

MEMORANDUM

## NATIONAL SECURITY COUNCIL

OUTSIDE SYSTEM

~~SECRET/SENSITIVE~~XGDSURGENT ACTION

December 31, 1974

MEMORANDUM FOR: HENRY A. KISSINGER

FROM: RICHARD OBER ✓

SUBJECT: CIA Domestic Activities:  
Two Related DCI Recommendations

This memorandum alerts you to two separate current recommendations by DCI Colby which should be considered at the President's meeting with Mr. Colby concerning CIA Domestic Activities, scheduled for January 3, 1975.

MORI/CDF C02435792 page 10  
C02392773 Pages 11-14

These recommendations concern:

- Congressional Oversight of CIA, and
- A new NSCID (#9) on CIA foreign intelligence operations in the U.S. and clandestine operations affecting U.S. citizens abroad.

BACKGROUND:NSC review completed NSC review completed  
C02435792 page 10, C02392773 pages 11-14Congressional Oversight

Mr. Colby has suggested that the agenda for the January 3 meeting with the President include his recommendation for Executive Branch support for the concept of a Congressional Joint Committee on Intelligence. Mr. Colby's proposal was staffed to you in a December 27 memorandum from Mr. Ratliff (a copy without full attachments is at TAB A).

NSCID/9

A copy of Mr. Colby's letter requesting approval of NSCID/9 is at TAB B. The staffing package is being forwarded separately.

Staffing of Mr. Colby's proposal was delayed (with his concurrence) pending approval by the President of a sensitive matter relating to domestic intelligence which was staffed by Mr. Kennedy. On December 30, 1974, the DCI requested that NSCID/9 be approved before the Congress holds hearings on CIA after it convenes in January 1975.

NSS Review Completed

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-2-

This proposed NSCID has a direct bearing on the President's review of CIA domestic activities and should be available to him at the January 3 meeting. A decision on handling NSCID/9 should be made either at this meeting or in the context of decisions taken at this meeting.

RECOMMENDATION:

That you review the DCI's proposals on Congressional Oversight and NSCID/9 and raise both at the January 3 meeting with the President on CIA domestic activities.

Attachments

TABs A and B

SECRET/SENSITIVE/XGDS

6.6 7.3  
Dec 30, 74OUTSIDE SYSTEM  
ACTION

27 December 1974

MEMORANDUM FOR: SECRETARY KISSINGER  
FROM: ROB ROY RATLIFF  
SUBJECT: Congressional Oversight of the CIA

At TAB A CIA Director Colby addresses a memorandum to the President in which he recommends that the President discuss the establishment of a Joint Committee on Intelligence with the Congressional leadership.

As Mr. Colby notes in his opening sentence, he sent the President a review of the history and status of Congressional oversight last September (TAB 2). I have no evidence that this was actually shown to the President, although it was used in discussions you and Mr. Colby had with him and Congressional leaders which led to the agreement to furnish additional material to the House Foreign Affairs Committee and Senate leaders.

Mr. Colby reports in the TAB A memorandum on growing Congressional access to CIA activities--the Foreign Assistance Act of 1974 adds the two foreign affairs committees to the four oversight committees as recipients of information on CIA's covert actions; the Committees on Government Operations in both houses are asserting their right to investigate CIA. He anticipates that exposure of CIA operations in Latin America in former employee Philip Agee's book will add to the public debate and concern about CIA, and he wrote his memorandum before the N. Y. Times "expose" of last Sunday which touched off a new round of Congressional demands for investigations and tighter reins on CIA.

How do you prevent erosion of secrecy which could lead to exposure of sensitive methods, sources and personnel, adversely affect the ability to recruit and utilize foreign agents and sources, and cause foreign intelligence organizations and officials to be wary of sharing information with us? Mr. Colby believes that Executive Branch support of a Joint Committee on Intelligence will satisfy the demands for better Congressional oversight, as well as provide better security. Mr. Colby encourages the President to initiate support for the Joint Committee concept, noting that he will hold to the congressional-procedures-must-be-established-by-the-Congress position awaiting the President's response.

RECOMMENDATION:

That you sign the memorandum at TAB 1 transmitting Mr. Colby's memorandum to the President.

Attachments

TAB 1 (with TAB A) and  
TAB 2.

OUTSIDE SYSTEM  
ACTION

MEMORANDUM FOR: THE PRESIDENT  
FROM: HENRY A. KISSINGER  
SUBJECT: Congressional Oversight of CIA

For years the practice of the Director of CIA in reporting in executive session to the subcommittees of the Appropriations and Armed Services Committees of the Congress has satisfied Congressional interest in overseeing the CIA while protecting the secrecy so vital to the conduct of covert operations.

You know from your personal experience how the oversight system worked-- CIA withheld nothing from the subcommittees and volunteered information of possible interest. The record of the Congress has been good in maintaining the secrecy of the information supplied through this system. CIA Director Colby reported on the history of Congressional oversight in September when we examined alternatives to meet demands for increased Congressional access in the wake of publicity on CIA operations [redacted]. We met with Congressional leaders and agreed to provide information on CIA covert action activities to a restricted group of the House Foreign Affairs Committee, and to the Senate leaders. 25X1

Mr. Colby reports on these developments, and on the continuing proliferation of Congressional access to the Agency's most highly classified operations in a memorandum at TAB A. The Foreign Assistance Act of 1974 adds the foreign affairs committees of both houses to the four oversight subcommittees which receive information on CIA covert actions; the Committee on Government Operations in each house wants to assert its right to investigate CIA. Public demands for closer Congressional oversight and investigations are also increasing. Mr. Colby wrote his memorandum before the outburst in connection with public charges of CIA involvement in domestic operations, but he anticipates similar public reactions to revelations of CIA Latin American operations which will appear in a book by former employee Philip Agee.

Mr. Colby, his predecessors and I have continually held that it is up to the Congress to determine its procedures for oversight and appropriation. Faced with the proliferation of access, the House rules which permit any member to examine the records of any committee (which led to the exposure of Mr. Colby's testimony [redacted] and Congressional and public demand<sup>25X1</sup> for closer oversight, we are confronted with the problem of how to maintain the security of covert operations. Mr. Colby believes that the pressures to widen the circle of those knowledgeable of CIA's sensitive information pose "a substantial danger to the ultimate security of our activities and functions." Erosion of CIA's ability to maintain the secrecy of its operations adversely affects the protection of intelligence sources, methods and personnel, the recruitment and utilization of foreign agents, the cooperation of foreign officials and intelligence organizations, and the collection of information.

In his memorandum at TAB A, Mr. Colby recommends that you discuss with the Congressional leadership the establishment of a Joint Committee on Intelligence. He attaches a draft resolution for consideration. This concept has surfaced periodically but has been defeated when it came to a vote in the Congress. Patterned after the Joint Committee on Atomic Energy, a Joint Committee on Intelligence would focus authority and responsibility for oversight of intelligence operations. It could be reassuring to the Congress and the public while providing machinery to protect sensitive information.

Mr. Colby urges that you initiate the process of advancing the Joint Committee on Intelligence concept--perhaps by indicating to leading members of the Congress that you would view with approval appropriate Congressional initiative.

I support Mr. Colby's views. Faced with mounting pressures, which are likely to be accentuated by further revelations and the advent of the new Congress, I believe that support for the Joint Committee on Intelligence concept could provide an orderly method of conducting Congressional oversight, while affording protection for the security of CIA operations, and meeting Congressional and public demands for closer oversight.

#### RECOMMENDATION

That you approve Executive Branch support for the concept of establishing a Joint Committee on Intelligence and authorize me to confer with Mr. Colby and other appropriate officials to advance this concept.

APPROVE \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

Attachment  
TAB A

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

21 December 1974

The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

You will recall that on [redacted] in the wake of revelations concerning Agency activities [redacted] I wrote you a letter describing the history and status of congressional oversight of CIA and the Intelligence Community. In that letter's attachment I listed a number of options that might be pursued with the congressional leadership in the interest of protecting against future erosion of our capability to protect intelligence sources and methods. Since that time, a number of developments have occurred which lead me now to recommend that you discuss with the Congressional leadership the establishment of a Joint Committee on Intelligence.

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In response to a request from Chairman Morgan of the Foreign Affairs Committee and Chairman Hebert of the Armed Services Committee, Secretary Kissinger and I agreed on 25 September 1974 that arrangements could be made for reporting our covert action activities relating to foreign policy to a restricted group in the Foreign Affairs Committee. Following that agreement, on 8 October 1974, the House of Representatives adopted as part of the Bolling/Hansen recommendations an addition to the House Rules to provide the Foreign Affairs Committee oversight with respect to "intelligence activities relating to foreign policy." It was agreed in the supporting colloquy that this restated the agreement reached between Secretary Kissinger, myself and the leadership of the Foreign Affairs and the Armed Services Committees. Implementing details of this arrangement have not as yet been worked out by Chairman Morgan.

In the Senate, Chairman Stennis arranged for the Majority Leader and the Minority Leader to be briefed on the Agency's covert activities and on 22 November 1974 I briefed Senators Mansfield and Scott on all current covert actions.

In addition, Chairman Stennis requested that I confirm to him in writing that I would comply with certain procedures with respect to his responsibility for oversight of our activities. On 25 September 1974 I wrote Chairman Stennis that I will abide by the restrictions of the bill that he has submitted (S. 2597) with respect to the Agency's proper role under the National Security Act and that I would contact him on a weekly basis and raise with him any matters of which he should be informed (copies attached). He requested these assurances in view of the delay which would be involved in securing the enactment of his legislation.

More recently, the Foreign Assistance Act of 1974 (S. 3394) was enacted with a provision requiring that six committees of Congress (the four Agency oversight committees of Armed Services and Appropriations of each house and the Senate Foreign Relations and House Foreign Affairs Committees) receive information on covert actions to be conducted by this Agency, after a finding by the President that these are important to national security. In the course of consideration of this bill, I wrote Chairman Stennis a letter expressing my strong recommendation that oversight of this Agency be handled in a manner reflecting the sensitivity and difficulty of keeping secret some of the delicate matters involved.

The expansion of responsibility for oversight of this Agency within the Congress, as evidenced by this enactment, appears likely to bring greater pressure for widening the audience for receipt of sensitive Agency operational information beyond those who, up to now, have been kept fully informed and who have exercised great restraint and wisdom in dealing with such information. Moreover, the exposure of my testimony before the Intelligence Subcommittee of the House Armed Services Committee is traceable to House Rule XI, Clause 27(a) which entitles all Members of the House to have access to all committee records.

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As you know, both Secretary Kissinger and I (and my predecessors) have consistently taken the position that it is up to the Congress to determine its procedures for oversight and appropriation to this Agency. We have rested upon the sense of responsibility of the leadership of the Congress

25X1

to exercise this duty and at the same time maintain the secrecy necessary to many of our efforts. The Congress' record on this matter has been good over the years, but I know you share my concern over the recent exposure of [ ] testimony and the possibility of further exposures from widening the group of knowledgeable Senators, Congressmen and staff in the future.

In addition to the initiatives from the foreign affairs committees, it is also clear, for example, that the Committees on Government Operations in both the House and the Senate have certain views with respect to their rights to investigate our activities. Several proposals are also pending before the Senate which would change the existing arrangements for legislative oversight of CIA, and Senator Muskie's Subcommittee of the Senate Government Operations Committee has held hearings on this question.

We will shortly be the subject of further exposures in Latin America through the writings of a former CIA employee, Mr. Philip Agee, who will expose a number of our agents and activities in that area, probably leading to further public debate and concern about CIA. We can anticipate, thus, intensified pressure from an even larger congressional audience.

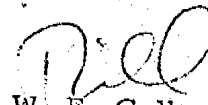
I believe we have been responsive over the years and provided to the appropriate congressional committees all information requested or expected in the circumstances of the time. However, the time of the Members on these Committees is limited and the infrequency of formal meetings has been used to criticize the effectiveness of the existing oversight arrangements. In the present situation, I believe that public and congressional pressures for an expansion of the circles to be informed pose a substantial danger to the ultimate security of our activities and functions. I thus believe it appropriate to recommend to you that the Executive Branch encourage the Congress to establish a Joint Committee on Intelligence. Such a committee, comparable to the Joint Committee on Atomic Energy, would in my opinion be a vehicle for the full Senate and House to establish firm procedures with respect to access to sensitive intelligence matters, appoint appropriate congressional membership and staff support necessary to the oversight of our activities by the Congress, and clearly identify the individual Senators and Congressmen who would have both the authority and the position from which to assure the Congress and our public of their conclusions with respect to the value and propriety of our activities. It would also provide full congressional recognition of the limits beyond which



revelations of these sensitive subjects cannot go if our intelligence activities are to be effective. To assist in this process, I have attached a draft of a possible resolution.

Initiation of such a proposal would clearly require careful preparation and discussion with the leadership of the Congress and with the committees currently seized of this subject. You would have the best view of whether and how to initiate such an exploration. I will thus keep this recommendation to you completely private, and continue to maintain the established position that congressional procedures must be established by the Congress, unless and until you direct to the contrary. I do urge, however, that you consider how best to initiate the process, perhaps by indicating to leading members of the Congress that you will take no public position but would view with approval an appropriate Congressional initiative in this direction.

Respectfully,

  
W. F. Colby  
Director

Enclosures

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## THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

11 December 1974

MEMORANDUM FOR: Assistant to the President for  
National Security Affairs

SUBJECT: Approval of NSCID No. 9

1. It is requested that the attached proposed National Security Council Intelligence Directive No. 9, "Central Intelligence Agency Foreign Operations Within the United States and Clandestine Operations Affecting U.S. Citizens Abroad," be approved.

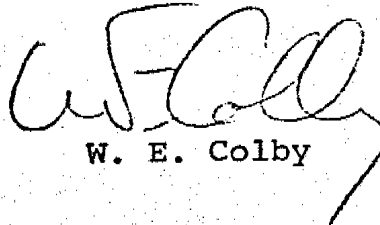
2. The text has been agreed upon among the Attorney General's office, the Federal Bureau of Investigation and the Central Intelligence Agency, and was considered by the United States Intelligence Board at its 5 December meeting.

3. The subject of this proposed NSCID is of great importance to the effective functioning of the Central Intelligence Agency, and I would appreciate early NSC action.

4. The content of the proposed NSCID No. 9 is incorporated in the omnibus NSCID which is being developed as a replacement for all of the existing NSCIDs. Ad interim approval of the proposed NSCID No. 9 is being requested at this time, however, both because of the importance of having National Security Council authority for the matters which NSCID No. 9 covers, and because it may be some time before the omnibus NSCID is available for National Security Council consideration.

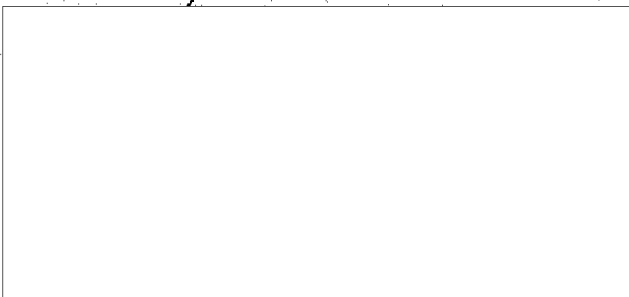
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W. E. Colby

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Attachment: As Stated

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NOT TO BE DISTRIBUTED  
OUTSIDE THE U.S.

4 December 1974  
NSCID No. 9

NATIONAL SECURITY COUNCIL INTELLIGENCE  
DIRECTIVE NO. 9

CENTRAL INTELLIGENCE AGENCY  
FOREIGN INTELLIGENCE OPERATIONS WITHIN THE UNITED STATES  
AND CLANDESTINE OPERATIONS AFFECTING U.S. CITIZENS ABROAD  
(Effective \_\_\_\_\_ 1974)

Pursuant to the provisions of Section 102 of the National Security Act of 1947, as amended, the National Security Council hereby directs that:

1. The Central Intelligence Agency, pursuant to its foreign intelligence and counterintelligence responsibilities, is authorized to:

a. Collect foreign intelligence information within the United States from foreign nationals through: (1) overt means; (2) clandestine contact with agents recruited outside the United States, after the concurrence of the Federal Bureau of Investigation; (3) requesting the Attorney General, through the Federal Bureau of Investigation, to approve electronic surveillance (including trespassory), which surveillance, if approved, will be conducted by the Federal Bureau of Investigation, or by the Federal Bureau of Investigation and the Central Intelligence Agency jointly if necessary.

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b. At the request of the Federal Bureau of Investigation, render support to the Federal Bureau of Investigation in carrying out its intelligence responsibilities within the United States.

c. Engage in activity within the United States, with, where appropriate, the prior coordination and/or concurrence of the Federal Bureau of Investigation, involving the assessment, recruitment, training, briefing and debriefing of foreign nationals for use as sources abroad. In those instances in which the Central Intelligence Agency recruits a foreign national in the United States, the Central Intelligence Agency and the Federal Bureau of Investigation will confer regarding the handling of the agent, including training, briefing and debriefing. The governing principle as to which agency will handle will be positive intelligence interests weighed against internal security factors.

d. Collect by overt means foreign intelligence information from United States citizens and organizations within the United States on a witting and voluntary basis.

e. Utilize personnel and organizations within the United States in support of its foreign intelligence mission, including establishment of proprietary and other support mechanisms.

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f. Coordinate clandestine intelligence activities conducted in the United States by other departments and agencies excepting the Federal Bureau of Investigation for the purpose of obtaining foreign intelligence information.

2. Whenever the exercise of any of the authorities granted to the Central Intelligence Agency by paragraph 1. above, may reasonably be anticipated to have the potential to affect seriously the foreign relations of the United States, the Central Intelligence Agency will consult with the Department of State prior to exercising such authority.

3. The Central Intelligence Agency will undertake no clandestine operations in the United States directed at the collection of intelligence information on domestic affairs or at the activities of United States citizens, except in connection with the protection of its installations and the conduct of employee and other clearance investigations.

4. Central Intelligence Agency operations to be conducted abroad pursuant to its counterintelligence responsibilities which are directed specifically at United States citizens will be coordinated with the Federal Bureau of Investigation and/or with other United States security agencies, as appropriate. Electronic surveillance directed specifically at United States citizens abroad will be undertaken only with the approval of the Attorney General.

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5. With due regard to the assessed reliability of the information and the statutory responsibilities of the Director of Central Intelligence for the protection of intelligence sources and methods:

a. Security or counterintelligence information relating to foreign nationals in the United States or to non-Governmental United States citizens, derived as a by-product of Central Intelligence Agency activities, will be made available to the Federal Bureau of Investigation and/or other Federal agencies, as appropriate.

b. In the case of United States personnel who are employed by the Federal Government in a civilian capacity or who are members of the military services, such information will be reported to the security authorities of the parent organization and, as appropriate, also to the Federal Bureau of Investigation.

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