

*Handwritten initials*

Pforzheimer, Walter L. — *Interviewed by R. B. Dean*

April 11, 1962

**Early Days  
of the  
Group**

I asked him about the early days of the Central Intelligence Group. He came at the beginning. He recalled that a man you later presided over the meetings of the Assistant Directors which became known as the Director's Council. He was quite sure that Admiral Souers attended very seldom.

**The Council  
in the  
Group**

Souers kept to himself a great deal, particularly his relations with the White House. Apparently, he did not inform his Deputy Director, Douglass, of all external matters concerning the new Central Intelligence Group.

**Division  
within  
the  
Group**

The Central Planning Staff, said Pforzheimer, not only set up their own plan but put one of their number in charge even though the plan might properly belong to the Reports Staff or some other division of the Group. It was not long before the personnel of CIG became divided into two groups. There were Douglass, Montague, Fortier on the one hand and Gogins, Nicholas and their associates on the other. Accordingly, the meetings under Douglass became battles, lasting often for an hour and a half.

**Changes  
of  
Personnel**

When General Vandenberg and his Colonels came, they took charge. It was not long before Fortier and Douglass were gone and others were on their way out or submerged. Mr. Douglass withdrew after his final service on the mission to

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It was not long before Colonel Wright became

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Executive and moved from that position to the office of Deputy Director.

April 24, 1952

As he had given us access to his files of memoranda, bills, and memoranda for the record concerning the National Security Act, I sought an account of his own experiences during the negotiations for inclusion of the bill for the Central Intelligence Agency. Pforzheimer was legislative counsel for the Agency, spending a great part of his time working with members of the Congressional Committee. It was Colonel Wright who suggested that Pforzheimer be assigned to the work. At first General Vandenberg did not think it necessary. In the course of this experience, Pforzheimer learned of the jurisdictional rivalry in Congress between the Military Services Committee and that of Appropriations in Executive Departments. The point seems to have been that the Armed Services, particularly the Army, were reluctant to have the new Agency receive the power to collect secret intelligence. It was Representative Wadsworth who gave his influential support and help probably more than any one else in Congress to get established in the law the concept of "concern" which was to be exercised, however, by the new National Security Council should determine. It was not a complete grant of power to the Agency. [Pforzheimer later made available for their study the Secret Hearings of Congress during the winter of 1947 which revealed the conditions in the Agency.]

**The National Security Act**

**Jurisdictional Rivalry**

**The Army and Collection**

**Wadsworth and Common Concern**

~~TOP SECRET~~

July 11, 1952

Preparatory to writing the chapter ("") on the action of Congress, I had drawn up a list of questions based upon the papers in Pforsheimer's "Warner File." With Mr. Houston also present we went thru these items one by one. The first was the query whether Houston's enabling bill for Vandenberg was the measure, with some revision, which went to Congress in the winter of 1947. Mr. Houston himself said that it was. The second inquiry was if General Vandenberg's experiences during the fall and winter of 46-47 with the Intelligence Advisory Board and the Federal Bureau of Investigation had any effect upon the measure. The reply was that they were not factors in the discussion leading to the introduction of the Bill.

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D. H.  
II/1*

**The Enabling  
Bill for the  
Agency**

**The FBI  
and the  
Advisory Board**

The Bill incorporated the major features of the President's Directive. On January 22 the draft of a merger bill came from the White House. It was Mr. Murphy's first assignment. On the 23rd the draft for CIA was placed before the drafting committee of General Norstad, Admiral Sherman and Mr. Murphy. But it was knocked out because the Marine Corps was at the same time pressing for detailed enactments. Therefore it was a good political maneuver to leave out the details of the measure for the Central Intelligence Agency and rely on subsequent amendment or supplementary legislation. I asked at this point if Houston and Pforsheimer considered

*Good  
1952*

**Murphy  
Norstad  
Sherman**

**The Marine  
Corps**

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the draft which was set aside to have been a good one. They said that it was but not so good as the one later which became Public Law 110. (1949)

Vandenberg's  
Statement

I asked who besides Edgar, Chief of ICAPS, and Pforzheimer, drafted Vandenberg's statement of April 29, 1947. Pforzheimer replied that Mr. Shalett, of the New York Times, commented upon the draft with respect to its psychological approach to the problem. But he did not write the paper for Vandenberg. It was done by Pforzheimer with Edgar's editorial assistance.

Bridges  
and  
Busbey

The affair caused by Senator Bridges and Representative Busbey with regard to the leak concerning Hillenkoetter's appointment might have been a serious matter but it proved only minor. That was the story which appeared in the French press. Hillenkoetter was in no way to blame.

Tenure  
for  
Fourteen Years

I was curious to know what had happened to the proposal that a section be inserted to name Admiral Hillenkoetter and assure him the office for 14 years. It seems that there was discussion concerning the term of office, ranging all the way from the right of the President to dismiss him instantly to tenure for life. It was obvious on reflection, of course, that the Director of Central Intelligence should stay in office for an indeterminate period subject always to removal by his superior, the President of the United States. The proposal regarding Hillenkoetter was dropped.

I asked Pforzheimer and Houston if they felt that the detailed enabling measure should have been left out of the National Security Act of 1947. They said yes, in view of the political circumstances and the fact that the Group was really going right on under a new name. They needed statutory authorities, but they could wait for a while longer. Arrangements were well understood with the Comptroller General and the Secretaries.

Statutory  
Authorities

General Donovan did not appear in person before the Congressional Committees. He sent his statement. Cheston, I believe, did the same thing. Pforzheimer's excerpts from Donovan's testimony were obtained with the permission of Senator Gurney.

Donovan  
Cheston  
Gurney

I then inquired about Hillenkoetter's statement that in effect the Group was enjoying an independent budget. The answer was that the practice amounted to what we have now by statutory provision. The Appropriations Committee earmarked in advance the funds which the Committee wished to go by way of the Departments and their allotment to the Agency. Congress determined the destination of the funds before allotting them to the Departments.

Independent  
Budget

I asked if Representative Brown of Ohio were really opposed to the Central Intelligence Agency. Pforzheimer said that Brown was hostile. He was determined to make sure that the National Security Act carried specific statements

Brown

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regarding the duties and responsibilities of the Agency, whether or not the detailed enabling measure were included. The result was that the Act did not continue the Group as the Agency "by reference." Instead Section 102 d, e, f, have specific clauses.

Zacharias  
Lacking  
Influence

Admiral Zacharias was not influential. He killed himself in the Committee. Representative Judd was very influential. He supported the establishment of a strong intelligence system. Representatives Wadsworth, McCormick and Manasco took the lead in supporting the Agency. I asked who was back of the talk about a Gestapo. Pforzheimer replied that part of it came from Vandenberg's administration deliberately in order to point out that the new organization would be no such thing.

Judd  
for a  
Strong System

Deliberate Talk  
of a Gestapo

*held in  
Sessing II / 20 (1)*

A sidelight upon the negotiations for the Agency in Congress was given in the secret testimony. Representatives Wadsworth and Manasco were interested to notice that the British seemed to be going toward centralized intelligence at the same time that representatives from the Army and others were trying to head the American system in the opposite direction. The chief controversy seems to have been over secret collection which the supporters of the Agency wished to be its exclusive function. The others, of course, in some cases went to the extreme of demanding that it should not engage in collection whatsoever but be a mere correlating and evaluating

Wadsworth  
and  
Manasco

Controversy  
over  
Collection

[REDACTED]

A  
Civilian  
as  
Director

institution. A great deal of time was consumed in discussing whether or not the Director of Central Intelligence should be a civilian.

August 1, 1952

The Right  
to  
Dismiss  
Personnel

I telephoned to inquire about certain features of the National Security Act, Section 102. That provision (c) giving the Director in his discretion power to terminate the employment of any officer or employee, whenever the Director saw fit, went into the Act at the request of Pforzheimer with the support of Representative Manasco. In fact, if someone like Manasco had not supported it it might not have been obtained. Pforzheimer recalled that other agencies were rather jealous.

Advice  
and  
Recommendation  
as  
Separate  
Provisions

I then asked if he could remember why it was that the power of the Director to advise and recommend was in two separate provisions. Pforzheimer remembered distinctly that Representative Brown had insisted upon spelling out the functions; but he could not recall why it was that the provision in the President's Directive (3 b) had been so reworded and divided. I offered as a possible theory that Vandenberg's request to have the Director become advisor of the National Security Council with respect to intelligence might have caused the framers of the section to distinguish advising in general about intelligence activities from recommending in particular with regard to the coordination of departmental intelligence activities.

Coordination  
of  
Departmental  
Activities

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Pforzheimer could not remember. He said that the draft of the provisions was made in General Norstad's office. He just did not know whether Vandenberg's proposal had influence or the separation was made for literary purposes, for clearer statements of the functions. Examined analytically, the functions are distinct; the Director may advise the Council with regard to intelligence activities of the Departments and agencies as they relate to national security. This advising does not require "coordination" with the representatives of the Departments. When the Director comes to the problem of coordinating the several departmental intelligence activities he has another advisory power, that of recommendation to the Council. The presumption is that the Director will confer with the representatives of the Departments. In neither case has the Director any authorization to coerce.

April 2, 1953

I called to inquire if the National Security Act of 1947 established the Central Intelligence Agency as an "independent agency." Pforzheimer stated that it did. The Administrative Act of 1949 was not necessary to accomplish that purpose. In his opinion the argument is unsound that the agency was not an independent agency until it had Congressional provision for its administrative authorities, the features of the Act of 1949. The Act of 1949 simply gave statutory authorities. Prior to

Drafting  
in  
Norstad's  
Office

Advice  
without  
Coordination

An  
Independent  
Agency

The Act  
of 1949

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that time the intent of Congress had been to make appropriations for the Central Intelligence Agency, even though the funds went to the Agency by way of the Departments concerned as such funds had gone under the agreement among the Secretaries in 1946 and subsequent years. From the legal point of view, CIA was an independent agency from 1947, and it was so treated by the Comptroller General.

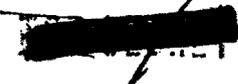
Group  
and  
Agency

This led us to talk about the use of the word "group" in the Presidential Directive of January 22, 1946. In his opinion, whatever officials in the Bureau of the Budget may have thought, the word "group" was political, used to satisfy those like Souers who were talking about the new central intelligence organization as a "cooperative interdepartmental activity." Pforzheimer does not think that they needed to avoid the word "agency" at that time for any legal reason.

Marcantonio  
Gurney  
Halleck

To my question why the Enabling Act was held up from 1947 until 1949, Pforzheimer replied that a [redacted] member of the House stopped the bill on June 21, 1948. Senator Gurney had got the measure through the Senate and had reached an understanding with Halleck that the Senate's bill would go through the House. Representative Marcantonio argued that the United States should have no spy system; he threatened to delay until the end of the session that night. Pforzheimer was up "on the hill" until nearly three in the morning. As this was just before the nominating conventions and Halleck had aspirations,

Delay  
in  
1948



vice presidential according to Pforzheimer, and as there was other opposition, the enabling measure died right there. It had to be revived and put through in the following year.

There was no connection, if he recalled, with the Bogota affair in 1948. Brown threatened legislation, but he really did not mean to do anything about it. His statement with regard to "no censorship" was the result of irritation; he was out on a limb, as he had threatened to put CIA under investigation. Pforzheimer advised Brown that the Agency had a good case and that the investigation might prove to be a boomerang. I asked if the State Department were angry, as I presumed its members were from what I had seen elsewhere. Pforzheimer said they were most certainly "out to get the Agency."

Brown  
and  
Bogota

The  
State Department  
Angry

I asked if the final administrative measure of 1949 was what he wanted; if the original enabling bill of 1946, practically speaking, was written into law. He replied that the Agency got just about everything that it wanted to have in the measure. But, he reiterated, it was only an administrative measure. CIA had been an independent agency since the Act of 1947 went into effect on the day Secretary Forrestal took his oath, September 17, 1947.

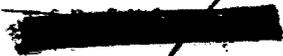
April 21, 1953

I prepared the accompanying memorandum for Pforzheimer with regard to the historical origin of the Director's responsibility to protect intelligence sources and methods. Later,

The Director  
and the  
Protection  
of Sources







Statutory Function

its functions. To this Pforzheimer replied that the question was what is a statutory function. He did not answer the question but remarked that such Agencies as the National Security Resources Board or the Research and Development Board or even the Central Intelligence Agency might be so handled. I still argued that under the Act, Section 102 (d) (5), it looked to me as though Congress had specifically granted a quasi-legislative function to the National Security Council. The Council may increase the functions and duties of the Agency but not decrease them. It seemed to me arguable that Congress, and Congress alone, might alter such a fundamental arrangement. The answer to my inquiry probably was that Congress actually had done so with its more recent legislation, the Reorganization Act of 1949 extended last February in Public Law 3.

The Power of the Council

Congressional Control

As a matter of practical governmental procedure, should the President move to abolish the Central Intelligence Agency according to his authorization in Public Law 3 he would more likely meet a resolution of disapproval in Congress and it would be acted upon in much less than 60 days.

The Resolution of Disapproval

September 17, 1953

The Director and the Joint Chiefs of Staff

I telephoned again to ask for his legal opinion with regard to the Director of Central Intelligence and the Joint Chiefs of Staff. Did they have equal footing in the law? The Director, by the Act of 1947, was made advisor to the President and the National Security Council with respect to intelligence.



The Joint Chiefs were made advisors to the President and the Secretary of Defense by the same Act of Congress. Pforzheimer warned me at once to notice that the Joint Chiefs of Staff are not by Act of Congress advisors to the Council. Therefore there is not an exact equality by designation. It is highly controversial, he said, whether the Director and the Joint Chiefs were generally and in every respect "equal."

their Respective  
Advisory  
Capacities

Their  
Equality  
Questionable