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 General Subject File  
 Intelligence - House Select Committee: General

Box 14

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# PROPOSED HEARING SCHEDULE

## SEPTEMBER

Thurs.	9/11/75	RECORD OF PREDICTING MAJOR EVENTS (1973 WAR)
Fri.	9/12/75	" " " " " (PORTUGAL)
(Yom Kippur Recess -- 9/12/75 - 9/17/75)		
Thurs.	9/18/75	" " " " " (CYPRUS)
Fri.	9/19/75	" " " " " (TET)
Thurs.	9/25/75	" " " " " (WRAP UP)
Fri.	9/26/75	SUBMARINES

## OCTOBER

Thurs.	10/2/75	FEDERAL/STATE RELATIONS (WIRETAPS)
Fri.	10/3/75	" " " " "
Thurs.	10/9/75	PROCUREMENT AND EXPENDITURES (CIA)
Fri.	10/10/75	CIA PERSONNEL
(Columbus Day Recess -- 10/9/75 - 10/20/75)		
Thurs.	10/16/75	INFORMERS
Fri.	10/17/75	TAX RETURN DISSEMINATION
Thurs.	10/23/75	DRUG ENFORCEMENT
Fri.	10/24/75	STRIKE FORCE OPERATIONS
(Veterans Day Recess -- 10/23/75 - 10/28/75)		
Thurs.	10/30/75	DIA
Fri.	10/31/75	"

## NOVEMBER

Thurs.	11/6/75	CIA PROPRIETARIES
Fri.	11/7/75	FILES AND CLASSIFICATION SYSTEMS
Thurs.	11/13/75	COMMAND AND CONTROL (COVERT ACTION)
Fri.	11/14/75	" " " (INTELL. ANALYSIS)
Thurs.	11/20/75	TOTAL COST OF INTELLIGENCE
Fri.	11/21/75	OVERSIGHT

(Thanksgiving Recess -- 11/20/75 - 12/1/75)

## DECEMBER

Thurs.	12/4/75	DIRECTOR NSA (ALLEN)
Fri.	12/5/75	DIRECTOR FBI (KELLY)
Thurs.	12/11/75	ATTY. GENERAL (LEVI)
Fri.	12/12/75	SEC. OF DEFENSE (SCHLESSINGER)
Thurs.	12/18/75	CIA & CENTRAL INTELLIGENCE (COLBY)
Fri.	12/19/75	DIRECTOR NSC (KISSINGER)





## Analysis of Issues

### A. Goals and Objectives

1. Provide for national defense needs
  - a. Predict "Pearl Harbors".
  - b. Identify and assess threats.
  - c. Provide timely military intelligence to military command.
  - d. Prevent loss of effectiveness through loss of secrecy.
2. Affect U.S. Position in World
  - a. Assist in achieving foreign policy objectives.
  - b. Assist friendly governments and allies.
  - c. Injure unfriendly governments and adversaries.
  - d. Meet economic, commercial and resource intelligence needs.
  - e. Provide understanding of issues, trends , developments  
and personalities world-wide.
3. Maintain effective intelligence community
  - a. Command public confidence, foreign respect.
  - b. Provide useful product with increasing cost-effectiveness.
  - c. Maintain strong intelligence resources.
  - d. Develop new technologies, skills and capabilities.



B. Functions of Intelligence Community (Missions)

1. Covert Action and Paramilitary Action
2. Intelligence collection
  - a. Human (Clandestine, FSO, Overt Sources, etc)
  - b. Technical (Signals, Electronic, Photo, Sensors, etc)
3. Analysis and Production of Intelligence for users.
  - a. Civilian Command (Incl. President)
  - b. Military Command
  - c. Economic and specialized
4. Counterintelligence
  - a. Domestic activities
  - b. Foreign activities

C. Resource Management (by participants)

1. Overall Monitoring, Evaluation and Control -- Direction
  - a. Mission accomplishment (primarily internal)
  - b. Effectiveness (producer/consumer)
  - c. Compliance with laws, standards and expectations (primarily external)



2. Program management

- a. Program data acquisition
- b. Program evaluation
- c. Program control

3. Budget management

- a. Evaluation process
- b. Decision making process
- c. Budget disclosure, presentation
- d. Allocation of appropriations

4. "Product" management (dissemination, publication, briefings, etc.)

5. Resulting structures and organizations

- a. Role of CIA
- b. Role of DOD and components
- c. Others, including leadership through DCI, etc.

D. Secrecy

1. Classification system

- a. Basis - Statute, Executive Order
- b. Resolving Executive Privilege disputes
- c. Standards for Classification
- d. Compartmentation



2. Protection of classified information
  - a. Scope of protection
  - b. Criminal penalties
3. Protection of intelligence "sources and methods"
  - a. Authority/Responsibility
  - b. Sanctions
4. Relation to other standards
  - a. 4th Amendment
  - b. Privacy Act
  - c. Freedom of Information
  - d. Hughes Amendment

E. Oversight (by non-participants)

1. Intelligence Community internal controls
  - a. Legal advisors and observers
  - b. Inspectors General
2. Executive Branch
  - a. Presidential agents (i. e. Asst. to President for National Security Affairs)
  - b. Committees (NSC, PFIAB)



3. Congress

a. Committees

b. GAO

4. Public, Press

RJW/December 1, 1975



11-29-75

## TENTATIVE IDENTIFICATION OF ISSUES

Executive

Congress

A. Public Accountability

1. Responsibility of President (or PFIAB) to report annually to public on intelligence activities.
2. Disclosure of intelligence budget in some detail.
3. Publication of more intelligence agency product.
4. Review of protection accorded by the classification system and its relation to Freedom of Information Act.

DOS

S.1

Church, Pike

B. Congressional Concerns and Role of Congress

1. Oversight of CIA, intelligence community affairs.
2. Statutory limitations on intelligence agency powers (including FBI).
3. Statutory criminal liability for acts of intelligence officers.
4. Statutory protection of sources and methods.
5. Statutory protection of rights of privacy.
6. Statutory definition of limits to and judicial approval of electronics surveillance.
7. Statutory reform of security classification system.
8. Authority/reporting/review/approval of covert operations.
9. GAO audit authority of intelligence agencies.

NSC/OMB

S. 317, S.Con.Res. 4  
H.R. 261, H.R. 2232  
H.J. Res. 656

Church, Pike

Church, Pike

Church, Pike

NSC/OMB

DOJ

S. 189

Church, Pike

NSC/OMB

Church, Pike

Church, Pike



## TENTATIVE IDENTIFICATION OF ISSUES

Executive

Congress

10. Congressional review of intelligence agency budgets.
11. Periodic authorization of funds for intelligence agencies.
12. Revision of authorities under National Security Act of 1947.
13. Appropriation of funds for CIA.
14. Treatment of security information in hands of Congress.

Church, Pike

Church, Pike

Church, Pike

Church, Pike

Church, Pike

C. Executive Accountability and Control

1. Relationship of President to intelligence community, including the DCI
2. Oversight responsibilities of NSC.
3. Role of NSCIC in improving consumer/producer relations
4. Powers of DCI.
5. Responsibilities and resources of 40 Committee.
6. Powers of inspectors general of intelligence agencies.
7. Methods for consideration of consolidated intelligence budget and necessary tradeoffs.
8. Publicly known, Presidentially-established limits for intelligence agency actions.
9. Oversight responsibilities of PFIAB.

NSC/OMB

NSC/OMB (?)

NSC/OMB

NSC/OMB

NSC/OMB (?)

NSC/OMB

Church, Pike

Church, Pike



## TENTATIVE IDENTIFICATION OF ISSUES

Executive

Congress

D. Organizational Arrangements

1. Jurisdictions of CIA and FBI.
2. Separation of covert activities from CIA.
3. Methods for taking account of needs of intelligence consumers, particularly economic agencies.
4. Duplication of collection responsibilities.
5. Duplication of intelligence production responsibilities.
6. Role of DIA.
7. Role of NSA.
8. Role of separate service cryptological agencies.
9. Continuation of military officer as Director or Deputy Director of CIA.
10. Enabling legislation for NSA.

NSC/OMB

NSC/OMB

DOD

Church, Pike

DOD

E. Management Improvement

1. Procedures for crisis communications to President.
2. Role of DCI and DDCI in management of CIA.
3. Establishing single channel for White House - CIA contacts.
4. Effectiveness of National Intelligence Estimates.
5. Protecting cooperative private sources, domestic and foreign.

NSC/OMB

NSC/OMB

NSC/OMB

Church, Pike





## TENTATIVE IDENTIFICATION OF ISSUES

Executive

Congress

6. Degree of coordination of covert activities with Department of State.	NSC/OMB	
7. Role of ASD (I) in management of DOD intelligence activities.		Pike
8. Adequacy of performance evaluation with uniform standards.		
9. Adequacy of management of National Reconnaissance Office.		
10. DCI's authority to fire employees.		Church, Pike
/ 11. Need for secrecy and compartmentation.	NSC/OMB	
/ 12. Transition from peacetime to wartime and control of resources	NSC/OMB	
/ 13. National intelligence support for field commanders (Nat/Tactical)	NSC/OMB	



Key

Church - Senate Select Committee on Intelligence

Pike - House Select Committee on Intelligence

NSC/OMB - Study began by NSC on November 14, 1975

Pending Legislation

S. 317 - To Establish a Committee on Intelligence Oversight

S. 189 - Joint Committee on Continuing Study of the Need  
to Reorganize the Departments and Agencies Engaging  
in Surveillance

S. Con. Res. 4 - To Establish a Joint Committee on Information  
and Intelligence

H.R. 261 - To Create a Joint Committee on Intelligence Agencies

H.R. 2232 - To Establish a Joint Committee on Intelligence  
Information

H.J. Res. 656 - To Create a Joint Committee on Intelligence  
Agencies



Pike - Advisory role - partisan

Opin - class lieutenant may emerge dominant

draft  
Oct.  
appears  
unusual  
upward  
pressure

Objectives of Comite - legis - create permanent  
Comite just a select to maintain  
oversight - budget oversight.

Smashglasses out - looking at 10 cases  
probably go into debate on 10 cases  
Looking into Drug future  
were Taps  
Omission  
Attestational Relationship w/ FBI et al.

foreign - who really knew CIA  
submarine incident  
accountability

Check w/ Paul Allen.

# House Select Comtee - Intell.

## Agenda

H. Rules (E72)

Comtee Rules

AM. 8/8 NSA

PM.

State Dept. - Hyland

no further bids for recess

Staff Mtg's during recess on Tech Issues

CIA T&F

Justice T&F (FBI, DEA etc.)

IRS T&F

NSA - Military

Command Structure Tech Issues

No witnesses under oath this week.

Sept. - no set date - no recess or agenda mtg.

House - Domestic Intell

Senate - Foreign Intell

Comtee wants better understanding of how Intell Comm.

coordinates its total intell activities ('73 Iran/Kayian War) emphasizing coord. from CIA - DOD - for all for it duplication - FBI - DEA - IRS - all paying some informant.

Comtee wanted to look at Rocky Comm Rept + also on Comm + CIA activities in U.S.

Budget  
+ Control  
Structure

## Select Intelligence Committee

SO - case studies

Heard on  
10-15  
case  
studies  
comple  
two each  
wk.

1. Case Studies of Intelligence Community
  2. DEA - Drugs
  3. Foreign Intelligence
  4. NSA - Strategic - done by Senate
  - J. Edgar. Recs: - Joint center (etc.)
- 

Investigations out in agencies  
like says Aug. two study of work of intelligence.  
Now focus into records of future ops.

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Investigative auth. of GAO to do oversight & audits of  
Intelligence Community. It limits oversight  
investigations on.

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Staffing chart for NSA. Allen has no objection  
but not necessary.

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Staff looking at legislative charting of all intelligence  
agencies, functions performance.

THE WHITE HOUSE

WASHINGTON

September 16, 1975

MEMORANDUM FOR:

MAX L. FRIEDERSDORF

THRU:

VERN LOEN

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

House Contacts on Pike Committee  
Situation

Attached is a list of suggested names for contacting on the Pike Committee situation.



# HOUSE CONTACTS ON PIKE COMMITTEE MATTER

## REPUBLICANS

John J. Rhodes  
 Bob Michel  
 John Anderson  
 Sam Devine  
 Jack Edwards  
 Burt Talcott  
 Bob Lagomarsino  
 Bill Armstrong  
 Charlie Thone  
 John Myers  
 Bill Frenzel  
 Bud Brown  
 Paul Findley  
 Gene Taylor  
 Bill Whitehurst  
 Bill Dickinson  
 Sil Conte  
 Don Mitchell  
 Al Johnson  
 Al Cederberg  
 Bill Wampler  
 Bob Wilson  
 Marjorie Holt  
 John Rousselot  
 Del Clawson  
 Barber Conable  
 Al Quie  
 Frank Horton  
 John Erlenborn  
 Jack Wydler  
 Pete McCloskey  
 Sam Steiger  
 Ed Forsythe  
 Joe Skubitz  
 Bill Broomfield  
 Ed Derwinski  
 Pete duPont  
 Ed Hutchinson  
 Chuck Wiggins  
 Phil Ruppe  
 Chuck Mosher  
 Jim Quillen  
 Herm Schneebeli

## DEMOCRATS

John J. McFall  
 George Mahon  
 Bob Sikes  
 Otto Passman  
 Tom Steed  
 Tom Bevill  
 Bill Chappell  
 John Murtha  
 Mel Price  
 Eddie Hebert  
 Charles Bennett  
 Sam Stratton  
 Dick Ichord  
 Lucien Nedzi  
 Bill Randall  
 Bill Nichols  
 Jack Brinkley  
 Dan Daniel  
 Sonny Montgomery  
 Harold Runnels  
 Lud Ashley  
 Bob Stephens  
 Carroll Hubbard  
 Jim Wright  
 Phil Landrum  
 Joe Waggoner  
 Don Fuqua  
 Elliott Levitas  
 Wayne Hays  
 Jim Haley  
 Roy Taylor  
 Harold "Bizz" Johnson  
 Doc Morgan  
 Clem Zablocki  
 L. H. Fountain  
 Don Fraser  
 Dave Satterfield  
 Goodloe Byron  
 Walter Flowers  
 Ray Thornton  
 Tom Downing  
 John Murphy  
 Dave Henderson  
 Ray Roberts  
 Mike McCormack  
 Allan Howe  
 Dick Bolling  
 Bernie Sisk





September 19, 1975

MEMORANDUM FOR:

JACK MARSH

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

Comments of Republican Members  
House Select Committee on Intelligence

The following comments were expressed by Republican Members of the House Select Committee on Intelligence when contacted on Friday, September 19th

Rep. Bob McClary

Contacted in Waukegan, Ill. He will return to Washington, D. C. at approximately 10 p.m., Sunday, September 21.

McClary states that Pike's Committee staff is doing the legal research on the Committee's position for the purpose of proceeding to litigation on the issues of whether the Committee has the right to receive classified documents with no strings attached and the right to declassify and release such information to the public. McClary feels the Administration should do everything it can to avoid litigation and bend over backwards to resolve the issues other than going to court.

McClary says that the right to declassify and release such information to the public is not exclusively in the Executive branch. Otherwise the Executive branch could do almost anything it wanted or "cover up" anything they wanted to cover up under the guise of it being classified information. No Member of Congress would take the position that the Executive had the exclusive right to classify information, declassify it and release it to the public. That would be downgrading ourselves and the Congress.

McClary further says that the Members of Congress nor the public would stand for a Member on a Committee of the Congress, declassifying and releasing to the public previously classified information that would seriously endanger our national security. He thinks the Congress nor the public would accept such irresponsible action.

McClary can be reached over the weekend at the Waukegan, Ill. Travel Lodge (312) 244-8950. He suggests a meeting with you if necessary, at 9:30 a.m. on Monday, September 22.





Rep. David Treen

He will be in town this weekend and can be reached at his office in the morning, 225 - 4085 (direct line). He is golfing Saturday afternoon.

Treen says he agrees to a meeting of the Republican Members if necessary, on Monday, September 22, at 9:30 a.m. He will make himself available over the weekend, if needed, and can be reached at home on Sunday.

Treen stated that he wrote a letter to Pike on 9/19/75 requesting an opportunity for the people that Sam Adams testified against to appear before the Committee and testify on their own behalf since Adams has alleged and charged them with some outrageous conduct. Treen says if the White House does not want him to pursue that course of action just to let him know.

Rep. James P. Johnson

He will be at home this weekend and can be reached through his home number. He will make himself available to come to a meeting if necessary, but feels the Administration is wrong in trying to furnish the information requested with conditions. Feels there is no way the Committee is going to agree to the conditions.

Rep. Bob Kasten

No contact. I will continue to try and contact.



September 20, 1975

MEMORANDUM FOR:

JACK MARSH

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

Comments of Republican Members  
House Select Committee on Intelligence

Contacted Rep. Bob Kasten on Saturday, September 20. He is in Milwaukee, Wisconsin, and will return to Washington, D. C. at approximately 10:30 a. m. on Monday, September 22. Kasten can be reached in Milwaukee over the weekend at (414) 352 - 7995 if necessary.

Kasten states that he thinks that the Republican members of the Committee, generally speaking, are in close agreement on most issues before the Committee. He feels that the Administration made a serious mistake in selecting the "four words" which has precipitated the present controversy because those four words do not, in the judgment of most members of the Committee, reveal the source or method of intelligence gathering.

Kasten also mentioned a memo allegedly written by Rod Hills which says that since the authority to declassify and release to the public previously classified information is not expressly granted by statute to the Congress or its Committees then the House Select Committee does not have the authority to take such action unilaterally, is not the view being accepted by the members of the Committee.

cc: Friedersdorf  
Loen



file

September 25, 1975

MEMORANDUM TO:

JACK MARSH

FROM:

CHARLIE LEPPERT

SUBJECT:

House Select Committee on  
Intelligence

My discussion with Rep. Bob McClory following the Committee meeting this morning indicates that Chairman Otis Pike wants to take the issue in controversy all the way to the United States Supreme Court. Rep. McClory bases this opinion on the fact that Pike keeps telling McClory that he, Pike, wants a definitive decision on the question.

McClory states that Pike and his staff are relying on the first Ervin case before the Sirica decision which apparently holds that the Committee needs a resolution passed by the House in order to go to court. It appears then that Pike will proceed with the House Resolution and from there to the courts.

McClory further indicates that Pike and his staff are relying upon the June, 1975 Columbia Law Review article by a Raoul Berger, entitled "Executive Privilege Versus Congressional Inquiry". McClory in the hearings this morning relied upon and quoted the 1972 Harvard Law Review article on executive privilege, which was in support of the Administration's position. Also cited during this morning's hearing was a University of Michigan law review article on the 1959 GAO request for information from the Department of State in which the Department of State invoked the doctrine of executive privilege and interrogation of junior and middle level employees of the executive branch.

cc: PBuchen  
MDuval

(dictated but not read/cb)



September 30, 1975

MEMORANDUM TO: JACK MARSH  
FROM: CHARLIE LEPPERT  
SUBJECT: HOUSE SELECT COMMITTEE ON  
INTELLIGENCE

At 5:30 p.m. on Tuesday, September 30 I was called to Mr. McClory's office by Paul Ahern. Mr. Ahern advised me of three requests which McClory wanted the Administration to assist him in preparing him for floor debate on the Resolution of Necessity, which the Pike Committee has proposed. The three items are as follows:

- 1) An inventory of the items, documents and materials requested in the three subpoenas issued by the Pike Committee on the Middle East, the Tet Offensive and Cyprus. The inventory should state the number of items or documents requested, the number of items supplied, the number of items deleted or sanitized by the category as stated in the discussion draft, which was supplied to the Committee.

The purpose of this inventory according to McClory, is to show that the discussion draft supplied to the Committee would have worked in practicality. This does not apply to all other Committee requests, only the items requested in the subpoena. Additionally, McClory wants to negate Pike's statement "that the materials supplied by the Administration have been deruded, and, therefore, worthless".

- 2) McClory requests the Administration or the CIA to provide him with an assessment of the damage done by the Philip Agee book, "CIA Diary - Inside the Company" to the intelligence community done in South America and around the world generally including the morale of agents and the ability to recruit informants. McClory states he is informed that Colby has made statements to the effect that the Agee book has had a damaging effect upon



the intelligence community, and has created problems for the CIA. McClory also states that the CIA made an assessment of the Sam Adams article in Harper's Magazine, and requests that this kind of assessment be provided on the Agee book. If the assessment on the Agee book is classified, McClory requests that it be sanitized and provided to him.

3) The validity of the subpoenas issued by the Pike Committee.

Shortly after noon today I was called by Frank Polk of the House Judiciary Committee, in which he advised that the Administration look into the validity of the subpoenas issued by the Pike Committee. Polk states that he understands the subpoenas issued by the Pike Committee were not issued in accordance with the Rules of the House of Representatives. Polk states that the subpoenas issued by the Pike Committee were issued pursuant to a motion passed by the Committee authorizing the Chairman to issue the subpoenas in accordance with the motion. Polk advises that from his experience during events of the previous Administration, that the subpoenas issued on motion are not valid, because the operative document, the subpoena, must be before the Members of the Committee and voted on by the Members of the Committee after the opportunity has been presented to the Members to amend the subpoena.

This issue on the validity of the subpoenas arose again this afternoon in my meeting with Paul Ahern. Ahern informs me that Jerry Zeifman, former Counsel to the House Judiciary Committee, was to be employed by the Pike Committee as a Consultant, and that as of last Friday, there was a terminal argument between Zeifman and Pike. Zeifman no longer will be employed as a Consultant to the Committee. Ahern states that in telephone discussions with Zeifman, Zeifman informed Ahern of the possibility that the subpoenas issued by the Pike Committee were not valid, because they were not issued in accordance with the Rules of the House of Representatives. McClory has requested the Administration to assist in researching the validity of the subpoenas issued by the Pike Committee to determine if the subpoenas are defective and not issued in accordance with the House Rules. Two precedents cited by Ahern are:

- a) A 1960 case involving the House Judiciary Committee under the Chairmanship of Manny Celler of New York, and





- b) The House Select Committee on Crime under the  
Chairmanship of Claude Pepper of Florida.

cc: MFriedersdorf

(dictated by Charlie Leppert but not read/cb)



October 1, 1975

MEMORANDUM FOR:

DICK CHENEY

FROM:

CHARLES LEPPERT, JR.

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 Aborn, legislative aide to Rep. McCleary approached me and stated that he understood from Rep. McCleary's conversation with the President during the Chicago trip that the question of junior level officers testifying before the Committee was settled and McCleary was prepared to so inform the Committee.

Upon further questioning of Aborn, he stated that McCleary 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 representations 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 Aborn to tell McCleary 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. Aborn agreed to try and stop McCleary but indicated he doubted if McCleary would accept anything less than his conversation with the President on this matter.

Before Aborn could talk to Rep. McCleary on resumption of the Committee meeting, McCleary was recognized by the Chairman and McCleary 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



Charlie -

Is this taken care of -  
Wes Clark's office said  
he gave you all the info  
he had.

Neta

10/3/75





Ueta:

Call Mike Duval + tell  
him that the information Rep.  
McClary requested - the 3  
items - the inventory, the ~~document~~  
document of the book, + the validity  
of the subgrantee ~~document~~ research  
must be in McClary's hands by noon  
Friday, 10-3-75.

TK.

Chas.

Let me know his  
response.

x 6560

Helen

10/2/75

9:20 am

Wes Clark \*



10/3/75 - Called Helen w/ Duval - she will check - Duval  
gave to Wes Clark to do

**October 3, 1975**

**MEMORANDUM FOR:**

**JACK MARSH**

**FROM:**

**CHARLES LEPPERT, JR.**

**SUBJECT:**

**House Select Committee on Intelligence**

**Attached is a draft of Rep. McClery's Minority views on the Select Committee's resolution of necessity. McClery says that Pike intends to go to the House floor with the resolution next week.**

**McClery says that if we have any suggestions for inclusion in his Minority views to let him know. The resolution and report will be filed in the House on Monday, October 6, 1975.**

**bcc: Max L. Friedersdorf**



EXECUTIVE PRIVILEGE ISSUES

Several document requests by the Church and Pike Committees present policy questions with respect to the possible invocation of executive privilege.

By way of background, it should be noted that the President waived executive privilege as to documents provided to the Church Committee in connection with the investigation of political assassination allegations. As a result, the Committee has had access to minutes of NSC and 40 Committee meetings, diplomatic cables to and from the President and his ambassadors, and numerous materials that would otherwise have come within the traditional umbrella of the privilege. Since the Committee and Committee staff are now accustomed to receiving these kinds of materials, we can anticipate vigorous protests on their part if access to them is now denied in areas other than assassination allegations.

The requests for materials that would otherwise be withheld from Congress under the executive privilege doctrine are concentrated in the following areas:

1) Covert Actions.

Both Committees are studying in detail a small but representative sample of past covert action operations. In connection with these reviews, they have requested such things as minutes of NSC and 40 Committee meetings, and options papers for the 40 Committee, the NSC and the President.

2) PFIAB Materials.

The Church Committee staff has requested the agendas for all PFIAB meetings since the Board was founded. In addition, there are several requests for specific PFIAB documents, such as the HUMINT Report and Board files on counterespionage matters (including the Dunlap case involving an NSA employee who was recruited by and worked for the Soviets).

3) OMB Materials.

The Pike Committee has requested internal OMB documents relating to the "Director's Review" process and Agency appeals to the President of OMB budget recommendations to the President.

4) Presidential Library Materials.

The Church Committee has requested documents from the Eisenhower, Kennedy and Johnson Libraries which, under traditional interpretations of the executive privilege doctrine, would be withheld.

5) The "Boyatt Memorandum."

RED TAG

October 10, 1975

MEMORANDUM FOR:

JACK MARSH

FROM:

CHARLES LEPPERT, JR.

The Minority views of McClery and Treen should be reviewed by the Members of the Committee that meets each morning for possible suggestions and comments.

The Committee's resolution of necessity is merely pending at this time and any changes suggested by the Members of the Committee can be submitted to McClery and Treen for incorporation as they have requested.

I anticipate the Pike Committee to act on the resolution of necessity if there is no response to the subpoena which is returnable October 15, 1975.

cc: Max Friedersdorf

(dictated but not read)



THE WHITE HOUSE  
WASHINGTON

October 9, 1975

MEMORANDUM FOR: CHARLIE LEPPERT

FROM: JACK MARSH

In reference to the Minority views filed by McClory and Treen, have these already gone to press? Can we have several of the Members of the Committee that meet in the morning, review these for possible suggestions, if there can be any changes made?

I've gone over the dissent views and they seem to me to be quite well done; however, I thought perhaps there might be a couple of suggestions that would be helpful from the standpoint of setting the record straight.



Donna - call Charlie Leppert and read message to him

There are several important things that will need to be done this morning on the Hill in reference to the Pike Committee. You should bring yourself up to date as to where the matter stands involving the documents they want in reference to the covert operation in 1973. These documents were divided into Tab A and B. Tab B documents were about 150 to 200 pages. Tab A consisted of 9 one or two page documents. All of Tab B were supplied. Tab A causes some problems. Executive privilege has not been exerted to these and we are trying to negotiate an arrangement that will be mutually satisfactory with the Committee. Mike Duval can ~~xxx~~ tell you about the problems with Tab A and we are trying to get the NSC to agree to some compromise with the Committee. You should be aware that the Committee staff have seen the documents in Tab A.

In addition to these, it is my understanding there are some other documents ~~xxxx~~ with which there may be a problem, but as of the time I have dictated this, I am not familiar with any.

It is important that Donner know that on receiving word from you that there was a problem with the 9 documents, I went to see Brent that afternoon. For a reason which I will have to explain to you personally, Brent was not available because of <sup>an</sup> extremely high level meeting in which he was participating. Additionally, there was a problem in the NSC because of the group that were leaving at 2 p.m. for China. I did meet with Brent that evening and he indicated he would try to see what could be done to work out some compromise on the 9 documents. Unfortunately, they were unable to do that.

I think it would be good if you could touch base with Paul Ahearn and with Jim Johnson. Jim is the individual who has the most trouble with covert operations. As of this time we have not asserted executive privilege on these. I believe it would be ~~well~~ well if you could touch base with one Democrat and chat with him.

Additionally, I want to mention to you personally something that I did with which you are aware involving the other covert operation scheduled for discussion on Wednesday.

(just give Charlie the rough draft notes) In reference to these hearings on covert operations, we would not want to publish precisely what the covert operation was they were considering.



TABC  
PR  
HAK-

THE WHITE HOUSE

WASHINGTON

November 5, 1975

MEMORANDUM FOR: JACK MARSH  
FROM: CHARLIE LEPPERT  
SUBJECT: Representative Bob McClory

Paul Ahern, Representative McClory's L.A., called me at home last evening to state that he has just concluded a conversation with Bill Hyland of the State Department concerning verification of the Boyatt memorandum being included in the amalgamated document. Hyland rejected McClory's offers for requests for the verification to be done by the Attorney General or the Deputy Attorney General. Hyland offered McClory to have the verification or affidavit signed by the Acting Legal Counsel in the State Department in the absence of Monroe Leigh, who is out of the country. Monroe Leigh is unacceptable to McClory as is Rex Lee of the Department of Justice because of their close association to the Boyatt controversy from the beginning.

I think it is imperative that we get this Boyatt issue settled and behind us by providing the Committee with the kind of status they want on the verification. If we do not work out this verification in a satisfactory manner, we will be playing into the hands of Otis Pike who clearly wants to take the issue to the House Floor and obtain a vote of confidence. Also, if we do not handle this matter properly, we will be creating another Watergate situation and place the 8 Members who voted to accept the amalgamated document out on a limb.

Therefore, if the verification is unsuccessful, I do not see a favorable vote for the Administration coming out of that Committee in the foreseeable future. The deadline on providing the amalgamated document with the affidavit certifying that the document contains the





Boyatt memorandum language is noon, Thursday, November 6.

The bottom line is that McClory advises me in confidence that Pike has assured him that if McClory can send verification that the language of the Boyatt memorandum is included in the amalgamated document McClory will have no trouble from Pike. It should be kept in mind that the Committee vote of 8-5 to accept the amalgamated document was a serious set back for Pike.

I suggest the following possibilities on verification:

1. Have Representative McClory and Representative Aspin verify after being given the opportunity to read the original Boyatt memorandum.
2. Have the Deputy Attorney General, Tyler, certify.
3. Have Boyatt certify by signing the affidavit.



Dec. 2

THE WHITE HOUSE  
WASHINGTON

Neta:

For your files. Charlie dictated  
the attached memos this afternoon  
when he was here.

Thankx.

Donna



*Neta:*  
*Pls fill in the*  
*intelligence file.*  
*clm.*

December 2, 1975

MEMORANDUM FOR: JACK MARSH  
FROM: CHARLIE LEPPERT  
SUBJECT: Interstate and Foreign Commerce

The Committee on Interstate and Foreign Commerce did not consider the Morton contempt resolution this morning. The Committee will vote on the Morton contempt resolution tomorrow, December 3, 1975. Committee sources indicate that some Democratic Committee Members will vote against the Morton contempt resolution but that the vote will be close. A motion to table and a motion to recommit the Morton contempt resolution will be offered when the Committee meets on this matter tomorrow. The Committee did, by voice vote, report out a short term natural gas bill.



December 2, 1975

MEMORANDUM FOR: JACK MARSH  
FROM: CHARLIE LEPPERT  
SUBJECT: House Select Committee on Intelligence

The Pike Committee today, December 2, 1975, met and Chairman Pike opened the meeting with a statement on the status of the Committee's three contempt resolutions. Pike stated that on two of the three contempt resolutions, that is SALT and the 40 Committee Reports, that staff advises Pike that there is substantial compliance and the Committee has the information they sought.

On the third contempt resolution relating to State Department recommendations on covert operations, Pike stated "the Committee has received nothing." Pike then stated that he would proceed with this contempt resolution in due course when the President is back from China and not before.

Representative McClory stated that he was pleased with Pike's statement on two of the three contempt resolutions. McClory then stated that he believes that the information requested on State Department recommendations on covert operations is available to the Committee in the information already supplied by the Administration and hopes that a settlement could be worked out on this third contempt resolution. Therefore, Representative Milford asked Chairman Pike if the Chair intended to seek a rule on the third contempt resolution. Pike stated that a rule was not necessary. Milford then asked Pike when he intended to bring the third contempt resolution to the Floor, and Pike stated that that question was up to the House Leadership.

The Committee then received the testimony of former Admiral Zumwalt and accopy of that prepared testimony is attached.

At the conclusion of the morning session of the Committee, it was agreed that the Committee would meet in closed session at 1:30 p. m. today to receive additional testimony from Admiral Zumwalt.

cc: Max Friedersdorf



STATEMENT OF ADMIRAL ELMO R. ZUMWALT  
U.S.N. (Ret.)

Former Chief of Naval Operations

Before the

Select Committee on Intelligence

I have been summoned by this Committee to provide my judgment of the competence of the intelligence community's evaluations relating to the strategic arms limitation during my four year tenure as Chief of Naval Operations.

Although I am now a private citizen, I am also a retired naval officer, and I would like the record to show that I have kept/informed of the 3 approaches by this Committee or its staff leading to this appearance. I informed DOD that one major interest of the Committee was one of the articles distributed by New York Times Special Features which I have co-authored with Admiral Worth Bagley, USN (Ret), who was Vice Chief of Naval Operations until 1 July 1975. This particular article appeared in the Washington Star on Sunday, August 10, 1975, and was entitled "Soviets Cheat and We Turn our Backs." The article which is attached to this statement as Tab A, discusses on the 5 ways in which the Soviets have cheated/SALT I deal as this was explained to Congress. In view of my military status, I offered to submit to a briefing by DOD prior to my appearance here. The DOD representative with whom I spoke has informed me that it is that department's decision that I should appear here in my capacity as a private citizen, without any DOD briefing.



My statement is therefore being given largely from memory of past events. However, in my capacity as an occasional news analyst, I have acquired information subsequent to my retirement from a variety of sources which I believe to be accurate in updating judgments.

I intend to comment briefly on the quality of intelligence in the field of Soviet conventional maritime capability and in more depth on intelligence in the field of Soviet strategic nuclear capability. In both cases I will give my evaluation of the reasons for the shortcomings in the intelligence field.

## II. Intelligence in the Field of Soviet Maritime Capability

I found myself well served as Chief of Naval Operations in this field. During the four-year period I can recall no period when I did not feel well prepared by the highly competent naval intelligence specialists who were responsible for keeping me informed in this field. There were times when these specialists found themselves puzzled by developments, other times when they judged it necessary to put a range of considerable uncertainty on the meaning of their data, but most of the time they expressed reasonable confidence in their judgments and proved to be right. An outstanding example was the willingness of the naval intelligence community to go out on a limb and state flatly that the first Kiev class aircraft carrier, the first true Soviet aircraft carrier, was in fact a carrier many months before the national intelligence community was ready to accept that judgment.





However, I had the University of Rochester's Center for Naval Analyses do an analysis of the performance of the national intelligence community in the maritime field during the early part of my tenure as CNO. They were to examine the intelligence community's early forecasts of what Soviet naval force levels would be, in a given year, in comparison to what these force levels actually were when that year arrived and we could then count the Soviet ships. We found that these forecasts were in almost all cases too low and that the Soviet Navy almost always had more ships when the time arrived than intelligence had estimated. This committee may want to request that analysis to see for itself. I believe that the reasons for these generally low forecasts are: (1) a general and natural human tendency on the part of forecasters to err in favor of lower estimates because of Congressional and press assertions that intelligence always estimates too high; (2) Soviet success in hiding many of their defense expenditures in other budgets and thus misleading us as to their total naval expenditures; (3) an error in CIA's Soviet-defense-cost-estimating model which understated the value of the naval hardware we saw the Soviets deploying and therefore distorted our forecasts for the future; (4) and finally a bias which stems from this Administration's failure to understand Soviet strategic objectives, specifically the objective of achieving overall military superiority over the US and their willingness to expend the resources necessary to achieve it.



### III Intelligence in the Field of Soviet Strategic Nuclear & Related Forces

Here, I think one must divide the analysis into 3 phases: (1) forecasting before SALT I; (2) forecasting SALT I; (3) forecasting after SALT I.

#### FORECASTING BEFORE SALT I

Before SALT I, intelligence in the strategic field had to be almost exclusively derived from traditional sources. These forecasts were in my judgment almost universally understated for reasons similar to those cited for the field of maritime intelligence. In addition, I believe that the intelligence community and the policy community both fell prey to the false assumption that the Soviets would in some way be responsive to frequently expressed hopes of U.S. policy makers that the USSR would not go beyond the U.S. strategic force levels in an effort to work toward mutual deterrence. The fact is that mutual deterrence has never been a part of Soviet strategic doctrine, which as I suggested earlier is one of commitment to military superiority in strategic and conventional forces. The Soviets, of course have not been responsive to such suggestions and, as a result, their force levels have turned out to be higher than U.S. estimates which may have been biased, through optimism. The best unclassified work on the matter of U.S. underestimation of Soviet strategic forces is Albert Wohlstedter's article in the December 1974 Foreign Policy magazine entitled "Is there an Arms Race.?" He points out

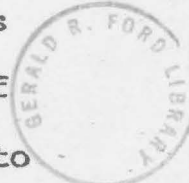




quite accurately that "in spite of the myth of invariable overestimates, we systematically underestimate the number of vehicles the Russians would deploy..."

#### FORECASTING DURING SALT I

During the negotiation of the SALT I agreements the Soviets, though careful to give us no information on their actual or planned deployments, were providing the U.S. with important information concerning their concepts and intentions in the strategic field. This information became available in bits and pieces at all levels of the U.S. and Soviet SALT delegations. All of this information was carefully recorded and reported back to Washington where it was available to both policy makers and intelligence analysts. The information that came to the intelligence analysts in this way was useful, in conjunction with information received from <sup>other</sup> sources, in evaluating overall Soviet programs and Soviet intentions. Unfortunately, there was another and more important source of information which could have much improved the accuracy of intelligence but which was generally denied the intelligence analysts. This was the large number of exchanges between Kissinger and Dobrynin or Gromyko through back channel traffic or private contacts to which the intelligence analysts as well as almost everyone else in government were denied access. I know that the Joint Chiefs of Staff were not informed. Indeed it is my belief, which should be confirmed with Melvin Laird, that not even the Secretary of Defense was privy to these exchanges. One has only to read John Newhouse's book, "Cold Dawn: the Story of SALT" written using data provided Newhouse from NSC files to which DOD had not been privy,



to realize the extent to which key policy makers in the Executive Branch were deceived about the course of policy formulation in the absence of this back channel information and other information. But what that book does not highlight is the extent to which intelligence analysts were misled by being denied material facts and therefore the extent to which their forecasts were made less accurate as to Soviet intentions.

This deliberate decision by senior policy makers to deny information to intelligence analysts meant that the policy maker put himself in the following interesting position. He had to review intelligence estimates prepared without access to data he had withheld. He then had to judge, if he could without being an expert intelligence analyst, how to compensate for these flaws, having in mind the information he had withheld.

The policymaker put himself in an even more difficult position, however, by failing to include responsible officials of government in the negotiating process. There is clear evidence to support the fact that the important officers of the Soviet government whether Foreign Ministry, Defense Ministry, or Missile Production Ministry were fully involved in the decision-making process. For example, on the last evening before the signature of SALT I, when the final critical changes were being negotiated between Kissinger and Gromyko, Smirnov, the senior Soviet missile production man was in the room protecting the options of the Soviet strategic force construction program while Kissinger had not a single defense or technical man there. This session represented the culmination of a series of decisions made on the



Soviet side with full technical and defense input and on the U.S. side with systematic exclusion of such input in the final decision-making in the Oval Office or in the disorganized White House office at summit meetings. The exclusion of defense and technical expertise on our side and the inclusion on the other not only gave enormous advantage to the USSR, it further compromised the accuracy of U.S. intelligence estimates because the analysts had to use the technical explanations of non-technical people to interpret what had happened--if they were told anything at all. The differing approach of the 2 countries to the negotiations reflected this difference in objectives I mentioned earlier.

The Soviets viewed the negotiations as a vehicle for advancing them to their goal of strategic superiority and judged it essential to prevent the agreements from interfering with existing plans, for a massive expansion of their strategic force. They succeeded admirably in this. The US, on the other hand, looked on the agreement<sup>itself,</sup> as an end in <sup>itself,</sup> agreements to foster the process of detente', and were ill served by them as a result.

#### FORECASTING AFTER SALT I

After SALT I was signed and during the efforts to negotiate SALT II, the job of the intelligence estimator became even more difficult. He still had to contend with the problems of partial information and flawed explanations of technical information. But, now, in addition, he had to deal with the political aspects of the commitment of the administration to the success of SALT I. In my judgment, the political factors led to



a series of policy decisions, designed probably to protect SALT I from criticism, but which seriously complicated the job for the intelligence community. For example, in June 1973, the Russians told U.S. personnel in the SCC about an agreed interpretation between the U.S. and USSR concerning the definition of a modern ballistic missile designed to patch up some of the hastily negotiated and ineptly worded language in the interim agreement. On checking with DOD and State, no one knew of the existence of the agreement. Finally, the National Security Council's files produced this secret agreement, signed 11 months earlier. For my purposes today, it is unnecessary to dwell on the fact of a secret covenant so secretly arrived at that not even the Secretary of Defense knew about it. It is relevant to intelligence analysis to state the fact that a gaping hole in this technical agreement, drafted by non-technical people, could have permitted the USSR to justify a large number of additional modern ballistic missiles on their submarines, and that the U.S. had to pay something at the negotiating table to close off the loophole. But the most important fact is that for 11 months, the intelligence community had been denied the most valid explanation of what the Soviets were up to with regard to their development of the KY9 or as it later became known SSNX13, a new modern ballistic missile which would have qualified for deployment in diesel submarines under the flawed White House agreement.

Similarly, when we began to pick up information about possible Soviet cheating on the basic agreement and the supporting



agreed understandings and that the Soviets were doing things that we had said, in unilateral declarations, we would not accept, the job of the intelligence analyst was hindered by the White House. For example, it is my recollection that in September 1973 a number of us within the Government began to urge that through the SCC and other contacts the Soviet Union be confronted with the evidence of their misbehavior. It is my recollection that in March of 1974, Kissinger received a recommendation that the problem of Soviet cheating be faced up to and that he subsequently received a memo signed by Deputy Defense Secretary Clements which recommended that the issue of Soviet violations be placed on the agenda of the Verification Panel.

It is also my recollection that some fairly unimportant issues concerning cheating were raised within the SCC but SCC was not permitted to distribute the Soviet answers. It is also my recollection that we were led to believe that the more important cheating issues would be discussed between Kissinger and Dobrynin. As of the time I retired, to the best of my knowledge and belief, neither the intelligence community nor the JCS had been kept informed of these private discussions with the Russians concerning these violations. Again, the information which was derived from the discussions, if any, was not, to the best of my knowledge, made available to the responsible intelligence analysts where it could have contributed to their evaluations of Soviet intentions and capabilities.



Finally, one of the most worrisome aspects of the post SALT I phase has been the increasing Soviet interference with the U.S. intelligence collection which Admiral Bagley and I did not discuss in our articles because it had not yet gotten into the public domain. However, now that it has, this interference has to be listed as a 6th form of Soviet cheating. You will recall that the Administration stressed heavily in the hearings urging Congressional ratification of SALT I that both sides were pledged not to interfere with national means of detection and that the U.S. was satisfied that it could monitor the agreement satisfactorily in this way. In order to develop this point more fully, Mr. Chairman, I think we should go into closed session, but let me state publicly that in my judgment here have been significant violations of the SALT I agreements by the Soviets in their interference with our national means of detection which have produced a serious reduction in our ability to check against Soviet cheating. This interference makes it easier for the Soviets to claim they are not cheating, harder for the U.S. to prove that they are, and is in and of itself, the most positive indicator among many positive indicators, that the Soviets are violating the SALT I agreements.

#### CONCLUSION

It seems to me that there are the following conclusions to be drawn from the foregoing. The intelligence estimator at best, with the benefit of every insight he can acquire, has a



tough job. When policy-makers for whatever reason elect to deny these intelligence estimators important insights they have acquired, the intelligence process suffers. When these policymakers exclude from their technical competence in making specific deals, quite apart from the disadvantageous negotiating outcome, the intelligence estimator gets flawed technical insights. And finally, when the policymaker decides that it is more important to carry on the perception that a deal is working satisfactorily than it is to test Soviet performance by tough questions and by using intelligence to test the answers, then the U.S. is bound to be getting less than optimum performance from its investment in intelligence and serious policy errors are likely to occur. Moreover, the lead time the U.S. would have to react to counter Soviet cheating with necessary R & D, force levels or foreign policy actions is reduced.



THE WHITE HOUSE

WASHINGTON

December 3, 1975

MEMORANDUM FOR: JACK MARSH

FROM: CHARLES LEPPERT, JR.

SUBJECT: House Select Committee  
on Intelligence

Paul Ahern, Legislative Assistant to Rep. McClory, called to state that the House Select Committee on Intelligence will conduct hearings on the legal and constitutional authority for foreign and domestic covert operations.

These hearings have been scheduled for Tuesday, December 9. The hearings in the morning will be on the legal and constitutional authority for foreign covert operations. The witnesses will be Mitch Rogovin and other distinguished legal scholars. The afternoon hearings will be on the legal and constitutional authority for domestic covert operations (FBI). The witnesses will again be legal scholars. However, the Committee's request to the Department of Justice for a Justice Department witness at the hearings was flatly refused.

Ahern says that Pike has expressed extreme displeasure at the Justice refusal to send a witness and will probably make a public statement to that effect to illustrate a continuing non-cooperative attitude on behalf of the Administration.

Ahern says that McClory feels that Justice is being short-sighted on this and that a witness from Justice should be made available.

cc: Max Friedersdorf





[12/3/75]

WITNESSES

Lt. General Daniel O. Graham  
Director, Defense Intelligence Agency

Richard G. McArthur  
(Former military intelligence officer)

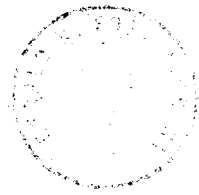
Col. Henry A. Shockley  
Office of Assistant Secretary of Defense (Intelligence)

William E. Colby  
Director of Central Intelligence

Accompanied by:

George Allen  
George Carver  
Paul Walsh

James Graham  
Rand Corporation



STATEMENT OF: MR. RICHARD G. McARTHUR

I am a former commissioned Military Intelligence Officer, U.S. Army, having served as a 1st Lt. In June 1967, I was assigned to the Order of Battle Study Section of the Combined Intelligence Center, Saigon, Vietnam. My specific duty was as an Intelligence Analyst, and I worked solely with Guerrilla Force Strength figures in compiling totals for Order of Battle statistics and for specific studies on that particular classification of persons. During the initial phase of my assignment, I was sent to 16 of South Vietnam's 44 provinces to secure figures from U.S. Sector Advisors and commanders in the field. These figures were to be used in the Official MACV Order of Battle Summary update. While in these Provinces, I found that figures given me many times were radically different from figures in the current Order of Battle Summary. I also received heated inquiries from various advisors and field commanders as to why published figures differed so much from field input. I could not answer these questions; however, I assured these sources that this job was now my responsibility, that I would do the best job I knew how, and that there should be no further major discrepancies in the future. I explained that field input did not necessarily represent the total picture, and that recently-captured documents and other sources of information might cause these figures to vary. After four weeks in the field, I returned to the Combined Intelligence Center and began working on the Guerrilla portion of the Order of Battle Summary. I finished my study and arrived at what I

considered to be a good representative estimate of Viet Cong Guerrilla forces in South Vietnam.

On or about February 7, 1968, I departed on R&R to Bangkok, Thailand. Upon my return in approximately 6 days, I found that the completed Order of Battle Summary contained Guerrilla figures much lower than those I had submitted. I want to make very clear at this point that I alone had responsibility in the military for these figures. Now I saw that the figures in the Order of Battle study had been dropped to a figure of about 40,000. This represented about half of my original figure. I was extremely concerned and took the matter to my immediate superior. I asked why the figures were so drastically lowered but he offered no explanation concerning the figure reduction.

I then approached the Chief of the Order of Battle Section who told me (and this is a direct quote): "Lie a little, Mac, lie a little." I refused to do so. A few days later I was transferred to the 519th Military Intelligence compound in an adjoining province where I completed my Vietnam tour. While at this compound I was placed in charge of a supply warehouse - a position I certainly was not trained for at the 1st Army Intelligence School. I returned to the United States and was assigned to the 528th M.I. at Fort Meade, Maryland. Here I was offered a promotion to Captain - which I declined in order to pursue civilian opportunities.

-3-

By my testimony here, it is not my intention to be critical of either the United States military society nor our role in Vietnam. During my military service, I was privileged to both serve under, and be associated with, some persons I felt to be of the highest integrity and character.

My purpose here is to relate to those present, and to expose to the public, the reckless falsification of information by a few individuals, the true facts of which I always felt the American people and our Government rightly deserved. This testimony has given me the opportunity to do so.

Thank you very much.




STATEMENT OF LIEUTENANT GENERAL DANIEL O. GRAHAM, USA,  
DIRECTOR, DEFENSE INTELLIGENCE AGENCY

Mr. Chairman:

As I understand the purpose of my appearance here today, it is to provide this Committee with information on the intelligence aspects of the Tet Offensive and in particular, the allegations presented before this Committee by a Mr. Sam Adams, who charges that in 1967 and 1968 civilian and military officials conspired to suppress true intelligence. The truth, as he sees it, was his view of total fighting strength of the enemy in South Vietnam.

I am Lieutenant General Daniel O. Graham, Director of the Defense Intelligence Agency. I have, during my career, spent over three years on the staff of the Director of Central Intelligence at CIA Headquarters. During the period of the Tet Offensive, I was the Chief of the Current Intelligence and Estimates Division, J-2, MACV. My tour in Vietnam was from mid-1967 through mid-1968. I had been in Vietnam on temporary duty for a short period of time in 1966. I am very familiar with the circumstances surrounding the allegations that Mr. Adams has made.

The validity of Mr. Adams' attacks on the reputations of individuals in CIA, in military intelligence and of other military and diplomatic leaders rests ultimately on the proposition that his figures were correct and everyone else's



figures were "phony." The fact is that the opposite is true. Mr. Adams was quite wrong at the time and is quite wrong now in insisting that there were 600,000 armed VC/NVA troops available to the enemy at the time of the Tet Offensive. History, rather than bearing out Mr. Adams' contentions, would prove to any reasonable man that he was wrong.

Adams has contended in a HARPER'S magazine article and before this Committee that the "massiveness" of the Tet Offensive proves that MACV's and the total Intelligence Community figures for VC armed strength were grossly understated and that as a result, our forces were surprised at Tet; that 10,000 Americans were killed and 1,200 U.S. aircraft destroyed or damaged on the ground. These contentions are demonstrably not true, and the facts concerning the Tet Offensive offer proof. Estimates of the total commitment of VC/NVA forces in the Tet Offensive range between 67,000 and 85,000 troops. Neither Mr. Adams nor anyone else has ever challenged these estimates. That is not to say that those figures are unchallengeable, but even if we grant the possibility that they are 100 per cent too low and that attacking VC/NVA troops bordered on 170,000, the Tet Offensive indicates that figures of enemy strength provided by intelligence were too high, not too low. There was ample evidence at the time of the Tet Offensive that the enemy was really scraping the bottom of the barrel to

increase the strength of his attack. VC/NVA were captured who had obviously been taken directly from the hospital and drawn into the fight with serious unhealed wounds from previous battles. We also know that the VC/NVA forces at the last minute rounded up villagers, including teenage boys and girls, to add to the weight of their attacks. Some of these were issued brand-new AK-47 assault rifles, which they not only did not know how to operate but which, when they were captured, were still wrapped in their preservative materials. This evidence is further reinforced by our knowledge that the replacements for losses in VC units had to come from North Vietnam and were not available in the south. Had the large pools of uncommitted armed strength suggested by Mr. Adams been available, this obviously would not have been necessary. We were not surprised by the fact of the Tet Offensive; we were not surprised by the "massiveness" of the numbers of troops committed. What surprised us was the rashness of the Tet attacks, which included as objectives major population areas where the enemy could not expect, and did not achieve, military success. Thus, the evidence from the Tet Offensive does prove that all estimates were wrong by being too high in terms of total VC combat strength available and that the worst estimate around by far was Mr. Adams' 600,000. Had the Allied forces been attacked by a half million or more troops, one would have to give some credence to Mr. Adams. Since that was not the case, he should be given no credence.

With regard to Mr. Adams' allegations in HARPER'S magazine that 10,000 Americans were killed in the Tet Offensive and his allegation before this Committee that 1,200 aircraft were destroyed on the ground, it should be apparent that it is Mr. Adams, and not those whom he would accuse, who has an inclination to use phony figures to make a point. The facts are that during the Tet Offensive, a little over 2,200 Americans lost their lives, and about 58 U.S. aircraft were destroyed, and about 280 received some damage on the ground. And the aircraft were certainly not wing tip to wing tip a la Pearl Harbor, as Adams alleges. While I do not contend that these were insignificant losses, I believe it necessary to stress that Mr. Adams tends to distort grossly to make his accusations stick.

Mr. Adams has alleged that General Creighton Abrams, General Westmoreland, Ambassador Bunker, and key officials of his own agency conspired to suppress his figures in favor of what he claims are phony figures. This conspiracy, he alleges, was designed to deceive the American press and public. His chief exhibit is a message from General Abrams to his superiors in Washington, which has been released to this Committee. In my view, any attempt to place General Abrams at the head of some conspiracy to deceive indicates a lack of rationality on the part of the accuser. Anyone even remotely familiar with



the character of Creighton Abrams would pick another target for such an accusation. Further, if one reads the message in question, he will see that General Abrams is attempting to prevent phony figures, that is, Adams' figures, from being entered into Washington-level documents describing armed strength of the enemy; quite the opposite from defending phony figures!

Regarding the worries of General Abrams and others that the addition of Mr. Adams' figures to the order of battle would cause consternation in the United States because of probable press treatment, I would have to say that such worries were certainly justified. Let me tell you why I think so. The accuracy of General Abrams' predictions as to press reaction to acceptance of Mr. Adams' figures is borne out by an article appearing in the 20 March 1968 edition of THE NEW YORK POST, which quotes Mr. Adams' 600,000 figure and titles the article, "A Policy of Massive Miscalculation." The 600,000 figure was, according to the story, "suggested by the Central Intelligence Agency." Since I know of no position by the Central Intelligence Agency which coincided with Mr. Adams' 600,000 figure, I presume that the source of this press leak was Mr. Adams himself. In any case, as General Abrams predicted, there is no indication in the story of the addition of previously uncounted VC strength consisting largely of old people and teenagers without arms or training.

I have pointed out earlier that history, in fact, strongly indicates that Mr. Adams was wrong. Let me say a few words about the reasons his numbers were rejected even before the historical evidence was in.

By his own admission, Adams was the only analyst at CIA Headquarters following VC strengths. There were at least thirty analysts in MACV Headquarters following this subject in far more detail. In addition, MACV had U.S./Vietnamese teams at the district and province levels throughout Vietnam specifically charged with providing estimates of guerrilla strength. Adams further admits that he based his analysis on VC documents alone. MACV analysts viewed these documents as well but were unwilling to place the heavy reliance upon them that Adams did. Many of these VC documents were reports of VC recruiters--called proselyters in their own terminology--reporting their success in organizing for the Communists the population of the districts in which they worked. There was a strong tendency in all VC documents reporting to their superiors to overstate success. For instance, VC commanders would report numbers of U.S. and Allied armored personnel carriers destroyed in districts and provinces where we simply had no armored personnel carriers. Thus, to MACV analysts, VC documents were not an impeccable source of information on VC strength. These analysts gave more credence to the counts of

guerrilla strength from the districts of Vietnam which had been reported to them. It should be noted that MACV observers counted guerrillas simply as guerrillas and would be unable to distinguish between a simple guerrilla, a self-defense guerrilla, a secret self-defense guerrilla, or an assault youth guerrilla--categories which Adams wished to add to guerrilla strength. We in MACV had no illusions about precision of the counts of guerrillas reported in this fashion. In fact, we tended to consider them, if anything, too high. There was a natural inclination toward prudence in such counts from the field, since over-optimism regarding the guerrilla threat in one province or district could result in less attention to its security, and the men doing the reporting, both U.S. and Vietnamese, lived and worked there. Finally, we noted that the level of guerrilla activity in all of South Vietnam had dropped off sharply since about the beginning of 1966 and by mid-1967 was at such a low ebb that it was difficult to explain the low level of activity when viewed against our estimates of 70,000 to 90,000 guerrillas.

Mr. Adams' general approach was to take a VC document that suggested certain levels of strength in the VC apparatus in one district and multiply those numbers by numbers of districts. This, to MACV, seemed rather simple-minded and reflected a mechanical approach by a Washington-based analyst totally unfamiliar with the vast differences from district to district and province to province in Vietnam.

In sum, Mr. Adams' figures were not rejected because of a conspiracy; they were rejected because his analysis was bad in the view of most intelligence officers in Washington and in MACV. His views were rejected only after his agency gave him ample opportunity to present his thesis to other analysts. As events unfolded, Mr. Adams was, in my view, proved conclusively wrong. The biggest mistake that we made in MACV was to compromise with Mr. Adams and add 24,000 personnel to the VC/NVA order of battle on the basis of his arguments, thus making us 24,000 men more in error than we had been.

It may well be that the only adherents to Adams' views of 600,000 VC ready to fight were in the enemy high command. They obviously expected a massive uprising to accompany their Tet Offensive. Perhaps they too were taken in by VC documents inflating their strength.

In my view, Mr. Adams does a hard-pressed U.S. Intelligence Community an enormous disservice by accusing its leaders and other prominent Americans of outright mendacity. He has long been on a vendetta against anyone who would not accept his unique and wrong-headed view of VC/NVA order of battle. The high point of his efforts was his much-publicized testimony before this Committee two and one-half months ago. I appreciate this opportunity to defend the reputations of the men he maligned.

Thank you.

STATEMENT OF SAMUEL A. ADAMS

My name is Samuel A. Adams. My address is Route 4, Box 240, Leesburg, Virginia 22075. I was employed by the Central Intelligence Agency for about ten years until June 1, 1973 when I resigned.

For seven of the ten years, I was the Agency's principal analyst on the Viet Cong. For two of them -- from September 1965 until November 1967, the eve of the Communist's Tet offensive -- I was the only analyst at CIA headquarters studying the VC full-time. The Agency's present director, Mr. William E. Colby, has since stated that "The Agency's assessments in the late 1960's were based in substantial measure on Mr. Adams' work."

Since my resignation, I have written a number of articles highly critical of the CIA. The most recent appeared in the May 1975 edition of "Harpers" magazine. Commenting on the article, Mr. Colby declared on June 4, 1975 that the charges it contained "go to the very heart of the intelligence profession." \*

My testimony today deals with the Viet Cong Tet offensive, which caught the American intelligence community largely by surprise. In the last few days, I understand, you have heard of other instances in which the United States government was taken aback by events in foreign lands. These surprises, however, differ from our astonishment at Tet in one key respect. Whereas they arose from such factors as negligence, or a misreading of evidence, the Tet surprise stemmed in large measure from corruption in the

\*This article was cleared by the CIA.



intelligence process. In the months before the offensive, U. S. intelligence had deliberately downgraded the strength of the enemy army in order to portray the Viet Cong as weaker than they actually were. Although our aim was to fool the American press, the public and the Congress, we in intelligence succeeded best in fooling ourselves.

What was the nature of the surprise at Tet? President Johnson -- whose resignation the offensive caused -- put his finger on it in his book, "The Vantage Point." "We knew a show of strength was coming," he wrote (on page 384): "it was more massive than we anticipated." It is my belief, and I think the evidence shows, that American intelligence had so denigrated the Viet Cong's capabilities that we simply could not have predicted the size of the Tet attack. You will remember that the offensive hit not only Saigon and the American Embassy, but forty out of forty-four province capitals, and over a hundred district seats.

The story begins in the second half of 1966. During that period, I discovered at CIA headquarters a series of documents which suggested that the strength of the communist forces in Vietnam -- then officially carried at just under 300,000 -- was more likely double, or close to 600,000. In the following months, American intelligence (including Westmoreland's Order of Battle Section, whose job it was to keep track of the various categories of the Viet Cong forces) looked the documents over and concluded that my findings about numbers had a good deal of validity.

By mid-1967, the documentary evidence for higher numbers was so massive that there was no longer any question that the



enemy army was much bigger than we thought. The CIA's position at this point was that we should increase the enemy strength estimate to reflect the evidence.

Fearing the public reaction to higher numbers, however, Westmoreland's command was lobbying to keep the estimate at its official levels -- that is, below 300,000. And in July 1967, the command began to argue that certain categories of Viet Cong (who had been in the estimate since 1962) should be dropped. Furthermore, they began to sharply "scale down" -- this was their own wording -- the number of VC soldiers in certain types of units in the official Order of Battle.

I would like now to begin quoting telegrams and memoranda which illustrate my assertions.

The first is "Secret, Eyes Only" cable sent from General Abrams in Saigon to General Wheeler (head of the Joint Chiefs of Staff) on August 20, 1967. It indicated the newly-found higher numbers were "in sharp contrast to the current overall strength figure of about 299,000 given to the press here." He thereupon suggested dropping two categories of VC from the strength estimate in order to keep it at its old level. The main reason for this, he indicated, was "press reaction." He went on. "We have been projecting an image of success over the recent months..." he stated, and (if we allow the higher numbers to become public), "all available caveats and explanations will not prevent the press from drawing an erroneous and gloomy conclusion...All those who have an incorrect view of the war will be reinforced and the task



will be more difficult." General Westmoreland later signed off on the cable and it was sent to the CIA's then-Director Richard Helms. It received wide distribution within the Agency.

Twenty days later, an intelligence conference convened in Saigon to hash out the enemy numbers. The conference, which included representatives from Westmoreland's command, from CIA, DIA, and State Department Intelligence, concluded with the CIA caving in and signing an "agreement" which kept the enemy force estimate at its old size. (I described the conference, which I attended, in my "Harpers" piece.) The "Agreement" dropped the two categories from the estimate which General Abrams had suggested on August 20, and accepted the military's "scaled down" numbers. After the conference was over, Westmoreland's public relations staff drafted a briefing for the press on the new Order of Battle. The draft was sent to Washington for review.

The draft briefing was so blatantly misleading that it made some CIA officials question the wisdom of having caved in to the military's numbers at Saigon. I quote now from comments on the draft by a CIA official, Mr. Paul V. Walsh, of the Deputy Directorate of Intelligence. "As seen from this office", wrote Mr. Walsh on October 11, 1967, "I must rank (the briefing) as one of the greatest snow jobs since Potemkin constructed his village." It was so bad, he concluded, that it "gives us all the justification we need to go straight again."

A few days later, however, it was evident that Mr. Walsh had changed his mind about going straight. On October 23, 1967 he



wrote "We feel that the Order of Battle figures generally understate the strength of enemy forces but recognize the apparent obligation for the estimate to be consistent with the figures agreed to at Saigon." Shortly thereafter, I was retired as the CIA's chief estimator of VC numbers and the job was put under the supervision of Mr. Walsh.

Five days after the second Walsh memo, Ambassador Bunker forwarded his views on the matter from Saigon in a "Secret" cable to the White House ("Eyes Only Rostow," dated October 28, 1967). He stated "I understand that the Department of Defense has approved a draft press briefing on the new VC/NVA order of battle picture and sent it to the White House for final approval. One aspect of it still bothers General Westmoreland... and myself. Given the overriding need to demonstrate progress in grinding down the enemy, it is essential that we do not drag too many red herrings across the trail." He went on to say that to admit to the press that they had dropped certain categories "from the Order of Battle seems to me simply to invite trouble. We may end up with stories that enemy strength is greater rather than less. Far better in our view is to deal with the matter orally if it arises...(in the hopes of) forestalling many confusing and undesirable questions." He concludes by saying "Sorry to badger you about this, but the credibility gap is such that we don't want to end up conveying the opposite of what we intend."

Two weeks later the press briefings began. On November 11, 1967, Westmoreland's command in Saigon told the press that Viet



Cong/NVA strength had actually declined (to 242,000) and that the decline was due to heavy casualties and plummeting morale. No mention was made of the categories dropped from the estimate.

(See the New York Times account which appeared the next day.)

At a press conference Westmoreland held on November 22, the same figures were put forward. The New York Daily News headlined it as "THE ENEMY IS RUNNING OUT OF MEN." And then at a third one on November 24 -- it was finally admitted that the two categories had disappeared. But by this time, the press was so thoroughly confused with conflicting stories that the disappearance went unnoticed. On the same day, Mr. George Allen, Deputy Assistant for Vietnamese Affairs to the Director, Mr. Helms, wrote that Westmoreland's numbers were "contrived" and "phoney" and that his estimates were "controlled by a desire to stay under 300,000."

Three days later, on November 27, 1967, the CIA station sent from Saigon a most remarkable memorandum. In effect, it predicted the Tet offensive. Written by a team of analysts named Joseph Hovey, Bobby Layton, and James Ogle, it stated that the Viet Cong were planning "a political and military offensive utilizing all VC assets" and that the offensive was to include military attacks on "all major cities" in South Vietnam. On December 14, 1967, I was asked to comment on the memorandum. The only flaw I could find in it was that it used the official Order of Battle figures which had been agreed to at Saigon. My comments included the following:

The Viet Cong main battle forces are "considerably larger than we give them credit for. The Order of Battle omits a myriad

of small, but elite units; it frequently underestimates the size of units it does carry; it does not take into account many North Vietnamese soldiers who are already in the South." The comments went on to say that the number of service troops agreed to at Saigon was "fraudulently" low, and the official number of "guerillas" was shy by at least 40,000. Furthermore, it stated, the official estimates omitted "100,000 Self-Defense militiamen" (one of the categories dropped from the estimate at Saigon), "tens of thousands" of Assault Youths, "scores of thousands" of such VC cadres as the Armed Public Security Police, "and goodness knows what else." The next day, on December 16, 1967, the memo which predicted Tet was forwarded to the White House. But it failed to mention that something might be awry with the official strength estimates. Likewise a few days earlier (on December 8, 1967) the CIA had sent to Secretary of Defense McNamara a memorandum which also used the official numbers agreed to in Saigon. That part of the memo which concerned Viet Cong strength had been superintended by Mr. Walsh, the new overseer of VC numbers.

Congress was also fed the phoney figures. The Director's New Year briefing to Congress, for example, not only used the Saigon numbers but even stated that the enemy's strength was declining. It did not mention that any categories had been dropped from the Order of Battle. At the time I was working in the Director's office, and was issuing almost daily warnings about unaccounted-for units, including incidentally, large numbers of artillery formations.





The Tet offensive hit in the early hours of January 30, 1968. On that day, I drafted two papers -- one a memorandum, the other a cable. The memorandum, which constituted my resignation from the office of the Director, stated that the official VC strength estimate was "a monument of deceit." The cable, intended for Saigon, noted that many units which had participated in the attacks that morning had never been included in the Order of Battle. The draft cable concluded that it was "something of an anomaly to be taking so much punishment from Communist soldiers whose existence is not officially acknowledged." The draft cable, never sent, was later returned to me by Mr. Drexel Godfrey, Chief of Office of Current Intelligence of the DDI, with the following notation: "To Sam Adams. Suggest you hold this until things quiet down..."

Gentlemen, I imagine all of you will remember the shock of the Communist Tet offensive. I can assure you that your wonderment at the size of the attack was shared by virtually everyone in the Executive Branch of the government, including most people who worked in intelligence. There were exceptions. One of them was myself. Another was Mr. George Allen. But unfortunately neither of us mattered, since we were in no position to do anything with our peculiar knowledge.

Rather than belabor the point, I would like to close my prepared testimony with two observations, one in the form of a question, the other in the form of a practical example.

The question is this. What if, on December 15, 1967, when the Saigon memo which predicted the Tet offensive went to the White House, it had been accompanied by an estimate that the VC Army was almost twice as big as we thought -- would the White House have put two and two together? I don't know. It never happened.

The practical example is this. In the days following Tet, some 1200 American aircraft in Vietnam were destroyed or damaged, mostly by shrapnel from artillery shells. This was totally unexpected, probably because so few Viet Cong artillery units were carried in the Order of Battle -- even though evidence was abundant that there were many. But this evidence was never assiduously sought out, apparently for the reason that any influx of new units would have caused the VC strength estimates to lurch sharply upwards -- something the intelligence estimators sought to avoid. The end result was that the planners -- who worry about such matters as how to protect airplanes -- had failed even to build revetments, which are really only mounds of earth. And thus it happened that on the early morning of January 30, 1968 most American airplanes in Vietnam were parked wing-tip to wing-tip -- like the P-40's at Hickam Field at Pearl Harbor.

Thank you, Gentlemen, for allowing me to present this testimony.



THE WHITE HOUSE

WASHINGTON

*File  
Intelligence*

December 6, 1975

Dear Mr. Chairman:

The President has asked me to reply on his behalf to your thoughtful letter of November 21. He has further asked me to tell you that he appreciates the fact that you and your Committee permitted representatives of the Executive Branch to appear for testimony on November 20, and shares your hope that the remaining "underlying issues" may be removed.

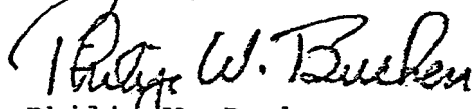
As you know, in order to provide your Committee with the substance of the information it sought to obtain by the November 6 subpoenas, the Executive Branch identified the originating agency with respect to all covert actions conducted from 1965 to the present. The President authorized this step because of his desire to meet the legitimate needs of the Committee for information on covert operations, although such detail was not required under any of the three subpoenas.

As a further demonstration of our desire for accommodation, the President has authorized me to inform you and your Committee that, since the 40 Committee subpoena covered only the period 1965 to the present, we will supplement the information already given to your Committee by providing similar information for the years 1961 through 1964 under the guidelines we have followed thus far. This additional step should, we believe, make it possible for the Committee to obtain the information that your letter indicated was necessary without affecting the President's claim of Executive privilege.



I sincerely hope, Mr. Chairman, that this further example of the President's desire to help the Committee carry out its important responsibilities will receive a favorable response by the Committee.

Sincerely,



Philip W. Buchen  
Counsel to the President

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



NOTICE TO ALL MEMBERS OF THE SELECT COMMITTEE ON INTELLIGENCE

Hearings scheduled for week of December 8, 1975

December 9, 1975

10:00 AM Legal Issues - Foreign intelligence

Mitchell Rogovin- Spec. Counsel, Dir. CI  
Norman Dorsen-NYU Law School  
Gerhard Casper-Univ. of Chic. Law School

PM

Covert Action

Staff Briefing - Analysis of 40 Committee Minutes  
Colby response to staff briefing

December 10, 1975

10:00 AM Room 2203 RHOB - Covert Action

Nicholas Katzenbach, former Attorney General  
McGeorge Bundy, former Asst. to Pres. for Nat. Sec.  
Roger Fisher, Harvard Law School

PM

Legal Issues, domestic intelligence

William Lambie, Americans for Effective Law  
Enforcement, Inc.  
Louis Pollak, Dean, School of Law, Univ. of Pa.  
Michael E. Tigar; Williams, Connelly & Califano

December 11, 1975 Role of Congress, classified information

Albert Quie, Member of Congress  
Michael Harrington, Member of Congress

Role of Congress, oversight

Robert Murphy, Chmn. Murphy Commission  
Arthur Schlesinger, former Spec. Asst. to the Pre  
John B. Anderson, Member of Congress





December 12, 1975

10:00 AM

Rm. 2203 RHOB - Future of Intelligence

William Colby, Dir. of Central Intelligence  
Leo Cherne, member of President's Foreign  
Intelligence Advisory Board;  
Ex. Director, Research, Institute  
of America

*Admiral Rectanus - DIA*

(others to be scheduled) .

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not been obtained )

Otis G. Pike  
Chairman



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