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CENTRAL INTELLIGENCE AGENCY

1 April 1976

The attached agenda will be distributed to SSC members and staff in attendance tonight.

Also attached for CIA participants only is a short paper containing annotated comments on the various agenda items.

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AGENDA FOR DISCUSSION OF FINDINGS AND RECOMMENDATIONS OF THE SENATE SELECT COMMITTEE (SSC) DRAFT FINAL REPORT

I. Overall impressions of the SSC findings and recommendations.

A. Impact on Agency operations at home and abroad of public disclosure of certain portions of the findings and recommendations.

B. Consideration of using classified annexes and recommendations for those sections requiring greater detail and discussion of operational methodology.

C. Public image of the Agency that emerges from reading the SSC findings and recommendations.

D. Consideration of use of restraint in recommendations proposing statutes for codifying restrictions and prohibitions rather than by means of internal regulations and Congressional oversight.

E. Review of definition of terms to assure accuracy and use of euphemisms to avoid sensitive terminology.

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II. Standards for approval and conduct of covert action; proposals for restructuring CIA responsibility for covert action programs.

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IV. CIA relations with Department of State and ambassadors abroad.

V. Operational consequences of attempting to impose a symmetry of domestic and foreign counter-intelligence operations with statutes and regulations; i.e., by equating restrictions imposed on FBI and domestic activities with CIA foreign counterintelligence responsibilities abroad.

VI. Cumulative effect of prohibitions, restrictions and proposed structural changes on Agency collection operations.

VII. Intelligence Community issues:

A. Role of the DCI

B. Public disclosure of annual aggregate intelligence community budget figures.

VIII. Procedures and standards to be observed by Congress and the Executive Branch for the protection of classified information; status of secrecy and disclosure legislation that would provide civil and/or criminal penalties for unauthorized disclosure of classified information.

IX. Procedure for final review of SSC papers and findings and recommendations before publication; final disposition of Executive Branch documents made available to the SSC.

X. Closing remarks.

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ANNOTATED COMMENTS TO ACCOMPANY AGENDA FOR DISCUSSION OF FINDINGS AND RECOMMENDATIONS OF THE SENATE SELECT COMMITTEE (SSC) DRAFT FINAL REPORT

I. Overall Impressions of SSC Findings and Recommendations

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B. If the SSC is determined to publish findings on such issues as those described in IA above, perhaps they could be persuaded to use classified annexes which would still be of great help to a future Oversight Committee.

C. The public image of CIA created by the report is one of a repugnant and evil institution and is incompatible with the mainstream of American life. Some balance could be achieved if the report were to state in positive terms that an intelligence effort is necessary to support U.S. national security and foreign policy. The point could be made that intelligence performs a vital mission under the law and constitution and thus deserves the cooperation and support of all American citizens.

D. An excessive number of the recommendations, including those which we do not find objectionable, specifically state that they are to be promulgated in the form of statutes. This establishes an undesirable precedent which will lead to an "IRS" type of prohibitions and restrictions list. We believe that carefully developed internal regulations and effective Congressional oversight can accomplish the objectives of the SSC without resorting to complex and unworkable statutes.

E. In several important areas we found that there was a lack of precision as to the meaning of terms used in the paper. For example, "covert action projects" is used in the broadest sense encompassing everything from major covert action programs approved by the 40 Committee to minor

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propaganda and agent of influence assets which we regard as merely components of infrastructure. Staff members of the committee have been urged to employ euphemisms to avoid sensitive terminology related to such items as recruitments, counterintelligence and cover. 25X1

II. The Covert Action Section (pages 51-61) is one of the most complicated and controversial portions of the paper. The recommendations attempt to establish an unrealistically high threshold for covert action which in practice would require the termination of a large number of small but valuable assets who come under the heading of infrastructure. This would deny us a quick response capability in time of crisis. One of the proposed recommendations would also transfer the responsibility for covert action to the National Security Council and its staff. As this recommendation would have it:

> "The clandestine services of the CIA abroad would be called upon for the execution of all covert action operations. However, CIA Headquarters (Deputy Directorate for Operations) shall have no responsibility for planning, management, or execution of covert action projects. The role of CIA Headquarters in covert action projects shall be administrative support only....." (Page 4 of Supplemental Recommendations)

This is obviously an issue that should be discussed if it has not already been discarded by the SSC. 25X1

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V. We have been asked by Bill Miller not to discuss matters within the domestic section of the report. We assume it is because he and perhaps the other staff members present are not familiar with the substance of this section. Nevertheless, we believe it would be useful to mention that rigid application of symmetry to domestic and foreign counterintelligence operations is impractical and unrealistic. We understood that substantive changes have already been made in this section to accommodate objections raised by CIA.

VI. During our session on Friday, 26 March 1976, with the SSC staff representatives, Bill Nelson made a telling point when he stated that the cumulative effect of the prohibitions, restrictions, and proposed structural changes could lead to a paralysis of CIA's clandestine collection operations. We would find ourselves in the situation of reporting to more and more committees about less and less intelligence collection. He made an eloquent plea for moderation and understanding of the elaborate processes already in effect for approval of all forms of clandestine services operations. He also stated that if a wiring diagram were drawn of the proposed changes added to existing procedures, it would look like a Rube Goldberg cartoon. It might be desirable to repeat Bill Nelson's admonitions again to the members of the Committee.

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VII. Role of the DCI

A. The Role of the DCI (pages 19-24) and the section on the National Security Council and the Office of the President (pages 9-18) should be reviewed again although we expect that substantial changes have been made. (Dick Lehman has a copy of the basic paper and intends to discuss it with the DCI this afternoon).

B. The SSC appears to be adamant on the issue of publishing an annual aggragate intelligence budget figure (pages 110-114). We should, however, once again, restate the Community position opposing the public disclosure of any intelligence community budget information.

VIII. Procedures and Standards to be Observed by Congress and the Executive Branch for the Protection of Classified Information is a chronic and critical matter. Similarly, secrecy and disclosure legislation has been a subject under discussion for at least a year and a half. It would be most helpful if the Committee could be persuaded to take a strong position in support of mutually agreeable procedures and legislation. These items are covered in pages 119 to 122 under the heading of General Recommendations.

IX. We wish to be assured of an opportunity to review the final drafts of the SSC papers as well as the findings and recommendations before publication. It would also be most helpful if we could have some general agreement on the disposition of Executive Branch classified documents made available to the SSC. We are hoping that most of these documents will be returned to the originating agencies and departments after the report is published and before the committee officially expires.

X. Under the heading of Closing Remarks, it is suggested that the Director compliment the SSC members and staff on the responsible and statesman-like conduct (with a few aberations) of the year-long investigation. He might also wish to say that, while we do not agree with the report in its entirety, it reflects great credit upon the thoughtfulness and sobriety of those responsible for its content.

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