

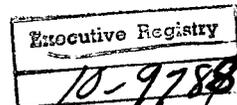
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13 Dec 58

11 December 1958

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MEMORANDUM FOR THE RECORD



SUBJECT: Conversation with General Willems - The Pentagon
4:00 p.m. 10 December 1958

1. I told Willems that I understood he had some reservations regarding the DCIDs under discussion by the Intelligence Board. In view of my close association with this problem, I thought that he might be interested in hearing a personal account from me of the developments in the intelligence community during the past couple of years, the influence of the President's Board and other individuals at higher levels that might not be available to him at the level of his office. Willems said that he would be and I outlined very briefly the procedures set in train by the recommendations of the President's Board of Consultants, the process we had followed, the difficulties we had overcome, the attitudes and influences of the President's Board of Consultants, General Cutler and other individuals throughout this period. I also outlined particularly the procedures that ended in the merging of the IAC and USCIB. Willems expressed keen interest.

2. I then asked Willems what he objected to in the DCIDs. He replied that he thought the DCIDs were very good documents. He had little objection to them and thought they were better than NSCID 5. His complaint was that NSCID 5 did not recognize the Department's legal right to collect intelligence information. He said that he had consulted with the Army Judge Advocate, they had gone over the matter carefully, and agreed. I expressed my surprise and told him that no agency had a statutory right to engage in espionage, not even the CIA; that I had been informed that the matter had been thoroughly threshed out when the National Security Act was under consideration in 1947 and the Congressional Committees decided that it would not be appropriate to include a provision for what is essentially an illegal activity in law; accordingly, it was an executive matter which should be decided by the National Security Council and the President.

3. Willems said that the Judge Advocate had a different opinion. He was considering reopening the question in order to have NSCID 5 revised to recognize this right of the departments. I told Willems that I certainly hoped that he would not try to bring this before the NSC again. I was sure that if he did, he would take one awful licking and might even lose the right which the NSCID 5 properly gave him to engage in such activities now. He said he doubted that was so, if it were a statutory provision. I asked, "Do you mean to say if the President orders you to cease all espionage overseas, you would not obey?" Willems replied, "But that is not what I said." However, he did get the point.

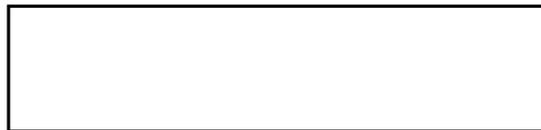
3. Willems went on to say his chief objection was to the veto power of the Agency over the Department's right to engage in clandestine collection. He asked my opinion as to what he should do. I told him that if I were in his place, I would not undertake to revise NSCID 5; I would make any suggestions necessary for improving the DCIDs and thus establish an agreed procedure as soon as possible. He asked whether it would be acceptable to change subparagraph 7c. to 7d. of DCID 5/1 and insert the following as subparagraph 7c:

"c. Such activity is determined by the department or agency intelligence chief concerned to be necessary to satisfy departmental intelligence needs."

I told him I would take the paragraph and consider it and telephone him later of my opinion.

COMMENT:

I have examined the suggested change in the context of the DCID 5/1 and the paragraph referred to and I would not consider it acceptable, as being redundant.



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