest of the intelligence community? If not, how are we to judge whether these amounts are appropriate in view of the intelligence product and the competing claims for government resources?

Answer. The budget totals for the Central Intelligence Agency and the members of the intelligence community have traditionally been maintained on a classified basis and revealed only in executive session. I defer to the appropriate congressional authorities for any change in this procedure. Budget requests are reviewed in detail in the Agency's annual budget hearings with the Appropriations Committees of the Senate and the House of Representatives.

Question. In order for the responsible committees of Congress to do their work on national security matters in a better informed way, would you accept legislation requiring the CIA to furnish these committees regular and special reports on matters within their purview, subject of course to proper security measures? Would this not be a valuable addition to the infrequent and wide-ranging briefings now given the Committee?

Answer. The Director of Central Intelligence traditionally has given briefings on the world situation and on specific topics to a number of Senate and House committees. I will review the matter and report to the Armed Services Committee on the possibility of supplementing such briefings by appropriate written materials, provided these can be maintained on a classified basis. I think this can be accomplished without legislation.

180

Question. What steps have been taken or will you take to ensure that the CIA never again will be involved in domestic American activities, as it was in the training of police personnel from several U.S. cities and in the assistance to Howard Hunt and Gordon Liddy?

Answer. A careful review has been made of all possible Agency involvement in domestic American activities, and instructions are being issued to ensure that no violation of the limitations of CIA's statutory authority takes place in the future. With respect to the training of local police personnel, I reiterate Dr. Schlesinger's assurance that, despite the fact that its legality might be defended, any further such action will be taken only in the most exceptional circumstances and with the Director's personal approval. Regulations are being developed with respect to CIA assistance to other U.S. agencies and personnel to ensure that any such assistance raises no question of CIA involvement in domestic American activities.

Question. Mr. Colby, published reports say that your experience has been in the plans and operations side of the CIA rather than in intelligence or science and technology. Because of the availability of new technical intelligence gathering means, not to mention the backlash and suspicion in many areas of the world regarding agents, do you believe that the time has come to reduce some of our overseas operations in order to put greater stress on intelligence analysis and science and technology?

Answer. Over the past fifteen years great stress has been placed on scientific and technological intelligence gathering, which has made a great contribution to accurate knowledge of important foreign developments. Overseas intelligence operations must only be conducted in circumstances fully justifying the risks involved and in situations which cannot be covered by more normal methods. Analysis has made a substantial contribution to intelligence and is being improved and refined to the greatest degree possible.

Question. Published reports also give you a key policy role in decisions to involve the United States in clandestine operations in Laos in the late 1950s and early 1960s—operations which grew into a secret, CIA-run war.

On reflection, do you believe that it was wise for the Agency to get involved in such military operations?

Answer. The Agency's activities in Laos were undertaken in direct response to Presidential and National Security Council direction in order to carry out U.S. policy and at the same time avoid the necessity for uniformed U.S. involvement in Laos. These activities grew in size over the years to meet greater North Vietnamese and Pathet Lao pressure. The size to which these operations grew made it difficult to maintain normal intelligence procedures. Despite the difficulties for CIA, I submit that the Agency fulfilled the charge given it efficiently and effectively.

Question. Do you believe that it is proper under our Constitution for such military operations to be conducted without the knowledge or approval of the Congress?

Answer. The appropriate committees of the Congress and a number of individual senators and congressmen were briefed on CIA's activities in Laos during the period covered. In addition, CIA's programs were described to the Appropriations Committees in our annual budget hearings.

Question. Where should the line be drawn between CIA and Defense Department activities involving the use of armed force?

Answer. In general, the line should be drawn between CIA and the Defense Department with respect to armed force at the point in which the United States acknowledges involvement in such activities. As a practical matter, however, the scale of the activity will, in many cases, also affect whether the United States is revealed as engaged in the activity.

Question. Where do you—and should we—draw the line between simply gathering intelligence and manipulating events or interfering in the internal affairs of other countries? In particular, why should the CIA play any role in nations of the underdeveloped world which pose no conceivable threat to us?

Answer. As indicated above, the use of intelligence techniques should be reserved to cases of importance in which no other means will serve. This same

183

Question. What reason does the National Security Council give for not making public the secret "Charter" of the CIA, the NSCIDs?

Answer. I respectfully suggest that this matter be raised with the National Security Council.

Question. Could you provide copies of National Security Action Memorandums (NSAM) numbered 55, 56, and 57 to the Committee?

Answer. Since these three documents are Presidential documents, I do not have the authority to release them.

Question. Is it accurate that NSAM 55, to the Chairman of the Joint Chiefs of Staff, charged him with responsibility for all military type operations by the intelligence community? Is this NSAM still in effect? How is it presently interpreted?

Answer. Since the document is a Presidential document, I do not have the authority to release it.

Question. Is it accurate that NSAM 57 expressly set out guidelines for operations being restrained to a small size and only then with adequate deniability? Is this NSAM still in effect? How is it presently interpreted?

Answer. Since the document is a Presidential document, I do not have the authority to release it.

Question. What other NSAMs or other forms of direction from the executive department detail or describe the operations of the CIA or other intelligence components? Are these available to the Committee?

Answer. Operations of the CIA and other intelligence components are conducted under the authority of the NSCIDs and a variety of other executive orders and directives. I have been authorized to brief the Committee on the basic ones, the NSCIDs, on a classified basis.

Question. At the present time, is the CIA or any other intelligence components engaged in training or assistance to any law enforcement agencies or bodies within the US aside from the FBI? Where and under what arrangements?

Answer. Yes. CIA disseminates its foreign intelligence reports to several agencies concerned with the matters covered in these reports such as the Drug Enforcement Administration, the Immigration and Naturalization Service, the Armed Services, the Customs Service, the Secret Service and others on a routine basis. With respect to training, we provide limited training to the Drug Enforcement Administration personnel in inter-agency procedures, intelligence coordination practices in overseas missions, to the Secret Service in defensive driving and explosives and demolition devices as related to the Secret Service protective responsibilities against terrorist activities and to representatives of USIB members in counter-audio surveillance measures. Any such training by CIA is undertaken only upon formal request and detailed review and senior approval.

With respect to other intelligence components, I do not have precise information immediately available but will determine that if the Committee so requests.

Question. At the present time, with how many foreign internal security or intelligence agency organizations does the CIA have contact? How many have representatives here in the United States? How are these arrangements formalized?

Answer. [Deleted.]

Question. Has the CIA ever trained or assisted in the creation of foreign intelligence agencies? When and Where? Under what authority? Is any such assistance presently being carried on?

Answer. [Deleted.]

Question. Moving to the question of domestic CIA operations, would you please describe the full extent of CIA operations here in the US including those that relate to overseas programs?

Answer. CIA's operations in the US can be summarized as follows:

(a) Headquarters and administrative activities, to include procurement, recruitment, security clearances, experimentation, training, etc.

(b) *Domestic collection*, American citizens are interviewed on a knowing voluntary basis for their knowledge of foreign intelligence which they will share with their Government.

(c) *Foreigners*—operations are conducted to collect foreign intelligence from foreigners temporarily resident in the US.

(d) *Mechanisms, relationships and facilities* are required within the US to support foreign intelligence operations abroad.

(e) *Analysis and research* of foreign intelligence matters by CIA staff and contractors, consultants and institutions.

Question. Would you explain the role of the Domestic Contact Service?

Answer. Domestic collection—American citizens are interviewed on a knowing and voluntary basis for their knowledge of foreign intelligence which they will share with their Government.

Question. Is it true that the Domestic Contact Service now has been placed under the organizational authority of the clandestine services? If so, why?

Answer. Yes, in order to improve the coordination of its collection activities with those of the Agency abroad.

Question. Have covert programs or personnel ever been run out of or in cooperation with DCS operations or offices? If so, under what conditions?

Answer. Covert programs are not run out of DCS offices but DCS contributes from time to time to the identification of operational opportunities.

Question. Would you please indicate the relationship between the CIA and the following organizations: Foreign Broadcast Information Service, Air America/CAT, Joint Publications Research Service, Interarmco, Southern Air Transport, Saturn Airlines.

Answer. FBIS is the oldest element of CIA. It was established in 1941 and became an element of CIA upon the organization of the Agency in 1947.

Air America [deleted.]

JPRS [deleted.]

Interarmco [deleted.]

Southern Air Transport [deleted.]

Saturn Airways Inc., none.

Question. Is it true that the CIA or other intelligence components have secretly helped finance certain political parties in India? In any other countries? Please indicate the specific countries involved and the circumstances surrounding each example.

Answer. [Deleted.]

Question. Has the CIA or the intelligence community ever been involved in commodity manipulation on the world or domestic markets? Please explain.

Answer. [Deleted.]

Question. As Director of Central Intelligence, will you have full responsibility for the budget of the entire intelligence community? Can you control the defense components as DCI?

Answer. The DCI does not have full responsibility for the budget of the entire intelligence community. His responsibility, stemming primarily from the Presidential Directive of 5 November 1971, is to recommend to the President through the Office of Management and Budget the general level and composition of the budget and the appropriate distribution of resources among the different programs. He does not "control" the defense intelligence community. Through a variety of mechanisms and authorities, however, he can exercise leadership with respect to it in the manner directed by the President.

Question. Do you report directly to the President? How frequently?

Answer. The Director of Central Intelligence does report directly to the President as frequently as required.

Question. Can the 40 committee or its equivalent direct you to carry out programs without your consent?

Answer. No, the DCI can appeal to the President.

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

H

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

HOUSE OF REPRESENTATIVES

STENOGRAPHIC TRANSCRIPT

OF

HEARINGS

Handwritten notes:
096
INVESTIGATION
of...

BEFORE THE

COMMITTEE ON ARMED SERVICES

Special Subcommittee on
Intelligence.

Duplication or copying of this transcript
by photographic, electrostatic or other
facsimile means is NOT AUTHORIZED.
Copies available, when authorized by Com-
mittee, only through Official Reporters.

H. R. 15845
IN THE MATTER OF
DATE Monday, July 22, 1974
PAGE 1 TO 64 VOLUME

Columbia Reporting Company

OFFICIAL REPORTERS
300 SEVENTH STREET, S.W.
WASHINGTON, D. C. 20024

TELEPHONE 737-8333

ILLEGIB

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0

Next 1 Page(s) In Document Exempt

Approved For Release 2004/05/13 : CIA-RDP89B00552R000100080001-0