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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

Office of the Assistant
to the Director
(703) 351-7676
(703) 687-6931 (night)

29 September 1975

FOR IMMEDIATE RELEASE

Statement by William E. Colby

The action of the House Select Committee on Intelligence to recommend that the House of Representatives adopt the proposed resolution is indeed, in the words of the resolution, "a grave matter". It goes to the heart of the question of whether the United States can conduct intelligence operations essential to the safety and welfare of our country.

On many occasions I have stated that an investigation into our intelligence activities should benefit both the nation and the intelligence agencies by clarifying the nature of modern intelligence as against its old images. This must be done in a fashion, however, which protects the essential secrets of intelligence which have been recognized throughout the history of the Republic since President Washington. Its judgments must also be reached in a serious and sober fashion reflecting the gravity of the nation's needs for intelligence.

As indicated in the attached letter with respect to this particular subpoena, and as reflected in the large volume of other material already provided to the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, as well as the House Select Committee on Intelligence, I believe the Intelligence Community has been forthcoming in responding to the legitimate needs of the Congressional committees investigating this subject. I have frequently reiterated my belief that reasonable men of good will in the Congress and in the Executive can agree on those matters which need protection and those matters which need exposure. As a professional intelligence officer, and as charged directly by law with the protection of intelligence sources and methods against unauthorized disclosure, I cannot agree to the transfer of sensitive material in response to this subpoena in the absence of some agreed procedure as to its possible disclosure, which I am still hopeful we can achieve.



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

29 September 1975

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

Dear Chairman Pike:

I understand that the House Select Committee has concluded that the Director of Central Intelligence is in "defiance" of the subpoena issued by you on September 12, 1975. It may be helpful, if I reviewed with you the circumstances surrounding the response to the subpoena in question, since I believe he is in substantial compliance with the Committee's demands.

As you will recall, on September 12th, prior to the receipt of your subpoena, the President directed "all departments and agencies of the Executive Branch respectfully to decline to provide the Select Committee with classified material, including testimony and interviews which would disclose such materials, until the Committee satisfactorily alters its position." In an effort to supply your Committee with the sought after materials, we proffered on September 17, the due date of the subpoena, the materials dealing with the 1968 Tet Offensive. As you will recall, the delivery of these materials was conditioned on them not being made public until the underlying problem was mutually resolved. This proffer of the sought after materials was rejected by you.

Since then, the materials in question have been carefully examined to determine whether they could be declassified. On the basis of this examination of 711 pages, 686 pages have been declassified and delivered to the staff of your Committee. The additional 25 pages relating to the first item in the subpoena, "Intelligence Warning of the Tet Offensive in South Vietnam, 11 April 1968," remain classified. As the Director indicated in his covering letter transmitting these materials, he is



willing to further discuss the classification of the 25 pages. Finally, these materials will be made available to your staff as soon as we are advised that the Committee has concurred in the proposal you and President Ford discussed last week.

For your information, an analysis of the materials turned over to your staff is enclosed. In light of the above, I believe the Director of Central Intelligence is in substantial compliance with the materials sought by your Committee.

Sincerely,

Mitch Rogovin
Mitchell Rogovin

Special Counsel to the Director

Enclosure



Subpoena ItemPages

1.	a.	Intelligence Warning of the Tet Offensive in South Vietnam, 11 April 1968	249 *
	b.	Warning of the Tet Offensive (a briefing text)	15
	c.	President's Daily Brief Items on Southeast Asia, 15-30 January 1968	4
2.	a.	CIA, DDI Memorandum, The Situation in Vietnam; Daily Report--23 January 1968 through 31 January 1968	120
	b.	CIA, DDI, Intelligence Report, The Situation in South Vietnam (Weekly), 22 and 29 January 1968	52
	c.	CIA Weekly Review, 19 and 26 January 1968	9
	d.	Central Intelligence Bulletin, 2 January 1968 - 8 February 1968	99
	e.	Watch Reports (Vietnam portions), 4-25 January 1968	9
3.	a.	Comments on Saigon 4956, 2 December 1967	6
	b.	Cable from Saigon (4956), 24 November 1967	14
4.		Memorandum for Walt W. Rostow, 15 December 1967	26
5.		Cable from General Abrams, relayed to Director Helms, 20 August 1967	3
6.		No such document could be located in CIA files	--
7.		Intelligence Memorandum: A Review of the Situation in Vietnam, 8 December 1967	80

Total

686

*An additional 25 pages of NSA material were withheld



MEETING IN ROOSEVELT ROOM
CONCERNING THE INTELLIGENCE INVESTIGATIONS

Thursday, October 2, 1975, 6:00 p.m.

AGENDA

- ° Purpose of this meeting and relation to 9:00 a.m. meeting
- ° Status of negotiations with the Pike Committee
- ° Outlook for the balance of the week
- ° Plans to develop a long-term strategy



CENTRAL INTELLIGENCE AGENCY

20 October 1975

Mr. Ronald H. Nessen
Press Secretary to the President
The White House
Washington, D. C.

Dear Ron:

Attached for your information is a copy of the final draft of a statement I will make this evening to the Navy League of the United States, New York Council. I have also sent copies to Jack Marsh, Brent Scowcroft, and Phil Buchen.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Bill' or 'W. E. Colby', written in a cursive style.

W. E. Colby
Director



Statement
by
W. E. Colby
Director of Central Intelligence
before
New York Council,
Navy League of the United States
October 20, 1975



Admiral Bergen, Mr. Mulcahy, Admiral Anderson,
Admiral Moorer, Mr. Shepley, Secretary ^{dd}Mittendorf,
ladies and gentlemen.

} Order of
names to
be checked

Not a person in this room doubts the need for a strong
United States Navy.

Not a person in this room doubts the need for a strong
United States Intelligence Service.

I am here to tell you we have ^{both -- and both are} ~~one~~ the best in the

world. Its technical geniuses, its dedicated clandestine
operators, its objective analysts have brought whole new
dimensions in precision, in scope, and in forward pro-
jections to American intelligence.

Years ago we looked to intelligence to tell us where
an enemy fleet was. Today, we know not only where it is,
but what it can do. And we know more--we know what kind
of fleet to expect in the future. We have followed the
progress of the new Russian carrier presently on sea
trials since its keel was laid five years ago. We will
not be startled by its appearance as part of the
operational fleet as we might have been in years past.

But will we destroy this great intelligence
capability? Will we have an investigation in 1980 as to
why in 1975 we deprived our nation of its technical and
foreign sources that provide information about the
threats we will face in the years ahead?

You do not
need to be
told about
the
excellence
of the
U.S. Navy.
I would
like to
tell you
about the
excellence
of our
intelligence
service



Our intelligence missteps and misdeeds are indeed small in number and in substance. Against the service our intelligence has rendered the nation over the past 28 years, they are truly few and far between.

But when an operation that involved three agents is proclaimed as "massive;" when the normal detail of CIA employees to other government agencies is called "infiltration;" when an Army vulnerability study of the New York subway is ascribed to CIA ~~plotting~~ because one of our officers read the report; or when conspiracy theorists mouth CIA ~~complicity~~ in the assassination of President Kennedy despite flat denials, then the American people are understandably troubled. They can wonder whether their intelligence service is more a peril than a protector.

We are about to have our fifth rerun of the great mail-reading story. It first appeared in my testimony before CIA's oversight committees last January and February. I said we had reviewed and terminated this activity in 1973. Its second playing was in the Rockefeller Commission report. This was followed by a TV spectacular featuring Representative Abzug's indignation. The Post Office and Civil Service Committee of the House of Representatives then reviewed it. And this week, the Senate Select Committee will repeat the performance in greater detail on live TV.



Those threats are there:

- in the ballistic missiles cocked and aimed at us;
- in the nuclear weapons which can fall into the hands of reckless despots or paranoic^o_^ terrorists;
- in the desperate and authoritarian reactions of poor and overpopulated nations to the increasing gap they see between themselves and the affluence of the developed world;
- and in the temptation of some nations to look to racist or radical rather than democratic and moderate formulas, *for a better life*

Good intelligence can warn us of these problems. It is not a crystal ball or an advance edition of the World Almanac of 1977. But it can identify coming problems and permit our national leaders to face them, informed and warned of the forces and factors involved.

Most important~~ly~~, with good intelligence we can not only defend against or deter such threats, we can ~~hope to~~ negotiate them away or resolve them before they become critical.

But is our intelligence to become mere theater? Will it be exposed in successive sensational re-runs for the amusement, or even amazement, of our people rather than being preserved and protected for the benefit of us all?

Will we have publicity or protection? Will we have sensation or safety?



I hope our citizens will derive the real message of this mail-reading affair:

- that intelligence looked at mail to and from Communist countries during the threatening days of the Cold War;
- that intelligence reviewed the activity and determined that it was improper in 1973;
- that intelligence in 1973 set out clear directives that any activities not in full compliance with the laws of the United States would stop;
- and that intelligence itself reported this matter to the bodies now investigating it.

I hope our citizens will not be misled into perceiving intelligence as a menace to our nation. I hope rather that they will see its important role as an essential--and effective--protector of our safety and democracy against the threats in the real world outside our borders.

Intelligence is not theater. It is a serious--a deadly serious business. The dedicated men and women of CIA, who serve their country in an anonymous and demanding craft, must not be made national scapegoats for the revision of our national values and consensus of the past 20 years.

We do not oppose investigation. We welcome it. But investigation must be responsible, as intelligence must be responsible.



No one in this room thinks that there should be public revelation of the Navy's war plans. The American people don't think so either. Neither do they think there should be a public revelation of the names of people who serve American intelligence in confidential, and often risky, dealings. We Americans, and we intelligence professionals, are not going to let this happen.

But damage has already been done by irresponsible exposure of true intelligence secrets. Intelligence high in the sky and deep in the ocean can be lost. Such exposures have concerned our foreign friends and caused some who wish to help us to think that the risk is too great.

Thus we Americans must call for full responsibility in our investigations of intelligence, as we do for intelligence itself. We must insist that intelligence not become theater, so that today's comedy does not become tomorrow's tragedy. We cannot stand blind and deaf in the world of the 1980s because we were hypnotized by our review of the 1950s and 60s.

Everyone in this room knows America has the best Navy in the world. We all want to keep it that way.

I want you to know that America also has the best intelligence service in the world. We must keep it that way.



Office of the
Assistant to the Director
(703) 351-7676
(703) 687-6931 (night)

20 October 1975

(The following remarks by William E. Colby are prepared for delivery before the 71st Anniversary Dinner of the New York Council of The Navy League of the United States scheduled to convene at 6:00 P.M. Eastern Daylight Time, October 20, 1975, at the Grand Ballroom of the New York Hilton. Mr. Colby will begin speaking at about 9:00 P.M.)



Remarks

by

W. E. Colby

Director of Central Intelligence

before

New York Council,

Navy League of the United States

October 20, 1975



Secretary Middendorf, Admiral Moorer, Admiral Anderson, Mr. Shepley, Admiral Bergen, Mr. Mulcahy, ladies and gentlemen.

Not a person in this room doubts the need for a strong United States Navy.

Not a person in this room doubts the need for a strong United States intelligence service.

I am here to tell you we have both--and both are the best in the world. You do not need to be told about the excellence of the U. S. Navy. I would like to tell you about the excellence of our intelligence service. Its technical geniuses, its dedicated clandestine operators, its objective analysts have brought whole new dimensions in precision, in scope, and in forward projections to American intelligence.

Years ago we looked to intelligence to tell us where an enemy fleet was. Today, we know not only where it is, but what it can do. And we know more--we know what kind of fleet to expect in the future. We have followed the progress of the new Russian carrier presently on sea trials since its keel was laid five years ago. We will not be startled by its appearance as part of the operational fleet as we might have been in years past.

But will we destroy this great intelligence capability? Will we have an investigation in 1980 as to why in 1975 we deprived our nation of its technical and foreign sources that provide information about the threats we will face in the years ahead.



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29 OCTOBER 1975

I. STATEMENT OF LT GENERAL LEW ALLEN, JR., DIRECTOR NATIONAL
SECURITY AGENCY

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE

I RECOGNIZE THE IMPORTANT RESPONSIBILITY THIS COMMITTEE HAS TO INVESTIGATE THE INTELLIGENCE OPERATIONS OF THE UNITED STATES GOVERNMENT AND TO DETERMINE THE NEED FOR IMPROVEMENT BY LEGISLATIVE OR OTHER MEANS. FOR SEVERAL MONTHS, INVOLVING MANY THOUSANDS OF MANHOURS, THE NATIONAL SECURITY AGENCY HAS, I BELIEVE, CO-OPERATED WITH THIS COMMITTEE TO PROVIDE A THOROUGH INFORMATION BASE, INCLUDING DATA WHOSE CONTINUED SECRECY IS MOST IMPORTANT TO OUR NATION.

I AM NOW HERE TO DISCUSS IN OPEN SESSION CERTAIN ASPECTS OF AN IMPORTANT AND HITHERTO SECRET OPERATION OF THE U.S. GOVERNMENT. I RECOGNIZE THAT THE COMMITTEE IS DEEPLY CONCERNED THAT WE PROTECT SENSITIVE AND FRAGILE SOURCES OF INFORMATION. I APPRECIATE THE CARE WHICH THIS COMMITTEE AND STAFF HAVE EXERCISED TO PROTECT THE SENSITIVE DATA WE HAVE PROVIDED. I ALSO UNDERSTAND THAT THE COMMITTEE INTENDS TO RESTRICT THIS OPEN DISCUSSION TO CERTAIN SPECIFIED ACTIVITIES AND TO AVOID CURRENT FOREIGN INTELLIGENCE OPERATIONS. IT MAY NOT BE POSSIBLE TO DISCUSS ALL THESE ACTIVITIES COMPLETELY WITHOUT SOME RISK OF DAMAGE TO CONTINUING FOREIGN INTELLIGENCE CAPABILITIES. THEREFORE, I MAY REQUEST SOME ASPECTS



OF OUR DISCUSSION BE CONDUCTED IN EXECUTIVE SESSION WHERE THERE CAN BE OPPORTUNITY TO CONTINUE OUR FULL AND FRANK DISCLOSURE TO THE COMMITTEE OF ALL INFORMATION REQUIRED. THE COMMITTEE MAY THEN DEVELOP AN APPROPRIATE PUBLIC STATEMENT. WE ARE THEREFORE HERE, SIR, AT YOUR REQUEST, PREPARED TO COOPERATE IN BRINGING THESE MATTERS BEFORE YOUR COMMITTEE.



II. WHAT I PROPOSE TO COVER

IN THE INTEREST OF CLARITY I
REVIEW THE PURPOSE OF THE NATIONAL
AUTHORITIES UNDER WHICH IT OPERATE
THE PROCESS BY WHICH REQUIREMENTS FOR
ON NSA BY OTHER GOVERNMENT AGENCIES.
A MORE SPECIFIC DESCRIPTION OF AN OF
1973 BY NSA IN RESPONSE TO EXTERNAL REQUEST
REFER TO AS "THE WATCH LIST ACTIVITY."
SUBJECT TO AN INTENSIVE REVIEW BY THE
CLOSED SESSION.

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III. NSA'S MISSION

UNDER THE AUTHORITY OF THE PRESIDENT, THE SECRETARY OF DEFENSE HAS BEEN DELEGATED RESPONSIBILITY FOR BOTH PROVIDING SECURITY OF U.S. GOVERNMENTAL COMMUNICATIONS AND SEEKING INTELLIGENCE FROM FOREIGN ELECTRICAL COMMUNICATIONS. BOTH FUNCTIONS ARE EXECUTED FOR THE SECRETARY OF DEFENSE BY THE DIRECTOR, NATIONAL SECURITY AGENCY, THROUGH A COMPLEX NATIONAL SYSTEM WHICH INCLUDES THE NATIONAL SECURITY AGENCY AT ITS NUCLEUS.

IT IS APPROPRIATE FOR THE SECRETARY OF DEFENSE TO HAVE THESE EXECUTIVE AGENT RESPONSIBILITIES, SINCE THE GREAT MAJORITY OF THE EFFORT TO ACCOMPLISH BOTH OF THESE MISSIONS IS APPLIED TO THE SUPPORT OF THE MILITARY ASPECTS OF THE NATIONAL SECURITY.

THE COMMUNICATIONS SECURITY MISSION IS DIRECTED AT ENHANCING THE SECURITY OF U.S. GOVERNMENT COMMUNICATIONS WHENEVER NEEDED TO PROTECT THE COMMUNICATIONS FROM EXPLOITATION BY FOREIGN GOVERNMENTS - A COMPLEX UNDERTAKING IN TODAY'S ADVANCED ELECTRONIC WORLD.

THE UNITED STATES, AS PART OF ITS EFFORT TO PRODUCE FOREIGN INTELLIGENCE, HAS INTERCEPTED FOREIGN COMMUNICATIONS, ANALYZED, AND IN SOME CASES DECODED, THESE COMMUNICATIONS TO PRODUCE SUCH FOREIGN INTELLIGENCE SINCE THE REVOLUTIONARY WAR. DURING THE CIVIL WAR AND WORLD WAR I THESE COMMUNICATIONS WERE OFTEN TELEGRAMS SENT BY WIRE.

IN MODERN TIMES, WITH THE ADVENT OF WIRELESS COMMUNICATIONS, PARTICULAR EMPHASIS HAS BEEN PLACED BY THE GOVERNMENT ON THE



SPECIALIZED FIELD OF INTERCEPTING AND ANALYZING COMMUNICATIONS TRANSMITTED BY RADIO. SINCE THE 1930'S, ELEMENTS OF THE MILITARY ESTABLISHMENT HAVE BEEN ASSIGNED TASKS TO OBTAIN INTELLIGENCE FROM FOREIGN RADIO TRANSMISSIONS. IN THE MONTHS PRECEDING PEARL HARBOR AND THROUGHOUT WORLD WAR II, HIGHLY SUCCESSFUL ACCOMPLISHMENTS WERE MADE BY GROUPS IN THE ARMY AND THE NAVY TO INTERCEPT AND ANALYZE JAPANESE AND GERMAN CODED RADIO MESSAGES. ADMIRAL NIMITZ IS REPORTED AS RATING ITS VALUE IN THE PACIFIC TO THE EQUIVALENT OF ANOTHER WHOLE FLEET; GENERAL HANDY IS REPORTED TO HAVE SAID THAT IT SHORTENED THE WAR IN EUROPE BY AT LEAST A YEAR. ACCORDING TO ANOTHER OFFICIAL REPORT, IN THE VICTORY IN THE BATTLE OF MIDWAY, IT WOULD HAVE BEEN IMPOSSIBLE TO HAVE ACHIEVED THE CONCENTRATION OF FORCES AND THE TACTICAL SURPRISE WITHOUT COMMUNICATIONS INTELLIGENCE. IT ALSO CONTRIBUTED TO THE SUCCESS OF THE NORMANDY INVASION. BOTH THE ARMY AND NAVY OBTAINED INVALUABLE INTELLIGENCE FROM THE ENCIPHERED RADIO MESSAGES IN BOTH EUROPE AND THE PACIFIC. A CONGRESSIONAL COMMITTEE, IN ITS INVESTIGATION OF PEARL HARBOR, STATED THAT THE SUCCESS OF COMMUNICATIONS INTELLIGENCE "CONTRIBUTED ENORMOUSLY TO THE DEFEAT OF THE ENEMY, GREATLY SHORTENED THE WAR, AND SAVED MANY THOUSANDS OF LIVES." GENERAL GEORGE C. MARSHALL, REFERRING TO SIMILAR ACTIVITIES DURING WORLD WAR II, COMMENTED THAT THEY



HAD CONTRIBUTED "GREATLY TO THE VICTORIES AND TREMENDOUSLY TO THE SAVINGS OF AMERICAN LIVES." SIMILAR THEMES RUN THROUGH THE WRITINGS OF MANY U.S. MILITARY OFFICERS AND POLICY OFFICIALS FROM THAT PERIOD AND SUBSEQUENTLY IN OUR MORE RECENT HISTORY. FOLLOWING WORLD WAR II, THE SEPARATE MILITARY EFFORTS WERE BROUGHT TOGETHER AND THE NATIONAL SECURITY AGENCY WAS FORMED TO FOCUS THE GOVERNMENT'S EFFORTS. THE PURPOSE WAS TO MAINTAIN AND IMPROVE THIS SOURCE OF INTELLIGENCE WHICH WAS CONSIDERED OF VITAL IMPORTANCE TO THE NATIONAL SECURITY, TO OUR ABILITY TO WAGE WAR, AND TO THE CONDUCT OF FOREIGN AFFAIRS.

THIS MISSION OF NSA IS DIRECTED TO FOREIGN INTELLIGENCE, OBTAINED FROM FOREIGN ELECTRICAL COMMUNICATIONS AND ALSO FROM OTHER FOREIGN SIGNALS SUCH AS RADARS. SIGNALS ARE INTERCEPTED BY MANY TECHNIQUES AND PROCESSED, SORTED AND ANALYZED BY PROCEDURES WHICH REJECT INAPPROPRIATE OR UNNECESSARY SIGNALS. THE FOREIGN INTELLIGENCE DERIVED FROM THESE SIGNALS IS THEN REPORTED TO VARIOUS AGENCIES OF THE GOVERNMENT IN RESPONSE TO THEIR APPROVED REQUIREMENTS FOR FOREIGN INTELLIGENCE. THE NATIONAL SECURITY AGENCY WORKS VERY HARD AT THIS TASK, AND IS COMPOSED OF DEDICATED, PATRIOTIC CITIZENS, CIVILIAN AND MILITARY, MOST OF WHOM HAVE DEDICATED THEIR PROFESSIONAL CAREERS TO THIS IMPORTANT AND REWARDING JOB. THEY ARE JUSTIFIABLY PROUD OF THEIR SERVICE TO THEIR COUNTRY AND FULLY ACCEPT THE FACT THAT THEIR CONTINUED REMARKABLE EFFORTS CAN BE APPRECIATED ONLY BY THOSE FEW IN GOVERNMENT WHO KNOW OF THEIR GREAT IMPORTANCE TO THE U.S.



IV. NSA AUTHORITIES

CONGRESS, IN 1933, RECOGNIZED THE IMPORTANCE OF COMMUNICATIONS INTELLIGENCE ACTIVITIES AND ACTED TO PROTECT THE SENSITIVE NATURE OF THE INFORMATION DERIVED FROM THOSE ACTIVITIES BY PASSING LEGISLATION THAT IS NOW 18 U.S.C. 952. THIS STATUTE PROHIBITS THE DIVULGING OF THE CONTENTS OF DECODED FOREIGN DIPLOMATIC MESSAGES, OR INFORMATION ABOUT THEM.

LATER, IN 1950, CONGRESS ENACTED 18 U.S.C. 798, WHICH PROHIBITS THE UNAUTHORIZED DISCLOSURE, PREJUDICIAL USE, OR PUBLICATION OF CLASSIFIED INFORMATION OF THE GOVERNMENT CONCERNING COMMUNICATIONS INTELLIGENCE ACTIVITIES, CRYPTOLOGIC ACTIVITIES, OR THE RESULTS THEREOF. IT INDICATES THAT THE PRESIDENT IS AUTHORIZED: (1) TO DESIGNATE AGENCIES TO ENGAGE IN COMMUNICATIONS INTELLIGENCE ACTIVITIES FOR THE UNITED STATES, (2) TO CLASSIFY CRYPTOLOGIC DOCUMENTS AND INFORMATION, AND (3) TO DETERMINE THOSE PERSONS WHO SHALL BE GIVEN ACCESS TO SENSITIVE CRYPTOLOGIC DOCUMENTS AND INFORMATION. FURTHER, THIS LAW DEFINES THE TERM "COMMUNICATION INTELLIGENCE" TO MEAN ALL PROCEDURES AND METHODS USED IN THE INTERCEPTION OF COMMUNICATIONS AND THE OBTAINING OF INFORMATION FROM SUCH COMMUNICATIONS BY OTHER THAN THE INTENDED RECIPIENTS.

AFTER AN INTENSIVE REVIEW BY A PANEL OF DISTINGUISHED CITIZENS, PRESIDENT TRUMAN IN 1952 ACTED TO REORGANIZE AND STRENGTHEN COMMUNICATIONS INTELLIGENCE ACTIVITIES. HE ISSUED IN OCTOBER 1952 A PRESIDENTIAL MEMORANDUM OUTLINING IN DETAIL



HOW COMMUNICATIONS INTELLIGENCE ACTIVITIES WERE TO BE CONDUCTED, DESIGNATED THE SECRETARY OF DEFENSE TO BE HIS EXECUTIVE AGENT IN THESE MATTERS, DIRECTED THE ESTABLISHMENT OF THE NATIONAL SECURITY AGENCY, AND OUTLINED THE MISSIONS AND FUNCTIONS TO BE PERFORMED BY THE NATIONAL SECURITY AGENCY.

THE SECRETARY OF DEFENSE, PURSUANT TO THE CONGRESSIONAL AUTHORITY DELEGATED HIM IN SECTION 133(D) OF TITLE 10 OF THE U.S. CODE, ACTED TO ESTABLISH THE NATIONAL SECURITY AGENCY. THE SECTION OF THE LAW CITED PROVIDES THAT THE SECRETARY MAY EXERCISE ANY OF THESE DUTIES THROUGH PERSONS OR ORGANIZATIONS OF THE DEPARTMENT OF DEFENSE. IN 1962 A SPECIAL SUBCOMMITTEE ON DEFENSE AGENCIES OF THE HOUSE ARMED SERVICES COMMITTEE CONCLUDED, AFTER EXAMINING THE CIRCUMSTANCES LEADING TO THE CREATION OF DEFENSE AGENCIES, THAT THE SECRETARY OF DEFENSE HAD THE LEGAL AUTHORITY TO ESTABLISH THE NATIONAL SECURITY AGENCY.

THE PRESIDENT'S CONSTITUTIONAL AND STATUTORY AUTHORITIES TO OBTAIN FOREIGN INTELLIGENCE THROUGH SIGNALS INTELLIGENCE ARE IMPLEMENTED THROUGH NATIONAL SECURITY COUNCIL AND DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVES WHICH GOVERN THE CONDUCT OF SIGNALS INTELLIGENCE ACTIVITIES BY THE EXECUTIVE BRANCH OF THE GOVERNMENT.

IN 1959, THE CONGRESS ENACTED PUBLIC LAW 86-36 WHICH PROVIDES AUTHORITY TO ENABLE THE NATIONAL SECURITY AGENCY, AS THE PRINCIPAL AGENCY OF THE GOVERNMENT RESPONSIBLE FOR SIGNALS



INTELLIGENCE ACTIVITIES, TO FUNCTION WITHOUT THE DISCLOSURE OF INFORMATION WHICH WOULD ENDANGER THE ACCOMPLISHMENT OF ITS FUNCTIONS.

IN 1964 PUBLIC LAW 88-290 WAS ENACTED BY THE CONGRESS TO ESTABLISH A PERSONNEL SECURITY SYSTEM AND PROCEDURES GOVERNING PERSONS EMPLOYED BY THE NATIONAL SECURITY AGENCY OR GRANTED ACCESS TO ITS SENSITIVE CRYPTOLOGIC INFORMATION. PUBLIC LAW 88-290 ALSO DELEGATES AUTHORITY TO THE SECRETARY OF DEFENSE TO APPLY THESE PERSONNEL SECURITY PROCEDURES TO EMPLOYEES AND PERSONS GRANTED ACCESS TO THE NATIONAL SECURITY AGENCY'S SENSITIVE INFORMATION. THIS LAW UNDERSCORES THE CONCERN OF THE CONGRESS REGARDING THE EXTREME IMPORTANCE OF OUR SIGNALS INTELLIGENCE ENTERPRISE AND MANDATES THAT THE SECRETARY OF DEFENSE, AND THE DIRECTOR, NATIONAL SECURITY AGENCY, TAKE MEASURES TO ACHIEVE SECURITY FOR THE ACTIVITIES OF THE NATIONAL SECURITY AGENCY.

TITLE 18 U.S.C. 2511(3) PROVIDES AS FOLLOWS: "NOTHING CONTAINED IN THIS CHAPTER OR IN SECTION 605 OF THE COMMUNICATIONS ACT OF 1934 (47 U.S.C. 605) SHALL LIMIT THE CONSTITUTIONAL POWER OF THE PRESIDENT TO TAKE SUCH MEASURES AS HE DEEMS NECESSARY TO PROTECT THE NATION AGAINST ACTUAL OR POTENTIAL ATTACK OR OTHER HOSTILE ACTS OF A FOREIGN POWER, TO OBTAIN FOREIGN INTELLIGENCE INFORMATION DEEMED ESSENTIAL TO THE SECURITY OF THE UNITED STATES, OR TO PROTECT NATIONAL SECURITY INFORMATION AGAINST FOREIGN INTELLIGENCE ACTIVITIES..."



IN UNITED STATES V. BROWN, UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT, DECIDED 22 AUGUST 1973, THE COURT DISCUSSED THIS PROVISION OF THE LAW AS FOLLOWS:

"THE CONSTITUTIONAL POWER OF THE PRESIDENT IS ADVERTED TO, ALTHOUGH NOT CONFERRED, BY CONGRESS IN TITLE III OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968."

THUS, WHILE NSA DOES NOT LOOK UPON SECTION 2511(3) AS AUTHORITY TO CONDUCT COMMUNICATIONS INTELLIGENCE, IT IS OUR POSITION THAT NOTHING IN CHAPTER 119 OF TITLE 18 AFFECTS OR GOVERNS THE CONDUCT OF COMMUNICATIONS INTELLIGENCE FOR THE PURPOSE OF GATHERING FOREIGN INTELLIGENCE.

FINALLY, FOR THE PAST 22 YEARS, CONGRESS HAS ANNUALLY APPROPRIATED FUNDS FOR THE OPERATION OF THE NATIONAL SECURITY AGENCY, FOLLOWING HEARINGS BEFORE THE ARMED SERVICES AND APPROPRIATIONS COMMITTEE OF BOTH HOUSES OF CONGRESS IN WHICH EXTENSIVE BRIEFINGS OF THE NATIONAL SECURITY AGENCY'S SIGNALS INTELLIGENCE MISSION HAVE BEEN CONDUCTED.

WE APPEAR BEFORE BOTH THE HOUSE AND THE SENATE DEFENSE APPROPRIATIONS SUBCOMMITTEES TO DISCUSS AND REPORT ON THE U.S. SIGNALS INTELLIGENCE AND COMMUNICATIONS SECURITY PROGRAMS, AND TO JUSTIFY THE BUDGETARY REQUIREMENTS ASSOCIATED WITH THESE PROGRAMS. WE DO THIS IN FORMAL EXECUTIVE SESSION, IN WHICH WE DISCUSS OUR ACTIVITIES IN WHATEVER DETAIL REQUIRED BY THE CONGRESS. IN CONSIDERING THE FISCAL YEAR '76 TOTAL CRYPTOLOGIC BUDGET NOW



BEFORE CONGRESS, I APPEARED BEFORE THE DEFENSE SUBCOMMITTEE OF THE HOUSE APPROPRIATIONS COMMITTEE ON TWO SEPARATE OCCASIONS FOR APPROXIMATELY SEVEN HOURS. IN ADDITION, I PROVIDED FOLLOW-UP RESPONSE TO OVER ONE HUNDRED QUESTIONS OF THE SUBCOMMITTEE MEMBERS AND STAFF. WE ALSO APPEARED BEFORE ARMED SERVICES SUBCOMMITTEES CONCERNED WITH AUTHORIZING RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E), CONSTRUCTION AND HOUSING PROGRAMS AND ALSO BEFORE THE APPROPRIATIONS SUBCOMMITTEES ON CONSTRUCTION AND HOUSING.

IN ADDITION TO THIS TESTIMONY, CONGRESSIONAL OVERSIGHT IS ACCOMPLISHED IN OTHER WAYS. STAFF MEMBERS OF THESE SUBCOMMITTEES HAVE PERIODICALLY VISITED THE AGENCY FOR DETAILED BRIEFINGS ON SPECIFIC ASPECTS OF OUR OPERATIONS. MEMBERS OF THE INVESTIGATIONS STAFF OF THE HOUSE APPROPRIATIONS COMMITTEE RECENTLY CONDUCTED AN EXTENSIVE INVESTIGATION OF THIS AGENCY. THE RESULTS OF THIS STUDY, WHICH LASTED OVER A YEAR, HAVE BEEN PROVIDED TO THAT COMMITTEE IN A DETAILED REPORT.

ANOTHER FEATURE OF CONGRESSIONAL REVIEW IS THAT SINCE 1955 RESIDENT AUDITORS OF THE GENERAL ACCOUNTING OFFICE HAVE BEEN ASSIGNED AT THE AGENCY TO PERFORM ON-SITE AUDITS. ADDITIONAL GAO AUDITORS WERE CLEARED FOR ACCESS IN 1973 AND GAO, IN ADDITION TO THIS AUDIT, IS INITIATING A CLASSIFIED REVIEW OF OUR AUTOMATIC DATA PROCESSING FUNCTIONS. NSA'S COOPERATIVE EFFORTS IN THIS AREA WERE NOTED BY A SENATOR IN FEBRUARY OF THIS YEAR.



IN ADDITION, RESIDENT AUDITORS OF THE OFFICE OF SECRETARY OF DEFENSE, COMPTROLLER, CONDUCT IN DEPTH MANAGEMENT REVIEWS OF OUR ORGANIZATION.

A PARTICULAR ASPECT OF NSA AUTHORITIES WHICH IS PERTINENT TO TODAY'S DISCUSSION RELATES TO THE DEFINITION OF FOREIGN COMMUNICATIONS. NEITHER THE PRESIDENTIAL DIRECTIVE OF 1952 NOR THE NATIONAL SECURITY COUNCIL DIRECTIVE NO. -6 DEFINES THE TERM FOREIGN COMMUNICATIONS. THE NATIONAL SECURITY AGENCY HAS ALWAYS CONFINED ITS ACTIVITIES TO COMMUNICATIONS INVOLVING AT LEAST ONE FOREIGN TERMINAL. THIS INTERPRETATION IS CONSISTENT WITH THE DEFINITION OF FOREIGN COMMUNICATIONS IN THE COMMUNICATIONS ACT OF 1934. THERE IS ALSO A DIRECTIVE OF THE DIRECTOR OF CENTRAL INTELLIGENCE DEALING WITH SECURITY REGULATIONS WHICH EMPLOYS A DEFINITION WHICH EXCLUDES COMMUNICATIONS BETWEEN U.S. CITIZENS OR ENTITIES. WHILE THIS DIRECTIVE HAS NOT BEEN CONSTRUED AS DEFINING THE NSA MISSION IN THE SAME SENSE AS HAS THE NATIONAL SECURITY COUNCIL DIRECTIVE, IN THE PAST, THIS EXCLUSION HAS USUALLY BEEN APPLIED AND IS APPLIED NOW. HOWEVER, WE WILL DESCRIBE A PARTICULAR ACTIVITY IN THE PAST WHEN THAT EXCLUSION WAS NOT APPLIED. NSA DOES NOT NOW, AND WITH AN EXCEPTION TO BE DESCRIBED, HAS NOT IN THE PAST CONDUCTED INTERCEPT OPERATIONS FOR THE PURPOSE OF OBTAINING THE COMMUNICATIONS OF U.S. CITIZENS. HOWEVER, IT NECESSARILY OCCURS THAT SOME CIRCUITS WHICH ARE KNOWN TO CARRY FOREIGN COMMUNICATIONS NECESSARY FOR FOREIGN



INTELLIGENCE WILL ALSO CARRY PERSONAL COMMUNICATIONS BETWEEN U.S. CITIZENS, ONE OF WHOM IS AT A FOREIGN LOCATION. THE INTERCEPTION OF COMMUNICATIONS, HOWEVER IT MAY OCCUR, IS CONDUCTED IN SUCH A MANNER AS TO MINIMIZE THE UNWANTED MESSAGES. NEVERTHELESS, MANY UNWANTED COMMUNICATIONS ARE POTENTIALLY AVAILABLE FOR SELECTION. SUBSEQUENT PROCESSING, SORTING AND SELECTING FOR ANALYSIS, IS CONDUCTED IN ACCORDANCE WITH STRICT PROCEDURES TO INSURE IMMEDIATE AND, WHERE POSSIBLE, AUTOMATIC REJECTION OF INAPPROPRIATE MESSAGES. THE ANALYSIS AND REPORTING IS ACCOMPLISHED ONLY FOR THOSE MESSAGES WHICH MEET SPECIFIED CONDITIONS AND REQUIREMENTS FOR FOREIGN INTELLIGENCE. IT IS CERTAINLY BELIEVED BY NSA THAT OUR COMMUNICATIONS INTELLIGENCE ACTIVITIES ARE SOLELY FOR THE PURPOSE OF OBTAINING FOREIGN INTELLIGENCE IN ACCORDANCE WITH THE AUTHORITIES DELEGATED BY THE PRESIDENT STEMMING FROM HIS CONSTITUTIONAL POWER TO CONDUCT FOREIGN INTELLIGENCE.



V. OVERALL REQUIREMENTS ON NSA

NSA PRODUCES SIGNALS INTELLIGENCE IN RESPONSE TO OBJECTIVES, REQUIREMENTS, AND PRIORITIES AS EXPRESSED BY THE DIRECTOR OF CENTRAL INTELLIGENCE WITH THE ADVICE OF THE UNITED STATES INTELLIGENCE BOARD. THERE IS A SEPARATE COMMITTEE OF THE BOARD WHICH DEVELOPS THE PARTICULAR REQUIREMENTS AGAINST WHICH THE NATIONAL SECURITY AGENCY IS EXPECTED TO RESPOND.

THE PRINCIPAL MECHANISM USED BY THE BOARD IN FORMULATING REQUIREMENTS FOR SIGNALS INTELLIGENCE INFORMATION HAS BEEN ONE OF LISTING AREAS OF INTELLIGENCE INTEREST AND SPECIFYING IN SOME DETAIL THE SIGNALS INTELLIGENCE NEEDED BY THE VARIOUS ELEMENTS OF GOVERNMENT. THIS LISTING WHICH WAS BEGUN IN 1966 AND FULLY IMPLEMENTED IN 1970, IS INTENDED TO PROVIDE GUIDANCE TO THE DIRECTOR OF THE NATIONAL SECURITY AGENCY (AND TO THE SECRETARY OF DEFENSE) FOR PROGRAMMING AND OPERATING NATIONAL SECURITY AGENCY ACTIVITIES. IT IS INTENDED AS AN EXPRESSION OF REALISTIC AND ESSENTIAL REQUIREMENTS FOR SIGNALS INTELLIGENCE INFORMATION. THIS PROCESS RECOGNIZES THAT A SINGLE LISTING, UPDATED ANNUALLY NEEDS TO BE SUPPLEMENTED WITH ADDITIONAL DETAIL AND TIME-SENSITIVE FACTORS AND IT ESTABLISHES A PROCEDURE WHEREBY THE USIB AGENCIES CAN EXPRESS, DIRECTLY TO THE NATIONAL SECURITY AGENCY, INFORMATION NEEDS WHICH REASONABLY AMPLIFY REQUIREMENTS APPROVED BY USIB OR HIGHER AUTHORITY. IN ADDITION, THERE ARE ESTABLISHED PROCEDURES FOR NON-BOARD MEMBERS (THE SECRET SERVICE



AND THE BNDD AT THE TIME) TO TASK THE NATIONAL SECURITY AGENCY FOR INFORMATION. THE NATIONAL SECURITY AGENCY DOES HAVE OPERATIONAL DISCRETION IN RESPONDING TO REQUIREMENTS BUT WE DO NOT GENERATE OUR OWN REQUIREMENTS FOR FOREIGN INTELLIGENCE. THE DIRECTOR, NSA IS DIRECTED TO BE RESPONSIVE TO THE REQUIREMENTS FORMULATED BY THE DIRECTOR OF CENTRAL INTELLIGENCE, HOWEVER, I CLEARLY MUST NOT RESPOND TO ANY REQUIREMENTS WHICH I FEEL ARE NOT PROPER.

IN 1975 THE USIB SIGNALS INTELLIGENCE REQUIREMENTS PROCESS WAS REVISED. UNDER THE NEW SYSTEM, ALL BASIC REQUIREMENTS FOR SIGNALS INTELLIGENCE INFORMATION ON UNITED STATES GOVERNMENT AGENCIES WILL BE REVIEWED AND VALIDATED BY THE SIGNALS INTELLIGENCE COMMITTEE OF USIB BEFORE BEING LEVIED ON THE NATIONAL SECURITY AGENCY. AN EXCEPTION IS THOSE REQUIREMENTS WHICH ARE HIGHLY TIME-SENSITIVE; THEY WILL CONTINUE TO BE PASSED SIMULTANEOUSLY TO US FOR ACTION AND TO USIB FOR INFORMATION. THE NEW SYSTEM WILL ALSO ATTEMPT TO PRIORITIZE SIGNALS INTELLIGENCE REQUIREMENTS. THE NEW REQUIREMENTS PROCESS IS AN IMPROVEMENT IN THAT IT CREATES A FORMAL MECHANISM TO RECORD ALL REQUIREMENTS FOR SIGNALS INTELLIGENCE INFORMATION AND TO ESTABLISH THEIR RELATIVE PRIORITIES.



VI. THE WATCH LIST

NOW TO THE SUBJECT WHICH THE COMMITTEE ASKED ME TO ADDRESS IN SOME DETAIL - THE SO-CALLED WATCH LIST ACTIVITY OF 1967-1973.

THE USE OF LISTS OF WORDS, INCLUDING INDIVIDUAL NAMES, SUBJECTS, LOCATIONS, ETC, HAS LONG BEEN ONE OF THE METHODS USED TO SORT OUT INFORMATION OF FOREIGN INTELLIGENCE VALUE FROM THAT WHICH IS NOT OF INTEREST. IN THE PAST SUCH LISTS HAVE BEEN REFERRED TO OCCASIONALLY AS "WATCH LISTS," BECAUSE THE LISTS WERE USED AS AN AID TO WATCH FOR FOREIGN ACTIVITY OF REPORTABLE INTELLIGENCE INTEREST. HOWEVER, THESE LISTS GENERALLY DID NOT CONTAIN NAMES OF U.S. CITIZENS OR ORGANIZATIONS. THE ACTIVITY IN QUESTION IS ONE IN WHICH U.S. NAMES WERE USED SYSTEMATICALLY AS A BASIS FOR SELECTING MESSAGES, INCLUDING SOME BETWEEN U.S. CITIZENS WHEN ONE OF THE COMMUNICANTS WAS AT A FOREIGN LOCATION.

THE ORIGIN OF SUCH ACTIVITY IS UNCLEAR. DURING THE EARLY '60's, REQUESTING AGENCIES HAD ASKED THE NATIONAL SECURITY AGENCY TO LOOK FOR REFLECTIONS IN INTERNATIONAL COMMUNICATIONS OF CERTAIN U.S. CITIZENS TRAVELLING TO CUBA. BEGINNING IN 1967, REQUESTING AGENCIES PROVIDED NAMES OF PERSONS AND ORGANIZATIONS (SOME OF WHOM WERE U.S. CITIZENS) TO THE NATIONAL SECURITY AGENCY IN AN EFFORT TO OBTAIN INFORMATION WHICH WAS AVAILABLE IN FOREIGN COMMUNICATIONS AS A BY-PRODUCT OF OUR NORMAL FOREIGN INTELLIGENCE MISSION. THE PURPOSE OF THE LISTS VARIED, BUT ALL POSSESSED A COMMON THREAD IN WHICH THE NATIONAL SECURITY AGENCY



WAS REQUESTED TO REVIEW INFORMATION AVAILABLE THROUGH OUR USUAL INTERCEPT SOURCES. THE INITIAL PURPOSE WAS TO HELP DETERMINE THE EXISTENCE OF FOREIGN INFLUENCE ON SPECIFIED ACTIVITIES OF INTEREST TO AGENCIES OF THE U.S. GOVERNMENT, WITH EMPHASIS ON PRESIDENTIAL PROTECTION AND ON CIVIL DISTURBANCES OCCURRING THROUGHOUT THE NATION. LATER, BECAUSE OF OTHER DEVELOPMENTS, SUCH AS WIDESPREAD NATIONAL CONCERN OVER SUCH CRIMINAL ACTIVITY AS DRUG TRAFFICKING AND ACTS OF TERRORISM, BOTH DOMESTIC AND INTERNATIONAL, THE EMPHASIS CAME TO INCLUDE THESE AREAS. THUS, DURING THIS PERIOD, 1967-1973, REQUIREMENTS FOR WATCH LISTS WERE DEVELOPED IN FOUR BASIC AREAS: INTERNATIONAL DRUG TRAFFICKING, PRESIDENTIAL PROTECTION, ACTS OF TERRORISM, AND POSSIBLE FOREIGN SUPPORT OR INFLUENCE ON CIVIL DISTURBANCES.

IN THE '60's, THERE WAS PRESIDENTIAL CONCERN VOICED OVER THE MASSIVE FLOW OF DRUGS INTO OUR COUNTRY FROM OUTSIDE THE UNITED STATES. EARLY IN PRESIDENT NIXON'S ADMINISTRATION, HE INSTRUCTED THE CIA TO PURSUE WITH VIGOR, INTELLIGENCE EFFORTS TO IDENTIFY FOREIGN SOURCES OF DRUGS AND THE FOREIGN ORGANIZATIONS AND METHODS USED TO INTRODUCE ILLICIT DRUGS INTO THE U.S. THE BNDD IN 1970 ASKED THE NATIONAL SECURITY AGENCY TO PROVIDE COMMUNICATIONS INTELLIGENCE RELEVANT TO THESE FOREIGN ASPECTS AND BNDD PROVIDED "WATCH LISTS" WITH SOME U.S. NAMES. INTERNATIONAL DRUG TRAFFICKING REQUIREMENTS WERE FORMALLY DOCUMENTED IN USIB REQUIREMENTS IN AUGUST 1971.



AS WE ALL KNOW, DURING THIS PERIOD THERE WAS ALSO HEIGHTENED CONCERN BY THE COUNTRY AND THE SECRET SERVICE OVER PRESIDENTIAL PROTECTION BECAUSE OF PRESIDENT KENNEDY'S ASSASSINATION. AFTER THE WARREN REPORT, REQUIREMENTS LISTS CONTAINING NAMES OF U.S. CITIZENS AND ORGANIZATIONS WERE PROVIDED TO NSA BY THE SECRET SERVICE IN SUPPORT OF THEIR EFFORTS TO PROTECT THE PRESIDENT AND OTHER SENIOR OFFICIALS. SUCH REQUIREMENTS WERE LATER INCORPORATED INTO USIB DOCUMENTATION. AT THAT TIME INTELLIGENCE DERIVED FROM FOREIGN COMMUNICATIONS WAS REGARDED AS A VALUABLE TOOL IN SUPPORT OF EXECUTIVE PROTECTION.

ABOUT THE SAME TIME AS THE CONCERN OVER DRUGS, OR SHORTLY THEREAFTER, THERE WAS A COMMITTEE ESTABLISHED BY THE PRESIDENT TO COMBAT INTERNATIONAL TERRORISM. THIS COMMITTEE WAS SUPPORTED BY A WORKING GROUP FROM THE USIB. REQUIREMENTS TO SUPPORT THIS EFFORT WITH COMMUNICATIONS INTELLIGENCE WERE ALSO INCORPORATED INTO USIB DOCUMENTATION.

NOW LET ME PUT THE "WATCH LIST" IN PERSPECTIVE REGARDING ITS SIZE AND THE NUMBERS OF NAMES SUBMITTED BY THE VARIOUS AGENCIES:

THE BNDD SUBMITTED A "WATCH LIST" COVERING THEIR REQUIREMENTS FOR INTELLIGENCE ON INTERNATIONAL NARCOTICS TRAFFICKING. ON SEPTEMBER 8, 1972, PRESIDENT NIXON SUMMARIZED THE EFFORTS OF HIS ADMINISTRATION AGAINST DRUG ABUSE. THE PRESIDENT STATED THAT HE ORDERED THE CENTRAL INTELLIGENCE AGENCY, EARLY IN HIS ADMINISTRATION,



TO MOBILIZE ITS FULL RESOURCES TO FIGHT THE INTERNATIONAL DRUG TRADE. THE KEY PRIORITY, THE PRESIDENT NOTED, WAS TO DESTROY THE TRAFFICKING THROUGH LAW ENFORCEMENT AND INTELLIGENCE EFFORTS. THE BNDD LIST CONTAINED NAMES OF SUSPECTED DRUG TRAFFICKERS. THERE WERE ABOUT 450 U.S. INDIVIDUALS AND OVER 3,000 FOREIGN INDIVIDUALS.

THE SECRET SERVICE SUBMITTED "WATCH LISTS" COVERING THEIR REQUIREMENTS FOR INTELLIGENCE RELATING TO PRESIDENTIAL AND EXECUTIVE PROTECTION. PUBLIC LAW 90-331 OF JUNE 6, 1968, MADE IT MANDATORY FOR FEDERAL AGENCIES TO ASSIST THE SECRET SERVICE IN THE PERFORMANCE OF ITS PROTECTIVE DUTIES. THESE LISTS CONTAINED NAMES OF PERSONS AND GROUPS WHO IN THE OPINION OF THE SECRET SERVICE WERE POTENTIALLY A THREAT TO SECRET SERVICE PROTECTEES, AS WELL AS THE NAMES OF THE PROTECTEES THEMSELVES. ON THESE LISTS WERE ABOUT 180 U.S. INDIVIDUALS AND GROUPS AND ABOUT 525 FOREIGN INDIVIDUALS AND GROUPS.

AN ARMY MESSAGE OF 20 OCTOBER 1967 INFORMED THE NATIONAL SECURITY AGENCY THAT ARMY ACSI HAD BEEN DESIGNATED EXECUTIVE AGENT BY DoD FOR CIVIL DISTURBANCE MATTERS AND REQUESTED ANY AVAILABLE INFORMATION ON FOREIGN INFLUENCE OVER, OR CONTROL OF, CIVIL DISTURBANCES IN THE U.S. THE DIRECTOR, NATIONAL SECURITY AGENCY SENT A CABLE THE SAME DAY TO THE DCI AND TO EACH USIB MEMBER AND NOTIFIED THEM OF THE URGENT REQUEST FROM THE ARMY AND STATED THAT THE NATIONAL SECURITY AGENCY WOULD ATTEMPT TO OBTAIN COMINT REGARDING FOREIGN CONTROL OR INFLUENCE OVER CERTAIN U.S. INDIVIDUALS AND GROUPS.



THE BROWNELL COMMITTEE, WHOSE REPORT LED TO THE CREATION OF NSA, STATED THAT COMMUNICATIONS INTELLIGENCE SHOULD BE PROVIDED TO THE FEDERAL BUREAU OF INVESTIGATION BECAUSE OF THE ESSENTIAL ROLE OF THE BUREAU IN THE NATIONAL SECURITY.

THE FBI SUBMITTED "WATCH LISTS" COVERING THEIR REQUIREMENTS ON FOREIGN TIES AND SUPPORT TO CERTAIN U.S. PERSONS AND GROUPS. THESE LISTS CONTAINED NAMES OF "SO-CALLED" EXTREMIST PERSONS AND GROUPS, INDIVIDUALS AND GROUPS ACTIVE IN CIVIL DISTURBANCES, AND TERRORISTS. THE LISTS CONTAINED A MAXIMUM OF ABOUT 1,000 U.S. PERSONS AND GROUPS AND ABOUT 1,700 FOREIGN PERSONS AND GROUPS.

THE CIA SUBMITTED "WATCH LISTS" COVERING THEIR REQUIREMENTS ON INTERNATIONAL TRAVEL, FOREIGN INFLUENCE AND FOREIGN SUPPORT OF "SO-CALLED" U.S. EXTREMISTS AND TERRORISTS. SECTION 403(D)(3) OF TITLE 50, U.S. CODE, PROVIDED THAT IT WAS THE DUTY OF THE CENTRAL INTELLIGENCE AGENCY TO CORRELATE AND EVALUATE INTELLIGENCE RELATING TO THE NATIONAL SECURITY AND TO PROVIDE FOR THE APPROPRIATE DISSEMINATION OF SUCH INTELLIGENCE WITHIN THE GOVERNMENT USING, WHERE APPROPRIATE, EXISTING AGENCIES AND FACILITIES. THESE LISTS CONTAINED ABOUT 30 U.S. INDIVIDUALS AND ABOUT 700 FOREIGN INDIVIDUALS AND GROUPS.

THE DIA SUBMITTED A "WATCH LIST" COVERING THEIR REQUIREMENTS ON POSSIBLE FOREIGN CONTROL OF, OR INFLUENCE ON, U.S. ANTI-WAR ACTIVITY. THE LIST CONTAINED NAMES OF INDIVIDUALS TRAVELLING TO NORTH VIETNAM. THERE WERE ABOUT 20 U.S. INDIVIDUALS ON THIS LIST. DIA IS RESPONSIBLE UNDER DoD DIRECTIVES FOR SATISFYING



THE INTELLIGENCE REQUIREMENTS OF THE MAJOR COMPONENTS OF THE DoD AND TO VALIDATE AND ASSIGN TO NSA REQUIREMENTS FOR INTELLIGENCE REQUIRED BY DoD COMPONENTS.

BETWEEN 1967 AND 1973 THERE WAS A CUMULATIVE TOTAL OF ABOUT 450 U.S. NAMES ON THE NARCOTICS LIST, AND ABOUT 1,200 U.S. NAMES ON ALL OTHER LISTS COMBINED. WHAT THAT AMOUNTED TO WAS THAT AT THE HEIGHT OF THE WATCH LIST ACTIVITY, THERE WERE ABOUT 800 U.S. NAMES ON THE "WATCH LIST" AND ABOUT ONE THIRD OF THIS 800 WERE FROM THE NARCOTICS LIST.

WE ESTIMATE THAT OVER THIS SIX YEAR PERIOD (1967-1973) ABOUT 2,000 REPORTS WERE ISSUED BY THE NATIONAL SECURITY AGENCY ON INTERNATIONAL NARCOTICS TRAFFICKING, AND ABOUT 1,900 REPORTS WERE ISSUED COVERING THE THREE AREAS OF TERRORISM, EXECUTIVE PROTECTION AND FOREIGN INFLUENCE OVER U.S. GROUPS. THIS WOULD AVERAGE ABOUT TWO REPORTS PER DAY. THESE REPORTS INCLUDED SOME MESSAGES BETWEEN U.S. CITIZENS, BUT OVER 90% HAD AT LEAST ONE FOREIGN COMMUNICANT AND ALL MESSAGES HAD AT LEAST ONE FOREIGN TERMINAL. USING AGENCIES DID PERIODICALLY REVIEW (AND WERE ASKED BY THE NATIONAL SECURITY AGENCY TO REVIEW) THEIR "WATCH LISTS" TO ENSURE INAPPROPRIATE OR UNNECESSARY ENTRIES WERE PROMPTLY REMOVED. I AM NOT THE PROPER PERSON TO ASK CONCERNING THE VALUE OF THE PRODUCT FROM THESE FOUR SPECIAL EFFORTS. WE ARE AWARE THAT A MAJOR TERRORIST ACT IN THE U.S. WAS PREVENTED. IN ADDITION, SOME LARGE DRUG SHIPMENTS WERE PREVENTED FROM



ENTERING THE U.S. BECAUSE OF OUR EFFORTS ON INTERNATIONAL NARCOTICS TRAFFICKING. WE HAVE STATEMENTS FROM THE REQUESTING AGENCIES IN WHICH THEY HAVE EXPRESSED APPRECIATION FOR THE VALUE OF THE INFORMATION WHICH THEY HAD RECEIVED FROM US. NONETHELESS, IN MY OWN JUDGMENT, THE CONTROLS WHICH WERE PLACED ON THE HANDLING OF THE INTELLIGENCE WERE SO RESTRICTIVE THAT THE VALUE WAS SIGNIFICANTLY DIMINISHED.

NOW LET ME ADDRESS THE QUESTION OF THE "WATCH LIST" ACTIVITY AS THE NATIONAL SECURITY AGENCY SAW IT AT THE TIME. THIS ACTIVITY WAS REVIEWED BY PROPER AUTHORITY WITHIN NATIONAL SECURITY AGENCY AND BY COMPETENT EXTERNAL AUTHORITY. THIS INCLUDED TWO FORMER ATTORNEYS GENERAL AND A FORMER SECRETARY OF DEFENSE. THE REQUIREMENTS FOR INFORMATION HAD ALSO BEEN APPROVED BY OFFICIALS OF THE USING AGENCIES AND SUBSEQUENTLY VALIDATED BY THE UNITED STATES INTELLIGENCE BOARD. FOR EXAMPLE, THE SECRET SERVICE AND BNDD REQUIREMENTS WERE FORMALLY INCLUDED IN USIB GUIDANCE IN 1970 AND 1971, RESPECTIVELY. IN THE AREAS OF NARCOTICS TRAFFICKING, TERRORISM, AND REQUIREMENTS RELATED TO THE PROTECTION OF THE LIVES OF SENIOR U.S. OFFICIALS, THE EMPHASIS PLACED BY THE PRESIDENT ON A STRONG, COORDINATED GOVERNMENT EFFORT WAS CLEARLY UNDERSTOOD. THERE ALSO WAS NO QUESTION THAT THERE WAS CONSIDERABLE PRESIDENTIAL CONCERN AND INTEREST IN DETERMINING THE EXISTENCE AND EXTENT OF FOREIGN SUPPORT TO GROUPS FOMENTING CIVIL DISTURBANCES IN THE UNITED STATES.



FROM 1967-1969 THE PROCEDURE FOR SUBMITTING NAMES WAS MORE INFORMAL WITH WRITTEN REQUESTS FOLLOWING AS THE USUAL PRACTICE. STARTING IN 1969 THE PROCEDURE WAS FORMALIZED AND THE NAMES FOR "WATCH LISTS" WERE SUBMITTED THROUGH CHANNELS IN WRITING. THE DIRECTOR AND DEPUTY DIRECTOR OF THE NATIONAL SECURITY AGENCY APPROVED CERTAIN CATEGORIES OF SUBJECT MATTER FROM CUSTOMER AGENCIES, AND WERE AWARE THAT U.S. INDIVIDUALS AND ORGANIZATIONS WERE BEING INCLUDED ON "WATCH LISTS." WHILE THEY DID NOT REVIEW AND APPROVE EACH INDIVIDUAL NAME, THERE WERE CONTINUING MANAGEMENT REVIEWS AT LEVELS BELOW THE DIRECTORATE. NATIONAL SECURITY AGENCY PERSONNEL SOMETIMES MADE ANALYTIC AMPLIFICATIONS ON CUSTOMER "WATCH LIST" SUBMISSIONS IN ORDER TO FULFILL CERTAIN REQUIREMENTS. FOR EXAMPLE, WHEN INFORMATION WAS RECEIVED THAT A NAME ON THE "WATCH LIST" USED AN ALIAS, THE ALIAS WAS INSERTED; OR WHEN AN ADDRESS WAS UNCOVERED OF A "WATCH LIST" NAME, THE ADDRESS WAS INCLUDED. THIS PRACTICE BY ANALYSTS WAS DONE TO ENHANCE THE SELECTION PROCESS, NOT TO EXPAND THE LISTS.

THE INFORMATION PRODUCED BY THE "WATCH LIST" ACTIVITY WAS, WITH ONE EXCEPTION, ENTIRELY A BY-PRODUCT OF OUR FOREIGN INTELLIGENCE MISSION. ALL COLLECTION WAS CONDUCTED AGAINST INTERNATIONAL COMMUNICATIONS WITH AT LEAST ONE TERMINAL IN A FOREIGN COUNTRY, AND FOR PURPOSES UNRELATED TO THE "WATCH LIST" ACTIVITY. THAT IS, THE COMMUNICATIONS WERE OBTAINED, FOR EXAMPLE, BY MONITORING COMMUNICATIONS TO AND FROM HANOI. ALL COMMUNICATIONS HAD A FOREIGN TERMINAL AND THE FOREIGN TERMINAL OR COMMUNICANT



(WITH THE ONE EXCEPTION) WAS THE INITIAL OBJECT OF THE COMMUNICATIONS COLLECTION. THE "WATCH LIST" ACTIVITY ITSELF SPECIFICALLY CONSISTED OF SCANNING INTERNATIONAL COMMUNICATIONS ALREADY INTERCEPTED FOR OTHER PURPOSES TO DERIVE INFORMATION WHICH MET "WATCH LIST" REQUIREMENTS. THIS SCANNING WAS ACCOMPLISHED BY USING THE ENTRIES PROVIDED TO NSA AS SELECTION CRITERIA. ONCE SELECTED, THE MESSAGES WERE ANALYZED TO DETERMINE IF THE INFORMATION THEREIN MET THOSE REQUESTING AGENCIES' REQUIREMENTS ASSOCIATED WITH THE "WATCH LISTS." IF THE MESSAGE MET THE REQUIREMENT, THE INFORMATION THEREIN WAS REPORTED TO THE REQUESTING AGENCY IN WRITING.

NOW LET ME DISCUSS FOR A MOMENT THE MANNER IN WHICH INTELLIGENCE DERIVED FROM THE "WATCH LISTS" WAS HANDLED. FOR THE PERIOD 1967-1969, INTERNATIONAL MESSAGES BETWEEN U.S. CITIZENS AND ORGANIZATIONS, SELECTED ON THE BASIS OF "WATCH LIST" ENTRIES AND CONTAINING FOREIGN INTELLIGENCE, WERE ISSUED FOR BACKGROUND USE ONLY AND WERE HAND-DELIVERED TO CERTAIN REQUESTING AGENCIES. IF THE U.S. CITIZEN OR ORGANIZATION WAS ONLY ONE CORRESPONDENT OF THE INTERNATIONAL COMMUNICATION, IT WAS PUBLISHED AS A NORMAL PRODUCT REPORT BUT IN A SPECIAL SERIES TO LIMIT DISTRIBUTION ON A STRICT NEED-TO-KNOW BASIS.

STARTING IN 1969, ANY MESSAGES THAT FELL INTO THE CATEGORIES OF PRESIDENTIAL/EXECUTIVE PROTECTION AND FOREIGN INFLUENCE OVER U.S. CITIZENS AND GROUPS WERE TREATED IN AN EVEN MORE RESTRICTED FASHION. THEY WERE PROVIDED FOR BACKGROUND USE ONLY AND HAND-



DELIVERED TO REQUESTING AGENCIES. WHEN THE REQUIREMENTS TO SUPPLY INTELLIGENCE REGARDING INTERNATIONAL DRUG TRAFFICKING IN 1970 AND INTERNATIONAL TERRORISM IN 1971 WERE RECEIVED, INTELLIGENCE ON THESE SUBJECTS WAS HANDLED IN A SIMILAR MANNER. THIS PROCEDURE CONTINUED UNTIL I TERMINATED THE ACTIVITY IN 1973.

THE ONE INSTANCE IN WHICH FOREIGN MESSAGES WERE INTERCEPTED FOR SPECIFIC "WATCH LIST" PURPOSES WAS THE COLLECTION OF SOME TELEPHONE CALLS PASSED OVER INTERNATIONAL COMMUNICATIONS FACILITIES BETWEEN THE UNITED STATES AND SOUTH AMERICA. THE COLLECTION WAS CONDUCTED AT THE SPECIFIC REQUEST OF THE BNDD TO PRODUCE INTELLIGENCE INFORMATION ON THE METHODS AND LOCATIONS OF FOREIGN NARCOTICS TRAFFICKING. IN ADDITION TO OUR OWN INTERCEPT, CIA WAS ASKED BY NSA TO ASSIST IN THIS COLLECTION. NSA PROVIDED TO CIA NAMES OF INDIVIDUALS FROM THE INTERNATIONAL NARCOTICS TRAFFICKING WATCH LIST. THIS COLLECTION BY CIA LASTED FOR APPROXIMATELY SIX MONTHS, FROM LATE 1972 TO EARLY 1973, WHEN CIA STOPPED BECAUSE OF CONCERN THAT THE ACTIVITY EXCEEDED CIA STATUTORY RESTRICTIONS.

WHEN THE "WATCH LIST" ACTIVITY BEGAN, THE NATIONAL SECURITY AGENCY AND OTHERS VIEWED THE EFFORT AS AN APPROPRIATE PART OF THE FOREIGN INTELLIGENCE MISSION. THE EMPHASIS OF THE PRESIDENT THAT A CONCERTED NATIONAL EFFORT WAS REQUIRED TO COMBAT THESE GRAVE PROBLEMS WAS CLEARLY EXPRESSED. THE ACTIVITY WAS KNOWN TO HIGHER AUTHORITIES, KEPT QUITE SECRET, AND RESTRICTIVE CONTROLS WERE PLACED ON THE USE OF THE INTELLIGENCE.



THE AGENCIES RECEIVING THE INFORMATION WERE CLEARLY INSTRUCTED THAT THE INFORMATION COULD NOT BE USED FOR PROSECUTIVE OR EVIDENTIARY PURPOSES AND TO OUR KNOWLEDGE IT WAS NOT USED FOR SUCH PURPOSES.

IT IS WORTH NOTING THAT SOME GOVERNMENT AGENCIES RECEIVING THE INFORMATION HAD DUAL FUNCTIONS: FOR INSTANCE BNDD WAS CONCERNED ON THE ONE HAND WITH DOMESTIC DRUG LAW ENFORCEMENT ACTIVITIES AND ON THE OTHER HAND WITH THE CURTAILING OF INTERNATIONAL NARCOTICS TRAFFICKING. IT WOULD BE TO THE LATTER AREA OF RESPONSIBILITY THAT THE NATIONAL SECURITY AGENCY DELIVERED ITS INTELLIGENCE. HOWEVER, SINCE THE INTELLIGENCE WAS BEING REPORTED TO SOME AGENCIES WHICH DID HAVE LAW ENFORCEMENT RESPONSIBILITIES, THERE WAS GROWING CONCERN THAT THE INTELLIGENCE COULD BE USED FOR PURPOSES OTHER THAN FOREIGN INTELLIGENCE. TO MINIMIZE THIS RISK, THE MATERIAL WAS DELIVERED ONLY TO DESIGNATED OFFICES IN THOSE AGENCIES AND THE MATERIAL WAS MARKED AND PROTECTED IN A SPECIAL WAY TO LIMIT THE NUMBER OF PEOPLE INVOLVED AND TO SEGREGATE IT FROM INFORMATION OF BROADER INTEREST.



VII. WATCH LIST ACTIVITIES AND TERMINATION THEREOF

IN 1973, CONCERN ABOUT THE NATIONAL SECURITY AGENCY'S ROLE IN THESE ACTIVITIES WAS INCREASED, FIRST, BY CONCERNS THAT IT MIGHT NOT BE POSSIBLE TO DISTINGUISH DEFINITELY BETWEEN THE PURPOSE FOR THE INTELLIGENCE GATHERING WHICH NSA UNDERSTOOD WAS SERVED BY THESE REQUIREMENTS, AND THE MISSIONS AND FUNCTIONS OF THE DEPARTMENTS OR AGENCIES RECEIVING THE INFORMATION, AND SECOND, THAT REQUIREMENTS FROM SUCH AGENCIES WERE GROWING. FINALLY, NEW BROAD DISCOVERY PROCEDURES IN COURT CASES WERE COMING INTO USE WHICH MIGHT LEAD TO DISCLOSURE OF SENSITIVE INTELLIGENCE SOURCES AND METHODS.

THE FIRST ACTION TAKEN WAS THE DECISION TO TERMINATE THE ACTIVITY IN SUPPORT OF BNDD IN THE SUMMER OF 1973. THIS DECISION WAS MADE BECAUSE OF CONCERN THAT IT MIGHT NOT BE POSSIBLE TO MAKE A CLEAR SEPARATION BETWEEN THE REQUESTS FOR INFORMATION SUBMITTED BY BNDD AS IT PERTAINED TO LEGITIMATE FOREIGN INTELLIGENCE REQUIREMENTS AND THE LAW ENFORCEMENT RESPONSIBILITY OF BNDD. CIA HAD DETERMINED IN 1973 THAT IT COULD NOT SUPPORT THESE REQUESTS OF BNDD BECAUSE OF STATUTORY RESTRICTIONS ON CIA. THE NATIONAL SECURITY AGENCY IS NOT SUBJECT TO THE SAME SORT OF RESTRICTIONS AS CIA, BUT A REVIEW OF THE MATTER LED TO A DECISION THAT CERTAIN ASPECTS OF OUR SUPPORT SHOULD BE DISCONTINUED, IN PARTICULAR THE WATCH LIST ACTIVITY WAS STOPPED. NSA DID NOT RETAIN ANY OF THE BNDD WATCH LISTS OR PRODUCT. IT WAS DESTROYED



IN THE FALL OF 1973 SINCE THERE WAS NO PURPOSE OR REQUIREMENT TO RETAIN IT.

WITH REGARD TO "WATCH LISTS" SUBMITTED BY FBI, CIA AND SECRET SERVICE, THESE MATTERS WERE DISCUSSED WITH THE NATIONAL SECURITY AGENCY COUNSEL AND COUNSEL FOR THE DEPARTMENT OF DEFENSE, AND WE STOPPED THE DISTRIBUTION OF INFORMATION IN THE SUMMER OF 1973. IN SEPTEMBER 1973, I SENT A LETTER TO EACH AGENCY HEAD REQUESTING HIM TO RECERTIFY THE REQUIREMENT WITH RESPECT TO THE APPROPRIATENESS OF THE REQUEST INCLUDING A REVIEW OF THAT AGENCY'S LEGAL AUTHORITIES.

ON 1 OCTOBER 1973, ATTORNEY GENERAL RICHARDSON WROTE ME INDICATING THAT HE WAS CONCERNED WITH RESPECT TO THE PROPRIETY OF REQUESTS FOR INFORMATION CONCERNING U.S. CITIZENS WHICH NSA HAD RECEIVED FROM THE FBI AND SECRET SERVICE. HE WROTE THE FOLLOWING:

"UNTIL I AM ABLE MORE CAREFULLY TO ASSESS THE EFFECT OF KEITH AND OTHER SUPREME COURT DECISIONS CONCERNING ELECTRONIC SURVEILLANCE UPON YOUR CURRENT PRACTICE OF DISSEMINATING TO THE FBI AND SECRET SERVICE INFORMATION ACQUIRED BY YOU THROUGH ELECTRONIC DEVICES PURSUANT TO REQUESTS FROM THE FBI AND SECRET SERVICE, IT IS REQUESTED THAT YOU IMMEDIATELY CURTAIL THE FURTHER DISSEMINATION OF SUCH INFORMATION TO THESE AGENCIES.

'OF COURSE, RELEVANT INFORMATION ACQUIRED BY YOU IN THE ROUTINE PURSUIT OF THE COLLECTION OF FOREIGN INTELLIGENCE INFORMATION MAY CONTINUE TO BE FURNISHED TO APPROPRIATE GOVERNMENT AGENCIES. . ."



THE OVERALL RESULT OF THESE ACTIONS WAS THAT WE STOPPED ACCEPTING "WATCH LISTS" CONTAINING NAMES OF U.S. CITIZENS AND NO INFORMATION IS PRODUCED OR DISSEMINATED TO OTHER AGENCIES USING THESE METHODS. THUS, THE "WATCH LIST" ACTIVITY WHICH INVOLVED U.S. CITIZENS CEASED OPERATIONALLY IN THE SUMMER OF 1973, AND WAS TERMINATED OFFICIALLY IN THE FALL OF 1973. AS TO THE FUTURE, THE ATTORNEY GENERAL'S DIRECTION IS THAT WE MAY NOT ACCEPT ANY REQUIREMENT BASED ON THE NAMES OF U.S. CITIZENS UNLESS HE HAS PERSONALLY APPROVED SUCH A REQUIREMENT; AND NO SUCH APPROVAL HAS BEEN GIVEN. ADDITIONALLY, DIRECTIVES NOW IN EFFECT IN VARIOUS AGENCIES ALSO PRECLUDE THE RESUMPTION OF SUCH ACTIVITY.

THE WHITE HOUSE

WASHINGTON

October 31, 1975

Dear Mr. Chairman:

I am writing to urge the Select Committee not to make public the report on the subject of assassinations which I understand is currently in preparation. Reviews of the Select Committee's draft assassination report by officials of the Departments of State and Defense and the Central Intelligence Agency, who examined it at the request of your Committee, have been submitted to me by the heads of those departments and the agency. Under separate cover, I am providing these classified reviews for your consideration. Their substance was previously communicated to the Select Committee staff by the reviewing officials. I also want to offer my views on this matter and appeal to the Committee not to release this report publicly.

It is my opinion that public disclosure now of information I provided to the Senate Select Committee concerning allegations of political assassination activities of the United States Government will result in serious harm to the national interest and may endanger individuals.

As I stated publicly when the allegations were published, the very idea that any person or organization within the United States Government could consider assassination as an acceptable act is abhorrent. I know you share this view and a determination to make certain that such deeds will not take place in the future.

To facilitate legitimate investigation of allegations related to assassination, I have endeavored to make available all the materials in the Executive Branch on this subject to the Select Committees of



the Senate and the House and the Department of Justice. This was done under procedures designed to serve the national interest. The materials were turned over in classified form. You will recall that I said on June 9, 1975:

"I know that the Members of the Congress involved will exercise utmost prudence in the handling of such information."

It is not a question of withholding information required by the Select Committee to carry out its inquiry into these allegations which relate entirely to past Administrations of both parties. On the contrary, I have endeavored to make all of the information available to your Committee so that legislation can be proposed, if necessary, and to the Justice Department to facilitate any investigation indicated. However, we must distinguish between disclosure to the Select Committee of sensitive information and publication of that information which is harmful to the national interest and may endanger the physical safety of individuals.

There is no question about access to these materials by appropriate officials. The only issue concerns publication which obviously cannot be limited to Members of Congress and other American citizens.

Public release of these official materials and information will do grievous damage to our country. It would likely be exploited by foreign nations and groups hostile to the United States in a manner designed to do maximum damage to the reputation and foreign policy of the United States. It would seriously impair our ability to exercise a positive leading role in world affairs.

I am convinced that publication at this time will endanger individuals named in the report or who can be identified when foreign agents carefully study it. I am sure none of us want such an unfortunate result. I urge that we avoid any action that would bring it about.



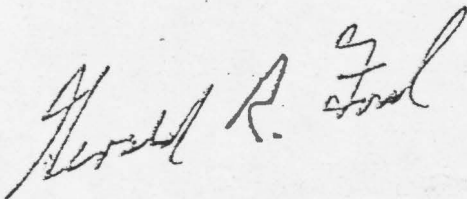
I have sought to balance the competing interests involved in this matter. I made relevant intelligence information and documents available to the appropriate Committees of Congress and the Department of Justice. However, to protect our national defense and ability to conduct foreign affairs as well as the traditional American right of individual privacy, I have provided most of this information in classified form.

There can be legislation, if deemed necessary, and prosecutions, if warranted. But let us do this without the damage to the United States, which will occur if this information is made available to actual and potential enemies of the United States.

For the reasons set out above, I appeal to you and your colleagues on the Senate Select Committee to oppose publication of this report on alleged assassination activity.

I am sure the Select Committee will recognize the enormous responsibility it has to see to it that serious damage will not result to the United States by the publication of this report and will recognize also the duty which I have to emphasize the disastrous consequences which can occur by publication.

Sincerely,

A handwritten signature in dark ink, reading "Gerald R. Ford". The signature is written in a cursive, flowing style. The first name "Gerald" is written with a large, prominent "G". The middle initial "R." is smaller and follows the first name. The last name "Ford" is written with a large, stylized "F" and a long, sweeping tail that extends to the right.

The Honorable Frank Church
Chairman
Select Committee to Study
Governmental Operations with
Respect to Intelligence Activities
United States Senate
Washington, D. C. 20510



Spout

Rewritten

THE WHITE HOUSE
WASHINGTON

October 31, 1975

Caw

Dear

I am writing to urge the Select Committee not to make public the report on the subject of assassinations which I understand is currently in preparation. Review of the Select Committee's draft assassination report by officials of the Departments of State and Defense and the Central Intelligence Agency, who examined it at the request of your Committee, have been submitted to me by the heads of those departments and the agency. Under separate cover, I am providing these classified reviews for your consideration. Their substance was previously communicated to the Select Committee staff by the reviewing officials. I also want to offer my views on this matter and appeal to the Committee not to release this report publicly.

It is my opinion that public disclosure now of information I provided to the Senate Select Committee concerning allegations of political assassination activities of the United States Government will result in grievous harm to the national interest and may endanger individuals.

As I stated publicly when the allegations were published, the very idea that any person or organization within the United States Government could consider assassination as an acceptable act is abhorrent. I know you share this view and a determination to make certain that such deeds will never take place in the future.

To facilitate legitimate investigation of allegations related to assassination, I made available all the materials in the Executive Branch on this subject to the Select Committees of the Senate

DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 94-14, #5; NSC letter 7/24/96

By lit NARA, Date 8/29/96



and the House and the Department of Justice. This was done under procedures designed to serve the national interest. The materials were turned over in classified form. You will recall that I said on June 9, 1975:

"I know that the Members of the Congress involved will exercise utmost prudence in the handling of such information."

I have no personal or political reason to prevent public disclosure of this information. The allegations relate entirely to past Administrations of both parties. It is not a question of withholding information required by the Select Committee to carry out its inquiry. On the contrary, I have endeavored to make all of the information available to your Committee so that legislation can be proposed, if necessary, and to the Justice Department to facilitate any investigation indicated. However, we must distinguish between disclosure to the Select Committee of sensitive information and publication of that information which is harmful to the national interest and may endanger the physical safety of individuals.

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I am convinced that publication at this time will endanger individuals named in the report or who can be identified when foreign agents carefully study it. I am sure none of us want such an unfortunate result. I urge that we avoid any action that would bring it about.

I have sought to balance the competing interests involved in this matter. To protect the rights of individuals and the integrity



of American moral principles, the Constitution and laws, I made all relevant intelligence information and documents available to the appropriate Committees of Congress and the Department of Justice. To protect our national defense and ability to conduct foreign affairs as well as the traditional American right of individual privacy, I have provided most of this information in classified form.

There can be legislation, if deemed necessary, and prosecutions, if warranted. But let us do this without the damage to the United States, which will occur if this information is made available to actual and potential enemies of the United States.

I appeal to you and your colleagues on the Senate Select Committee, in the highest national interest, to oppose publication of this report on alleged assassination activity.

If the Select Committee elects to ignore my recommendation, it must bear responsibility for the damage which will result to the United States and harm which may result to individuals.

Sincerely,

The Honorable
United States Senate
Washington, D. C. 20510



SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

G 308 DSOB

Ext. 1700

Frank Church (Idaho)
Chairman

Philip Hart (Mich)
Walter Mondale (Minn)
Walter Huddleston (Ky)
Robert Morgan (NC)
Gary Hart (Colo)

John Tower (Tex)
Vice Chairman

Howard Baker (Tenn)
Barry Goldwater (Ariz)
Charles McC. Mathias, Jr. (Md)
Richard S. Schweiker (Pa)



THE WHITE HOUSE

WASHINGTON

October 31, 1975

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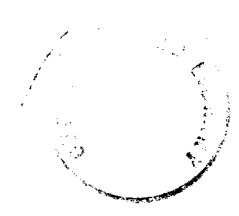
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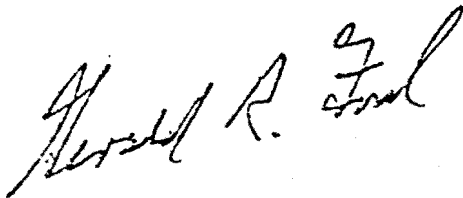
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