

Nat. Sec. Act of 1947

duties of CIG

HST's Jan. 1946 directive made CIG resp. for coordination, planning, evaluation, and dissemination of intell. Also gave it resp. for overt collection.

pp. 8-9

CIG became an intell. producer after Vandenberg established the Office of Research and Evaluation (ORE) in Aug. 1946. For 1st time it had its own research and analysis capability.

This same directive also granted CIG a clandestine collection capability.

p. 14

Jan 22, 1946

Presidential Directive of 22 Jan 1946 established a National Intell Authority, a CIG, and the position of Director of Central Intell. recognition of the need, even in time of peace, of a fully coordinated and centralized system of for. intell.

< Directive did not specifically mention the collection of intell [like the 1947 act?]

Director of Cen Intell made responsible to the NIA.

the Directive a compromise of diverse views which had been expressed by interested persons and agencies for preceding 2 yrs.

CIG not given all the attributes of indep--like an indep budget or authority to hire personnel

Cong and CIG

CIG a creature of the executive depts. They controlled its budget and personnel.

And since CIG not an indep agency, it was not directly granted appropriations from Cong.

pp. 9-10

[This may be imp. Within ghe departmental budgets, was specific and open mention made of the monies going to CIG? Did Cong. in debating f.y. 1947 budget have figures for CIG bidget?]

UNCLASSIFIED

just prior to leaving as DCI, Souers submitted a report of his time in office. Recommended that NIA and CIG obtain enabling legislation and an indep budget ASAP, noting these were essential to the conduct of centralized operations and the development, support, coordination, and direction of an adequate intell porgram.

p. 359

p. 2 House of Reps, Comm. on Mil. Affairs, House Report
No. 2734, Dec. 17, 1946, "Investigations of
The National War Effort" 79th Cong, 2nd sess.

OK re. memb of 1946

② The quotes in my draft are all on pp. 1-2

1946 ~~Senate~~House report

House Comm on M il Aff conducted their investigations
in shadow of Pearl H.
~~committee~~ concluded that intell the "nation's first line of
defense."

also recommended that DCI be a civilian

UNCLASSIFIED

in 1946, the House Comm on Mil Affairs looked into US policy making during WW2. In a report issued upon the completion of its labors, it noted that intelligence just as vital in peacetime as in wartime. Found it extraordinarily fortunate that US had achieved its current position of power w/out an effective worldwide intell. service, but such a lack no longer tolerable. Calls for creation of an effective intell. service, observing that "it is hard to imagine our harrassed leaders taking a single imp step in the development of our national policy w/out knowledge and understanding of the aims, capabilities, intentions, poli-ies, and actions of other nations--in other words, it is hard to imagine them taking a step w/out intelligence."

pp. 18-19

[I can see this quote on pp. 1-2 of House Report 2734, 79th Cong, 2d sess, 1946]

*recommended that NIA receive legislative authorization
" CIG receive appropriations direct from Cong. & have complete control
over its personnel
" DCIG to a civilian*

SECRET

"nothing more than an interdepartmental committee subsisting on handouts of money, people, and facilities" from State, War and Navy. *Had no indep. authority over its personnel,*

Donovan scornfully characterized the NIA as little more than "a good debating society"

< soon after taking office, Souers began pushing for legislative action granting CIG legal and financial indep.

CIG sent drafts of enabling legislation to White House, but initially met w/ cool reception

p. 33

payroll, procurement of supplies, or contracts. Had no indep. power to expend funds, either vouchered or unvouchered.

SECRET

House comm. report recommended specific duties for CIG. These paralleled closely those which actually were written in the 1947 legislation including the phrases "services of common concern" and "such other similar funcns and duties"

But one im p. exception--House report explicitly said: "It is specifically understood that the Director of Central INTell shall not undertake operations for the collection of intell." That is, the CIG to be stricly an organization for coordination, correlation, evaluation, and dissemination of intell.

p. 34

closed House hearings of June 27, 1947, p. 70 - indicates that Peter Vischer of G-2 + JCS during WW2 wrote this report

I think this report is entitled "A Report on the System Currently Employed in the Collection, Evaluation and Dissemination of Intell Affecting the War Potential of the United S."

*see if
Seymour
this*

Arthur Darling Interview w/ Lawrence Houston, 1952

SECRET

June 13, probably
in mid 1946, Houston advised Vandenberg that CIG had no power to expend govt funds, and that thanks to the Independent Offices Appropriation Act of 1945, the CIG would be w/out unvouchered funds from the Depts after Jan. 22, 1947. It would even be questionable whether the Depts could furnish persons and supplies w/ their vouchered funds.

Vandenberg's response was to ask Houston to prepare an enabling act for Cong. w/in 24 hrs. This was the bill which formed the nucleus for subsequent legislation. *[It this is*

then, then spend time here analyzing it]

Independent Offices Appropriation Act of 1945--no part of any appropriation made available by cong. legislation could be expended by an agency which had been in existence for more than a yrf, unless Cong had specifically authorized the expenditure of funds by that agency.

UNCLASSIFIED

Vandenberg at his 1st official meeting w/ the NIA on July 17 asserted that he had to have legislation establishing CIG as an indep to solve 3 problems: money, the authority to spend it, and the authority to hire and fire.

Secs. Byrnes and Patterson were cool. Patterson said NIA had been designed to conceal for security reasons the amt of money being spent on intell. Byrnes added that they could not afford to make such disclosures in the US.

Leahy professed more sympathy to Van's probs but reported that HST did not want CIG to try to obtain its own appropriations in the present Cong--HST thought they might ready a draft for submission to the next Cong.

p. 362

SECRET

of course the Agency would now control its own personnel.
The Dept. was to retain their own intell. services, but was to make their
intell. ^{to their facilities} freely available to the Agency. They were to participate in Agency
projects as directed, & their operations were to be open to the Director's
perusal.

The Agency (like the CIG) was to have no police power, no right to
subpoena, no power or function of law enforcement, either inside or beyond the
nation's borders.

The draft also sought cong. authority ^{to} procurement, finances, & similar
administrative duties.

p. 2 of 3 pp.

p. 8-10

SECRET

Agency should not be restricted by cong. legislative regulating expenditures for travel & subsistence.
The Director might spend funds on confidential matters solely upon his certificate

p. 10

p 3 of 3 pp.

Houston - "the legal architect" of the CIA as the
principal drafter of the 1947 legislation

administration supporters faced the additional handicap of having to deal w/ the Hill's first Repub-controlled Congress since 1932.

Arthur Darling interview w/ Walter Pforzheimer, 1952

SECRET

the bill Houston has written for Vandenberg was the measure which, after some revision, went to Cong. in the winter of 1947.

the bill incorporated the major features of the Pres's directive. On Jan 22 [1947?] the draft of a merger bill came from the White House. On the 23rd the draft for CIA placed before the drafting committee of Gen. ^{Max} Norstad, ^{Adm.} Sherman, and ^{Deputy CNO} Charles S. Murphy but it was knocked out "because the Marine Corps was at the same time pressing for detailed enactments. Therefore it was a good pol. maneuver to leave out the details of the measure for the Central Intell Agency and rely on subsequent amendmdnat or supplementary legislation."

Houston and Pforzheimer in this 1952 interview agreed that the draft set aside in early 1947 not quite as favorable as the one which later became the 1949 law.

it was OK to leave out detailed enabling measure cuz the CIG was really going on under a new name. Arrangements were well understood w/ the Comptroller Gen. and the Secretaries.

Administrative A sorted & H. Pho (?)

SECRET

the Common Defense Act of 1946

bill introduced as S. 2044 on 9 April 1946 by
Sens. Thomas, Hill, and Austin which would have
provided by NSC and a CIA for the purpose of coor-
dinating mil and civilian programs, policies,
and plans in the for. intell. field.
reported out of Sen Comm on Mil Aff but died in
Comm on Naval Affairs.

p. 35

Pforzheimer Memorandum for the Record, n.d., Subject: Proposed Legislation for C.I.G.

[handwritten in is 23 Jan 1947--but the memo deals w/ events as late as 28 Jan, so this date is incorrect; probably it was written by a historian later, for the same hand notes it was cited in Darling. Darling's history HS-1 also uses this incorrect date]

I suspect this is written on Jan. 28

Common Aff. Act of 1946

late in the afternoon of 22 Jan, a copy of the proposed legislation delivered to DCI for comment. The intell. sections had been lifted virtually verbatim from S-2044, the Merger Bill introduced into the 79th Cong by Sen. Thomas.

Vandenberg and his senior aides briefly consider trying to get all but the barest mention of the CIG removed from the bill, and later to submit a separate intell. bill., but this idea was vetoed in favor of a full bill.

CONFIDENTIAL

at this meeting on 22nd, Vandenberg indicated his desire to have DCI named advisor to Council on Nat. Defense on matters pertaining to intell.

vol. V

SECRET

submits draft to Cong

- entitled "Nat Sec. Ad / 1947"

Under Title II

White House ~~releases~~ bill, on Feb 26, 1947. It ~~xxx~~ stated that there should be under the new NSC a CIA with a Director of Central Intell at its head, the Director to be appointed by the Pres. The Director to receive \$14,000 a yr; if a mil. officer, his prerequisites, privileges, and benefits would not be adversely affected. Funcs. of NIA transferred to NSC and NIA would be abolished. The funcns. of the DCI and the funcns, personnel, property, and records of the CIG would be transferred respectively to the DCI and to the CIA. CIG would then cease to exist., while its expended funds would pass to the CIA.

unlike either Houston's draft or the eventual legislation, the White House bill separated the funcns. of the CIA from those of the DCI, as the Pres's Jan 22, 1946 Directive had previously done. This had bearing upon subsequent controversies re powers of DCI and upon the Q of whether CIA was an interdeptal activity or an indep instrument of govt.

a copy of the Feb. 26 draft is in OLC history, pp. 30-31

UNCLASSIFIED

Pres's bill had 27 sections, only one of which pertained to CIA.

p. 379

SECRET

subordinated proposed CIA to a new organization, the NSC, which the Eberstadt report had suggested as the top policy making body for nat. security. protected the mil status, pay, and benefits of any mil officer who might serve as DCI, since the mil. assumed that it would continue to monopolize the top position.

p. 34

CIG--suspended bet State, War, and Navy depts.

Gen. Marshall sent memo to HST in Feb 1947 warning that powers of proposed CIA too sweeping and thus required more definition.

the provision to which CIA would later trace its authority for covert operations adopted w/ little change from HST's Jan. 22, 1946 directive

in his letters accompanying the proposed Nat Sec Act, in Feb 1947, HST does not even mention CIA. And in Cong, consideration ~~was~~ of CIA was quick and pro forma.

p. 6

HST's Feb. 26 letter of transmittal very brief--does not mention CIA or NSC

SECRET

many voiced recollections abt Pearl Harbor and the
jt. cong. comm investigating the episode. It was
accepted dogma that a more effective process of
coalating and disseminating intell info might have
prevented the subsequent disaster.

and had there been any substantial opposition to
principle of centralized intell, existence of NIA
would have nonetheless established the paramenters
of debate.

Senate Comm report concluded that in order "[t]o
meet the future w/ confidence," Cong should estab.
a CIA to collect and analyze "that mass of info
w/out which the Govt cannot either maintain peace
or wage war successfully."

p. 46

even critics of the bill did not oppose the concept.
Susbey (R, Ill): "I am not opposed to a central intell
agency. . . . You remember Pearl Harbor. They had
intell, but it was not correlated and evaluated cor-
rectly." (Cong Rec, 19 July 1947, p. 9569--chk]

p. 48

plus Ralph Church quote [They article notecard]

read for central intell
cong. ideas re Resp. of CIA

Repre. Harness (R, Ind):

6
"When such an organization was first proposed I confess I had some fear and doubt abt it. Along w/ other members of the Comm, I insisted that the scope and authority of this Agency be carefully defined and limited. Please bear in mind that this is a bold departure from American tradition. This country has never before officially resorted to the collection of secret and strategic info in time of peace as an announced and fixed policy. Now, however, I am convinced that such an Agency as we are now considering is essential to our nat. security."

✓
a. right
p 9412
Cust. 43

Marshall also seems to acknowledge CIA has Resp. in collecting clandestine intell [Cong. Record, 19 July 47]

On purely theoretical grounds, it ~~would~~^{might} be preferable for the CIA to preort to one indiv rather than to a group. However, as a matter of practical operations, it was thought best to place CIA under the NSC, since all members would be imp users of the intell. CIA produced. That way, none wuld have the feeling that the CIA was skirting behing their backs, and might therefore be more inclined to cooperate w/ the Agency.

State would be unhappy if CIA were placed under Sec of Def, for this might be construed as placing the CIA w/in the mil estab.

Since it must serve all, it must be free of the natural bias of an operating Dept.

SECRET

3 major questions:

1. could cintral intell operate effectively be reporting to a group?
 2. would satisfactory relationships be maintained bet CIA and the service intell. agencies?
 3. what relationship should exist bet DCI and NSC?
-
1. see notes re HS-1. Judd (Walter, R, Minn) referred to CIA reporting to NSC asa "hydra-headed agency" p. 53
⑥ < Recog that State would have a continuing and vital interest in work of CIA ultimately dictated vs. having CIA report to new Sec of Def.
 3. a bit of discussion whether DCI should be a member of NSC. Decided not to. Not a major concern of the Cong.
-

What should be its relationship to 3 services? Does
it serve the services & the JCS? or is it on parity
w/ them?

p. 380-84

Should CIA report to the Sec of Def? + therefore be a part of the mil. establishment?
or should state's interest in intell. be acknowledged by having it report to NSC?
or was NSC too unworkable, meaning CIA should report to Pres?

may felt that the bill, by giving so much of its brief space to safeguards
for a mil DCI, implied that all further DCIs should be mil. men.

contained references to J. Edgar Hoover, who had made a career of heading the FBI.
Fear that a mil. man [Soren, Vandenberg] would not stay so long, ~~that~~ that priority,
continuity.

also fear that a mil DCI might be more likely to choose CIA personnel a civilian, in
pursuit of serving the purposes of nat. security

a certain DCI would lessen the danger of excessive mil. influence

① on the CBS program "Open Hearing," Sen. Robertson (Edward V., R, Wyo) argued that DCi should be a civilian. Notes the CIA "has all the potentialities of an American Gestapo; and such an organization, controlled by a mil. man, would be in possession of untold power which we could not properly place in the hands of our mil."

the controversy related to sentiment for retaining traditional civilian control over armed forces and vs building up a strong General Staff

continuity of leadership

be contrary over civilian vs. mil OCI, it was felt that particularly
in the early yrs of the Agency, there might not be a civilian sufficiently
experienced in intell. matters. This would require the naming of a mil man
as OCI

SECRET

8

Sen Tydings: bill's provisions dealing w/ CIA deal "more or less w/ consolidation and not w/ the duties that devolve upon that office. It seems to me there is a void in the bill that ought to be eliminated." [Senate hearings, p. 176]

some doubted the propriety of having to go to an Executive Order to interpret ~~the~~ a cong. action. - *plus fear that this or a subsequent Pres could amend + rescind it at any time*

Repre. Busbey directly asked Forrestal "if there is any foundation for the rumors that have come to me to the effect that through this Central Intell A, they are contemplating operational activities?" Forrestal demurs, saying Vandenberg should be asked that Q.

pp. 69-70

SECRET

8
Repre. Brown: "Now, the real Q comes down to wheteher
or not we should write into this Act the limitations
and restrictions or define the functions and the acti-
vities in which they should engage, rather than depend
upon a rather nebulous thing called an Executive Order,
which is here today, but may be gone in three minutes,
if the Pres decides to sign some other paper."

p. 58

Allen Dulles urges Cong to delineate the funcns of CIA,
though not in too gr detail. "I would not try to be
too specific. It is a delicate field, and you cannot
be too specific, but I should think the broad, general
funcns should be defined."

p. 59

re fear that Pres could change 22 Jan directive at any time:
once bill specifically provide for funcs as set forth in
Pres's directive, they are forzen into law, w/ no possi-
bility of presidential change.

debate is over whether Jones should be spelled out, not what Jones CIA
should have

p. 385

SECRET

26 June 1947--Secs of State, War, and Navy send letter to Clare Hoffman advocating allowing CIG or its successor to engage in clandestine collection.

In keeping w/ practice of not publicizing espionage as an activity of USG, almost all discussion relating to clandestine collection deleted from printed comm. hearings. But Hoffman Comm met in executive session to consider the matter. (probably June 27). Vandenberg, tho no longer DCI, again testified.

pp. 75-77

during this hearing, Rear Adm Thomas Inglis advanced 3 reasons ~~why~~ for centralizing certain funs: economy, effectiveness, and plausible denial.

pp. 80-81

Pforzheimer Memorandum for the Record, 12 June 1947

SECRET

9
Brown skeptical of a mil man heading the CIA cuz he thought a uniform sometimes gave a man a little more feeling of power and authority, which could be misused. Added that he desired "to write a lot of safeguards into this section [of the bill]. I want to make certain that the activities and funcs of the Central Intell Agency are carefully confined to international matters and to mil. matters and nat. secu. We have enough people now running around the country looking into other people's business."

this exchange occurred at the House hearings on 12 June.

Brown voiced suspicion that CIA, having gotten sweeping grant of authority w/ this legislation, might just "forget" to introduce enabling legislation.

S. 758 passes Senate by voice vote on July 9

The Senate debates ^{hardly} ~~hardly~~ Tumbul on CIA, the one imp-exception being Sen.
Roberts's demands that DCI be a civilian.

SECRET

Senate made only minor changes in CIA sections in HST's Feb 26 draft. Added advice and consent of Senate and explicitly stated that DCI could be a civilian or a mil man.

p. 84

The ~~Senate~~ report of the Senate Armed Services Comm. accompanying S. 758 devoted only 3 brief paragraphs to the CIA, indication of its relatively minor place within the bill. The only substantive issue it mentioned was its recommendation that OCI could come from military as well as civilian life.

pp. 223-238

SECRET

Sen. Tydings: "that is an awfully short bit of explanation, under the caption 'Central Intelligence Agency.'" [Senate hearings, p. 176]

some feared creation of a gestapo agency
some worried that CIA would intrude into FBI operations and domain
some were anti-New Dealers who distrusted presidential directives and executive orders

~~Senate~~
~~Congress~~ made one other imp. change in the bill, by making the Pre the chairman of the NSC. This mean that the DCI for 1st time reported directly to the Pres.

p. 35

Pforzheimer interview,
Nov. 17, 1982 (not on transcript)

The Senate hearings were conducted only in executive session--
there were not open hearings on the CIA in the Senate.

I should make every effort to get a copy of Vandenberg's secret
testimony. [Correction: I already have seen it, in the Hoffman
executive session hearings.]

Marc h 26, 1947

(Possible lead sentence: Subsequent passage thru Cong demonstrated the value of friendly cong. relations.)

Vandenberg and Pforzheimer meet w/ Chairman Gurney re Vandenberg's future testimony. Gurney "agreed to shut off any embarrassing Qs from the floor."

Gurney warned that at least 2 of the comm. members were leaks to Drew Pearson and assured Vandenberg of all possible support in this connection. (a handwritten parenthesis notes that Styles Bridges is one of these leakers)

later in the day, Van and Pfor spoke w/ Bridges, who had made some adverse comments in the previous day's hearings. Meeting set up bet Van + Bridges to discuss Bridges' complaints

Gurney also read Van's statement ahead of time + commented on it.

similarly Vandenberg met w/ Hoffman to coordinate his appearance before Hoffman's comm.

May 10, 1947

another ex. of cong. stroking: Pforzheimer and Hillenkoetter meet for 2 hrs w/ Cong. Busbey (R, Ill) of the House Expenditures Comm, who had earlier expressed reservations re the CIG provisions.

[but Busbey continues to cause probs]

Walter J. ...

13 Feb. 1947

Had general discussion on C16 legislation w/ John Blandford,
Clinton D.B. Brown, & Robt. Smart, staffers on the House Armed Comm,
at the Capitol

CIG drafted memorandum for Sen ArmSer Comm setting forth CIG objections to S. 1282, Sen. Robertson's nat. def. bill.

DCI personally involved himself w/ responses to letters from congressmen.

submitted memo to House Expenditures Comm on H.R. 3469, introduced by Repr. W. Sterling Cole, voicing objections to intell provisions in Cole bill.

furnished Sen. Bridges w/ draft of enabling legislation (contemplated)

someone from legis liaison branch attended hearing every day to note any references to intell. provisions.

nor did ultimate success in Cong end their task. Hillendoetter and Pforzheimer called on 3 reps (Wadsworth, Holifield, and Manasco) to thank them for their help .also wrote ltters to others along same lines.

SECRET

[chk in Cong Rec, p. 9606, 19 July 1947]

Carter Manasco, member of House Comm on Expenditures told his House colleagues that the sections on the CIA were given more study "by our Subcomm and the Full Comm than any other section of the bill."

p. 32

[this certainly flies in the face of my understanding that the CIA parts elicited relatively secondary interest]

[it is unclear when Manasco refers to all CIA sections, or to the provision whether DCI shall be civilian or mil. - the subcomm. he refers to may be a special CIA subcomm. - instead, DO NOT USE]

Arthur Darling interview w/ Walter Pforzheimer, 1952
SECRET

CIA ^{Reince J.} ^(legal)
Repre. Brown of Ohio/hostile. He was determined to insure that the act carried specific statements regarding the duties and responsibilities of the CIA, whether or not the detailed enabling measure was included.

The result was that the Act did not continue the CIG as the Agency "by reference." Instead, Sec. 102 d,e,f, have specific clauses.

but even Brown ~~did~~ agreed that CIA should be in charge of clandestine collection

Brown arguing that it was up to Cong, not the Pres, to determine what the jurisdiction & powers of the CIA should be

→ i.e., did not incorporate the Pres's Jan 22 Direction by reference - instead, the act specifically spelled out the powers of the CIA, by virtue of House amendments to the Senate bill. - They were modeled upon the Hunter draft.

I believe this report, in listing the funcs of DCI, used the phrases "services of common concern" and "such other similar func and duties"

[chk this]

also recommends that DCI be a civilian

Houston Memorandum for the Director, 25 Sept. 1947⁷, Subject:
CIA Authority to Perform Propaganda and Commando Type
Functions

SECRET

(11) admits that a literal reading of Sec 102 (d) (4) and (5) [services of common concern and Such other funcs and duties] "could bear almost unlimited interpretation"

but it is his opinion that both black propaganda activities and S.O. "would be an unwarranted extension of the functions authorized in Sections 102 (d) (4) and (5). This is based on our understanding of the intent of Congress at the time these provisions were enacted."

Cong. debate
"A review of debates indicates that Cong was primarily interested in an agency for coordinating intell and originally did not propose any overseas collection activities for CIA. The strong move to provide specifically for such collection overseas was defeated, and, as a compromise, Sections 102 (d) (4) and (5) were enacted, which permitted the National Security Council to determine the extent of the collection work to be performed by CIA. We do not believe that there

OVER

SECRET

was any thought in the minds of Cong that the Central Intell Agency under this authority would take positive action for subversion and sabotage. A bitter debate at abt the same time on the State Dept's Foreign Broadcast Service tends to confirm our opinion. Further confirmation is found in the brief and off-the-record hearings on appropriations for CIA.

during the 1947 debate Cong gave approval to the unvouchered funds requested by DCI "mainly for the specific purpose of conducting clandestine intell operations outside the United S. We believe that there was no intent to use either the vouchered or unvouchered funds for M.O. or S.O. work. Either of these activities would require establishment of a new branch of office, employment of considerable personnel, the procurement of huge quantities of all types of goods and materials, and large sums for expenses of administrative support and incidentals. We believe this would be an unauthorized use of the funds made available to CIA. It is our conclusion, therefore, that neither M.O. nor S.O. should be undertaken by CIA w/out previously informing Cong and obtaining its approval of the funds and the expenditure of funds for those purposes."

Arthur Darling interview w/ Lawrence Houston, 1953
SECRET

Houston presented an argument to Hillenkoetter on Sept 25, 1947, that Cong had given CIA the power of collection but not the power to engage in clandestine operations. Cong would want to specifically grant the latter power. Of course, clandestine operations would incidentally produce some intell, but the fact that it required extraordinary expenditures from unvouchered funds distinguished it from other collection funcns most decidedly.

Houston believed that Cong would want to have its comms on approproations informed in general terms regarding clandestine operations; hence, it did not in 1947 act grant sweeping authority to CIA for these purposes.

The "compromise" which he spoke of in his memo for Hillenkoetter was in the choice of words to avoid publicity in the ACT. The phrase "additional services of common concern" in the 1947 act refered to the func. of collection.

apparently Hillenkoetter objected to activities which were likely to be disclosed for fear this would compromise secret collection which should be unclassified

give the unclassified char. of collection, both overt + secret, during cong. consideration. Houston's objections have been entirely plausible.

(11)

Vandenberg to Charles S. Murphy, Apr 29, 1947

Vanden prepares a statement for insertion in the record. But he meets w/ the 2 comms in executive session, and therefore includes in his testimony a short section indicating the necessity for clandestine operatins which will not be placed in thr record.

UNCLASS.

appears likely that CIA conceived "simply as a central focus for the coordination of intell. activities and the correlation and evaluation of intell."

Allen Dulles at the time criticized the proposed bill for setting up "what, in effect, is likely to become a coordinating agency for the mil. intell. services." [try p. 526 of Senate hearings]
in 1953, HST also publically complained that the original role of the CIA had been diverted

CIA not even given authority to collect intell. on its own in 1947 act. This came only from NSC implementation of the act.

p. 432

SECRET

according to a hostile witness (Peter Vischer, formerly of G-2), Vandenberg upon 1st taking office was asked whether he believed "in a coordinating and evaluating agency" or "operation in central intel". Vandenberg is supposed to have replied: "I do not believe in any damn coordinating sewing circle."

p. 110

Secret June 27 hearing

SECRET

CNI cryptic argues in favor of CIA collecting as well as coordinating & disseminating

p. 160 + passage

July 2, 1947

Gen. Wright and 2 members of OSO discussed "certain matters relating to special operations" w/ Cong. Wadsworth and ^{Carter}Manasco, of the House Comm on Expenditures, "in connection w/ previous testimony." the 2 congressmeng "agreed to support CIG request for permission to continue special operations."

July 3, 1947

"Met w/ Congressman Manasco, who reaffirmed his and Mr. Wadsworth's position as a result of yesterday's confernece."

(I will need to ask Pforzheimer abt this)

gestapo charges

Pforzheimer Journal

June 17, 1947

decided to submit to Hoffman a written suggestion that the bill be amended to include specific provision vs CIG having any policy, law enforcement or internal security powers, "in order to cut the ground from under the opposition."

JAN 22, 1946 - Directive contained this type of provision - but
Pres's draft of Feb. 26 did not - Hamilton draft of summer 1946 did
include such a provision - Pres. draft had ^{scutt} ~~not~~ ^{only} ~~been~~ ^{by}
reference to Presidential Directive

House Comm. inserted this provision

Pforzheimer Memorandum for the Record, 19 June 1947

talked this morning w/ Congressman James Wadsworth re fears of CIA becoming a gestapo. I told him CIG was considering a provision to be included in the bill substantially in the form that it appears in Jan. 22 directive prohibiting any police or internal security or law enforcement powers.

Wadsworth also agree that CIA should not be under Civil Service and that DCI should have the right to fire at will.

CONFIDENTIAL

in the draft of the Nat. Sec. Act submitted by HST, the brief section devoted to CIA provided essentially only that the Agency, under a DCI, should take over from CIG its funcns, and should be resp. to NSC.

but Cong feared that such carte blanche to the Executive might some day be abused and therefore added amendments listing some funcns, prerogatives, and limitations on the CIA.

Arthur Darling interview w/ Walter Pforzheimer, 1952

SECRET

jurisdictional rivalry in Cong. bet ^{Armed} ~~Mil.~~ Services Comm and
that on Expenditures in Executive Depts.--becuz the armed
services, particularly the Army, did not want the new CIA
to have the power to collect secret intell.

Repre. Wadsworth more than anyone else provided the
support to get established in the 1947 law the concept of
"common concern."

during consideration of the 1947 act, the Q of whether to create an institution like the CIA was not at issue. Widespread support from both parties existed for this. Complicating matters, however, was the fact that the creation of the CIA was but one part, and a relatively minor one at that, of a legislative proposal to unify the armed forces. Because of the controversy surrounding this issue, consideration of the CIA was caught up in this other matter.

*this is \$
Key*

With little need to demonstrate the need for a CIA, congressional debate centered around the following issues:

~~the place of CIA w/in the govt structure~~

related

- (* the place of CIA w/in the govt structure
- (* the specific funcs. to be entrusted to the CIA
- (* civilian vs. mil. control of CIA - DCI
- (* CIA and internal security - *geotops* - *interference w/ FBI*

related

The most contentious debate revolved around whether the DCI should be a civilian or a mil. man. Determined to maintain the tradition of civilian control over the armed forces, the House voted to bar anyone on active duty from becoming DCI, but subsequent conf. comm. deleted this provision.

SECRET

Hillendoetter to Sen. Chan Gurney, June 3, 1947

Hillenkoetter says that were he appointed to post of DCI he would be willing to retire from active service ~~and~~ with the understanding that this was to be a career job. "It would be manifestly unfair for me to retire now, w/ the idea of making the position of Director my career, and then, perhaps, after the next election, be relieved of my post because of a desire to fill it w/ a pol or personal appointee. If I were thus relieved, I would be w/out a career in the Central Intell Agency and foreclosed from returning to the Navy."

* * * * *

OLC History

SECRET

12 as Repre Judd put it, the DCI should not "be standing w/ one foot in the civilian trough and one foot in the mil. trough." (Cong Rec, July 19)

p. 93

Some consideration of continued in office for the DCI - some
mention of a 14-yr. term.

This was as Vandenberg was leaving + CIB was looking for its 3rd
director in 2 months

in fact, at one pt, (July 2, 1947), Houston drew up a
proposed provision appointing Hillenkoetter for a term
of 14 yrs--see item # 2 in OLC records stored in HS vault.

Arthur Darling interview w/ Walter Pforzheimer, 1952
SECRET

a slight flap when word concerning Hillenkoetter's im-
pending appointment as DCI leaked--Sen. Bridges and Repre.
Busbey at center of this flap--no further details given.
It turns out to be only a minor affair.

*(not with
mention)*

discussion concerning how long the DCI should serve--
proposals ranging all the way from the right of the Pres
to dismiss him at a moment's notice, to tenure for life.
Reflections, however, soon persuaded people that DCI should
stay in office for an indeterminate period subj always to
removal by the Pres.

Repre. Judd very influential in supporting the creation of
a strong intell. system.
Repre. Wadsworth, McCormick, and Manasco took the lead
in supporting the Agency.
Wadsworth and Manasco were interested to notice that the
Br seemed to be moving toward centralized intell, while
reps from the Army and others were trying to head the US
system in exactly the opposite direction. The chief

OVER

April 29, 1947

Vandenberg testified before Senate Comm today in executive session.

Apr 30, 1947

Pforz arranges w/ General Counsel of House Comm. for the latter to brief Hoffman re the need to shup off embarrassing Qs, eap. those concerning personnel ceilings and budget. Also arranged to have closed session w/ only one comm. staffer present, and no stenographic transcript. Vande will testify on May 1., his last duty before turning the position over to Hillenkoetter.

SECRET

Rep. Ralph E. Church spoke for the consensus when he said intell was "necessary for the proper functioning of our mil machinery" and "of primary importance for the proper conduct of our for. relations" [Cong Rec, vol 93, pt. 7, p. 9421]

Rep. W. J. Bryan Dorn recalled that people had thought Hitler "a comic character" and that Mussolini was bluffing, and declared "your Central Intell Agency is a very imp part of this bill." [Cong Rec, vol 93, pt. 7, p. 9419]

Rep. Walter G. Andrews: "it is a gr and dangerous departure for the Amer people to estab by law a 'spy agency,' which is what this agency will actually be." [Senate ArmSer Hearings on Nat. Def Estab, Mar 25, 1947, p. 593]

p. 34

Playboy Journal

Mar. 5, 1947

C-16 still playing w/ idea of introducing detailed enabling legislation w/ the merger bill - spoke w/ Sen. Gurney, chair of Senate Atom Sec. Comm., who advised a separate bill at a later date

Arthur Darling interview w/ Pforzheimer, 1952
SECRET

provision (c) giving DCI power to terminate the employ-
ment of any employee went into the act at request of Pforz-
heimer w/ support of Repre. Manasco. Other agencies very
jealous of this clause, and it might not have been in-
cluded had it not been for Manasco.

no classification

Houston memo for DCI, 14 Feb 1958, Subj: Protection of
Intelligence Sources and Methods

re the phrase assigning DCI resp. for protecting intell.
sources and methods: adopted from Pres' directive of
Jan 22. Put in the Directive at insistence of certain
departmental intell offices who worried that info developed
from their sources would then go to CIG and be outside
their security control. Intent was to insure that their
sources and methods would not be compromised by creation
of CIG

a bit of a tussle over the salary to be paid
DCI - CIG wanted it in keeping w/ the relative comp. of
the position w/ the ext. sec. structure

\$ 14,000 OK

Senate ArmSer Comm held hearings on S. 758 for 10 weeks, went into executive session on 20 May, and reported out an amended version on 5 June. Floor debate occurred on 7 and 9 ~~June~~. July

Comm on Expenditures in the Exec Depts now the Comm on Government Operations

House Comm began hearings on 2 April, concluding them on 1 July. Report issued on 16 July and bill discussed in House on 19 July.

apparently H.R. 4214 (not the original 2319) passed in House
on ~~Aug~~ Jul 19 ~~1944~~.

another dif. bet House + Senate bills: House required DCI
be a civilian + be paid \$14,000. Senate said DCI could
be either " a mil + should make \$12,000.

House spelled out powers of CIA - Senate referred to Federal Register
" explicitly spelled out limitations on the agency, Senate did not
" had added 2 other TPs, one on DCI's right to terminate at
will, the other ~~the~~ Tudd's amendment protecting FBI.

p. 400

SECRET

Sen ArmSer Comm held hearings for 10 weeks, went into executive session on 20 May, and reported out an amended version of S. 758 on 5 June. Senate debate on July 7 and 9. and approved by voice vote on the latter date.

p. 36

House Comm on Expenditures in the Executive Depts held hearings from 2 Apr until 1 July, issued favorable report on 16 July. Passed by voice vote on 19 July.

conf. comm. produced its version on 24 July. Senate accepts Conf. Report on same day by voice vote and House follows suit on following day.

p. 37

August 1, 1950

Pforzheimer asks Cong. Hoffman to return the transcript of the hearings involving CIG which were made in 1947. Hoffman promises to do so if they have not been destroyed.

3 weeks later Hoffman's office calss to say that the copy of the secret testimony given before the H0use comm had been destroyed

Eberstadt and Lovett reports -- crucial for establishing 2
things abt the future CIA: it should be central and it should
be ~~XXXXXXXXXXXX~~ all other depts
separate from

"An Act to promote the nat security by providing for a Sec of Defense; for a National Mil Establishment, for a Dept of the Army, a Dept of the Navy, and a Dept of the Air Force; and for the coordination of the activities of the Nat Mil Estab w/ other depts and agencies of the Govt concerned w/ the nat security."

sec of 102 (and presumedly all of the legislation) may be found in 61 Statutes-at-Large 497-499 (get Sue or Regina to check ~~this~~ in OGC library)

SECRET

While conferees eliminated House provision requiring DCI to be a civilian, they did make every effort to divorce the DCI from the armed services if he had been appted from the mil. (b) (1) (A) and (B)

some concern that mil men would use position of DCI as stepping stone in their coareers, rather than as career in itself--a concern not molified by fact that 3 mil. men had held the position in 16 (?) months

but in view of absence of experiened indivs in for. intell filed, requiring a civilian would mean mil men would have to resign--and this created complications unless they were promised long tenures. See Hillenkoetter letter to Gurney.

presidential draft of 26 Feb did not require senate confirmation of DCI. Cong. added this provision plus provision reinforceing DCI's indep from the mil.

Dulles told the House Comm that accepting the position of DCI should be akin to going into a monastery. "He has got to devote his life to that, and to nothing else."

p. 88

the particular wording: "with a Director of Central Intell,
who shall be the head thereof." specifically written
this way in order to stipulate that the DCI was more than
simply head of CIA; rather, he was the Chief Intell advisor
in the govt.

UNCLASSIFIED

"The law established a Central Intell A 'under' an NSC, which was headed by the Pres. At the head of the CIA the law placed a Director of Central Intell, who was appointed by the Pres, and who, whether mil man or civilian, would serve as a civilian. He was also given unusual authority to terminate any person's employment by the agency and was given qualified access to the intell of other depts and agencies. The agency was given five funcs: to advise the NSC, to make recommendations on coordination, to produce nat. intell, to perform services of common concern, and to perform such other funcs and duties as the NSC might direct. The agency was denied any police or internal securirty funcs, was obligated to protect its sources and methods, and had to recog the right of other depts and agencies to collect, produce, and disseminate departmental intell."

also joined the DCI and the CIA, whereas DCI and old CIG had been separate.

p. 402

UNCLASSIFIED

Nat. Sec. ACT of 1947 contained 2 primary sections. Title II established the Dept of Defense and unified the armed services. Title I was entitled "Coordination for National Security" and established the NSC, the Office of Emergency Planning, and the CIA.

Title I, Sec. 102(a) provided for creation of CIA and the appointment of a director ~~and secretary~~ by the Pres, w/ the advice and consent of the Senate. ~~The~~ could be either mil officers or civilians.

the CIA was made resp. to the Pres, thru the NSC. Its primary purposes were to coordinate the intell. activities of the US and to advise the NSC in matters of intell.

pp. 22-23

CIA established by section 102 of the Nat Sec Act of 1947.

Results - legislation gave it a certain permanence. CIA did not have; no longer vulnerable to instant ~~dis~~ abolition.

gave the CIA sufficient power to operate without having to seek specific approval from NSC for each action, as Vandenberg had urged

effect on CIA

HS/HC 800

Arthur Darling interview w/ Hillenkoetter, Oct/Dec 1952
SECRET

legislation was of gr. assistance in Agency recruiting.
As long as CIG operatinf under a presidential directive,
people were hesitant to join for fear that a subsequent
directive could disband it.

but following cong. passage of the act, Agency got much
better of quality and quantity of applicants.

concerning operations of the Agency, the legislation made
very little differecne.

1947 act generally ignored as having to do w/ management of
the intell. community.

What was the relationship bet CIA's resp. to coordinate the intell. activities
of the Govt, & the continuation of departmental intell.? What authority did
the DCI have over the entire community?

earlier letter of authority

SECRET

Nat. Sec Act did surprisingly little to change the original presidential letter under which the CIG had functioned for 18 months. From the Agency's standpt., the transfer of ultimate authority from NIA to NSC little more than a change of name. The principle duties of the Agency remained the same.

Like HST's earlier letter, the act did not give CIA or DCI special authority over any of the other govt agencies concerned w/ intell. matters.

Division of resps. bet CIA and other intell. agencies still left unclear. For inst, did not specify whether CIA supposed to "correlate and evaluate intelligence relating to the nat. security" by itself, or only to do so by coordinating the estimates of the other agencies.

act gave CIA a firm foundation in law, but changed little else.

pp. 26-27

signed by HST on July 26, 1947.
Its declared intent was to unify direction of the separate
mil. depts. under civilian control.
Named a new Sec of Def as the principal assistant to the
Pres in all matters relating to the nat. security.
creates a NSC where all policies relating to the nat.
security should be integrated for advice to the Pres.

contained a special provision to assure the FBI that the
CIA would not interfere w/ its operations.

numerous ambiguities: fails to define what it meant by
"nat. security." Did not clearly delineate resp. of
and relationship w/bet CIA and other intell agencies.
unclear as to the DCI's precise powers. Did not estab.
mechanisms to insure that the deptal intell. agencies
would in fact deliver their intell. to the CIA. Unclear
what are "services of common concern." Ditto re "other
funcs and duties related to intell affecting the nat. sec."

Surely this last duties put in to allow flexibility

no INTell Advisory Bd as had characterized the Jan 1946
directive.

UNCLASSIFIED

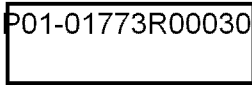
DCI had considerably more freedom of action than under the NIA, with access to the Pres, no IAB or board of service intell chiefs to report to.

but CIG had not achieved everything it wanted. DCI not made a nonvoting member of NSC. CIA not given a DDCI (until 1953).

p. 408

Cong's chief contribution: strong assertion of the essentially civilian character of the CIA

p. 410



UNCLASS.

1947 act made no provision for funding other than to enable CIA to inherit any unexpended balances left by CIG

p. 433

Competition w/ the armed forces - another aspect of 1947 bill which
will recur in this history?

SECRET

*be whether ~~a~~ specifically spell out fines: already we see jockeying
bet Cong + the Exec. over each other's paper role in supervising the CIA*

(14) unbeknownst even to himself, Repre. Brown in the secret House comm. session explicitly defined one of the probs which in later yrs was to bedevil the Agency: complaining of agreements secretly entered into by past administrations, notes it is "just a Q of how much control Cong wants to keep as the representatives of the people and how much they *in writing up this legislation, try to prompt several long-range issues which are going to be repeated in later pages*

(15) ought to know abt it." He then goes on to defend Cong. ability to safeguard secrets. "It has been my experience . . . that on imp matters, as far as patriotism is concerned, that you can trust the patriotism of members of Cong just abt as far, and perhaps a little further, than you can those in the depts of the Govt." Then he explicitly mentions

OVER

SECRET

Handwritten:
speaking to
Vanderberg

cong. secrecy during the war abt the atomic bomb. "There are all kinds of confidential matters up here. I cannot understand, for the life of me, why we cannot write the funcs in and why, if it is necessary to change the funcs, we cannot pass upon it as the representatives of the people and decide whether those funcs should be changed or not. Your ideas, or the ideas of the Sec Council, might be entirely dif from the ideas of the men and women who are elected to represnet the people."

pp. 32-33

15
Repre. Manasco: talking in floor debate of CIA provisions of Nat Sec Act of 1947, he says, referring to testimony given during committee executive sessions: "We were sworn to secrecy, and I hesitate to even discuss this section because I am afraid I might say something . . . and divulge some information here that we received in that committee that would give aid and comfort to any potential enemy we have. For that reason I am even reluctant to mention the testimony."

[may not want to use this in debate on this legislation--
but as an illustration of a continuing prob estending over
several decades]

UNCLASSIFIED

"Insofar as its intell provisions are concerned, it was pioneer legislation. Never before had the country, through its constitutional procedures, accorded such formal recognition to the importance of intell. both in peace and war. Never before had the country established an indep. agency of govt. to give substance to the recognition. Never before had the country officially, albeit tacitly, authorized the conduct of foreign, peacetime espionage and counterespionage and "such other" intell-related activities as the NSC might direct. It might also be claimed that never before had this or any country so publicly and candidly enacted a law on such a delicate subject."

p. 402

role of Russian and internal

effects ~~to~~ of concern re security on cong. consideration?

I think the bill makes the PCI a non-voting member of
NSC, like the JAN 22 directive but unlike the 26 Feb.
draft bill

NO

SECRET

as one witness admitted (Adm. Thomas Inglis, chief of NI):
"this disaster of Pearl Harbor is very much on the minds
of all ~~of~~ us, and it has had a gr influence in our thinking."
7

p. 148