

[75-46-ES57a]

THE WHITE HOUSE

NSS review  
completed.

WASHINGTON

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National Security Decision Memorandum 40

TO:           The Secretary of State  
              The Secretary of Defense  
              The Director of Central Intelligence

SUBJECT:     Responsibility for the Conduct, Supervision and  
              Coordination of Covert Action Operations

I have determined that it is essential to the defense and security of the United States and its efforts for world peace that the overt foreign activities of the U.S. Government continue to be supplemented by covert action operations.

By covert action operations I mean those activities which, although designed to further official U.S. programs and policies abroad, are so planned and executed that the hand of the U.S. Government is not apparent to unauthorized persons.

The covert actions of the U.S. Government abroad shall be subject to coordination and control by the Director of Central Intelligence. All such covert action operations, unless otherwise specifically assigned by the President, shall be carried out by the Central Intelligence Agency. The Director of Central Intelligence shall be responsible for assuring that covert action operations are planned and conducted in a manner consistent with U.S. foreign and military policies, and for consulting with and obtaining appropriate coordination from any other interested agencies or officers on a need-to-know basis. The Director of Central Intelligence shall obtain policy approval for all major and/or politically sensitive covert action programs through The 40 Committee.

The 40 Committee as presently constituted consists of the Assistant to the President for National Security Affairs as Chairman, the Attorney General, the Under Secretary of State for Political Affairs, the Deputy Secretary of Defense, and the Director of Central Intelligence.

The Director of Central Intelligence will be responsible for insuring an annual review by The 40 Committee of all covert action programs previously approved.

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Also subject to The 40 Committee's policy review and specific operational mission approval are the following programs originating in the Department of Defense: the monthly Joint Reconnaissance Center Schedule, missions of the National Reconnaissance Organization and the National Underwater Reconnaissance Program. Furthermore, any proposals for covert activities or operations from agencies not represented on The 40 Committee shall be subject to that committee's approval unless otherwise directed by the President.

Covert action operations shall include any type of activity necessary to carry out approved purposes except that they will not include armed conflict by regular military forces, or cover and deception for active military operations by the armed forces of the United States.

This directive supersedes and rescinds NSC 5412/2.



cc: The Attorney General  
The Assistant to the President  
for National Security Affairs

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MEMORANDUM

*(This returned from Pres 2/17/70)*

THE WHITE HOUSE  
WASHINGTON

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FILE HERE ACTION

February 16, 1970

*TS-45-ESS767*

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger *HK*

SUBJECT: Responsibility for the Conduct, Supervision and Coordination  
of Covert Action Operations

Attached at Tab A is a proposed National Security Decision Memorandum, titled as above, which the 303 Committee unanimously endorses.

This directive is a new statement of policy affirming the necessity for the continuation of covert action operations in a supplemental role to the overt foreign activities of the U.S. Government in its defense and in its efforts for world peace.

It assigns to the Director of Central Intelligence responsibility for coordination, control, obtaining of policy approval, and insuring annual policy review for covert actions.

Policy approval is obtained through the committee now known as the 303 Committee. In view of recent mention of the 303 Committee in the public media, the directive changes the committee name to coincide with the number assigned to the NSDM itself, which is 40.

Also subject to the 40 Committee's policy review and specific operational mission approval are certain specified programs originating in the Department of Defense, as well as any proposals for covert activities initiated by agencies not represented on the committee.

This NSDM supersedes and rescinds NSC 5412/2, dated December 28, 1955, which is the existing policy authorization under which covert action operations are approved and implemented.

RECOMMENDATION:

That you sign the attached National Security Decision Memorandum No. 40.

Attachment  
Tab A

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**MEMORANDUM**

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**THE WHITE HOUSE**

**ACTION**

**WASHINGTON**

5 February 1970

MEMORANDUM FOR DR. KISSINGER

FROM: Frank Chapin *Fmc*

SUBJECT: Responsibility for the Conduct, Supervision and  
Coordination of Covert Action Operations

Attached for your signature is a memorandum to the President transmitting for his signature National Security Decision Memorandum No. 40, which was approved by the 303 Committee at its last meeting.

After the NSDM is signed by the President, I will arrange with Bill Watts for its limited distribution on a need-to-know basis.

Attachment  
Memorandum for the President  
with Tab A.

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