

THE WHITE HOUSE
WASHINGTON

August 3, 1973

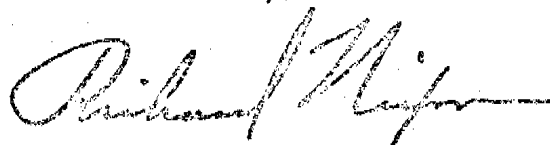
Dear Mr. Chairman:

This is in response to your request of July 5, 1973 that copies of the National Security Council Intelligence Directives which implement the National Security Act of 1947 with respect to the Central Intelligence Agency be made available to your Committee.

As CIA Director-designate William E. Colby has informed you, he has been authorized to acquaint you with the contents of these documents and discuss with you any questions concerning them at your convenience. I am confident you will find that these directives do not in any way circumvent or violate any portion of the National Security Act of 1947.

As I am sure you will appreciate, these directives deal with sensitive matters relating to intelligence affecting the national security and must be carefully protected.

Sincerely,



Honorable Stuart Symington
Acting Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510

THE WHITE HOUSE

WASHINGTON

ACTION

July 30, 1973

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger *HK*
SUBJECT: Senator Symington's Request for National
Security Council Intelligence Directive (NSCID's)

On July 5 Senator Symington wrote to you (Tab B) requesting that those NSCID's relating to CIA operations be made available to the Senate Committee on Armed Forces. He is interested in seeing if the NSCID's circumvent or violate any portion of the National Security Act of 1947, and if they provide authority for the CIA involvement in Laos. These issues arose in William Colby's hearings.

I have authorized Colby to hand carry and show Symington the relevant NSCID's. Symington probably will conclude that the NSCID's are consistent with the 1947 Act, but do not clarify the source of the authority for the CIA Laos operation.

Attached at Tab A is a letter for your signature responding to Symington's request which confirms that Colby has been authorized to provide access to the relevant NSCID's.

RECOMMENDATION

That you sign the letter at Tab A.

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July 21, 1973

MEMO FOR:

ANDY MARSHALL

FROM:

BRENT SCOWCROFT *BS*

I understand Timmons' preference is that the letter to Symington come from the President so that he gets credit for this action. However, I believe it is in the President's interest to keep the response below his level. Therefore, I would appreciate your revising the package to include a draft letter to Timmons, so we can give HAK the option of using the Presidential or Timmons route.

Attachment

Brent

Here is the revised package.

Wick

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NATIONAL SECURITY COUNCIL

July 18, 1973

MEMO FOR JON HOWE
JEANNE DAVIS

FROM: A. W. Marshall

SUBJECT: Attached

Fred Fielding suggests that the Presidential memo be expanded so that the President is aware that his letter will not be totally responsive to Symington's inquiry.

We feel, however, that the Presidential memo is adequate as it is.

MEMORANDUM

3832 Revised

NATIONAL SECURITY COUNCIL

SECRET

URGENT ACTION

16 July 1973

MEMORANDUM FOR HENRY A. KISSINGER

FROM: A. W. MARSHALL *Amur*

SUBJECT: Symington Letter to the President Requesting
Access to NSCID's

At Tab B is Symington's letter to the President requesting that he make available to the Senate Armed Services Committee all National Security Council Intelligence Directives (NSCID's) relevant to CIA operations. At Tab C is Timmons' letter to Symington acknowledging receipt of the letter and consigning action to you.

Per your conversation with Colby he will hand carry and show to Symington the appropriate NSCID's. He has already called Symington and will go to see him as soon as Symington calls back and asks him to come. I have asked that the DCI's office inform us as to which NSCID's are shown to Symington.

Symington will find that the NSCID's:

- Are fully consistent with the 1947 National Security Act.
- Do not clearly provide specific authority for CIA operations of the Laos type.

Therefore we should expect that Symington will continue to dig for the basis of that involvement, which will be found in:

-- The basic legislation which authorizes CIA "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

-- The interpretation of this to include covert actions.

-- Specific Presidential and 40 Committee decisions.

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There are two options:

-- A letter from the President to Symington authorizing Colby to show him the NSCID's.

-- A similar letter from Timmons to Symington.

I have talked to Bill Timmons. He preferred that the letter be signed by the President, since the basic response to the request is positive and the President should get the credit. He is aware that Symington will not be entirely satisfied by the release of the NSCID's about the basic issue, the authority for the CIA Laos operation.

However it may be more prudent to keep the response below the President's level. There is not much credit to be had by simply providing access to the NSCID's, and the basic issues now raised as to CIA covert operations probably will be the subject of hearings this fall.

Appropriate memoranda and letters for each option are attached. At Tab I is a memorandum from you the President that:

-- Tells him that Colby will show the NSCID's to Symington.

-- Recommends that he sign the letter to Symington.

Lee Huebner and Fred Fielding have reviewed the President's letter at Tab A and concur.

At Tab II is a memorandum from you to Timmons suggesting that he respond to Symington. Attached to it is a draft of an appropriate letter.

RECOMMENDATIONS:

That you initial the memo/^{to}the President at Tab I.

~~Alternatively, that you initial the memo to Bill Timmons at Tab II.~~

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STUART SYMINGTON, MO.
HENRY M. JACKSON, WASH.
SAM J. ERVIN, JR., N.C.
HOWARD W. CANNON, NEV.
THOMAS J. MCINTYRE, N.H.
HARRY F. BYRD, JR., VA.
HAROLD E. HUGHES, IOWA
SAM NUNN, GA.

STROM THURMOND
JOHN TOWER, TEX.
PETER H. DOMINICK, COLO.
BARRY GOLDWATER, ARIZ.
WILLIAM B. SAXBE, OHIO
WILLIAM L. SCOTT, VA.

United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, D.C. 20510

T. EDWARD BRASWELL, JR., CHIEF COUNSEL AND STAFF DIRECTOR

July 5, 1973

Honorable Richard M. Nixon
The White House
Washington, D. C.

Dear Mr. President:

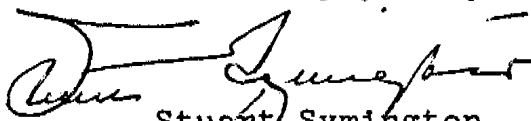
BT
During his confirmation hearing earlier this week before our Committee, Mr. William E. Colby, your nominee for the position of Director of Central Intelligence, stated in response to a question that he did not have the authority to declassify, or to provide to the Congress in a classified form, the National Security Council Intelligence Directives (NSCIDs) which interpret and give effect to the meaning of the 1947 National Security Act as far as CIA operations are concerned.

We would respectfully request that you make available to this Committee, which has the responsibility for legislative oversight of both the CIA and the Department of Defense, copies of all NSCIDs which implement the National Security Act of 1947 with respect to the CIA.

If all or any part of these documents must remain classified, kindly include a statement which gives the reason for such classification.

We are interested in whether or not any provisions of these NSCIDs circumvent or violate, in letter or in spirit, any portion of the 1947 Act. As an example, we are anxious to know by what authority the CIAs rather extensive involvement in the war in Laos was undertaken.

Sincerely yours,


Stuart Symington
Acting Chairman

July 9, 1973

Dear Mr. Chairman:

I wish to acknowledge receipt of your letter to the President requesting that National Security Council Intelligence Directives relating to CIA operations under provisions of the 1947 National Security Act be made available to the Committee on Armed Services.

This request will be accorded early consideration and you will hear further as soon as possible.

With best regards,

Sincerely,

William E. Timmons
Assistant to the President

Honorable Stuart Symington
Acting Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510

~~A~~cc: w/incoming to Dr. Kissinger for ACTION. Please advise
this office of action taken.
bcc: w/incoming to Fred Fielding
WET:EF:VO:vo

NATIONAL SECURITY COUNCIL INTELLIGENCE
DIRECTIVE NO. 5¹

U.S. ESPIONAGE AND COUNTERINTELLIGENCE
ACTIVITIES ABROAD

(Effective 17 February 1972)

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. *For the purpose of this directive:*

a. Espionage is defined as that intelligence activity directed toward the acquisition of information through clandestine means.

b. Counterintelligence is defined as that intelligence activity, with its resultant product, devoted to destroying the effectiveness of inimical foreign intelligence activities and undertaken to protect the security of the nation and its personnel, information and installations against espionage, sabotage and subversion. Counterintelligence includes the process of procuring, developing, recording and disseminating information concerning hostile clandestine activity and of penetrating, manipulating or repressing individuals, groups or organizations conducting such activity.

2. To ensure centralized direction through prior, comprehensive and continuing coordination of all clandestine activities authorized herein, the Director of Central Intelligence shall, after appropriate consultation:

a. Establish the procedures necessary to achieve such direction and coordination, including the assessment of risk incident upon such operations as compared to the value of the activity, and to ensure that sensitive operations are reviewed pursuant to applicable directives.

b. Coordinate all clandestine activities authorized herein and conducted outside the United States and its possessions, including liaison that concerns clandestine activities or that involves foreign clandestine services, except when the provisions of paragraph 8 apply; also coordinate clandestine activities with overt collection abroad.

c. Invite departments and agencies not permanent members of the United States Intelligence Board that have clandestine counterintelligence responsibilities abroad to participate in deliberations of the Board when clandestine counterintelligence matters affecting such responsibilities are under consideration.

d. Make mutually agreeable arrangements with other departments and agencies for such cover support as may be needed by the Central Intelligence

¹This Directive supersedes NSCID No. 5 dated 18 January 1961.

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Agency and coordinate the arrangements for cover support required by any other department or agency to carry out the clandestine activities authorized in paragraph 4 below, except when such cover is to be provided unilaterally and without utilizing the facilities of, or becoming identified with other departments or agencies of the government or nongovernmental organizations.

e. Resolve disputes arising in the coordination of U.S. espionage and clandestine counterintelligence activities abroad.

3. The Central Intelligence Agency has primary responsibility for U.S. clandestine activities abroad. Subject to the provisions of paragraph 8, it is responsible for the following services of common concern:

a. The conduct of espionage outside the United States and its possessions in order to meet the intelligence needs of all departments and agencies concerned, in connection with the national security.

b. The conduct of clandestine counterintelligence outside the United States and its possessions.

c. The conduct of liaison with foreign clandestine services or, concerning the above clandestine activities, with foreign intelligence or security services.

d. The maintenance for the benefit of the intelligence community of central indexes and records of foreign counterintelligence information. All departments and agencies shall contribute to this index, on a continuing basis, such material collected by them as is appropriate for a central file; this material shall be collated and analyzed for appropriate dissemination.

e. Upon request and to the extent practicable, assisting other departments and agencies in connection with their cover and support needs.

4. Subject to the provisions of paragraph 2 above, other departments and agencies with commands or installations located outside the U.S. and its possessions may:

a. conduct supplementary espionage in order to satisfy departmental intelligence needs;

b. conduct clandestine counterintelligence activities necessary for the security of their personnel, commands, activities and installations;

c. conduct liaison with foreign clandestine services or, concerning the above clandestine activities, with foreign intelligence or security services.

5. The departments and agencies concerned shall assist the Central Intelligence Agency in its conduct of espionage by providing guidance in the form of continuous, timely and specific collection requirements and, as required, assessments of the value of the information collected. Such departments and agencies shall provide similar support to each other as required. Conversely, the Central Intelligence Agency shall assist other departments and agencies by providing, as practicable, assessments of the value to national intelligence of the information derived from the activities of other agencies as authorized herein.

6. In a foreign area, except where paragraph 8 applies, the Director of Central Intelligence shall, after consultation with the Secretary of State, ensure that

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the senior U.S. representative, or his designated representative, is appropriately advised on a timely basis of U.S. espionage and clandestine counterintelligence activities conducted in or affecting the area.

7. In a foreign area where major U.S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U.S. military commanders, or their designated representatives, appropriately informed of the espionage and clandestine counterintelligence activities and operations conducted by the Central Intelligence Agency in or from such areas, including liaison between the Central Intelligence Agency and foreign military establishments.

8. In active theaters of war where U.S. forces are engaged, or when the President so directs:

a. Except as provided in subparagraph b below, the entire Central Intelligence Agency organization conducting espionage and clandestine counterintelligence operations in or from a theater shall, as a component force, be under the direct command of the U.S. Theater Commander, in accordance with agreements separately reached between the Director of Central Intelligence and the Secretary of Defense, and shall provide espionage and counterintelligence support to military operations.

b. Espionage and counterintelligence operations that because of some exceptional political, diplomatic or other implications, are conducted independently by the Central Intelligence Agency, shall be coordinated by the Director of Central Intelligence with the Secretary of Defense and with the Secretary of State.

c. The Secretary of Defense and the Director of Central Intelligence shall establish general procedures for the coordination of liaison on clandestine activities between U.S. military commanders and foreign services that engage in such activities.

9. In addition to the above, the Director of Central Intelligence shall:

a. Develop appropriate policy recommendations for National Security Council consideration with respect to the overall U.S. counterintelligence effort conducted outside the U.S. and its possessions.

b. To the extent necessary to ensure conformity with policies approved by the National Security Council, provide for the coordination of all types of U.S. counterintelligence activities conducted abroad and for the coordination of such activities with those conducted by the departments and agencies responsible for domestic counterintelligence.