

The original documents are located in Box 6, folder “Intelligence - Congressional Investigations (3)” of the Richard B. Cheney Files at the Gerald R. Ford Presidential Library.

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NATIONAL ARCHIVES AND RECORDS SERVICE
WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
	1. <u>Church to Colby, 5/27/75</u>		
1a. List	CIA officials to be interviewed (1 p.) <i>RIP 7/20/11</i>	Undated	C(A)
1b. List	Requested documents on covert action (13 pp.) <i>RIP 7/20/11</i>	Undated	A
	2. <u>Buchen to Cheney, 6/30/75</u>		
2a. Memo	"Ground Rules for Supplying the SSC [Senate Select Committee] with Covert Action Briefings and Documents" (2 pp.) Portions exempted 10/21/92 GG 7/20/11 dal	6/30/75	A
3. Memo	James Wilderetter to Rumsfeld/Cheney re Church Committee request for intelligence community staff post-mortem studies (1 p.) portions opened 3/26/93 KBH sanitized 6/20/03 dal	7/9/75	A

FILE LOCATION

Cheney Files
General Subject File
Intelligence - Congressional Investigations (3)

Box 6

RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.
(B) Closed by statute or by the agency which originated the document.
(C) Closed in accordance with restrictions contained in the donor's deed of gift.

WHM, 5/30/85

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WALTER D. HUDDLESTON, KY.
BOBENT MORGAN, N.C.
GARY HART, COLO.

HOWARD M. BARKER, ILL.
HARRY GOLDWATER, ARIZ.
CHARLES MCC. MATHIAS, JR., MD.
RICHARD D. SCHWEIKER, PA.

WILLIAM E. MILLER, STAFF DIRECTOR

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 91ST CONGRESS)

WASHINGTON, D.C. 20510

May 27, 1975

Mr. William E. Colby
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Colby:

In the field of foreign intelligence, the Senate Select Committee wishes to examine the following: (1) the quality and utility of National Intelligence Estimates (NIEs); (2) the authority the DCI exercises over the entire intelligence community; and (3) how successfully the Foreign Intelligence agencies of the United States alert policy-makers of impending events, e.g., the Middle East War of 1973.

Attached to this letter is a memorandum briefly describing the issues which the Committee wishes to examine at this stage of its investigation, the additional documents which the Committee now requests, and a number of officials the Committee staff proposes to interview. The Committee would appreciate receiving these documents as soon as possible so that they would be available for review prior to discussions with the experts from within the agencies. In addition, the Committee would welcome your suggestions for additional documents or the names of other officials which might contribute to our understanding of these matters.

I am sending a copy of the attached memorandum to Secretary Kissinger and Secretary Schlesinger also.

On behalf of the Committee, I wish to thank you for your assistance.

Sincerely,

Frank Church
Frank Church
Chairman

Attachment



May 21, 1975

SUBJECT: Foreign Intelligence Case Studies

The Select Committee wishes to study the following foreign intelligence issues:

I. The Utility and Quality of National Intelligence Estimates

In order to understand and evaluate the National Intelligence Estimate process, the Committee wishes to study how relevant the NIEs are to policymakers and how they are used; how the objectivity of the process is affected by foreign policy preferences of the individual intelligence agencies; how effective the final product is in reflecting divergent opinions; and how changes in the process initiated in 1973 have affected the quality, independent judgment, and utility of the NIEs.

To illustrate the NIE process, the Committee has chosen to focus on the estimates of Soviet strategic offensive and defensive systems in 1964. Among the basic issues raised during this period were the projected number of Soviet ABM and offensive missile launchers and the capabilities of the Soviet SS-9 triplet, the SA-5, the Backfire bomber, and Air Defense Systems.

II. DCI Authority over the Intelligence Community

The Committee would like to evaluate how well the DCI has been able to carry out his formal responsibilities of: (1) preparing a comprehensive intelligence program budget; (2) establishing intelligence requirements



(3) coordinating and evaluating all intelligence activities, and (4) eliminating inefficient activities.

To begin, the Committee wishes to look at how the DCI establishes intelligence requirements through the USIB; what role the DCI's Intelligence Resources Advisory Committee (IRAC) plays in the formation of the intelligence community budget; and how effective the DCI's Intelligence Community Staff is in coordinating and evaluating the intelligence activities of the community.

III. Adequacy of the Foreign Intelligence Agencies Alerting Function

The Committee wishes to review the Foreign Intelligence Agencies' record of alerting policymakers of sudden tactical changes in the world situation. In particular, the Committee would like to examine the circumstances of three recent cases in which the intelligence community apparently gave inadequate advance alert: (1) the outbreak of the Arab-Israeli war; (2) the eruption of the 1974 Cyprus crisis; and (3) the detonation of India's nuclear device.

In order to carry out these reviews, the following documents are requested:

I. NIE Process

A. CIA Documents

1. The final estimates for years 1964-1974 on Soviet strategic offensive and defensive missile capabilities, NIE 11-3, NIE 11-3, and NIE 11-38, plus the Memoranda to Holders
2. The terms of reference and all interagency working papers submitted as part of the strategic offensive and defensive missile estimate process for the years 1964-1968



3. All CIA working papers from OSR and DDS&T submitted as part of the strategic offensive and defensive missile estimation process for the years 1964, 1968-1974.
4. Memorandum from Director Helms in 1970 reassigning OSR and DDS&T responsibility for military intelligence estimates of Soviet capabilities in CIA and the interpretative Memorandum which spelled out the details.
5. Special OSR Study on the SS-9 in 1971-1972 and background papers.
6. TRW Study for CIA on SS-9 triplet in 1970 plus any other studies, technical reports, or briefings concerning the triplet system, the SA-5, and the Backfire bomber prepared by CIA or CIA contractors.
7. CIA briefings to Congressional committees and the NSC on capabilities of the SS-9, the SS-5, and the Backfire bomber from 1968-1974.
8. CIA/DIA Joint Analysis Group Studies, 1963-1965.

B. DIA Documents

1. DIA studies from 1967-1974 on the capabilities of the existing Soviet strategic systems; SS-9, SA-5, Backfire bomber and air defenses.
3. JCS Joint Intelligence Estimates for Planning on Soviet strategic offensive and defensive systems, 1964 to distribution.



C. NSC Documents

1. Reports from the Director of Program Analysis Office, "Analytical Summaries of NIE 11-8-68, NIE 11-8-69", NIE 11-8-70, NIE 11-8-71."
2. NSC MIRV Panel Report, "Technological Consequences of MIRV Flight Test Ban," July 1969, plus all interagency working papers submitted as part of the MIRV Panel Study July 1969.

II. DCI Authority

1. Minutes of IRAC meetings since its formation in 1973.
2. National Intelligence Plans for 1972 to present, plus all staff and working papers.
3. National Intelligence Objectives for 1972-1975.
4. Key Intelligence Questions 1972-1975.
5. Reports from the Key Intelligence Questions Evaluation Panel.
6. DCI perspectives.

III. Foreign Intelligence Alerting Function

1. IC Staff Report on 1973 Middle East War
2. IC Staff Report on 1974 Indian nuclear explosion
3. IC Staff Report on 1974 Cyprus War
4. IC Staff Report on 1975 Mayaguez Incident



I. CIA

Lt. General Vernon Walters

Carl Duckett

Sayre Stevens

Henry Knoche

Noel Firth

David Brandwine

Louis Marengo

Fritz Emarth

Howrad Stoertz

[Redacted]

George Carver

Edward Proctor

John Clarke

Lt. General Samuel Wilson

[Redacted]

Walter Elder

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

II. Department of Defense

Andrew Marshall

William Kaufmann

DEC 13 1950

WR # 00-024 #104

214 FEB 7/20/11

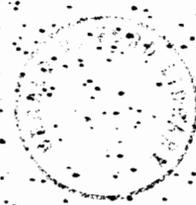
del. JARA D. 3/16/73

Albert Hall

R. Adm. E. F. Rectanus

Commander James Martin

Brig. General J. M. Thompson



WALTER D. HIDDLESTON, KY. CHARLES MCC. M. JR., MD.
SAMUEL MORGAN, N.C. RICHARD S. SCHW. PA.
CERRY HART, COLO.
WILLIAM S. MILLER, STAFF DIRECTOR

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

June 2, 1975

Ad Hoc S-4
75-944

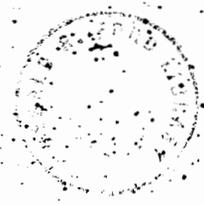
Mr. William E. Colby
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Colby:

The Select Committee intends to address the subject of covert action on two levels. The Committee proposes, first, to examine covert action broadly as an instrument of United States foreign policy, giving attention to the mechanisms and procedures by which covert action projects are proposed, approved, executed, evaluated, and terminated, as well as the range and scope of activities utilized as means for achieving covert action objectives.

The Committee will, secondly, examine several selected instances of covert action as initial examples: (1) programs undertaken during the Chilean election campaigns of 1964 and 1970, and during the Allende government; (2) programs undertaken in Greece since 1947, focusing in part on the period between 1965 and 1967; (3) programs undertaken in Laos in the period of the late 1950's and the 1960's; (4) programs undertaken in Indonesia between 1957 and 1966; (5) programs undertaken in the Congo, particularly between 1960 and 1966; (6) the effects on covert action of the presidential order following the Katzenbach Report of 1967.

In addition, the Committee will examine counterintelligence programs to determine the extent to which they have been used to influence the internal situation in foreign countries.



Mr. William E. Colby
Page two
June 2, 1975

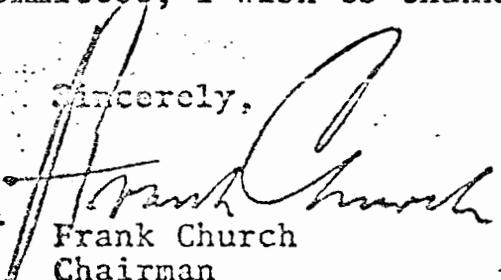
Attached to this letter is a brief description of some of the issues of greatest concern to the Committee; the case studies being undertaken; an initial request for additional documents and for the identification of individuals whom the Committee may wish to interview. In addition, the Committee would welcome your suggestions for additional documents, or the names of other officials, which might contribute to a full understanding of these matters.

It would be of great assistance to the Committee for the Agency to prepare an overview of the development since World War II of covert action with regard to the range of methods that have been employed, the types of projects by country, the number of projects authorized, both by the 40 Committee and its predecessors, and by internal CIA authorization, the primary modes of financing projects, the aggregate annual amounts of money and number of individuals involved in covert action, and major changes in operational reporting, project review and evaluation procedures. Finally, the Committee requests that the Agency provide its own evaluation of the utility and limitations of covert action.

I am sending a copy of the attached memorandum to Secretary Kissinger.

On behalf of the Committee, I wish to thank you for your assistance.

Sincerely,


Frank Church
Chairman

Attachment

cc: Secretary Kissinger,
with attachment



SUBJECT: Covert Action Case Studies

I. Issues

The Committee's examination of covert action is intended to enable the Committee to arrive at informed judgments on the following issues of concern:

- (1) the utility of covert action as an instrument of the foreign policy of a democracy;
- (2) the nature of the policy process in weighing the merits of covert action in achieving foreign policy objectives;
- (3) the nature of internal CIA procedures, both now and in the past, for the approval of new covert action projects, and the review of ongoing projects;
- (4) the nature of the control and review mechanisms in the Executive and Legislative Branches for covert action programs;
- (5) the effects of combining covert action in the same agency with intelligence collection and analysis.

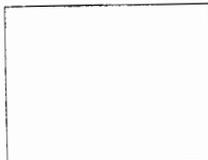
II. Chile

The Committee's interest in Chile embraces the range and scope of covert action and counterintelligence projects intended to affect the outcome of the 1964 and 1970 general elections, as well as those undertaken during the Allende government.

In order to execute this study, the Committee requests the following documents:

- (1) The following project files:

- (a)
- (b)
- (c)



DECLASSIFIED W/ PORTIONS EXEMPTED
E.O. 13526

00-024, #105

CIA Jan 7/20/11

del. 1988 Dec 31/1/13

(d)
(e)
(f)
(g)
(h)
(i)
(j)
(k)
(l)



(2) NIE Survey No. 89

(3) Special Group Papers and Presentations:

2 April 1962
27 August 1962
25 February 1963
1 April 1964
21 July 1964
13 December 1964

(4) Minutes of Special Group Meetings of:

2 April 1962
30 April 1962
27 August 1962
12 May 1964
13 May 1964
14 May 1964
20 May 1964

(5) 1970 election project file

(6) Minutes of all 303 and 40 Committee Meetings on Chile from 1964 to 1974, plus CIA presentations of those meetings.



(7) National Security Study Memorandum 97
on Chile, July 24, 1970.

(8) All Related Missions Directives in effect
 through 1974.

(9)

The Committee requests that the Agency identify the individuals occupying the following positions in the period, 1962 to 1973, and indicate which are still employed by the Agency:

Chief, Western Hemisphere Division, DDP and DDO

Covert Action Staff Members attached to Western Hemisphere Division

Deputy Chief, Western Hemisphere Division

Chief, Branch Four

Chile desk officer

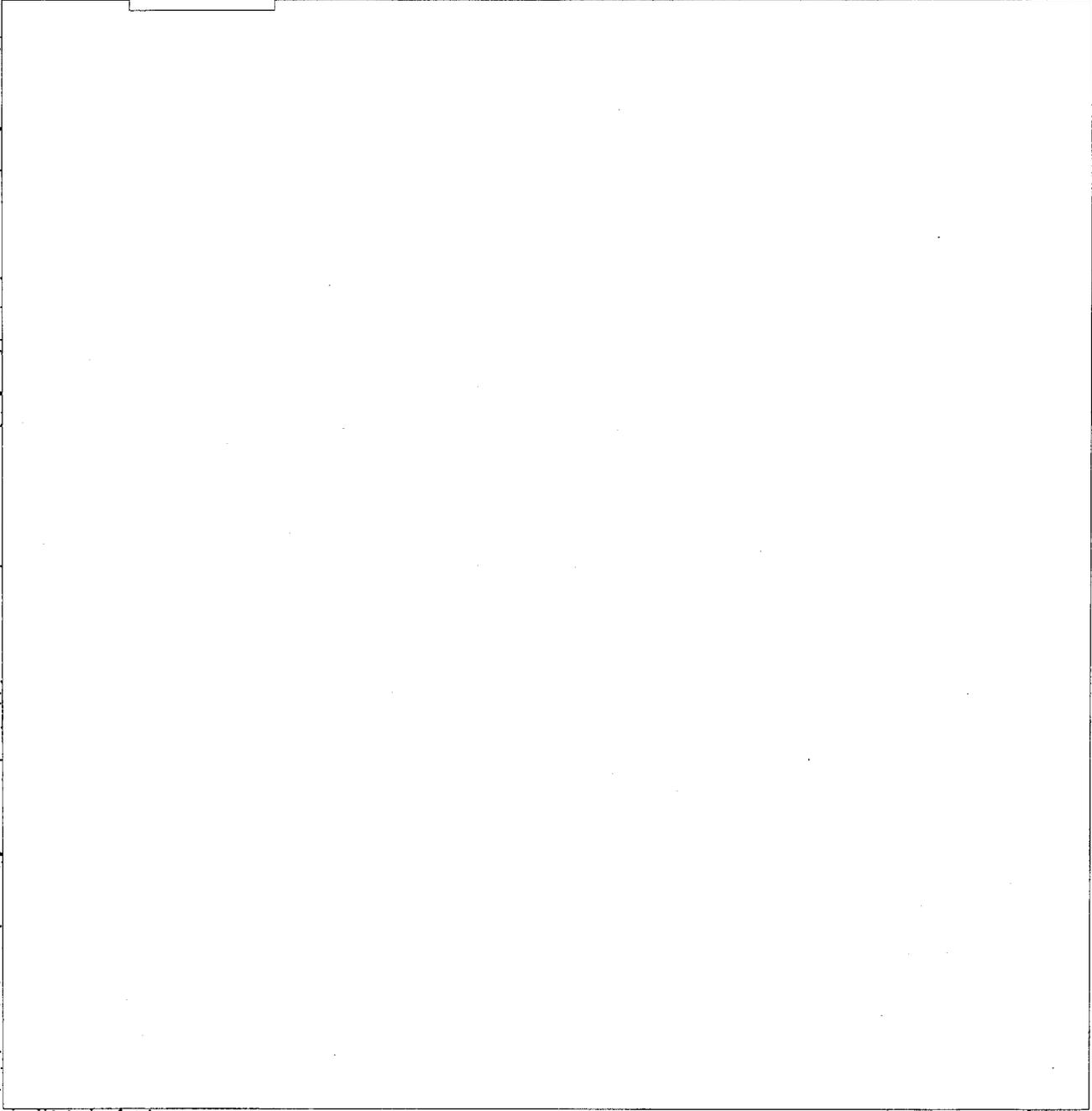
Chief of Station, Santiago

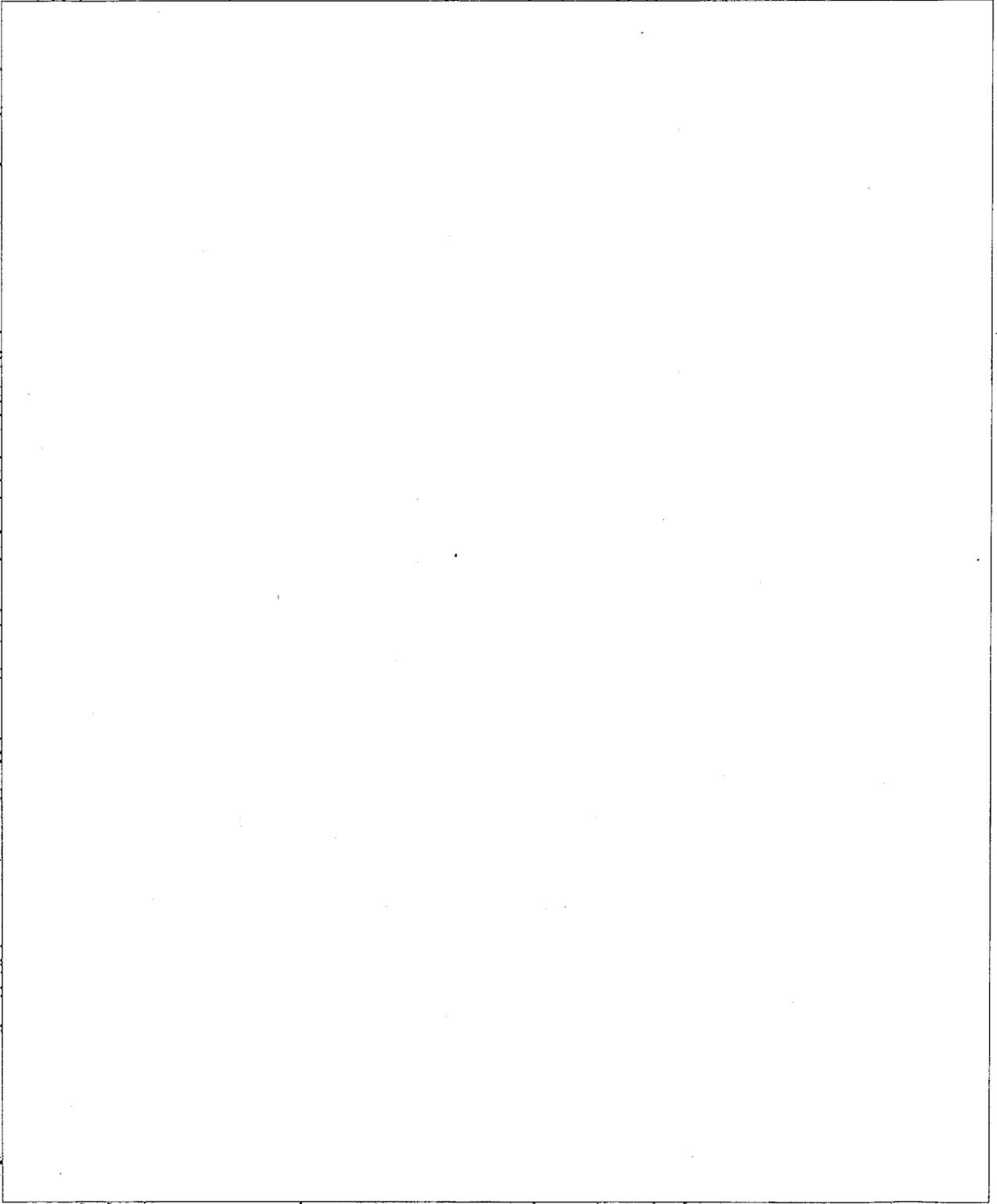
Covert Action personnel in Santiago

Foreign Intelligence personnel in Santiago



III.





IV. The Effect on Covert Action of the 1967 Katzenbach Report

The Committee is examining the impact of the 1967 Katzenbach Report and the presidential order terminating CIA funding of U. S. philanthropic, educational, and cultural institutions on covert operations by the CIA. The Committee's interest embraces the extent of the decrease in covert action which resulted, the alternative mechanisms developed in certain cases, and the ultimate disposition of those programs which were continued.

The following documents are requested in order to execute this study:

- (1) MHDOWEL project file
- (2) CA-C files I-XXII
- (3) CA-M files I-XXII
- (4) CA-FO files I-III
- (5) CA-GE files
- (6) CA-PEG files I-XVI
- (7) All memoranda since 1967 between the DCI and the DDP and from the Covert Action Staff to the DDP relating to the Katzenbach Committee, its report, and the implementation and compliance to the Presidential order.

The Committee requests that the Agency identify the individuals occupying the following positions in 1967 and 1968, and indicate which of them are still employed by the Agency:

Chief/Covert Action Staff

Deputy Chief/Covert Action Staff

Assistant Deputy Director for Plans

Executive Assistant/Deputy Director for Plans

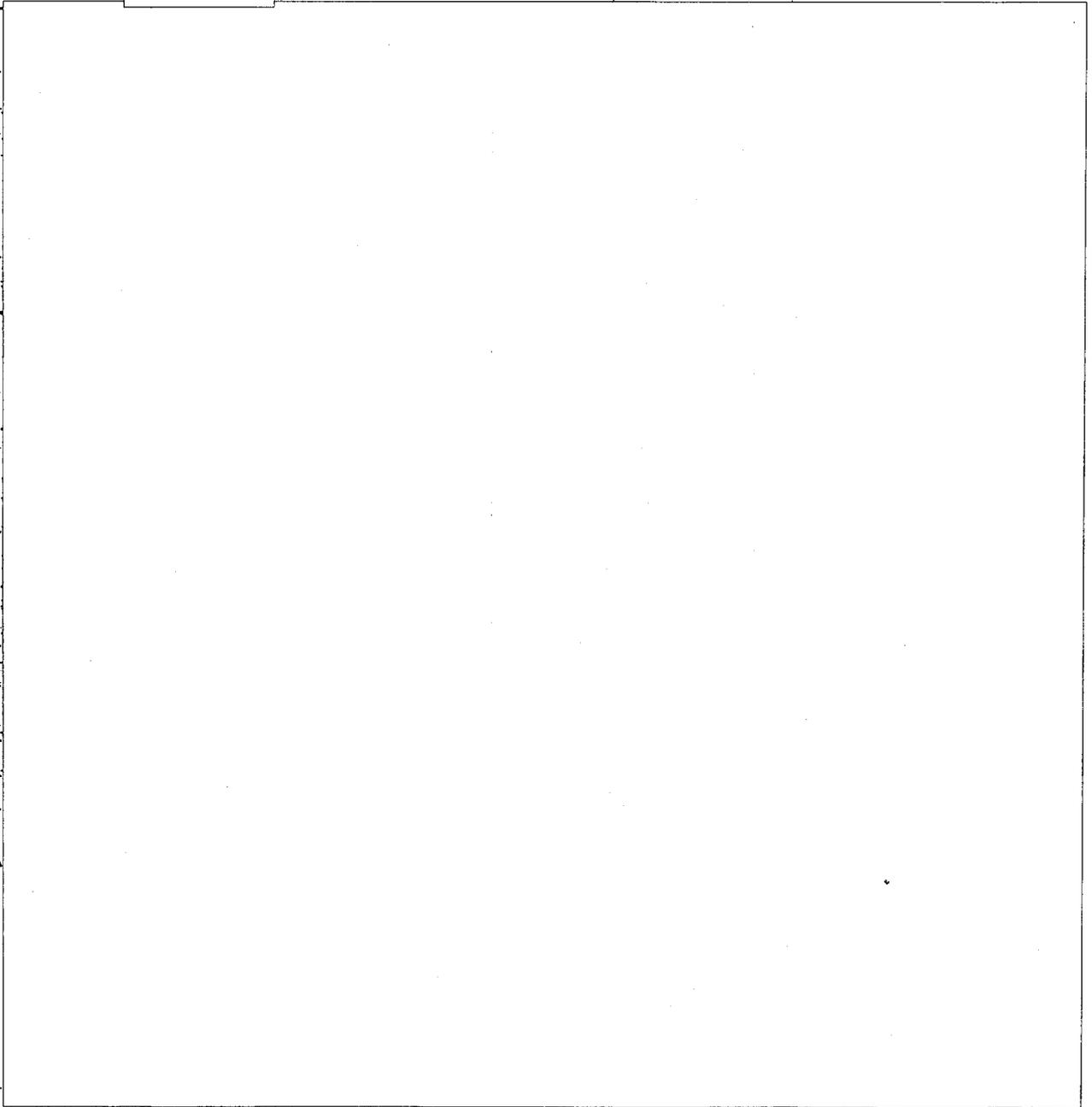
Chief/Central Cover Staff/Function

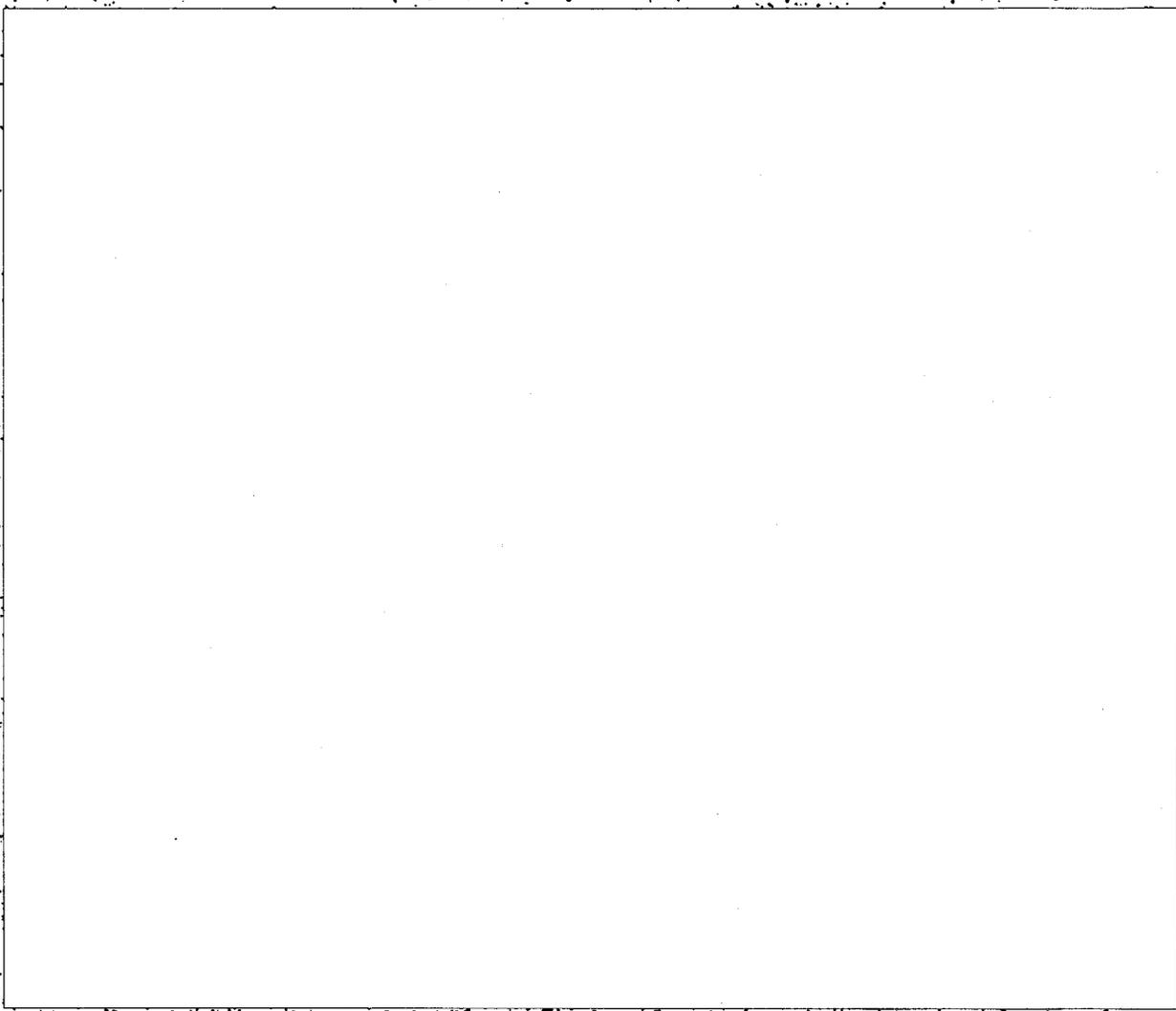


Deputy Director of Central Intelligence/National
Intelligence Program Evaluation

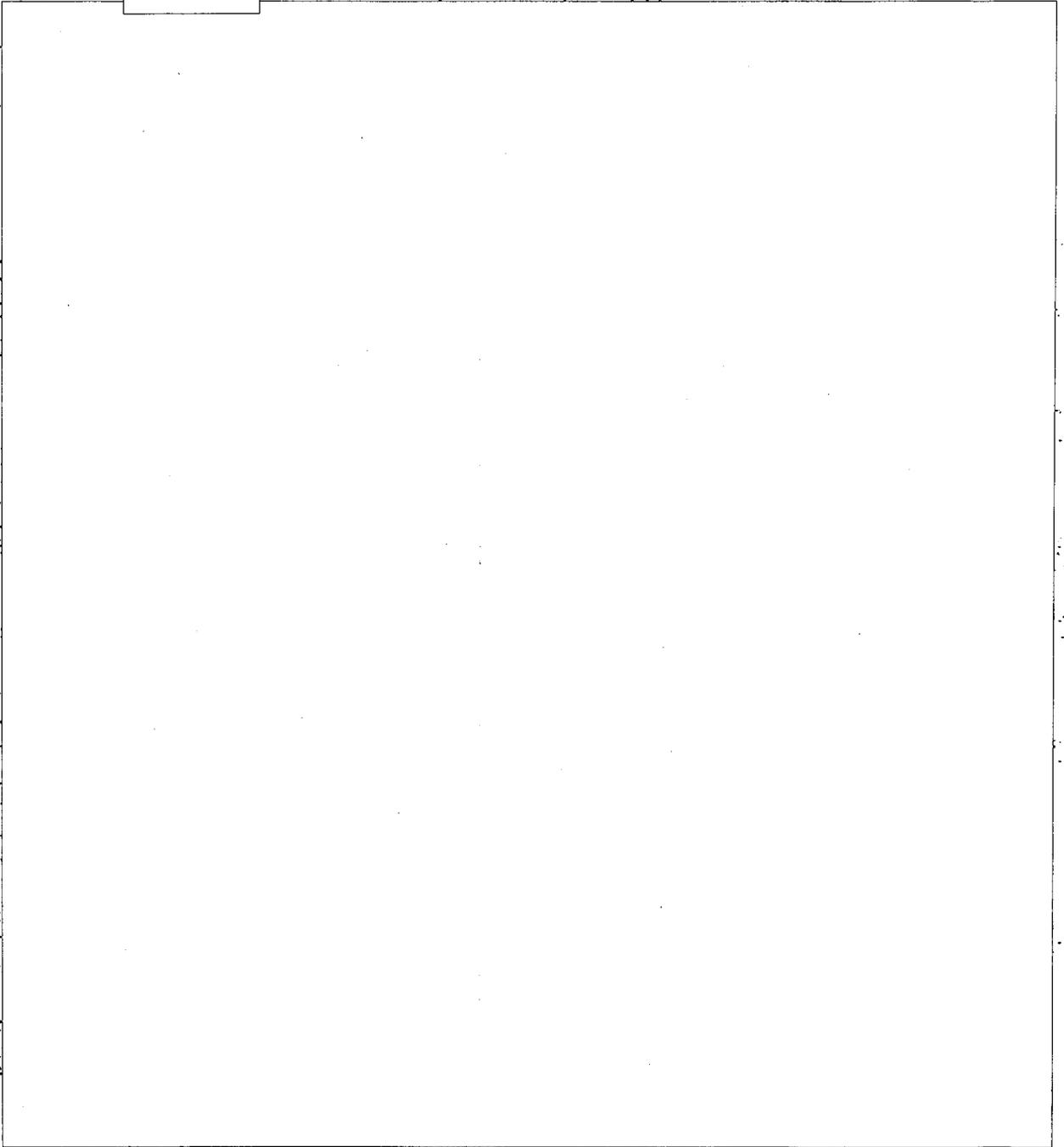
Chief/Covert Action Staff/Planning and Eval-
uation Group

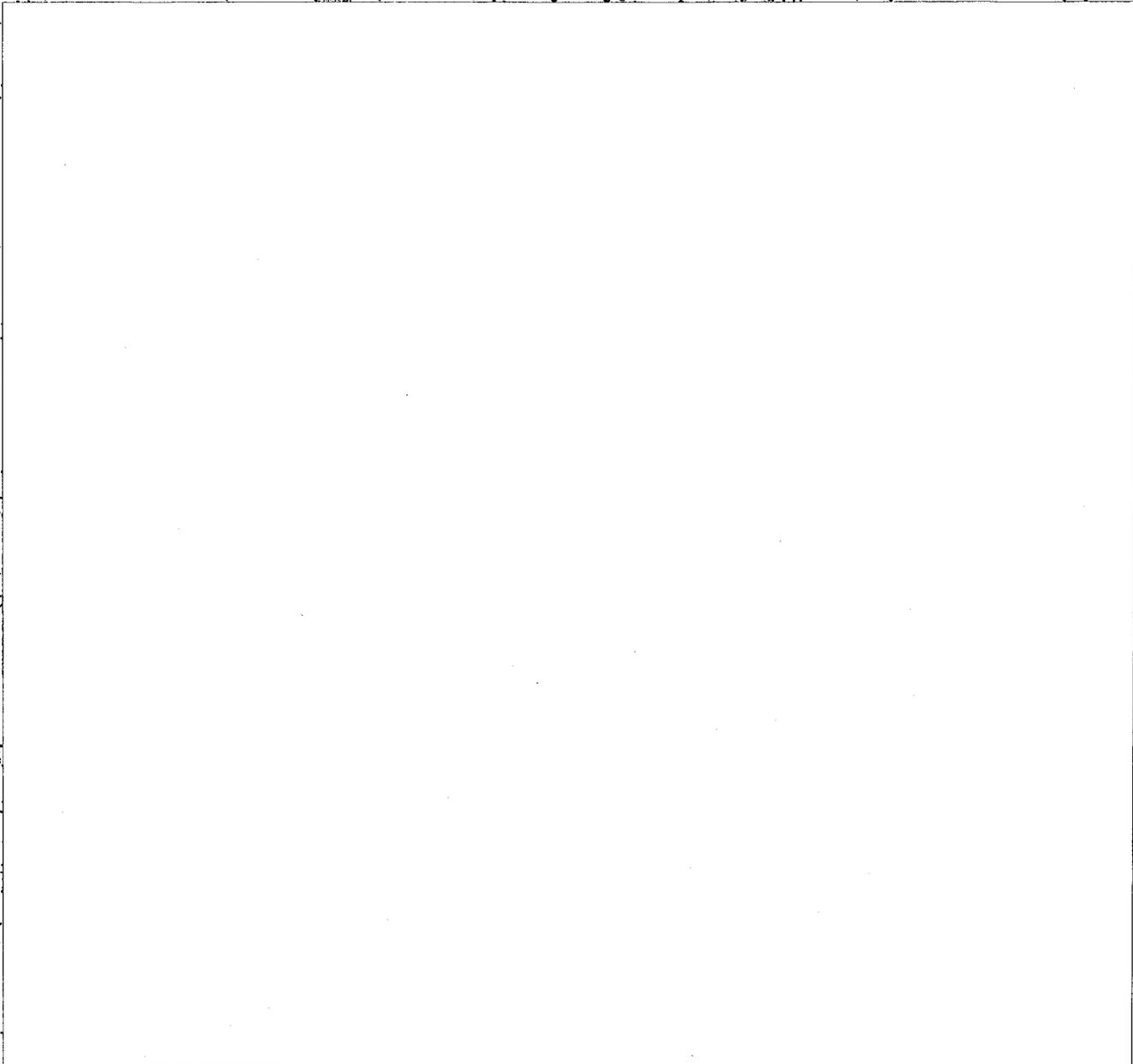
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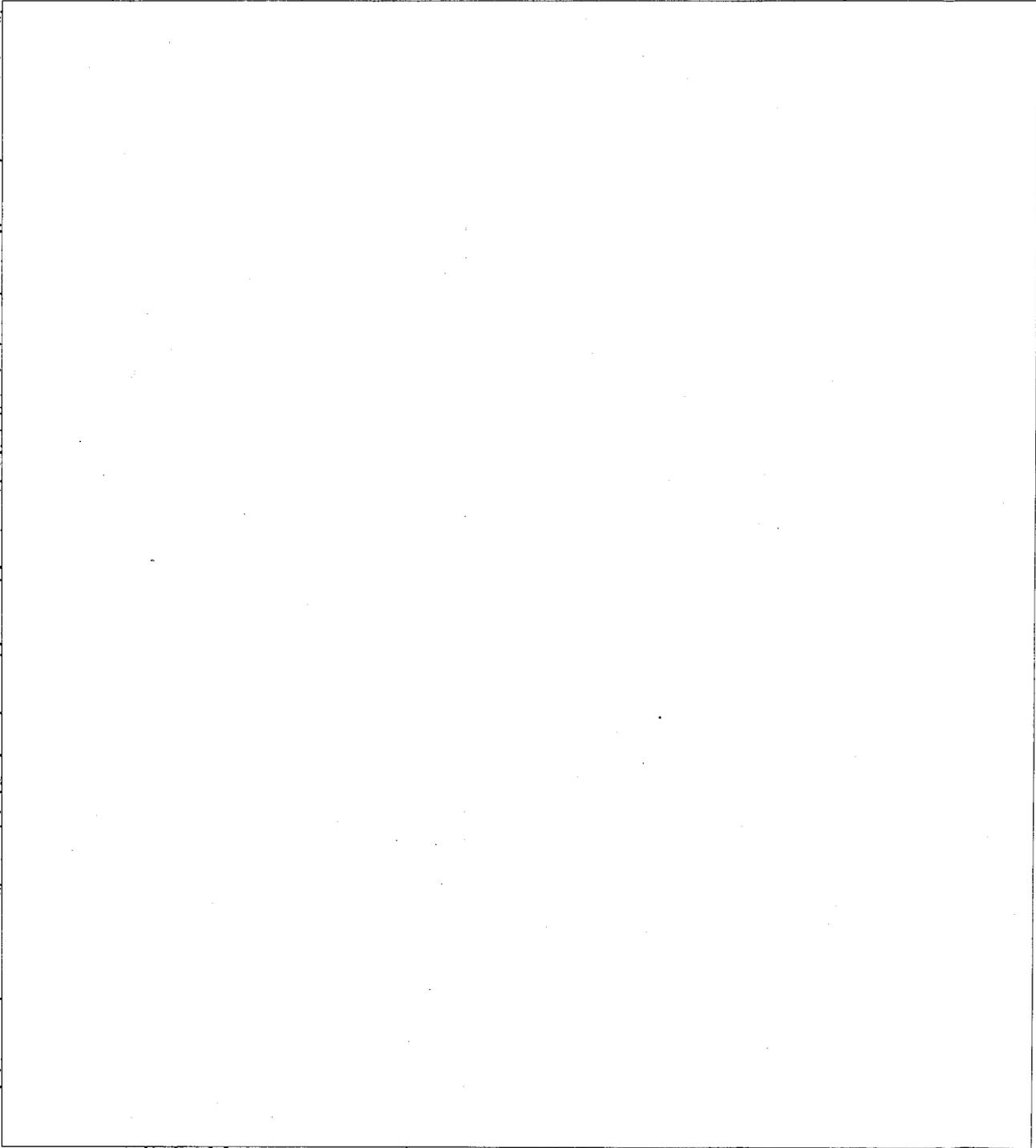


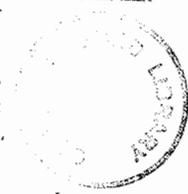
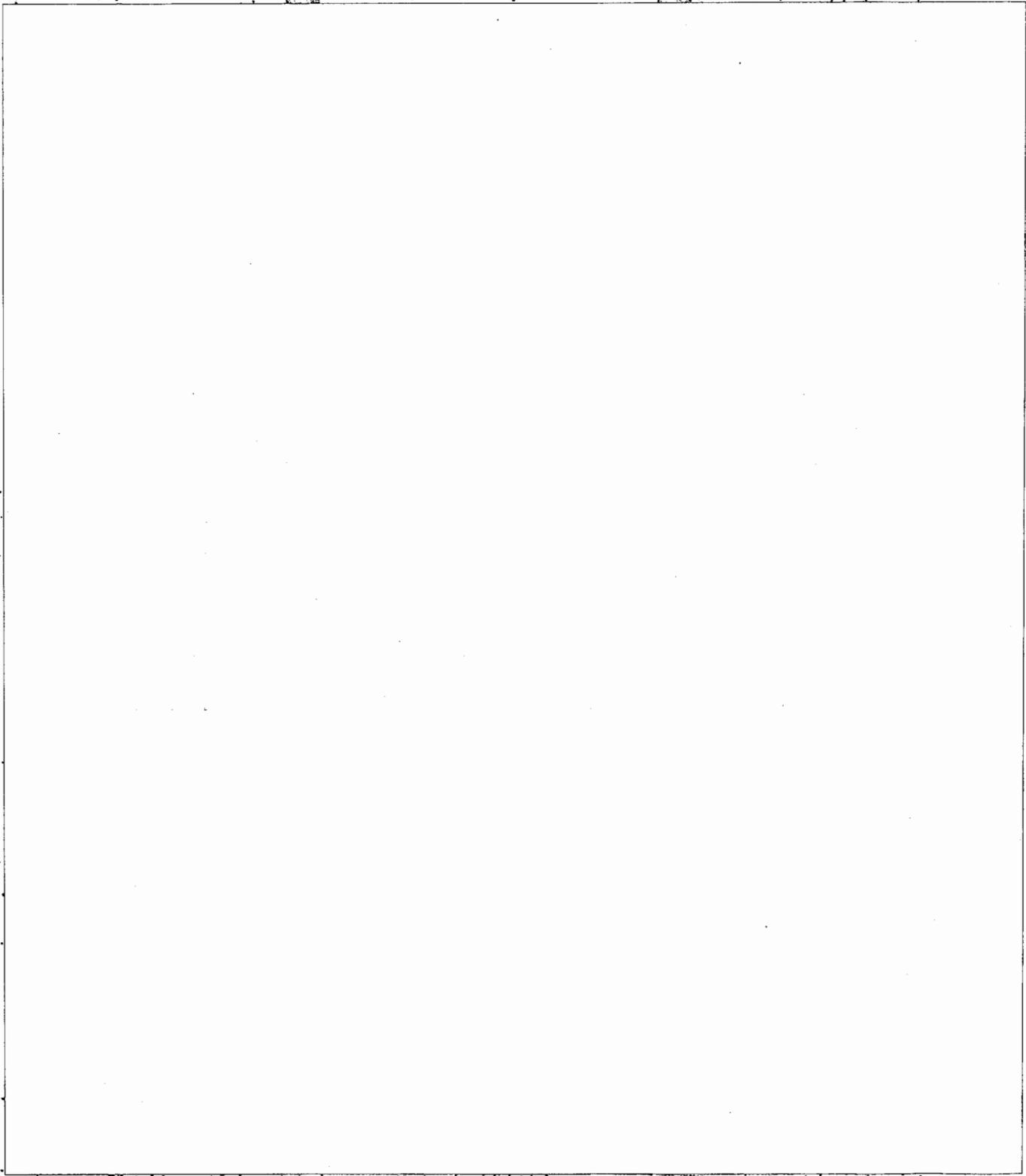
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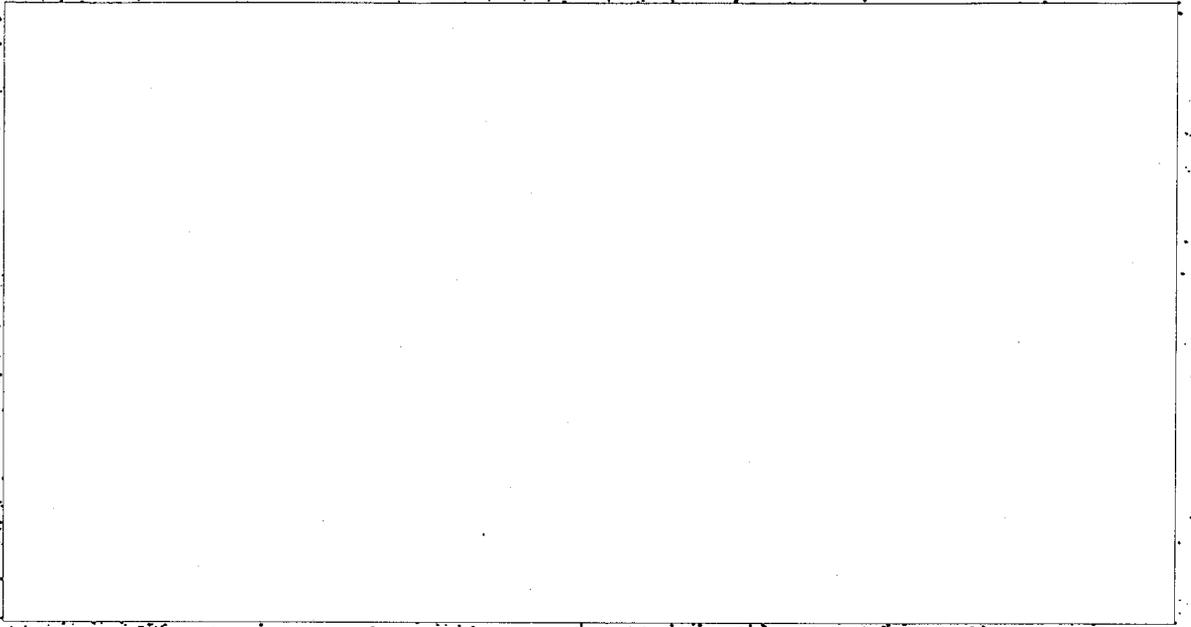




VII.







THE WHITE HOUSE
WASHINGTON

June 30, 1975

TO: Dick Cheney

FROM: Phil Buchen P.

Is this satisfactory?



THE WHITE HOUSE

WASHINGTON

June 30, 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting in Situation Room on Friday, June 27
concerning pending requests of the Senate
Select Committee on Intelligence Activities

Participants were:

Colby, Clarke, Knoche	-	CIA
O'Connor, Shaheen	-	Justice
Latimer, Wade, Marshall	-	Defense
Hyland, Hitchcock	-	State

also

Rumsfeld, Marsh, Scowcroft, Cheney
McFarlane, Buchen, Hills, Wilderotter

I. Access to Assassination Documents

Reported to the meeting was the arrangement made with the Church Committee to allow it to use assassination documents in a way that will facilitate the Committee's investigation and examination of witnesses in its Executive sessions. For that purpose the documents will be put on loan to the Committee but cannot be used for any other purpose and cannot be disclosed or released. Instead, if the Committee should want to disclose any of the documents, it must treat the documents as though they had not been delivered and would have to subpoena them unless the Administration agreed to their release.

II. Access to Material on Designated Covert Action Projects

The Committee by letter of June 2, 1975, had designated six different programs on covert actions for its in-depth investigation and had specified numerous files and documents which the Committee wanted its staff to review. At a discussion held by the White House Counsel's staff with the Church Committee on Thursday, June 26, the Committee Members agreed to hear briefings by CIA officials



on a limited number of covert actions, but the Committee insisted that, pending the return of the Committee from its current recess and the opportunity to receive such briefings, the Committee staff should be allowed to see the requested materials at the CIA offices.

For the purpose of avoiding a complete impasse on this issue, it was determined that the Committee staff should for the present be allowed to review documents concerning only the following:

- A. Programs undertaken in Laos during the period of the late 1950's and the late 1960's.
- B. Programs undertaken in Indonesia between 1957-1966.
- C. The effects on covert action programs of the Presidential Order following the Katzenbach Report of 1967.

It was also determined that there should be excluded from documents on these topics any materials which do not deal solely with the ways in which these programs actually were conducted or with the fact that the programs were approved in accord with required procedures. To be excluded would be papers evidencing the approval process such as proposals or recommendations made to the President or to groups which advised the President, as well as deliberations within such groups. As to the materials to be included within these guidelines for inspection by the Committee staff, references to identities of agents or of secret collaborators and to sources of information would be eliminated. It was also proposed that for the three programs listed above, the CIA would prepare detailed briefings and be ready to present them to the Committee following the current Congressional recess (See attached at Tab A a statement of CIA procedures to implement the foregoing.)

III. National Intelligence Estimates

Requests for materials on this subject were embodied in a letter from the Select Committee to Mr. Colby dated May 27 asking for material to provide, "Foreign Intelligence Case Studies." At meeting of Counsel with Church Committee on Thursday, June 26 the Committee



Members insisted that its staff be allowed to study the documents in question even before the Committee is given a briefing on this subject. To enable the Committee staff to continue in a limited way with a study of the subject, it was the consensus of the meeting that the CIA should give the staff a full briefing on the subject of National Intelligence Estimates, similar to that which will be given later to the Committee, and that only after this briefing would the staff be permitted access to particular documents. This access would provide information as to how particular National Intelligence Estimates are developed but would avoid getting into materials which dealt with how the estimates were used in the policy decision-making process.

IV. General Comments

It was realized that the conclusions reached at this conference would not resolve the major issues with the Church Committee but that the steps which were approved were consistent with the principle of protecting information which falls within the legal doctrine of Executive privilege prior to the time when consideration must be given to furnishing additional documents.

cc: Mr. Rumsfeld
Mr. Marsh
General Scowcroft

P.W.B.

Attachment



CENTRAL INTELLIGENCE AGENCY DOCUMENT RECEIPT		NOTICE TO RECIPIENT Sign and Return as Shown on Reverse Side		COURIER REC. NO.	DATE SENT
SENDER OF DOCUMENT(S) MR. KNOCHE			ROOM 7E19	BLDG. HQS	DATE DOCUMENT(S) SENT 30 June 75
DESCRIPTION OF DOCUMENT(S) SENT					
CIA NO.	DOCUMENT DATE	COPIES	DOCUMENT TITLE (IN BRIEF)	ATTACHMENTS	CLASS
75-660	30 June 75		GROUND RULES FOR SUPPLYING SSC STAFF WITH COVERT ACTION BRIEFINGS AND DOCUMENTS		
RECIPIENT					
ADDRESS OF RECIPIENT MR. JAMES WILDEROTTER ASSOCIATE COUNSEL TO THE PRESIDENT			SIGNATURE (ACKNOWLEDGING RECEIPT OF ABOVE DOCUMENT(S))		
			OFFICE	DATE OF RECEIPT	

FORM 5-72 615

USE PREVIOUS EDITIONS

(33)



CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DIRECTOR

30 June 1975

Mr. James A. Wilderotter
Associate Counsel to the President

Jim:

This, I hope, translates for
internal CIA purposes the decisions
taken last Friday.

Please let me know soonest if
these guidelines give you or your
colleagues any problems.

H. Knoche
H. Knoche



CONFIDENTIAL

30 June 1975

Ground Rules for Supplying SSC Staff
With Covert Action Briefings and Documents

In a letter dated 2 June 1975 from the Chairman, the SSC expressed a desire (a) to examine covert action broadly as an instrument of U.S. foreign policy and (b) to examine several selected instances of covert action. To facilitate CIA compliance with this request, the following ground rules have been established:

1. In-depth briefings will be offered to the SSC staff on certain selected covert action programs which typify categories of interest to the SSC as expressed in the SSC letter of 2 June 1975. As of this date, the selected covert action topics are Laos [redacted] and the Katzenbach Report of 1967. In addition to briefings, selected significant documents extracted from the project files will be made available to the SSC on Agency premises. As further confirmation of the briefings and selected documents offered, the SSC staff may spot check appropriately sanitized files on these projects.
2. The foregoing briefings and documents will be cleared in advance with the White House.
3. Agency covert action documents selected for SSC review should reflect major CIA actions taken to carry out the program. They may also indicate in general terms that external higher authority approval was or was not obtained. However, all White House papers, NSC related reports on meetings and deliberations, 40 Committee minutes or any documents relating to advice given to the President or to decisions made by him are to be isolated from the files to which the SSC is given access. SSC requests for these documents or questions concerning them will be referred to the appropriate White House official.

DECLASSIFIED BY [redacted] portions exempted
E.O. 11652, SEC. 1.3

MR # 20-024-106

CIA [redacted] 7/20/11

du [redacted] 3/16/13



CONFIDENTIAL

Classified by [redacted]
Exempt from general
declassification schedule of E.O. 11652
exemption schedules 5b (1), (2), (3)
Automatically declassified on
date impossible to determine

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from

~~CONFIDENTIAL~~

4. Third Agency documents will be made available to the SSC only with the prior approval of the originating agency.

5. With regard to CIA documents and files made available to the SSC under these ground rules, the following procedure will be observed:

a. All references to true names of intelligence sources, agents and operational staff officers will be deleted.

b. Such deletions will be clearly noted with a brief description of the reason for the deletion (e.g. source name, staff officer under cover, etc.).

6. Differences that may arise over the interpretation and application of these ground rules should be referred to the Review Staff for resolution.



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~~SECRET~~

DECLASSIFIED • E.O. 12958 Sec. 3.6
With PORTIONS EXEMPTED
E.O. 12958 Sec. 1.5 (c)(d)

THE WHITE HOUSE

WASHINGTON

July 9, 1975

MR. 00-28 #107: CIA-EEV 1/3/03

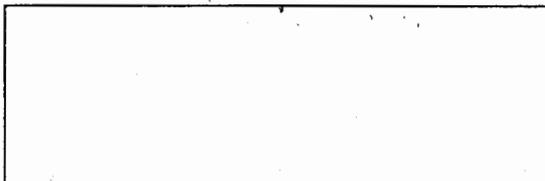
By dal NARA Date 6/20/03

MEMORANDUM FOR: MR. RUMSFELD/MR. CHENEY
MR. MARSH/DR. WOLTHUIS

FROM: JAMES A. WILDEROTTER *JAW*

SUBJECT: Senate Select Committee request for
Intelligence Community Staff post-mortem
studies

The Intelligence Community Staff -- which assists the Director of Central Intelligence in carrying out his community-wide responsibilities -- regularly conducts post-mortem studies of major intelligence-related events. The Senate Select Committee on Intelligence has requested four such post-mortem studies, dealing with the following subjects:



These studies are available for your review in the Situation Room in an envelope marked "IC Post-Mortem Studies."

I recommend that we provide these materials to the Senate Select Committee as classified documents. The NSC concurs in this approach. Attached is a memorandum on which to indicate your approval/disapproval. I would appreciate receiving your views by COB Monday, July 14.

Attachment

~~SECRET~~



Photocopy from Gerald R. Ford Library

save

THE WHITE HOUSE
WASHINGTON
September 24, 1975

CATEGORIES OF SENSITIVE MATERIALS AND RELEASE PROCEDURES

Category A These materials will not be delivered to the Committee and include the following:

- a) Names and sources.
- b) Foreign intelligence exchanges from friendly governments.
- c) Possibly sensitive ongoing intelligence operations.

Category B These are sensitive and highly classified materials of which there is no objection being made available to Committee, but of which the Executive branch will not agree to unilaterally declassify and on which the final decision for publication is reserved to the Executive. This may include signal intelligence and other data essential to the work of the Committee, but which we may object to publication.

Category C These are materials that are either unclassified, or which the Executive is willing to declassify, or which if released unilaterally by the Committee, would not



cause objection from the Executive branch although we did not agree to such unilateral publication. These are the type of materials usually furnished to the Committee.

Category D Materials -- this is a very narrow area of materials which may be classified or unclassified that fall within the area of executive privilege. The precise scope of this area needs to be further defined.

Insofar as procedure is concerned it is recommended that any delivery of materials other than Category C (general materials) to the Select Committee be based on the fact that the two select committees are unique inasmuch as they are involved in an actual investigation of the intelligence procedures of the U. S. government, and, therefore, anything that departs from the norm occurs not as a change in operating procedures involving jurisdiction Committees, but by virtue of the special status of the intelligence committee.



CENTRAL INTELLIGENCE AGENCY

18 September 1975

The Honorable Donald Rumsfeld
Assistant to the President
The White House
Washington, D. C.

Dear Don:

Herewith the draft of the possible statement that we discussed with the President. I would be glad to follow up on this in any way deemed advisable.

Sincerely,

*P has
run*

Bill
W. E. Colby
Director

Attachment



The current difference between the Intelligence Community and the House Select Committee on Intelligence is not a dispute over Congress' right to receive information. Large amounts of highly sensitive intelligence information have been provided to the Congress both in documents and interviews. This is consistent with the regular practice of the Intelligence Community to provide such material to those committees with jurisdiction over its activities. The intelligence agencies are fully prepared to continue this procedure and help the House Select Committee on Intelligence to complete its review of intelligence activities.

Nor is there a question whether certain of this material can be disclosed to the public, and consequently to foreign nations. Considerable amounts of such material have already been made publicly available, and it is clear that many documents which might once have been sensitive are with the passage of time no longer sensitive.

The issue is over the procedure for disclosing such material. The House Select Committee on Intelligence insisted on disclosing documents on short notice, over the protests of the Intelligence Community, and without consultation and discussion with the responsible leadership of the Intelligence Community. Whether information can be disclosed or not depends upon an assessment as to whether a careful examination of the information and a



Careful comparison of the situation it reports might disclose and frustrate our intelligence collection. Thus, reference to a particular phrase might alert a foreign nation that specific information came out of a very private discussion, revealing our access to such private discussion. Similarly, reference to our degree of knowledge of a subject at a specific date can be used to reconstruct the vulnerability of the protective devices employed by a foreign nation at that time. This could lead to remedial action and make the information more difficult or impossible to obtain in the future.

When time is not available for the careful research necessary to determine the exact basis for a phrase or conclusion, a prudent official must take the conservative position that material might reveal such sources. In the current case, a review of the material in question confirms that the phrases objected to indeed did rely upon sensitive activities which could be subject to modification due to the current publicity.

In some fields, our nation is already being deprived of important and perhaps even critical intelligence by earlier exposures. We must conduct these examinations of intelligence in a fashion which does not grievously if not mortally wound our intelligence agencies. The House Select Committee on Intelligence has taken a positive step toward resolution of this difficulty by proposing a 24-hour notice. This would certainly allow



for consultation, although it probably would not allow for the depth of research necessary for the intelligence agencies to take anything more than a conservative approach to the issue, which would be apt to lead to future impasses, not resolve them.

It is also essential that some procedure be developed so that any one of the myriad Congressional committees not singly decide such issues. Full consultation with the Congressional leadership, and indeed the Congress as a whole, should be possible in important cases.

We believe this matter can be satisfactorily resolved by men of good faith on both sides. We all wish to assist the Congress' proper investigation. We all wish to reveal to our public the information that will not hurt our nation by depriving it of the intelligence essential to the world of today and tomorrow.



FROM

Director Central Intelligence

NO. Q 552683

DATE

18 Sept 75

TO: Honorable Donald Rumsfeld

TYPE OF MATERIAL

ENVELOPE (S)

PACKAGE (S)

Situation Room

OTHER

White House

Sealed

LOG DATA

RUBAC

3

FORM 6-60

240

USE PREVIOUS EDITIONS

(24-25)

COURIER RECEIPT AND LOG RECORD

MFG. 6-73

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

September 3, 1975

The Honorable Otis G. Pike, Chairman
Select Committee on Intelligence
House of Representatives
Washington, D. C. 20515

Dear Chairman Pike:

On July 25th I left with you a packet of materials concerning approaches that might be appropriate in handling the variety of demands your Committee will be making upon the Agency in the months to come. Since then we have had discussions regarding security and other aspects of your Committee's investigation. In addition, the Committee's Staff Director and Counsel have held a series of discussions with our Special Counsel and members of my staff. With this then as background, let me suggest certain approaches that I believe will insure our ability to respond promptly and fully to the needs of the Committee.

I. Documents:

Upon receipt of a written request from the Chairman, Staff Director or Committee Counsel for documents dealing with a particular area of inquiry, the Agency will promptly respond with an answer, a partial response or at least a statement as to when the materials will be available. To insure that there are no misunderstandings as to the materials requested, it maybe helpful for your staff to initially discuss the scope of a proposed request with our staff before it is reduced to writing. In addition, I have encouraged our staff to contact your staff members and discuss the precise nature of any request not clear on its face. Further, our staff has been instructed to make materials available as soon as they are ready and not to hold up a response until all of the materials requested have been compiled. When documents are withheld because clearance is being sought from another Agency, your Committee will be notified.



To assist us in servicing your requests we have also asked that the various requests for documents be coordinated in order that we might be advised as to the House Select Committee's priorities among the various demands. We have set up a reading room at the Agency where documents will be made available for examination.

With respect to the documents to be made available to the Committee, there are certain sensitive materials that must be protected not only from exposure but even the risk of exposure. Included in this sensitive category are:

- identities of agents and sources;
- identities of persons involved in Agency operations who would be subject to personal, physical danger, to extreme harassment or to economic or other reprisals if their names were to be publicly identified;
- material provided confidentially by cooperating foreign intelligence services;
- details that would reveal the nature of sensitive intelligence methods and techniques of collection, by technical and human means;
- identities of cooperating Americans and American organizations and contacts to whom we have a confidential relationship.

In making such deletions, our staff has been instructed to describe the deletion, e.g., as a CIA officer or a source, in order to place the material in context. Where your staff believes that a particular name or detail is critical to their inquiry, this then should be brought to the attention of our staff and the matter can be negotiated. I believe this procedure is consistent with your statement to me that the Committee is not interested in our sources and methods, or in the names of agents as such.

Finally, some proposed testimony and requests for documents may enter the area of the executive decision-making process in which the need to protect the confidentiality of advice or recommendations to policy-making bodies has long been recognized. This would apply, for example, to Presidential or 40 Committee deliberations relating to approval of CIA actions. Where such a circumstance exists, the Committee will be advised.



We will want to work together, too, to protect certain other information which, if improperly disclosed, could impair the legitimate rights of privacy of individuals. I am sure we can deal with these matters so as to protect this essential privacy while satisfying the Select Committee's need for a full understanding of intelligence activities.

II. Witnesses:

You doubtless will want to interview present and former CIA employees. It is our understanding that prospective witnesses will be advised of the scope of the inquiry and may be accompanied by counsel, as provided by the Committee rules. Current employees will, of course, be made available to the Select Committee for staff interviews and for testimony. This on rare occasions may require special arrangements, including testimony under alias, to protect the identity of employees whose safety or future utility might be jeopardized by exposure. With respect to the interview of Agency employees who are currently on detail to other agencies in the government and whose testimony relates to CIA matters, we will arrange with the host agency to make the employee available upon request of the Committee. Where the employee is sought to testify with respect to matters concerning his detail or matters relating to the host agency, we will bring your request to the attention of the host agency. Thus, if your staff will advise us of whom they wish to interview, we will make the appropriate arrangements with our employees. While I have no authority to direct the cooperation of ex-employees, I will be happy to assist you in any way I can. In a very few cases, their identities also will have to be protected.

As you know, each employee had to sign a secrecy agreement upon entering on duty. This requires that he keep forever secret all classified information gained during his employment, unless he obtains prior authorization to disclose it from the DCI. These secrecy agreements signed by our employees and ex-employees need not impair the necessary work of your Committee. In view of the security protection contemplated by your Committee, I have determined that disclosure of otherwise protected information to the Select Committee or its designated staff members will, in most instances, constitute an authorized provision of information within the meaning of the secrecy agreements. The attached Employee Bulletin may be used to indicate authorization for



any Agency employee to furnish information to the Select Committee or to appropriate staff members on matters which otherwise would be covered by their secrecy agreement. Where, however, the answer to the particular question covers the highly sensitive matters mentioned above, the employee or former employee is obligated to consult with the Agency before responding. In this regard, the Agency would appreciate being notified before the Committee contacts each Agency employee or ex-employee who is to be interviewed or called to testify. I attached a separate letter addressed to CIA ex-employees which should be shown to them for the same purpose.

Since so many of our activities involve sensitive areas, I propose an approach which should aid the Committee in expediting its investigation. If the Committee will notify Mitchell Rogovin, Special Counsel to the Director, of the areas of its inquiry at the outset, we would be in a position to highlight particularly sensitive issues and work out methods to insure that your Committee obtains what it needs without unnecessary risk to the sensitive matters. We will then be in a position to bring to the Committee's attention whether any particularly sensitive issues may be involved. Such an approach will insure you get the information you need to perform your task and at the same time safeguard sensitive intelligence sources and methods which I am obligated by law to protect.

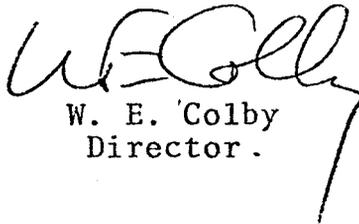
In conclusion, we ask that your Committee make an early determination as to the ultimate disposition of its records upon completion of its tasks. I am sure you will join me in recognizing that permanent, safe storage and security safeguards will be necessary to protect the sensitivity of the Committee's records. To this end you may wish to discuss permanent disposition with the Archivist of the United States. This matter of ultimate disposition of the records of your Committee continues to concern the Intelligence Community. I hope that this important matter can be disposed of promptly.

It is in our mutual interests to ensure that your review proceeds as smoothly and as expeditiously as possibly. Toward that end, I have instructed all CIA



personnel to respond in a spirit of cooperation. A copy of that instruction is attached. And, I am prepared to consult with the Committee at any time to determine appropriate courses of action.

Sincerely,


W. E. Colby
Director.

Attachments:
As Stated



EMPLOYEE BULLETIN

House Select Committee on Intelligence

House Resolution 591 established a House Select Committee to review U.S. intelligence activities. The Resolution calls for a comprehensive review of the organization, operations, and oversight of the U.S. intelligence community.

It is in the interests of all of us to see that the Select Committee gains a full understanding of our activities and the importance of their contribution to the country as expeditiously as possible. I have every confidence that the inquiry will produce new understanding of and improvements in the American intelligence system.

It is with this conviction that I have pledged my personal cooperation, and that of the CIA. I have advised Chairman Pike and Vice-Chairman McClory that employees of the CIA will be available to the Select Committee for interviews and for testimony. Most of these interviews and testimony will be designed merely to obtain factual or background information. The Committee may also delve into activities it feels are not clearly spelled out in our charter. Employees called for interview or testimony who feel concern about their personal responsibility should not hesitate to consult with our General Counsel. They furthermore may be assured that the Agency will give every proper assistance to employees in placing in context the responsibilities and authority that were laid upon them with respect to any areas under inquiry.

We are working out procedures with the Committee Staff to facilitate their work. Attached to this bulletin is a letter which I have sent to Chairman Pike. To facilitate the necessary work of the Committee and in recognition of the security protection contemplated by the Committee, I have determined that disclosure of otherwise protected information to the Select Committee or its designated Staff members will constitute authorized provision of information within the meaning of the Secrecy Agreements signed by each CIA employee, subject to the



special procedures and limitations set forth in the letter regarding particularly sensitive matters. Of course, employees must bear in mind that this limited release allowing them to disclose classified information to the Committee does not constitute a general release. It is one limited to the Committee only.

The cooperative spirit of our relationship with the Committee and its Staff must at the same time take into account the rights of Agency employees. The Committee Staff has agreed to advise employees of their Constitutional rights at the beginning of any interview or other appearance.

When a current Agency employee is selected to be interviewed, the Staff Director or Chief Counsel will normally notify the Review Staff (351-4086) who will then contact the employee through the appropriate Directorate. This procedure is intended to allow time for the employee to gain general legal advice if he or she wants it, on which he may consult our General Counsel, and to obtain security guidance from an appropriate senior officer.

As in the case of the Senate Select Committee, my own belief is that after a careful review of all U.S. intelligence activities, the House Committee will address needed legislative changes and will reaffirm its confidence in the importance and contribution of U. S. intelligence.


W. E. Colby
Director

Attachment: a/s

DISTRIBUTION: ALL EMPLOYEES



To Former Employees of The Central Intelligence Agency:

House Resolution 591 established a Select Committee of the House of Representatives to review U. S. intelligence activities. It is in the interest of the nation to see that the Select Committee receives the information it needs to fully understand our activities and the importance of our contributions to the country.

Since you have been contacted by a member of the Select Committee's staff for interview you may have questions of your own regarding the implications of the secrecy agreement you signed for the testimony sought from you. As you will recall, the agreement you signed as a condition of employment requires that you keep forever secret all classified information gained by you during the course of your employment. Further, the agreement requires that you may not disclose classified information, either orally or by publication, without prior authorization from the Director of Central Intelligence even after employment with the CIA has been terminated.

In recognition of the security protection undertaken by the Select Committee, I have determined that the disclosure of otherwise protected information to the Select Committee or its designated staff members will-- with the exception of a few, specially sensitive matters-- in most instances constitute a fully authorized provision of information within the meaning of the secrecy agreement. Of course, employees must bear in mind that this limited release allowing them to disclose classified information to the Committee does not constitute a general release. It is one limited to the Committee only.

The category of especially sensitive matters includes the following:

1. Identities of agents and sources;
2. Names of persons involved in Agency operations who would be subject to personal, physical danger, to harassment or to economic or other reprisals if publicly identified;



3. Material provided confidentially by cooperating foreign services;
4. Details that would reveal the nature of sensitive intelligence methods and techniques of collection, by technical and human means; or
5. Identities of cooperating American organizations and contacts to whom we have pledged confidentiality.

If the proposed answers to any of the questions put to you involve especially sensitive matters, you should advise the interviewer that you have a problem and wish to obtain advice from the Agency. Contact the CIA Review Staff (351-4086) for this purpose.


W. E. Colby
Director



IKE

New York

BUTTEN
AND MEANS

2225 RAYBURN BUILDING
WASHINGTON, D.C. 20515
APRIL 1975
TELEPHONE 222-2222
MR. EIGHTY ONE
OFFICE NUMBER

Congress of the United States

House of Representatives

Washington, D.C. 20515

DISTRICT OFFICE
225 WEST 114th STREET
NEW YORK, NEW YORK 10027
TELEPHONE 722-2222

July 28, 1975

CLASSIFIED
75-3

Mr. William B. Colby
Director
Central Intelligence
Washington, D.C. 20505

Dear Mr. Colby:

I acknowledge receipt of your two letters of July 23th and hasten to reply.

First of all, it's a delight to receive two letters from you not stamped "Secret" on every page as was your draft prepared by Mr. Knoche and delivered to me on Friday, July 25th. I can understand the necessity of secrecy in that letter because otherwise I might be tempted to ask how a letter dated June 11, 1975 could possibly have been addressed to me as Chairman of the House Select Committee on Intelligence, in view of the fact that I didn't get appointed until July 17th. Is it possible that the Director of Central Intelligence knew I was going to be Chairman of the Select Committee even before the Speaker knew? In any event, as to the substance of your letter I dare not comment further because of its classification.

As to your two letters of this date, I would respond as follows. I am familiar with the basic legislation establishing the National Security Council, the Central Intelligence Agency and the Director of Central Intelligence. I am also aware of the great work done in developing an atomic bomb during World War II and the U-2 reconnaissance program. None of this, however, seems to be particularly pertinent to the present issue. I am not interested in your sources and methods. I am interested in your budget. I am not asking to obtain the names of your agents but I am seeking to obtain information on how much of the taxpayer's dollars you spend each year and the basic purposes for which it is spent.



Mr. William E. Colby

Page 2

July 28, 1975

For my basic justification in this quest, I go to Article I, Section 9 of the Constitution of the United States and in particular, that language which says "No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of public money be published from time to time."

I would assume that a reasonable place to look for that statement of account would be in the Budget of the United States Government and while it may be in there, I can't find it. I hope that Mr. Lynn may be able to help me. The Index of the Budget for fiscal year 1976 under the "C's" moves from Center for Disease Control to Chemical Settlement and to a little old country lawyer, it would seem to me that between those two might have been an appropriate place to find the Central Intelligence Agency but it is not there. It's possibly in there somewhere but I submit that it is not there in the manner which the founding fathers intended and the Constitution requires.

You are concerned with the concept of "need to know" and I am concerned with the concept of "right to know." It will be my personal goal to weigh not only the costs and the benefits of our intelligence gathering operations but also to weigh them against the risks which they entail both at home and abroad. I believe the American people have a right to know about these things. Just for openness I believe that the staff of the House Select Committee on Intelligence has the right to know all you can tell them about the budget of intelligence gathering operations of the U.S. government without the necessity of their signing your oaths of secrecy.

Cordially,

Otis G. Pike
Otis G. Pike
Chairman

OGP/ca



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Executive Registry

75-3469

28 JUL 1975

The Honorable Otis G. Pike
Chairman
Select Committee on Intelligence
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

In response to your 24 July 1975 letter, Mr. Boos and three other members of the Committee staff were briefed here Friday on the CIA budgetary process. As you may know, Mr. Boos was granted compartmented access in January of this year. Since, however, the issue of compartmented clearances had not been resolved with respect to all of your staff, our ability to discuss some details was somewhat inhibited. I understand, nonetheless, that they considered this briefing a good first step.

They left behind a list of nine questions which we are now working on. Most of the questions can be answered fully. Some of them, however, immediately involve especially sensitive compartmented information, and this will constrict our response to the staff. As you know, we would be happy to make this information available to you or any member of the Committee right now.

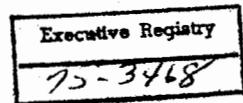
Sincerely,

W. E. Colby

W. E. Colby
Director



THE DIRECTOR OF CENTRAL INTELLIGENCE
WASHINGTON, D. C. 20505



28 JUL 1975

The Honorable Otis G. Pike, Chairman
Select Committee on Intelligence
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

In our conversation on Friday you asked for the statutory basis for the compartmentation principle. I wish first to respond to your inquiry and then suggest a manner in which your staff can receive access to the sensitive material protected by special compartmentation systems.

The current basis for the U.S. Government security classification system is Executive Order 11652, promulgated on 8 March 1972. Historically, foreign intelligence has been treated as one category of classified national security information. There are numerous statutory recognitions of the importance of national security information, e.g., the Freedom of Information Act. Consequently, much foreign intelligence is classified CONFIDENTIAL, SECRET or TOP SECRET according to specifications set forth in the Order. Not all foreign intelligence, however, is classified national security information under the provisions of the Executive Order (e.g., an American source providing foreign information or assistance). Also, the potential risks attendant with the compromise of a foreign intelligence source or method differ substantially from the risks attendant with much classified defense information.

Section 102(d)(3) of the National Security Act of 1947, as amended, provides: "That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." In recognition of this responsibility, National Security Council Intelligence Directive No. 1 (17 February 1972) instructs the Director of Central Intelligence to, "...develop and review security standards and practices as they relate to the protection of intelligence and of intelligence sources and methods from unauthorized disclosure."



Since the National Security Act did not provide for an authority corresponding with the DCI's responsibility in this area, the Directive provides that the Members of the U.S. Intelligence Board are responsible for: "The supervision of the dissemination and security of intelligence material." The Director of Central Intelligence, acting with the advice of the U.S. Intelligence Board, has promulgated a number of directives, regulations and security manuals, related to the protection of foreign intelligence and foreign intelligence sources and methods, and applicable to the overall U.S. intelligence community.

The fundamental security principle involved in the protection of foreign intelligence and of its sources and methods is a strict application of "need to know" -- a principle referred to in Executive Order 11652, Section 6(A). This applies the simple mathematical premise that the fewer the number of individuals made privy to a secret, the less likely that it will be disclosed. The security principle of "compartmentation" involving special access and information dissemination controls is designed to ensure that only those individuals whose "need to know" has been specifically approved by some higher authority, who have been specially indoctrinated, and who undertake special commitments to protect it are provided access to a particularly sensitive category of foreign intelligence sources and methods. Compartmentation assists in the application of the "need-to-know" principle by ensuring that individuals are provided access to only that information clearly essential to the performance of their duties.

Compartmentation was undoubtedly a major contributing factor involved in the nation's secret development of the atomic bomb during World War II, and the principle is still implicit in security procedures related to ERDA's "RESTRICTED DATA" as reflected in the Atomic Energy Act of 1954. In the field of U.S. foreign intelligence activities, compartmentation was practiced throughout the development and operation of the U-2 reconnaissance program. One of the major foreign intelligence categories of activities using formalized compartmentation procedures today involves the matter of foreign signals intercept for intelligence purposes, i.e., communications intelligence. Title 18 of the U.S. Code Section 798 recognizes the special character of this material by providing specifically for prosecution for the unauthorized disclosure of information concerning any communications activities of the United States without the



necessity to show intent to harm the United States. The reason for the application of strict compartmentation procedures to communications intelligence and other foreign intelligence activities reflects the extreme vulnerability of the sources. Once an opposition becomes aware of which of its communications we are intercepting, it can take swift remedial action, and the source can be forever lost.

On Friday afternoon, copies of the secrecy oath used by the executive branch with respect to three compartmented access control systems were made available to you along with the revised forms developed for and executed by certain members of the staff of the Senate Select Committee to Study Intelligence Activities. I would hope that the enclosed agreement modified for the House Select Committee, combining all three compartments into one document, would meet your particular concerns.

For your information, in addition to the Senate Select Committee's use of the modified secrecy oath dealing with compartmented access, the following House and Senate committees have obtained compartmented access for their staffs, which was granted after the normal briefings and signing of the secrecy oath:

Armed Services Committee
Appropriations Committee
Aeronautical and Space Sciences Committee

May I reiterate the points I made on Friday:

- a. No material is being withheld from members of the Committee.
- b. We are prepared to and did brief the staff of the Committee on noncompartmented matters, based upon your certification of their security clearance and the fact that they entered into an appropriate secrecy agreement with you, a copy of which you provided.
- c. The compartmentation procedures of the Intelligence Community have been established pursuant to statute and National Security Council Intelligence Directives. The simplest way for the staff to obtain access to this compartmented material would be to accept the normal secrecy arrangements as modified in the enclosed. This would ensure against difficulties in access to such compartmented material throughout the

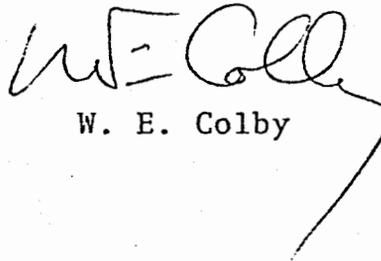


Intelligence Community. It is clear that the obligations assumed here would run between the staff member and the Committee and in no way would provide any control or influence over them by me or any element of the Intelligence Community.

d. It would undoubtedly be feasible to develop another procedure to ensure special protection of the sensitive matters currently included in the compartmented systems, but this would involve review and discussions with various interested parties which would undoubtedly take some time and delay your investigations.

I hope you will agree that this is the simplest and easiest manner of solving a practical matter so that we can proceed with the substance of your investigations.

Sincerely,



W. E. Colby



COMPARTMENTED INTELLIGENCE INDOCTRINATION

I have been informed that pursuant to law (Sections 792, 793, 794, 795, 797 and 798 of Title 18, United States Code) I am not to discuss with or disclose to any person any information relating directly or indirectly to the below identified compartmented Programs, unless such person is currently authorized to discuss or receive such information or material of the particular category involved. I am aware that the responsibility of ascertaining that such an authorization for another person is valid and current, rests with me.

I acknowledge that it is my responsibility to inform myself of the contents of the above mentioned sections of Title 18, U.S. Code, as they pertain to performance of my duties. I am aware further that if a change in my status renders it no longer necessary for me to receive compartmented intelligence, my name will be removed from the list of persons authorized to receive such material.

News media reports concerning any of these compartmented materials does not relieve me of my obligation under the oath signed below.

I acknowledge that I have been briefed on the following compartmented systems or programs:

_____	_____
_____	_____
_____	_____

OATH OF SECRECY

I do solemnly swear that I will not discuss with or disclose to any person, regardless of his official position or status, any information relating directly or indirectly to Compartmented Intelligence, any information derived therefrom, or the nature of the sources of such intelligence, until I have ascertained that such person has been authorized to discuss

~~CONFIDENTIAL~~
*(as declassified prior to arrival
at Ford Library)*



~~E-2 IMPDET~~
~~CL BY~~ _____

~~CONFIDENTIAL~~

and handle this material, and that his authorization has not been revoked, except in the performance of my official duties on the staff of the House Select Committee on Intelligence and in accordance with the requirements set forth in the rules of such Committee.

~~Special Accession Number~~

Signature

Witness

Date

~~CONFIDENTIAL~~



CIA

THE WHITE HOUSE
WASHINGTON

October 1, 1975

MEMORANDUM FOR:

DICK CHENEY

FROM:

CHARLES LEPPERT, JR. *CLJ.*

SUBJECT:

House Select Committee on Intelligence

Jack Marsh asked that I inform you directly of a matter concerning the House Select Committee on Intelligence which arose this morning.

Shortly after 10:00 a.m. this morning and while the Committee recessed for a vote on the House floor, Paul Ahern, legislative aide to Rep. McClory approached me and stated that he understood from Rep. McClory's conversation with the President during the Chicago trip that the question of junior level officers testifying before the Committee was settled and McClory was prepared to so inform the Committee.

Upon further questioning of Ahern, he stated that McClory discussed with the President the problem which arose in the Committee on September 30th to the effect that State Dept. junior level officers could not testify as to misrepresentations made by senior officers on information, intelligence or recommendations supplied by junior or mid-level officers because of the State Dept.'s order prohibiting such testimony before the Committee.

I requested Ahern to tell McClory not to inform the Committee until he had a chance to discuss this matter with Jack Marsh to be certain that we were all certain of the facts. Ahern agreed to try and stop McClory but indicated he doubted if McClory would accept anything less than his conversation with the President on this matter.

Before Ahern could talk to Rep. McClory on resumption of the Committee meeting, McClory was recognized by the Chairman and McClory informed the Committee that the President had assured him that junior and mid-level officers from the State Dept. could testify before the Committee and to refute any misrepresentation made to the Committee by senior officials.

cc: Jack Marsh
Max Friedersdorf

