

Scenario for Discussion With
The Assistant to the President for National Security Affairs

The mandates of the Select Committees are all encompassing in their charge to review U.S. intelligence activities. It is our intent to be forthcoming and helpful in getting at all the pertinent facts necessary to permit thorough and complete review of U.S. intelligence legal authorities, oversight organizations, and activities. Arrangements are being made to facilitate the work of the Committees and develop at the outset an atmosphere of cooperation.

SECURITY

At my first meeting with Senator Church and Congressman Nedzi, I plan on making the following points with them:

(1) Departments and agencies may on occasion find it necessary to request that testimony be given only in executive session, that in some instances testimony be "off-the-record" and that certain testimony be heard only by members and in some cases only by the Chairmen and Vice Chairmen.

(2) When questioned about intelligence matters that come under the purview of another organization, witnesses should be permitted to state that a response to the question is not properly within their authority and to respectfully suggest that the appropriate party be called to testify on such matters.

(3) In some cases, those agencies furnishing documents to the Committees should be authorized to excise from those documents, prior to presentation, the names of their personnel under cover or whose personal safety might be jeopardized as well as those of other individuals whose safety or individual privacy may be jeopardized by disclosure. Also excised should be names of sources, operations, specific details of technical devices and systems maintained in compartmented channels and names of organizations cooperating on a highly confidential basis.

(4) That in view of their susceptibility to foreign countermeasures, details of the technology of the technical collection programs which have been placed under strict

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access rules should not be required. If the details are requested, the Chairmen should adopt the use of the strict security groundrules and compartmentation to protect information about these programs and provide access only to those staff personnel with an absolute "need-to-know." The departments and agencies responsible for these programs will be glad to advise and assist in any arrangements the Chairman would desire.

(5) I will also attempt to secure an agreement with the Chairmen of the Select Committees that they will entertain and consider a list of security principles and guidelines, as well as a Secrecy Agreement for staff members, copies of which are attached and will be provided them. (Copies of these have already been furnished to Mr. William Miller, Staff Director of the Senate Select Committee and Bill Hogan of the House Select Committee.) Such agreements have been reached with the President's Commission and the Department of Justice.

(6) I will strive for an agreement that the community participate in an advisory role in the sanitization of the final Committee reports in both the classified and unclassified versions.

DEGREES OF DISCLOSURE

In provision of documents and testimony to the Congressional Select Committees there will be many sensitive areas where careful consideration must be given to the degree of disclosure to meet the Committees requirements. In general, arrangements will permit a fairly wide access to the staff investigators, particularly if the Chairmen agree on the foregoing security provisions. However, in some instances, disclosure should be made only to the Committee and Staff Directors, in others only to Committee members, and in still others only to Chairmen and Vice Chairmen. Since both Committees have subpoena authority and a variety of witnesses may be called who have knowledge of sensitive matters, the likelihood is expanded that highly sensitive details will surface.

In illustrating, options along these lines are:

Covert Action

1. General statements admitting the fact of covert action, including manner of oversight and nature of approval procedures could be given in open session.

2. Where questions are raised about specific covert actions, these should be discussed only in closed, classified sessions. Answers should deal generally in the nature of the covert action without revealing the specifics of the operation such as names of assets used and specific operational details. This would be available to members and staff.

3. Where details of operations, funding, etc., are requested, these should be limited to responses to staff investigators' specific questions. Where elaboration or access to raw files for either covert action or collection matters is specifically requested,

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This could be provided to the members and staffs.

4. Hopefully, no comprehensive discussion or documentation of all covert actions or 40 Committee matters will be necessary. Where specific details of covert actions, including names, etc., covered above, are insisted upon, each case will be the subject of consultation between the Chairman and Vice Chairman and the DCI. When appropriate, the President's National Security Adviser will also be consulted.

Collection of Intelligence

1. The Committees will probably address the matter of how intelligence activities or methods have or may impinge upon individual rights. Responses should be forthcoming under proper security conditions so as to help Select Committee staff investigators ascertain the facts in a particular case, [REDACTED] 25X1
on a case-by-case basis should be made available under the same general access provided for the President's Commission.

[REDACTED] 25X1

2. General information on the value of products, the contributions of various sources to intelligence estimates, organizational details, methods of analysis and substantive review can be provided to Committee members and staff.

3. If required, information with respect to technical intelligence systems including cryptologic and communications activities and reconnaissance capabilities will be provided on a selective basis under

appropriate security ground rules. This information will be kept as generalized as possible. General commentary on contractual arrangements, funding and the like can be provided if requested. If the investigation of these systems goes to very specific questions where a general answer is not appropriate, each request will have to be considered on a case-by-case basis so as to protect the collection capability. Where the Program Manager concerned believes he is over or at the limits of specificity, he should consult with the Director of Central Intelligence to ensure a consistent approach in the community's answers.

4. Attached is a listing of Intelligence Community activities of particular sensitivity. Each item therein has been graded. Those with a D designator should not be provided to the Committees as a general rule without consultation between the DCI and the Committee Chairmen and Vice Chairmen. Category C will be provided to the Chairmen, Vice Chairmen, and Staff Directors only. Category B will be provided to the Committee Members and Staff Directors only. Category A will be provided to Members and Committee Staff in executive session only.

Intelligence Estimates and Processing Methodologies

In general and under appropriate security provisions, the processing of raw data, their analysis, and the preparation and the reporting of finished intelligence will be discussed. Finished intelligence reports and estimates will be made available to the Committees and Staffs.

Administrative

1. Information concerning the internal administrative arrangements of intelligence agencies should be made available.

2. In consideration of the private rights of individuals, specific files such as security, personnel, and medical, will be provided to the Committees only in accordance with the standards followed throughout the Executive Branch.

3. Intelligence Budgets

A general budget presentation of funds employed for intelligence, their location in the appropriations, the size and scope of their distribution to specific programs and tasks, and the audit procedures and documentation employed should be available to staff investigators under appropriate security arrangements and not in open session. However, where specificity of detail will lead investigators into particularly sensitive areas contained in categories on the attached list, these matters will have to be treated on a case-by-case basis.

With respect to the general overview of U. S. intelligence programs, it would be expected that the DCI be called upon in his community role to provide these details.

With respect to specific programs within the community, the DCI and/or other Program Managers should be directly responsive.

The Committees may be particularly concerned with Executive and Congressional oversight of budget authority. Response to these matters should be forthcoming under the general proviso that Congress must set its own ground rules for handling intelligence budgets in a secure and responsible manner.

4. Internal inspection reports, etc. will be available on a selective case basis and when edited to protect security and privacy.

5. Central records of all material and testimony will be carefully kept by each intelligence agency in a form accessible to recall if needed.

PROCEDURAL SCENARIO

In addition to the foregoing Security and Disclosure issues, there are a number of other considerations on which consistency across the Intelligence Community should be maintained.

1. I would propose to ask Senator Church and Congressman Nedzi to have their Staff Directors or Counsel meet with DCI Staff and Counsel to develop a clear outline of Committee procedures. Such outline would help the community to organize itself to be responsive to the Committee requirements and where those requirements are unacceptable or insufficient, provide the DCI and the community opportunity to negotiate a common understanding, e.g., on handling of specific subject matter; procedures for witnesses and their legal involvement; access ground rules for investigating staff to the files, physical facilities and overseas field installations; and understandings about the availability of information provided the Select Committees to other Congressional Staff, Justice Department, state or local officials.

2. Determination of the physical location of files in the thought that some common ground can be reached between the House and Senate to minimize administrative duplication and to focus staff investigators in a coordinated fashion. In this context, a central entry point into each intelligence organization should be identified and coordination of these entry points with the DCI's task force where appropriate.

This arrangement is not designed to restrict access but rather to channel it for constructive response and unless negotiated carefully and at the outset could be misunderstood. Consideration may be given to offering a common building at 2430 E Street, N.W., where Intelligence Community files, etc., needed by the community can be centrally located for use by House and Senate Committee staffs.

3. Guidance to employees needs to be addressed in terms of their relationship to the Select Committees and their respective agencies and in the light of their individual rights. There is a responsibility to inform employees of their Constitutional rights. It is important that agencies do so and that the Chairmen of the Select Committees or the public fully understand that such advisories are in no way intended to impede the investigation. Where employees wish to proceed directly to the Committees without reference to their supervisors, this action is open to them, and they will be so advised. We need to assure that the Committees' procedures are understood by employees, and that they understand their right to counsel. We want to seek agreement on the manner and procedures by which Committee Staffs will advise witnesses and interviewees of their rights. Also we need understandings that employees will be allowed access to files in preparation for appearances before the Committees and especially those already provided the Committees. The matter of ex-employees must also be addressed.

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