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Memo

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OLC 72-0498/A
17 April 1972

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: OLC Annual Report

Attached is the OLC 1971 annual report. Among the highlights:

a. We appeared before congressional committees or subcommittees 17 times (same as last year).

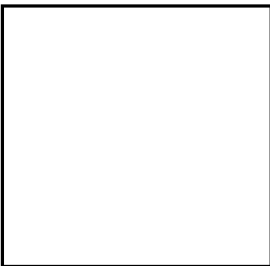
b. We provided 120 individual intelligence briefings (80 last year).

c. We staffed out, in collaboration with other Agency components, OMB, other Government agencies, and our oversight Subcommittees, the Agency position on various bills involving: personnel administration (Ervin bill, Equal Employment bill); restrictions on U.S. programs in South-east Asia (Symington amendment, Foreign Aid bill, Church/Badillo bill); congressional access to intelligence info and operations (Cooper bill, Case bill); and making public the Agency budget (McGovern bill).

d. We had skirmishes with Congress on: Fulbright's request for data on Soviet research, allegations about Agency involvement in drugs, Case's request for info on sensitive operations, etc., --thus far without costly casualties.

e. During the year we had 1572 personal contacts with members or their staffs (compared with 1200 last year) and provided 685 written responses to congressional inquiries.

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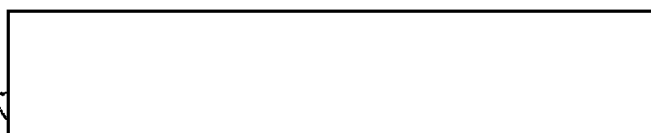
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f. Looking ahead, our major problems on the Hill may result as much from our successes as our failures: the better we do our job, the greater will be the demand for access to our intelligence product, and the greater will be the congressional clamor to learn more, and have more to say, about our covert activities.

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John M. Maury
Legislative Counsel

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OLC 72 - 0498

17 April 1972

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Report of CIA Liaison with Congress - 1971

I. This report summarizes the congressional liaison activities of the Agency during 1971 and notes some problems and prospects that may lie ahead.

II. Briefings. The Director appeared before congressional committees or subcommittees on 14 occasions, including two breakfast briefings during 1971. (This compares with 17 such briefings in 1970 and 20 in 1969.) Senior Agency officers briefed subcommittees on three additional occasions.

A. CIA Subcommittees - Senate

1. Appropriations

The Intelligence Operations Subcommittee was briefed once by the Director. Topics covered included the intelligence community, Radio Free Europe and Radio Liberty, Laos (including CIA operations), and Air America.

2. Armed Services

The Subcommittee, as such, did not meet; rather, the Chairman preferred that the Agency brief the full Committee, which was done on two occasions. Topics included world trouble spots and the role of the DCI in the intelligence community.

B. CIA Subcommittees - House

1. Appropriations

Selected members were briefed on two occasions: subjects included the Cooper bill (S. 2224, CIA intelligence reports to Congress), the McGovern bill (S. 2231, CIA appropriations), the Middle East, Vietnam, Laos, the community budget, [redacted], [redacted], and a new read-out system.

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2. Armed Services

The Intelligence Operations Subcommittee had one breakfast briefing at Headquarters, where the Agency's role in the intelligence community was discussed.

C. Other Briefings - Senate

1. Appropriations

The Defense Subcommittee received one briefing on Soviet and Chinese military developments, the Middle East, and Southeast Asia.

2. Foreign Relations

The full Committee received one world situation briefing.

The Arms Control, International Law and Organization Subcommittee was briefed once on Soviet and Chinese military developments.

The Western Hemisphere Subcommittee was briefed once on Brazil.

D. Other Briefings - House

1. Appropriations

The Defense and Military Construction Subcommittees received a two-day briefing on Southeast Asia, Pakistan, Chile, Cuba, Soviet and Chinese military developments, and Chinese internal affairs.

2. Armed Services

The full Committee received one briefing on Soviet and Chinese military developments, the Middle East, Pakistan, and Cuba.

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3. Foreign Affairs

The National Security Policy and Scientific Developments Subcommittee was briefed once by Carl Duckett, DD/S&T, on Soviet military developments, including ASW, FOBS, and MIRV, and Chinese military developments.

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The Near East Subcommittee received one briefing on the Arab-Israeli situation by [] of OCI.

4. Judiciary

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The Immigration Subcommittee received one briefing by [] of OLC on a private bill.

5. Post Office and Civil Service

The Employee Benefits Subcommittee attended one breakfast briefing at Headquarters on the impact of the Ervin bill on the Agency.

E. Other Briefings - Joint Committees

The Joint Committee on Atomic Energy received one roundup briefing on Soviet and Chinese military and nuclear developments and the status of nuclear programs in France, Israel, India and the threshold countries.

F. Individual Members

Legislative Counsel personnel or senior Agency officers briefed individual members on various intelligence items of interest approximately 120 times in 1971 (compared with 80 times in 1970 and 65 times the year before). The steady increase in such briefings may be expected to continue.

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G. Staff Members

In addition to the daily contact of Agency representatives with the staffs of our parent committees, OLC officers dealt with staff members of 16 other congressional committees during the year on matters of substantive intelligence or legislative significance.

III. Legislation. The Agency's activities in connection with legislation involve:

A. Proposing legislation responsive to the Agency's needs.

B. Screening other legislative proposals to identify Agency interest and where appropriate bringing such proposals to the attention of responsible Agency components.

C. Coordinating, within the Agency, our position on pending legislation in response to requests for comment from the Office of Management and Budget, other Government agencies, and congressional committees.

D. Initiating appropriate action, either within the Agency or in concert with other Government organs, regarding legislative matters of interest to the Agency.

1. During the past year the Agency's legislative proposals were limited to those dealing with the CIA Retirement Act and several private relief bills.

a. Amendments to the CIA Retirement Act are designed to bring the retirement benefits under the CIA Act into line with the recent liberalization of the Civil Service System. These proposals are now under review by OMB, where they are being held up pending resolution of certain problems related to funding.

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2. In the course of screening legislative proposals during the last year, OLC examined some 18,000 bills, 1,200 Committee reports and 48,000 pages of the Congressional Record to identify matters of Agency interest. As a result of this review, approximately 1,000 items of some Agency interest were identified and brought to the attention of appropriate Agency components. A main purpose of this program--particularly important in view of the current congressional challenge to Executive authority--is to detect legislative efforts to impair Agency authorities or programs through amendments, riders or other legislative devices.

3. Coordination of the Agency position in response to requests by OMB or congressional committees involved during the past year 29 bills, draft bills and proposed reports. The Agency provided comments on 21 of these. In the case of the remaining eight, we believe that policy matters are involved which can more appropriately be commented upon by other elements of the Administration and have so indicated to the congressional committees concerned.

4. Perhaps our most active involvement in legislative matters during the past year has concerned the coordination, with other Government agencies, of legislative measures of concern to CIA. These have included:

a. Ervin Bill S. 1438

Senate. This bill to "protect the constitutional rights of Federal employees" passed the Senate during 1971 without opposition and included a full exemption for the FBI and limited exemptions for CIA and NSA. At the time of its passage the Committee report failed to note or acknowledge the Director's letter to Senator Ervin requesting a full exemption, and indeed the Committee report erroneously stated that the bill had been amended to meet the Agency's objections. While several members of the Committee were consulted on this point, and indicated that had they known of the true facts they would have voted differently, they nevertheless advised that any attempt to reopen the matter after the bill had passed would be unsuccessful.

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House. A companion bill, which provides a full exemption for CIA, is under consideration by the full House Post Office and Civil Service Committee. OLC officers have discussed this bill individually with each member of the responsible Subcommittee, and found them generally sympathetic with the Agency's position.

b. Equal Employment Opportunities Bill S. 2515. This bill would give CIA applicants and employees a specific right of appeal to the Civil Service Commission or the courts in cases of alleged discrimination. OLC representatives have pointed out the Agency's problems in connection with this bill and received generally sympathetic, but noncommittal, responses. OLC is working with Civil Service Commission and committee staff representatives to develop mutually acceptable language to take care of the Agency's problems.

c. Federal Executive Service H. R. 3807. This is an Administration proposal providing a centralized management system for supergrade personnel. Although as submitted the bill would apply to the Agency, we are assured by staff officers of both House and Senate committees that this was not intended. We therefore believe when the bill becomes active the prospects for an Agency exemption will be good.

d. Symington Amendment (Laos). This amendment to the Military Procurement Authorization Act establishes a dollar ceiling and certain reporting requirements on U.S. activities in Laos. Although aimed primarily at the war in Laos, the original language was broad enough to apply also to [REDACTED]

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[REDACTED] We sought an amendment, or, alternatively, clarifying legislative history to remove this aspect of the amendment. The problem was ultimately resolved through the legislative history device.

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e. Foreign Aid Bill S. 2819. This bill, the Foreign Assistance Act of 1971, was the battleground for measures seeking to restrict the freedom of Executive action

overseas. Among these were a prohibition on the use of third country nationals in Laos; a requirement that military assistance in Laos be authorized by the Foreign Relations and Foreign Affairs Committees; and certain requirements that the Administration report on the developments in Laos to the Foreign Relations and Foreign Affairs Committees, and that the Agency report to the Foreign Relations Committee on its overseas activities. As reported out by the Foreign Relations Committee, it contained a number of provisions creating problems for the Agency. Agency representatives, in cooperation with representatives of Defense, State, OMB and the Agency oversight subcommittees of the Congress, succeeded in resolving many of the problems presented by the original bill, particularly through floor action by Senator Stennis. Other problems were satisfactorily resolved in Committee conference.

f. Church/Badillo Bill S. 1887, H. R. 8371. Our views were requested by both House and Senate Armed Services Committees on this bill which would prohibit the National Security Council from directing the Agency to conduct guerrilla warfare abroad. We registered our opposition informally to senior members of the Armed Services Committees who agreed with our position and accepted our suggestion that we withhold any formal reply, since the issue was ultimately a policy one between the chief Executive and the Congress. When the measure reached the House floor, in the form of an amendment to the Military Procurement Authorization Act, it was defeated on the basis of Chairman Hebert's argument that the Agency operated under the direction of the President and initiated no activity of its own.

g. Cooper Bill S. 2224. The Agency opposition to this bill, which would require that intelligence information and analyses be provided to the Congress, is reflected in a letter to Chairman Fulbright from the State Department which was prepared in collaboration with the Agency and which is understood to represent the Administration's views.

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h. Case Bill S. 596. This measure would require transmittal to the Congress (or to the Foreign Relations and Foreign Affairs Committees if classified information is involved) all international agreements other than treaties. In discussion of this bill at White House meetings, the Agency has explained its position that "international agreements" under this bill do not include "intelligence arrangements," which must be protected in line with the Director's responsibility for intelligence sources and methods. This position has been supported by OMB, State and Defense.

i. McGovern Bill S. 2231. This bill would require the CIA appropriation to appear in unclassified form in the national budget as a single line item and would prohibit the transfer of funds to CIA from any other agency. The Senate Armed Services Committee has requested our views. We have formulated an Agency position informally, but with the approval of Committee staff members we are withholding the response until the bill becomes active.

j. Select Committee S. Res. 192. This measure would establish a committee of Foreign Relations and Armed Services members to oversee the coordination of activities of U.S. agencies (including CIA) operating abroad under the authority of the Ambassador. Our views have been requested by the Armed Services Committee and we have formulated a position raising a number of objections, essentially on constitutional grounds. These views have been made available to State, but we are not formally responding so long as the matter is still pending before the Foreign Relations Committee.

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IV. Other Issues

A. Request for National Estimates. Following publication of the Pentagon Papers, Senator Fulbright requested copies of all National Intelligence Estimates and Special National Intelligence Estimates on Southeast Asia since 1945. It was explained that these were needed in connection with the Foreign Relations Committee study of the information and recommendations which led to the U.S. involvement in Indochina. Various discussions ensued between Agency representatives and members of the Committee staff during which it was explained that the Agency would be glad to provide intelligence information on points relevant to the Committee's study, but was in no position to provide NIEs. It has been suggested to the Committee staff that they may find answers to many of their questions by reviewing the transcripts of the Director's testimony over the last several years regarding the Vietnam situation. To date, the Committee staff has not requested any of the transcripts covering this testimony.

B. GAO Request for Data on Soviet Research and Development. In response to a GAO request for data from CIA and DOD on Soviet expenditures for research and development, the Director wrote to GAO explaining the Agency's reasons for being excused from participation in this study. The Legislative Counsel discussed the situation privately with Senator McIntyre, Chairman of the Subcommittee on Research and Development of the Senate Armed Services Committee, which had originally levied the requirement for the study on GAO. McIntyre apparently accepted the Agency's reasons for wishing to be excused.

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D. CIARDS Tax Problem. Through the good offices of Senator Dominick of Colorado, we were instrumental in getting the state authorities to exempt CIARDS annuities from the state income tax.

E. Drugs. The Agency was actively involved in congressional discussions of the drug problem as a result both of allegations of Agency complicity in the illegal drug traffic in Southeast Asia and of suggestions that the Agency should play a more active role in curtailing the international drug traffic. Agency representatives have met with a number of congressional members and staff officers on this subject including Senators McGovern and Hansen and Representatives Robert Steele (Conn.), Paul Rogers (Fla.), Charles Gubser (Calif.), James Scheuer (N. Y.) and Charles Rangel (N. Y.). At our suggestion, Representative Gubser placed in the Congressional Record a copy of a letter he received from Director Ingersoll, Bureau of Narcotics and Dangerous Drugs, stating that CIA was playing a leading role in supporting BNDD in its drive against illicit drug traffic. We have found it very useful to refer to this letter in responding to numerous queries from members of Congress and their constituents regarding the drug control problem. The report on the drug problem by Representatives Steele and Murphy, in which the Agency unofficially participated, was also very helpful in refuting allegations of Agency involvement in illicit drug activity.

F. Senator Clifford Case. Senator Case, presumably spurred by John Marks of his staff, has been probing Agency activities on a number of fronts. He has introduced legislative proposals requiring that international agreements (including those of CIA) be made available to the Foreign Relations Committee; and that RFE and RL be publicly financed; and that defense articles transferred to foreign countries be counted against military assistance appropriations. He has also introduced bills prohibiting the funding of foreign governments or persons for military operations in third countries without congressional approval and prohibiting the funding of advisors for training of Cambodian military or paramilitary forces. In addition he has sought information on

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[redacted] and Air America operations. After consulting Senator Stennis, we have told Case we would brief him personally on these matters, but not John Marks. Case has stated this arrangement is not acceptable and there the matter has stood for some months.

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G. CIA Subcommittees.

1. During the year a new Intelligence Operations Subcommittee of the House Armed Services Committee was established under the Chairmanship of Representative Lucien Nedzi. This move followed the adoption by the Democratic Caucus of a new policy limiting members to a single subcommittee chairmanship. As privately conveyed by Chairman Hebert, Mr. Nedzi was selected to chair this Subcommittee because of the confidence he enjoyed among the younger and more restive members of the Committee who had been critical of the handling of intelligence matters by the old leadership.

2. Late in the year Representative George Andrews, a member of the ad hoc Intelligence Group of the House Appropriations Committee, died. (In early 1972 Representatives Sikes and Whitten were added to this group.)

3. During 1971 Senator Barry Goldwater became a member of the Intelligence Subcommittee of Senate Armed Services, replacing Senator George Murphy. Senator Margaret Chase Smith replaced Senator Karl Mundt on the Senate Appropriations Subcommittee.

H. Reorganization of the Intelligence Community.

1. The 5 November White House announcement on reorganization of the community gave rise to congressional concern in two respects. One initial reaction, voiced by senior members of Senate Armed Services and Foreign Relations, and House Armed Services, was fear that the present Director was being "kicked upstairs" to a position from which he would no longer exercise personal direction over the Agency's operations. It was suspected that this day-to-day direction would fall to a new deputy director who, in turn, would be responsive chiefly to the new NSC Intelligence Committee composed of senior representatives of the policy arm of the Administration. It was argued that such an arrangement might erode the independence and objectivity of the Agency and the integrity of its product.

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2. When it was pointed out that, in assuming his new duties regarding the community, the present Director would in no way be relieved of his basic responsibilities for the direction of CIA, and that the new NSC Intelligence Committee is charged not with directing the running of the Agency but merely with identifying national intelligence needs and evaluating the intelligence product, questions were raised as to whether the Director's dual responsibilities for the community and the Agency might not be too much for a single individual to bear, or represent an unwholesome concentration of power over the nation's intelligence resources.

3. For the moment these twin concerns appear to have subsided. But as the procedures and problems involved in the Director's discharge of his new responsibilities over the community unfold, the latter concern about the concentration of power may be revived.

I. Establishment of Legislative Interdepartmental Group (LIG).

Early in 1971 the White House established the Legislative Interdepartmental Group, made up of representatives of State, Defense, the National Security Council, CIA and other agencies as appropriate, and chaired by General Haig, Deputy Assistant to the President for National Security Affairs. This group in which the Agency is represented by the Legislative Counsel, is charged with coordinating the Administration's relations with the Congress in matters involving foreign affairs and national security problems. It has met at irregular intervals of several weeks and has, from the Agency's standpoint, occasionally provided a useful forum for exchanging views on legislative matters or problems of congressional liaison of common concern to the member agencies.

V. Other Congressional Contacts.

A. In addition to the formal briefings and contacts noted above, during 1971 OLC representatives had 1,572 personal contacts with congressional members and staff personnel. In collaboration with other Agency components OLC prepared 685 written responses to congressional requests and inquiries. The subject of these contacts and communications has varied widely, including such matters as congressional recommendations in support of applicants for employment; suggesting to members of Congress answers to questions they

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receive from constituents regarding the Agency; responding to questions about the Agency raised by members of Congress themselves; providing to members of Congress and appropriately cleared members of their staffs briefings on intelligence items in which they have expressed interest; and providing members and staff personnel with area briefings and, where appropriate, defensive security briefings, preparatory to their field trips, and debriefing them upon return.

We have made a concerted effort to take advantage of the opportunity presented by these informal contacts to give congressional members and staff personnel, many of whom are woefully ill-informed about the Agency, a better understanding of our missions and functions and a better appreciation of the way we are doing our job.

B. These informal relations with congressional members and staff personnel are a two-way street and some of them have been of substantial benefit to the Agency.

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Several of them have also been most helpful in addressing Agency training classes which have usually led to stimulating question and answer exchanges.

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4. In a sense, these various problems with the Congress stem from a central fact: over recent years the Agency has won new recognition for the importance of its role and new respect for the integrity of its product. As a result it has acquired new advantages and new burdens. As demonstrated by congressional concern over the announcement of the President's 5 November reorganization, the Congress will be quick to react in the Agency's defense if it perceives any efforts by the Executive to impair the Agency's independence. On the other hand, because of the high standards which the Agency has set in recent years, and because of congressional sensitivity to any suspicion that the Agency's product is being corrupted to serve partisan purposes, we may have to pay a heavy political price for any serious intelligence failures or operational blunders. Intelligence failures may give rise to suspicions that our judgments have been clouded by policy involvements or political considerations; and operational blunders, particularly in covert action undertakings, will stimulate increased demands that the special legislative authorities under which these have been undertaken be revoked. In sum, the better we do our job, the better we will have to do it in order to hold our own.

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