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Vol. 2 OF 3

NATIONAL SECURITY INFORMATION  
Unauthorized Disclosure Subject  
to Criminal Sanctions

**The United States Senate**

R2832

**Report of Proceedings**

**Hearing held before**

**Senate Select Committee to Study Governmental  
Operations With Respect to Intelligence Activities**

**Monday, March 15, 1976**

**Washington, D. C.**

**(Stenotype Tape and Waste turned over  
to the Committee for destruction)**

**WARD & PAUL**

**410 FIRST STREET, S. E.  
WASHINGTON, D. C. 20003**

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## Intelligence Investigation

- - -

## Foreign &amp; Military Subcommittee Meeting

- - -

Monday, March 15, 1976

- - -

United States Senate,

Select Committee to Study Governmental

Operations with Respect to

Intelligence Activities,

Washington, D. C.

The Committee met, pursuant to notice, at 9:20 o'clock a.m., in Room S-407, the Capitol, Senator Walter D. Huddleston (Chairman of the Subcommittee), presiding.

Present: Senators Huddleston (presiding) and Hart of Colorado.

Also present: William Miller, Staff Director; Joseph diGenova, Al Quanbeck, Rick Inderfurth, Charles Kirbow, Elizabeth Culbreth, William Bader, David Aaron, Lynn Davis, Elliot Maxwell, and Bob Kellev, Professional Staff Members.

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## P R O C E E D I N G S

Senator Huddleston. I think we can come to order, and I would expect that we could go through here pretty rapidly today.

There are only a couple of suggestions that I have.

Ms. Culbreth. Where are we starting?

Mr. Miller. Page 1.

Senator Huddleston. There is some suggestion that we should have some sort of a disclaimer-type thing some place, and I was wondering whether or not we couldn't add another paragraph after the second paragraph on page 1, something to the effect that it should be noted that while the Committee has diligently pursued its inquiry during the past year, there are areas of concern which time and personnel constraints did not permit thorough study and evaluation.

Also the Committee was hampered in a number of instances by a lack of accessibility to some documents and records either because it did not exist or because of unwillingness to make them available by the Executive Branch.

Some findings and recommendations of the Committee are based in part on information which must remain secret in accordance with the Committee's policy of protecting the valid security secrets.

Are those three statements worth injecting there?

Mr. Miller. They're all correct.

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1 Ms. Culbreth. Could you add a section that goes to  
2 our final recommendations that some things exist but we don't  
3 know quite where to find them? We don't know exactly how to  
4 describe them so that we can be sure to get them. We can  
5 maybe play with that a little bit.

6 Mr. diGenova. I thought that you meant that we didn't  
7 find access to them.

8 Mr. Miller. No. It's not being able to ask the right  
9 questions and the Agency's either being unwilling or unable  
10 to define what it is we are looking for.

11 Ms. Culbreth. There's something that they know they  
12 have somewhere but they don't know quite where it is because  
13 of their filing procedure or something.

14 Senator Huddleston. We could give two reasons for lack  
15 of accessibility, that they did exist and we couldn't get them  
16 and we could add a third, the Committee's inability to define.

17 Mr. diGenova. I have a problem with that, Senator,  
18 personally. I have never had an experience like that in terms  
19 of them not understanding.

20 I'm not saying it didn't happen but I tend to believe  
21 that if it happened it was basically for one of those two  
22 reasons, that they didn't want to make it available or it  
23 was a tug of war.

24 Can anyone remember an instance where we couldn't define  
25 what we wanted and they didn't understand and we never got it

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1 because of that?

2 Senator Huddleston. I think what Elizabeth is getting  
3 at is that there may be things that we did not touch that we  
4 don't know about.

5 Ms. Culbreth. Well, that kind of thing -- you see one  
6 of these final general recommendations we are making goes to  
7 requiring the Executive to register these classified things  
8 so that we can go look at it and know what it is that falls  
9 in that category.

10 Mr. diGenova. So what we're really talking about is  
11 something that neither of the parties may have known about  
12 either because of bad recordkeeping -- oh, okay, sure.

13 Mr. Kirbow. Senator, I have only one other position I  
14 would like to make on this.

15 I was trying to search my mind while you were talking  
16 about this. Have we yet failed to obtain anything either by  
17 request or by subpoena other than the Nixon papers which are  
18 not available because of an order of court?

19 Senator Huddleston. I will leave that to the Committee  
20 staff.

21 Mr. Miller. Yes, certain categories were absolutely  
22 denied us, absolutely denied us. Liaison arrangements, for  
23 example.

24 Mr. Davis. NSC papers.

25 Mr. Kirbow. Liaison papers is a thing that you remember

1 early on last year they came and gave the Chairman and Vice  
2 Chairman an extensive briefing on certain things and no longer  
3 did we deal in those areas.

4 Mr. Miller. No, but you see, and that's one area but  
5 there are others.

6 For example, in the present inquiry on academics and so  
7 on we were stopped beyond a certain point. There was no entry.

8 Mr. Davis. There are also some NSC studies that we  
9 never got.

10 Mr. diGenova. Yes, and the general study of command  
11 control, that task force which generally do not access to  
12 NSC minutes.

13 The only time we ever got access to NSC minutes was  
14 on the assassination report. That's the only place we had  
15 full access and even then they were edited minutes of things  
16 arguably unrelated to Cuba.

17 Mr. Kirbow. I think I must say that we did not subpoena  
18 those documents.

19 In other words, at some point it was difficult perhaps  
20 to get some of them but I just don't recall a single instance  
21 where you asked the Vice Chairman to sign on a subpoena or  
22 to warn them that he was going to issue it, that they didn't  
23 thereafter deliver.

24 I don't disagree that we may not have done in the depth  
25 that we should have in those but I just didn't think it was a

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1 matter of a record for the Committee of refusal except on the  
2 Nixon papers, but if I am wrong --

3 Senator Huddleston. They wouldn't give us the names of  
4 the journalists.

5 I think we're not saying here that it was unjustified  
6 unwillingness or even an arbitrary one. We're just saying here  
7 that there were some things that they didn't want the Committee  
8 to have. That's just what I'm trying to get at in case something  
9 explodes two weeks from now that we have not touched at all.

10 That kind of gives us an out that we did the best we  
11 could on the basis of what we got, we made our findings and  
12 recommendations.

13 But there are some areas which we can't be sure that we  
14 knew everything.

15 Mr. Kirbow. Senator, in talking about this type of  
16 insert paragraph, and I'm not sure where Mr. Miller would think  
17 it would belong, but I think that we should at this point  
18 consider the recommendation that I guess you made or adopted  
19 that on certain of these citations where we are not going to  
20 put them into your certain comments, that we should make notice  
21 now to the reader that there is a classified group of  
22 recommendations or a classified group of papers which are not  
23 in this document which support some of the findings and cite  
24 them back to a classified file in the Committee's files.

25 I'm not sure where it would go.

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1           Senator Huddleston. Well, it would be logical to  
2 follow that where I say some findings and recommendations are  
3 based in part on information that must remain secret following  
4 the Committee's policy to protect valid security secrets.

5           Also what I'm referring to here is that there may be  
6 recommendations in here that are not truly backed up by the  
7 information we can give them. That's what that sentence is  
8 supposed to mean, and the next sentence ought to be that there  
9 are also some recommendations that are not made public  
10 essentially for the same reason. We could add that sentence  
11 to this and I think that would do it.

12           Mr. Aaron. There is one footnote in here that explains  
13 or that goes to the liaison point, for example, that explains  
14 that we have a more detailed recommendation, but the footnote  
15 really is to come out of the final version.

16           The footnote is really only for the Committee as it  
17 considers the paper.

18           Mr. Kirbow. I like that additional paragraph there  
19 and the word about some classified recommendations being made  
20 both to the Senate and to the Executive Branch.

21           Mr. Miller. Mr. Chairman, in looking this over I think  
22 perhaps another paragraph would be in order really pointing  
23 out that what these recommendations are, in effect, are an  
24 agenda for action for the oversight committee in the next  
25 year or so and also for the Executive Branch, and that in these

1 recommendations have been cast in such a form as to provide  
2 an agenda or an outline for the future, that that really has  
3 been the thrust of this section of the paper.

4 Mr. Kirbow. I especially like that form, Mr. Chairman,  
5 because many committees are expected to introduce or to submit  
6 legislative proposals and that is not the intention, apparently,  
7 of this Committee or subcommittee and I would like some reference  
8 made to that.

9 Senator Huddleston. I think that paragraph would go  
10 either as a continuation of the third paragraph, which ends  
11 up on page 2, or an additional paragraph following it.

12 Mr. Aaron. Mr. Chairman, I would like to suggest that  
13 in addition to that point, which I think is a very important  
14 one. in order to explain what it is the Committee has tried  
15 to accomplish in this area, that we also make the point that  
16 the simple or not so simple laying out of the facts as we  
17 were able to discover them and run the gambit and process of  
18 declassification, the simple facts laid out are a major contri-  
19 bution to public and Congressional understanding of this  
20 enormously complex and difficult operation.

21 I think that as a Committee it ought to be proud, not  
22 only of the recommendations it makes for changes but the extent  
23 to which it was able to come to grips with the reality of  
24 what the intelligence communities and activities are.

25 The first task of a Congressional investigative committee

1 is to inform the public and I think that was done quite well.

2 Senator Huddleston. Shouldn't that also come there in  
3 this first section before we get to the general facts?

4 Mr. Aaron. Yes, I believe that's correct. I would sugges  
5 that we just get together and try to redraft three or four  
6 pages that would capture all those points in some logical  
7 sequence as an introduction to this.

8 Senator Huddleston. I still have my same suggestion  
9 relative to the second complete paragraph on page 2 where we  
10 find that there is a need in the future.

11 I still think the sentence is a little out of order  
12 there. I think I suggested the other time that we say the  
13 Committee finds there is a continuing need. And then the  
14 next sentence gets into the future that there will be a  
15 challenge for the foreseeable future.

16 So we would strike out in the future in the first  
17 sentence and put continuing need.

18 Mr. Aaron. We have a funny fragment of a sentence at  
19 the bottom of the page. It has over the past 35 years --

20 Mr. Maxwell. The bottom of page 4, the last sentence  
21 which carries over to page 5 should probably be, the failure  
22 of Congress as a whole to monitor the expenditures of  
23 intelligence agencies.

24 Senator Huddleston. In other words, you want to exonerate  
25 the Committee's --

1 Mr. Maxwell. Well, I think that the Appropriations  
2 Committee would probably have a good claim to say that they  
3 have looked at intelligence as a whole. The Congress certainly  
4 hasn't as a whole.

5 Mr. Aaron. I wanted to ask a question with regard to  
6 that one thing, that one paragraph, whether we really shouldn't  
7 be making some reference at this point to the Constitutional  
8 issue about the budget.

9 Now I know these are general findings and they are  
10 amplified later, but whether or not we are adequately fulfilling  
11 our Constitutional responsibility --

12 Senator Huddleston. Later on we quote that paragraph.

13 Mr. Aaron. That's correct.

14 Senator Huddleston. Well, I think that is not only  
15 because of the magnitude and character but also because of  
16 the Constitution, which we could add to that very sentence.  
17 They are of such nature and the Constitution makes such  
18 requirements.

19 Mr. Kirbow. We should be careful lumping the magnitude  
20 and the Constitutional requirements together as if the  
21 Constitution requires it. And the magnitude of it should be  
22 discussed also. So we should just be careful about the wording.

23 Mr. Aaron. We're now into page 6, I think.

24 Senator Huddleston. Gary, do you have anything specific?

25 Senator Hart. No.

1 Mr. Aaron. The first point at which we have, and this  
2 is a question of how you would like to proceed, we can go back  
3 to look at the various bracketed languages that are left in  
4 the paper and see if we want them to remain that way and/or  
5 we can take up any further comments that people have.

6 I only have two small comments concerning the papers  
7 which were brought to my attention in the course of the day.  
8 I also must say that despite repeated requests to include at  
9 an appropriate place some of the recommendations that the  
10 Chairman has made, I'm sorry to say that that has not yet  
11 happened here, so we have to make appropriate provision for  
12 those. And they will go in at the appropriate place.

13 Mr. Kirbow. Chairman of the Subcommittee?

14 Mr. Aaron. Chairman of the Full Committee.

15 Mr. Miller. One of them as I recall has to do with  
16 the question that we went over -- what he, I think, feels strongly  
17 about is the tenure of office of the director.

18 Mr. Kirbow. Of the CIA?

19 Mr. Miller. Yes. That would just be a bracket for the  
20 Full Committee.

21 Mr. Kirbow. What is his suggestion?

22 Mr. Miller. I think seven years.

23 Mr. Kirbow. Does the lame duck administration and lame  
24 duck officeholders create any problem for you?

25 Mr. Miller. Well, it's the degree to which the official

1 is political.

2 Mr. Kirbow. Who would you get to fill the job for that  
3 last year in an administration?

4 Mr. Miller. If it's a fixed term, it really doesn't  
5 matter, does it? If he's there straddling in order to provide  
6 transition, that's the idea rather than starting with cleaning  
7 out the Director at the beginning of each administration. There  
8 ought to be continuity, and that would tend to depoliticize  
9 the office. That is his notion.

10 Senator Huddleston. I think we hassled with that for  
11 quite a while. It goes in a bracket and we'll just have to  
12 see how persuasive he is.

13 Mr. Aaron. Also in the cover section we have a sentence  
14 regarding international terrorism and linking that up with the  
15 assassination of Richard Welch. It did not come out as it  
16 was supposed to, so it should be deleted.

17 Mr. Inderfurth. That's page 83, and I think there was  
18 also the decision to take out the reference to Welch not  
19 moving out of his house.

20 Mr. Aaron. No, that's not correct.

21 Mr. diGenova. I thought we did agree to do that. I  
22 think the Senator took exception to the inference that might  
23 have been drawn from the direct quotation that we were trying  
24 to say it wasn't our fault and this was the reason sort of thing.  
25 We were going to paraphrase that, was where we left it.

1 Mr. Aaron. Well, I would oppose that but I will be  
2 guided by the Committee.

3 Senator Huddleston. Has this been altered since our  
4 discussion?

5 Mr. Aaron. Yes, there was alteration in the text that  
6 preceded it.

7 Before, it said that the tragic death of the station  
8 chief in Athens illustrates the problem of striking a balance  
9 between cover and operations. And what we're simply saying here  
10 is that his situation in Athens illustrates the problem of cover  
11 and I think that these further points do make that clear.

12 On the one hand we have the testimony of the chief of  
13 the cover staff that by the time we get to the station chief  
14 there isn't a great deal of cover left, and one illustration  
15 of that is the fact that he moved into a house occupied by  
16 the previous station chief.

17 There was some question as to whether he should stay  
18 in it or not and it was generally felt he should make his  
19 own decision about it and, you know, for all the inconvenience  
20 and difficulty that might be entailed he just as soon stayed  
21 there.

22 This is the kind of feeling that one has about it and it  
23 does illustrate the problem. The implication is not that he  
24 was killed because he moved into that house. It was really just  
25 the way of describing the situation which station chiefs face

1 when they're trying to deal with questions of cover versus  
2 questions of convenience or operation and necessity.

3 Mr. Kirbow. I also have the same objection on page 84  
4 where the Chairman said we didn't clearly define that  
5 terrorists killed the man, then we shouldn't infer that it did.

6 We can talk about terrorism being an additional problem  
7 for all cover, but not as it directly relates to Welch.

8 Mr. Aaron. The sentence preceding it was modified to  
9 make that point and the last sentence should have been deleted  
10 and it was not. The quote.

11 Senator Huddleston. Yes, I recall there was some question  
12 about the quote because it seemed to tie him in both with  
13 the cover and terrorism.

14 Mr. Maxwell. I think in regard to the first quote, I  
15 think we make the point in the sentence directly preceding  
16 it and there is some question as to whether in the cover section  
17 we would like to place so much emphasis on Mr. Welch's death,  
18 and essentially by adding the quote say, listen, it wasn't us,  
19 it wasn't us, guys. He takes it on his head.

20 Mr. Aaron. I don't see that you have to read it that  
21 way. I simply feel it adds a certain specificity to otherwise  
22 sort of general comments.

23 Mr. Kirbow. Well, it wasn't objectionable to the Chairman  
24 and I don't see that it contributes anything more than the  
25 fact that official cover is very light by the time you get to



1 the station chief, which you see in the first sentence.

2 I wouldn't think that taking it out detracts from the  
3 paper in any way.

4 Mr. Aaron. Whatever the Chairman wishes.

5 Senator Huddleston. It seems to me that we also talk  
6 about the fact that both his predecessor and his name had  
7 been carried in foreign newspapers as an indication too of  
8 the lack of deep cover.

9 Mr. Aaron. I tried to do that with one sentence just  
10 saying further, Mr. Welch occupied the house which had been  
11 publicly identified as that of the preceding station chief  
12 which sort of sweeps up both thoughts, that both he and the previous  
13 station chief had been identified publicly.

14 Mr. diGenova. I believe what that sentence does is  
15 summarize what comes in the next paragraph which is the direct  
16 quote. I think we can cut out from the word "according" to  
17 the word "house," because really, all that does is just reemphasize  
18 the same point.

19 Mr. Kirbow. I would agree with that.

20 Mr. diGenova. The sentence is an excellent summary, the  
21 textual sentence is an excellent summary, but I don't know.

22 Mr. Kirbow. Mr. Chairman, I suggest we delete the  
23 sentence starting with the word "according" and down through  
24 and including the word "house."

25 Senator Huddleston. If we're going to use Mr. Welch's

1 name, we have to identify who he was.

2 Mr. Kirbow. We can do that where we say station chief  
3 in the first sentence. We could say Richard Welch the station  
4 chief in Athens.

5 Ms. Culbreth. Mr. Chairman, on that point I have one  
6 question. I don't know whether there has been any official  
7 announcement by anybody in our government that Mr. Welch was  
8 in fact the station chief.

9 I know the President went and I know Mr. Colby went,  
10 but I still don't know that there's been any official written  
11 government document that said yes, we recognize this man.

12 The only reason I raise this is just for the Senators  
13 to decide whether they want to put that in our report, if in  
14 fact neither the Agency or the Executive has done that.

15 Mr. diGenova. I would only say this. At no time during  
16 my review of the cover paper did the Agency ever say to me that  
17 you should not say that Richard Welch was the station chief.  
18 That was the one thing they never objected to.

19 Really, in the whole cover paper, that was the only thing  
20 they never mentioned. That's just not a problem.

21 Mr. Aaron. I would like to make one suggestion, if the  
22 suggestion of Mr. Kirbow is accepted, and that is that the  
23 sentence preceding it be modified to indicate that Mr. Welch  
24 didn't just decide to do it out of thin air. He decided because  
25 he was asked not to do it or it was suggested that he consider

1 not doing it anyway.

2 The point of the further sentence is not just that he  
3 decided to move into the house. That might be normal operating  
4 procedure.

5 Mr. diGenova. I think it does add one dimension and  
6 that is which shows that, as Mr. Isenstead testified, operations  
7 and cover work hand in hand, and the DDO will oftentimes  
8 overrule the chief of cover and commercial and will sometimes  
9 back him up and sometimes the individual station chief is  
10 left to make his own decision but it does add that dimension  
11 to it, which is the decisional process.

12 Thought was given, in other words, to the question of  
13 whether or not his cover would be undermined by staying there.

14 Mr. Aaron. I'd be happy to put it in that further,  
15 though headquarters raised questions, Mr. Welch decided to  
16 occupy the house.

17 Senator Huddleston. I think it would be appropriate  
18 to do that.

End 1A, b 19 Mr. Aaron. Let me suggest in the interest of trying  
20 to get through all the material that we have this morning, that  
21 there are two sections that we do need to look at carefully.  
22 One I take it is the redone section on media, particularly  
23 the recommendations and the second is the paper on Department  
24 of State and ambassadors, which I think has been gone over  
25 in nine different ways by the staff, and I'm sure that there are

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1 still more comments.

2 Mr. Inderfurth. Defense just came as well.

3 Mr. Aaron. The Defense one may well need more staff work.

4 What I would recommend is that we turn to the section  
5 on media, unless there are major further questions. That  
6 would be on page 66.

7 Senator Hart. Mr. Chairman, before we move, could I  
8 raise one interim--a sticky question of prior notification is  
9 addressed at the bottom of page 16, recommendation 14, and  
10 the question is whether we should nail that admonition down  
11 perhaps as follows, except that by statute Congress should be  
12 notified.

13 As you know, the resolution leaves the matter vague on  
14 the oversight committee.

15 Mr. Kirbow. I agree with Senator Hart, that we initially  
16 start it off with the Committee in a bill and it got changed  
17 to a resolution which is not binding on the Administration and  
18 the Committee has not changed its mind and it should again  
19 recommend that that be enacted.

20 Mr. diGenova. Just put the word "by statute?"

21 Senator Hart. That by statute Congress should.

22 Mr. Inderfurth. A couple of little things on that same  
23 page under recommendation 11, the last sentence -- the President  
24 also should continue to certify covert action projects as  
25 provided by , and we might add in there certify covert action

1 projects is important to the national security of the United  
2 States. I think that clarifies what the certification is.  
3 Just certifying you don't, you don't know what that means.

4 Mr. Aaron. Page 66, I think Bill Bader would like to --

5 Mr. Bader. I turn the Senators' attention to page 69  
6 and page 70. We'll go first to the covert use of the U.S.  
7 academic community and then the second issue is the use of  
8 the media.

9 As you see on 69 we have given an outline of the extent  
10 of operational use of American academics.

11 I should say that both, for the record, that both at  
12 the appearance of representatives of FRD when they came here  
13 and Bill Nelson, the deputy director for operations, has  
14 subsequently submitted a paper which gives the Agency's  
15 position and very strongly recommends a continuation of this  
16 operational use of academics and speaks to what they consider  
17 the very important costs that would flow from any prohibition  
18 of the use of American academics.

19 I would note that on page 69 there has been the addition  
20 of two or three sentences at the bottom of the page which  
21 reflects the facts that were given to us by FRD when they came  
22 to that hearing whenever it was last Friday.

23 I'll read those.

24 " Of all these activities, the CIA gives its highest  
25 priority and assigns its best case officers to the recruitment

1 of foreign students. More than one half of CIA's case officers  
2 working within the U.S., are assigned to this task. Over 60  
3 percent of CIA recruitments within the U.S. last year were  
4 foreign students."

5 This is directly from the transcript.

6 Mr. Miller. But is it clear?

7 Mr. Kirbow. This manuscript has not gone for saniti-  
8 zation?

9 Mr. Bader. No.

10 Mr. Miller. Would it clear, then? What is your guess?

11 My guess is no.

12 Mr. Bader. Well, it should be said at this point that  
13 in the critique that came back from the Agency on the entire  
14 larger Katzenbach paper the Agency has taken the position that  
15 any mention of numbers or the fact that the Central Intelligence  
16 Agency uses academics for operational purposes, they've put  
17 in the category of sources and methods, and there should be  
18 no public reference to it.

19 Senator Huddleston. Well, we'll have to face that  
20 problem in the Full Committee.

21 Mr. Kirbow. That's the testimony of the witness who  
22 was before the Committee just last week when he was asked that  
23 specific question, that what harm would accrue if someone  
24 published the members of institutions or kind of the scope of  
25 this whole program?

1 He expressed serious reservations at that time.

2 Mr. Bader. That's a problem we have to face up to.

3 Now on page 70 there are two paragraphs that are  
4 bracketed there which I turn the Senator's attention to, and  
5 these are findings, these are obviously alternatives. The  
6 first finding is that the Committee holds to the view that  
7 the American academics provide invaluable and necessary  
8 assistance in the initial recruiting stage of foreign students.

9 These foreign students produce important and valuable  
10 intelligence when returned to their countries. The role of  
11 cooperating academics is limited to passive observation and  
12 therefore it does not undermine the ideals and integrity of  
13 American universities.

14 The other side of that is the following: The Committee  
15 holds to the view that American academics should not be  
16 drawn into clandestine -- which is underlined -- operations  
17 such as recruiting of agents among foreign students, writing  
18 propaganda or serving as intelligence collectors overseas.  
19 Such activities undermine public confidence that those who  
20 train our young are upholding the ideals of American universities.

21 Now from that and these findings, flow these recommendations  
22 and there is a glitch in the recommendations. 43, above 43  
23 should be marked options, and these options, the paragraphs  
24 that follow are in fact options rather than individual recommenda-  
25 tions.

1 In other words, you could have option 43, first paragraph  
2 A, second paragraph B. That is the sentence that starts,  
3 while disturbed at the present CIA practice, and the rest of  
4 the paragraphs, 44 would be C, D, and it follows on.

5 I would call the Senators' attention to these options.  
6 Let me say that there are some of them that you could endorse  
7 more than one.

8 Senator Huddleston. Excuse me. Is each sentence an  
9 option?

10 Mr. Bader. Each paragraph.

11 Mr. Inderfurth. But they are not exclusive. In other  
12 words, some of them can be chosen. Some of them are exclusive  
13 but towards the end --

14 Senator Hart. It's a shmorgasbord.

15 Mr. Bader. So the first option A is this Committee has  
16 studied this issue and recommends that the CIA continue to use  
17 academics for operational purposes. B, while disturbed at the  
18 present CIA practice of using academics, this Committee does  
19 not recommend a prohibition. The Committee views such a  
20 prohibition as an intrusion on the privacy and integrity of  
21 American academic community.

22 The third option is the Committee recommends that the  
23 CIA amend its internal directives to include a requirement that  
24 both the individual academic and the president of the university  
25 or college be knowledgeable of the clandestine relationship of



1 the CIA.

2 This was discussed at the meeting the other day and I  
3 thought it was sensible to have it included as an option.

4 D, the Committee recommends that the CIA amend its in-  
5 ternal directives to include a prohibition against the CIA  
6 entering into a paid relationship with American academics for  
7 operational purposes. Obviously, C and D could work together.

8 E, the Committee recommends that the CIA amend its  
9 internal directives to include a prohibition on the use of  
10 members of the American academic community for operational  
11 purposes.

12 And then go to F. By statute this Committee recommends  
13 the use of academics for operational purposes be prohibited.  
14 So you move right through this list and I think it gives you  
15 the full range, and then the last one is G, this Committee  
16 recommends the Agency be prohibited, whether it's by statute, from  
17 recruiting foreign students in the U.S.

18 Senator Huddleston. I think we grappled with this  
19 pretty thoroughly and we came to about the situation which you  
20 outlined. We discussed the various options without being able  
21 to focus in on one as being our recommendation.

22 I suggest that the Subcommittee members thoroughly  
23 review this whole section and try to get in our own mind what  
24 we think we would like to recommend or would like to speak for  
25 when we get to the Full Committee and just leave this as a matter

1 for the Full Committee to resolve.

2 I don't think we can make much more progress today  
3 probably. I think it's a good outlay here of the possible  
4 alternatives that we have and I think there's no question that  
5 it's an area where we get --

6 Ms. Culbreth. Could I suggest that the document that  
7 Mr. Bader got from the Agency, speaking to this, be made  
8 available to the Senators for consideration in coming to a  
9 decision on this point?

10 Mr. Miller. Which document?

11 Ms. Culbreth. The two-page thing that you're just  
12 talking about.

13 Mr. Bader. This is a paper which I am remiss in not  
14 bringing to the meeting this morning. It's a two page document  
15 that Mr. Nelson prepared stating -- I'll call over and get that  
16 by the end of this meeting.

17 Mr. Kirbow. This one is so controversial too, that I  
18 think that remarks made by the witnesses the other day to you  
19 and Senator Mathias on several of these pros and cons would  
20 be very helpful.

21 It has been transcribed and should be made available.

22 One other thing, it's just a point here and I make it  
23 before the Committee, is that early on when we were discussing  
24 the weight that should be given to this program, the difference  
25 was made between the staff, between Mr. Bader and the recommendati

1 that I made about -- at the bottom line, page 69, and carried  
2 over where in the last two sentences at least it says, over  
3 60 percent of the CIA agent recruitments within the US last  
4 year were foreign students .At the same time these domestic  
5 recruitments of foreign students represented only 3 percent  
6 of all CIA agent recruitments.

7 Mr. Bader. That should say world-wide.

8 Mr. Kirbow. Well, that was the point I was trying to  
9 make. I guess it's clear if you take both sentences together.  
10 I withdraw my comment on that.

11 Mr. Maxwell. Mr. Chairman, there seems to have been an  
12 inadvertent problem of leaving out any reference either in  
13 the gathering intelligence section in the United States or  
14 in this section about the Committee's decision to amend the  
15 open relationship between CIA and academics and the provision  
16 of academics of open information to the CIA, and I think we  
17 had agreed that there'd be at least a couple of sentences saying  
18 that this has continued and it is applauded by the Committee.

19 Mr. Bader. I think that's right, Mr. Chairman. I did  
20 leave that paragraph out. It was in various drafts and I  
21 will re-instate it this time.

22 Mr. Chairman, let me, if we have this laid out now,  
23 let me turn your attention to page 75. We do have two recommenda-  
24 tions there. The first, there should be no subsidy to or  
25 distribution of any book, magazine or publication not attributed

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1 to the CIA inside the United States.

2 Mr. Inderfurth. Or its territories.

3 Senator Huddleston. They claim that's the situation now.  
4 though, don't they?

5 Mr. Bader. Yes. And the second, the Committee supports  
6 the recently announced CIA prohibitions and the Agency's  
7 decision to commit this to internal directives, I think this  
8 needs a little language here, to internal directives against  
9 any paid or contractual relationship with accredited U.S.  
10 foreign journalists.

11 This is the present situation.

12 The bracketed language is, I'm not sure if it was a  
13 dispute but we put the brackets in just to be sure that the  
14 Committee agrees with this.

15 These recently announced CIA prohibitions should, however,  
16 be established in law.

17 Now I don't believe we came to that decision and that's  
18 why I bring it before the Subcommittee again.

19 Mr. Maxwell. In '51, it's against any paid or contractual  
20 relationship with U.S. or foreign journalists accredited to  
21 U.S. media.

22 Mr. Bader. Yes. I think we'd better fix that.

23 Senator Huddleston. Right. That would be more accurate.

24 Mr. Bader. Now what about the question of having this  
25 established in law?

1 Mr. Kirbow. That's one the Subcommittee should point out  
2 to the Full Committee, that it's an option on all of this that  
3 we should decide.

4 Mr. Bader. Does the Subcommittee want to take a position  
5 on this now?

6 Senator Huddleston. I thought we agreed on that.

7 Mr. Bader. I thought we'd come very close to agreeing  
8 on it.

9 Senator Huddleston. Well, I favored putting it into  
10 law and I suggested that we might make some reference not only  
11 to media but to religious organizations and others because of  
12 the nature of the organizations, that there should be some  
13 legal prohibition in order to maintain the integrity of those  
14 organizations.

15 Ms. Culbreth. On the previous draft that we had at  
16 the bottom of page 63 we had the comment that these recently  
17 announced prohibitions on the use of media personnel should be  
18 established in law and it was bracketed there, and it was  
19 my understanding that the bracket was to carry over.

20 Senator Huddleston. What do you think, Gary?

21 Senator Hart. It was my understanding that we  
22 recommended that by statute.

23 Senator Huddleston. Okay.

24 Mr. Kirbow. In certain places we recommend that it be  
25 enacted by statute, and in other places throughout our paper we

1 recommend that the oversight committee in conjunction with  
2 considering enacting, unless you feel differently of seeing  
3 that we would want to be consistent in our paper.

4 Senator Hart. Well, I think that some things we have  
5 more evidence on than others.

6 Mr. Kirbow. You want to be stronger on the ones that  
7 you think should be a statute?

8 Senator Hart. Yes. I think a lot of the reason for  
9 passing some of these laws is that we feel further study is  
10 necessary.

11 Senator Huddleston. That's right, but on this one I  
12 think we can say this.

13 Mr. Inderfurth. Number 50 is by statute is going to  
14 be inserted there? That by statute there should be no subsidy?

15 That's just a statement but it doesn't recommend how  
16 it should be accomplished.

17 Senator Huddleston. There is already a statute, isn't  
18 there?

19 Mr. Kirbow. No, it's just a policy.

20 Senator Huddleston. Oh, the statute refers to the USIA,  
21 does it not?

22 Mr. Inderfurth. That's right.

23 Mr. Bader. Well, I'd be most happy to have it by  
24 statute, so if it's in agreement, it shall be done.

25 Let me turn your attention now to 52. This is in

1 brackets. Not because it's my understanding that it remains  
2 in dispute. It was just a question of bringing language to  
3 you.

4 The Committee recommends that the CIA prohibitions be  
5 extended to include the use of American media organizations for  
6 cover and the use of any American having a paid or contractual  
7 relationship with the U.S. media organization, whether he is  
8 accredited or not.

9 That's what we talked about the other day, which was  
10 in a sense the CIA prohibitions plus. It goes to two questions,  
11 the use of U.S. media organizations for cover and second,  
12 the prohibition on operational use of individuals who have  
13 a paid or contractual relationship with the U.S. media  
14 organization, whether they are accredited or not.

15 Senator Huddleston. I thought we more or less agreed..

16 Mr. Kirbow. No. Senator Mathias excepted on this  
17 point.

18 Senator Hart. On his own behalf?

19 Mr. Kirbow. On his own behalf on that one, Senator.

20 It was not upon a request through me of any absent member.

21 He may have had it from an absent member.

22 Senator Huddleston. I think we should present that to  
23 the Committee in brackets.

24 Mr. Inderfurth. Shouldn't 51 and 52 follow the next  
25 section on page 77, the covert use of U.S. journalists in media

1 institutions?

2 You see, you have the two pages but no recommendations  
3 after it, and don't these recommendations follow?

4 Do you see what I mean?

5 Mr. Bader. The reason for that is the question of  
6 domestic. If you put it against the issue of domestic fallout  
7 with the impact within the United States, it seems to flow  
8 from the description of the problem of a flow-back into American  
9 society and the use of journalists.

10 Mr. Kirbow. Wouldn't it make better sense to have  
11 both media papers together regardless of where you put your  
12 recommendations, instead of having the religious personnel  
13 put in between?

14 Senator Huddleston. Just move the religious over behind  
15 the two.

16 Mr. Bader. Okay, why don't we do that?

17 So then we would be able to couple the recommendations  
18 together and put religious personnel at the last section.

19 Is that agreed, Mr. Chairman?

20 Senator Huddleston. Yes.

21 Mr. Kirbow. On page 77, Mr. Chairman, there are a few  
22 bracketed words, and I don't remember whether those were  
23 unknown quantities at the time or whether those were sources and  
24 methods.

25 Mr. Aaron. Yes, the question was whether identifying



1 ten U.S. news organizations and 5 publishing houses went too far  
2 specifying which ones, how many you ought to try to find before y  
3 establish which ones are in fact doing this.

4 Mr. Miller. There are a number of items in the  
5 recommendations that deal with precise numbers, sources and  
6 methods if you're looking at it from the other side.

7 What's the Committee's view as to whether we should give  
8 our recommendations to the Agency for sources and methods  
9 vetting? And if so, at what stage?

10 Senator Huddleston. I would think after the Full  
11 Committee signs off with the idea again that it would go back --

12 Mr. Miller. So there should be no discussion or we  
13 should not show to anyone in the Agency or the Executive Branch  
14 our recommendations until they are approved by the Full Committee  
15 and what the Full Committee has decided that they should be  
16 vetted?

17 That would be a desirable policy.

18 Senator Huddleston. Well, it seems to me after the Full  
19 Committee acts, if we're going to give them a chance to view  
20 this, they would still have to go back.

21 Mr. Kirbow. Especially in the case of your Subcommittee, M  
22 Chairman, there will be adequate time. On the following subcommittee  
23 which comes after us it may be more difficult, but clearly,  
24 we would have time while they were dealing with the other  
25 subcommittee's recommendations to have this made clear.

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1 I just think if the Subcommittee could adopt as a  
2 recommendation that the findings because of the nature of what  
3 you have in here, should be reviewed for sources and methods,  
4 I think --

5 Mr. Miller. But after the Full Committee has approved  
6 it.

7 Senator Huddleston. Yes, that would be my thinking  
8 because that would at least eliminate one step.

End 1b, b 2A

Mr. Aaron. I think it would be helpful but I would  
10 draw a distinction between the recommendations per se and the  
11 findings which contain factual material.

12 It would be my recommendation to the Committee that we  
13 do provide the Agency with an opportunity to review the findings  
14 and indeed, we have in many respects already and they know  
15 what's coming.

16 But it's my personal view that I see no reason we need  
17 to share the recommendations.

18 Mr. Miller. I think in order to reduce any confusion  
19 with the Executive Branch we should not show them any of our  
20 findings or recommendations until the Full Committee has  
21 approved them because I have already gotten strange noises  
22 from Seymour based on things in drafts from an earlier period  
23 that have no relation to reality. And in order to avoid that  
24 I would hope that no one would discuss these things with them  
25 until the Full Committee has acted. Is that your feeling?

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1 Senator Huddleston. Yes.

2 Mr. Kelley. David is making a different point, but  
3 we should probably do the same with the recommendations of the  
4 Subcommittee, as is done with the domestic subcommittee, and  
5 that's probably a matter for the Full Committee to decide.

6 We shouldn't show recommendations of the domestic  
7 subcommittee and not these or vice versa.

8 There's the question of whether all the recommendations  
9 of the Committee will be shown to the Administration or not.  
10 And we don't need to decide that.

11 Mr. Aaron. You can decide it whenever you like, but it's  
12 my strong recommendation that they should not be unless you  
13 wish to take testimony on them.

14 Mr. Kirbow. Mr. Chairman, I don't disagree that there  
15 should not be an orderly procedure for both subcommittees.  
16 What I do want to stress is that this particular area is in  
17 the foreign intelligence principally and is most likely to  
18 have the sources and methods information.

19 I think the same weight should be given to whatever  
20 section of the domestic covers counter-intelligence because that  
21 is probably the most fragile and touchy area in the whole world  
22 and I think that there, since it involves the CIA for which you  
23 are principally responsible in this subcommittee, that your  
24 recommendations should apply equally there or should certainly  
25 consider that all of those recommendations be at least furnished

1 to the CIA. I understand that there is vehement opposition  
2 from the general counsel to showing the domestic recommendations  
3 to anyone before they are published as they relate principally  
4 to the corrective actions in the FBI, but I don't think we  
5 get into as much of a security problem there as you do in this  
6 area here.

7 Publication of some of this information can almost totally  
8 destroy a program and if the Committee agrees with the Agency not  
9 do so, I think they should know that in the foreign intelligence  
10 area because their recommendation to the Senate on this Commit-  
11 tee was to do nothing could damage that particular area of  
12 the Agency's ability beyond reason.

13 Senator Huddleston. I think that's the only procedure  
14 we can follow, really, is after the Full Committee operates,  
15 let them take one quick view just from the standpoint of sources  
16 and methods and not from the standpoint of the advisability  
17 of the recommendations themselves.

18 Mr. diGenova. In that regard I would note, and this  
19 is not to undercut anyone remarks, but the other day when I  
20 met with the people from the DDO on the cover paper to discuss  
21 this problem, they told me that they were never asked by the  
22 Rockefeller Commission, nor was anyone else at the Agency ever  
23 asked to review the final Commission report.

24 So that report that was published never got a sources and  
25 methods review by the CIA. When that document was published it

1 was made strictly on the decision that that was going to be  
2 published regardless of sources and methods. They were never  
3 consulted and Mr. Isenstead, who was the chief of cover  
4 commercial emphasized that he was grateful for the opportunity  
5 to do it.

6 So there is precedent at least for not having them give  
7 a final view but I'm not saying that it's the wisest way to  
8 proceed.

9 Senator Huddleston. Well, the Full Committee might have  
10 some thoughts on that. Some of this where we get into specific  
11 numbers and so forth may raise a question and maybe we could  
12 write around the various numbers and be just as effective.

13 Mr. Kirbow. Mr. Chairman, I don't think they have to  
14 adopt the recommendations, but I think that in showing this  
15 to them and getting their opinions on the record further  
16 demonstrates the high integrity type work that this Committee  
17 has tried to pursue the entire year and not to just go off  
18 helter-skelter.

19 Mr. diGenova. In this same area of academics, Bill, it  
20 goes back to your paper. There should be a reference back to  
21 page 36 where we deal with FRD penetrations in American companies.

22 That's the same area that we took testimony on the other  
23 day. It's a bracketed section.

24 Mr. Aaron. And the reason it's bracketed is that we  
25 are waiting for a couple of sentences to describe the situation

1 based on that testimony, and it will be a factual statement  
2 of where we stand in that regard.

3 Let me just draw your attention to one other recommendation  
4 on page 45 which may or may not, the Committee may or may not  
5 want to include. It stems from our discussion largely in the  
6 context of the academics and others concerning the way in which  
7 the CIA operates domestically and it's recommendation number 27,  
8 which is not as precisely stated as it might be.

9 Mr. diGenova. I was just going to ask, does it have  
10 a reference to a particular interest group which is being  
11 protected because it does not appear to prohibit anything?

12 Mr. Aaron. It relates to the Domestic Contacts  
13 Division and so I should say the use of overt contacts of the  
14 Domestic Contacts Division for operational support or operational  
15 purposes.

16 Mr. Miller. Of the DCD?

17 Mr. Aaron. Yes. In other words, it goes to the long  
18 discussion we had over witting versus unwitting use of  
19 individuals by, not just the foreign resources division, the  
20 man under alias who goes to ask if he can put a thing up on  
21 a bulletin board, but actually the man who presents himself  
22 overtly as a CIA person and says, our relationship is completely  
23 above board but who in fact in some unwitting fashion uses  
24 an individual to further some operational objective.

25 And I took it and I may have been wrong, but it was my

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1 understanding from that discussion that we want to prescribe  
2 that kind of unwitting use by the so-called overt side of the  
3 house.

4 Mr. Maxwell. I had raised a question with David about  
5 that. My understanding was that the Committee was concerned  
6 about this but felt that there were some unresolved questions,  
7 i.e., whether a DCD individual who was talking or debriefing  
8 an American businessman who came back from the Soviet Union,  
9 whether that, something phrased like this would prevent the  
10 DCD person from simply saying would you be willing to provide  
11 cover to an American representative of the CIA, because the  
12 difficulty we were having was essentially with the control of  
13 the information which was enormously useful and has to be gotten  
14 somehow, and the Committee was concerned that that would have  
15 to be covertly, which would mean FRD people going around under  
16 cover trying to find the same information that was available.

17 Mr. Aaron. I frankly don't think that those concerns  
18 are raised by this provision because A, it does not deal with  
19 information, B, it does not deal with witting relationships,  
20 or witting use, so that if you go to a man coming back from  
21 the Soviet Union and ask him what he has done or suggest that  
22 the next time he goes there he does something, all that is  
23 certainly possible and reasonable because it's witting and above  
24 board.

25 Moreover, it does not go to the information. If he collects

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1 information some place that turns out to be of operational  
2 utility, why that's just information that's of operational  
3 utility.

4 This goes to the question of unwitting use of a relationsh  
5 of trust that has been established on the basis that it is  
6 what it is.

7 Mr. Kirbow. Would you explain to me then if you don't  
8 have any concern about that, what the purpose is of the first  
9 full sentence on the top of page 36 at all in the report?

10 Mr. Aaron. Page 36?

11 Mr. Kirbow. The Committee is concerned with this  
12 blurring of the line between overt collection of information  
13 that's witting and the exploitation of these relationships  
14 for operational purposes.

15 Mr. Aaron. That's correct. That's in effect the concern  
16 and finding that supports the recommendation.

17 Mr. Kirbow. I find it inconceivable that we would  
18 be considering cutting off from the CIA the operational use of  
19 American citizens who are simply because they happen to be in  
20 business or otherwise witting would not furnish information  
21 on another person in their company.

22 Mr. Aaron. This has nothing to do with what this thing  
23 says. This talks about unwitting use, unwitting use. I  
24 certainly wouldn't recommend that there be no use.

25 Mr. Kirbow. It says the Committee is concerned with this



1 blurring of the line between overt collection, which is the  
2 debriefing of the man when he comes back into the states from  
3 the Soviet Union, of information from willing American citizens.  
4 Okay? So that is the businessman who has just returned from  
5 Iran and is over there from the major aerospace corporations doing  
6 business there.

7 Now the very next sentence, the remainder of that  
8 sentence, unless you want to prohibit that particular interviewee  
9 and the interviewer from having some further conversation about  
10 the possible use of that particular concern in Iran for  
11 operational purposes, why do you say it unless you're trying  
12 to prevent that?

13 Mr. Aaron. I would like to take up the two issues  
14 separately. I would like to take up, if you want to discuss  
15 this we can discuss it, and if you want to discuss the  
16 recommendation on 27, we can discuss that.

17 But I don't think it helps our conversation here to  
18 talk about them both at the same time.

19 Mr. Kirbow. Then I would not want to overlook coming  
20 back to that because it's one we mentioned the other day and  
21 the bracket did not carry over to this, and it's a particular  
22 concern that would not prohibit the CIA from utilizing American  
23 businessmen who are witting and willing to furnish either as  
24 a corporation or individual.

25 Mr. Aaron. And I might say that that is the problem. We

1 are on two pages at once.

2 I would recommend that we look at page 45 and look at  
3 recommendation number 27 which says the regulations of the  
4 CIA should prohibit unwilling use of overt contacts and please  
5 strike in there of the Domestic Contact Division for operational  
6 support or operational purposes.

7 Now this does not prohibit operational support or  
8 operational purposes of contacts at the DCD as long as they  
9 are witting relationships.

10 It does not permit unwitting use of covert contacts  
11 for operational support. It only goes to the question of --

12 Senator Huddleston. If you went back to 36, then, and  
13 put it willing American citizens and the unwitting exploitation  
14 of these relationships, what you're trying to say there is  
15 you don't want to exploit these kinds of relationships without  
16 the knowledge of the person who supplied the information.

17 Is that correct?

18 Mr. Aaron. That's correct. And that would be a more  
19 precise support for the particular finding.

20 I think initially, though, that sentence was oriented  
21 towards expressing that concern plus the concern of an  
22 organization that had in effect two missions.

23 In other words, the DCD, having both the responsibility  
24 to build up an overt relationship of trust as well as the  
25 responsibility sometimes to try to move that relationship beyond

1 its initially stated premises, which is that I meet you, this  
2 is an above-board business. But at some point down the line  
3 I start talking to you about other subjects.

4 Now I realize this is a difficult area, and I certainly  
5 would not want to prohibit the use of Americans for any operations  
6 purposes. I think as long as we're going to have a CIA,  
7 this is one of the things that ought to be allowed. But it's  
8 the question of the two somewhat contradictory functions of the  
9 DCD.

10 That sentence was trying to cover both of these points,  
11 and maybe that's a source of some of the confusion.

12 The recommendation to move the DCD back into the overt  
13 intelligence directorate was in part based upon trying to create  
14 the incentive for this organization that it is a largely overt  
15 character and not clandestine.

16 Mr. Kirbow. I make the same point now that I made  
17 earlier on the same recommendation and the discussion is  
18 exactly on the same point. They're talking about problems which,  
19 they are drawing problems from no problem area that has been  
20 called to the attention of this committee.

21 It is apparently in the minds of certain of the staff  
22 members somehow wrong that during this conversation with a  
23 returning traveller by a certain segment of the CIA, that if he  
24 comes across a willingness to do something operationally, that  
25 he has to withdraw at that point and go get another side of the

1 House to come do it.

2 We're talking about an agency operation and unless in  
3 some way we have a record before this Committee that doing  
4 that would inhibit the returning traveller from continuing  
5 to cooperate and there's still 100,000 that do it every year,  
6 and I don't think the record indicates at all that there's  
7 anything wrong with having an individual that is doing the  
8 interview at the time trying to get what information he can  
9 from pursuing other matters which have to do with the interest  
10 of the Agency on behalf of the Agency if the person is willing  
11 to talk about it.

12 I just don't see how it muddies the situation at all,  
13 nor does it blur it. I don't think that we have to decide  
14 that there be within the DDO out there a clear distinction  
15 between those two divisions unless we see some infringement  
16 on the rights of the American that he is interviewing.

17 And I don't think our record shows anything to indicate  
18 that there has been any infringement of those people's rights.  
19 And that's the reason for my concern about the position we take  
20 on the top of page 36 and the recommendation.

21 Mr. Aaron. I think the recommendation and the position on  
22 the top of page 36 are different. We can make them coincide  
23 by striking in the word "unwitting" exploitation of these  
24 relationships. The recommendation goes to unwitting use.  
25 That is the important aspect of that.

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1           Mr. Kirbow. May I give the Committee an example of  
2 what actually could transpire at one of these meetings, that  
3 if you leave this in here and say, unwitting exploitation, it  
4 will prohibit, probably, a third of that Agency's action on  
5 the information that it gets.

6           Do you think that they ever go back and tell the witting  
7 person whom they debriefed when he returned from Russia  
8 that during the conversation that they had with him they  
9 picked up the name of one Mr. X and that they subsequently  
10 go to Mr. X and establish a full working relationship with him?

11           Maybe they find that by his returning briefing they  
12 find all sorts of sources and methods which they can exploit.  
13 Certainly you don't want to encourage or require by law that  
14 they go back to this man, who has simply kind of emptied out  
15 his travel to Russia to the agent and tell him, well, now, so  
16 that you'd be witting to this we picked up the name of one  
17 Charles Kirbow during your discussion and we subsequently have  
18 developed a working relationship with him and we plan to use  
19 him when he goes to Russia next month.

20           Mr. Aaron. I think that's a misrepresentation of what  
21 witting use is.

22           Mr. Kirbow. Witting is knowledgeable.

23           Mr. Aaron. If I may respond. The point here is not  
24 that the information is not used for any purpose. If a guy  
25 comes back from the Soviet Union and has some information of

1 utility in the formulation of policy or the kind of clandestine  
2 operations, he has told his story, that information is  
3 available to the entire government and it would be acted upon  
4 perhaps by thousands of people he doesn't have any relationship  
5 with or any knowledge of.

6 There's no question but that that is certainly a  
7 legitimate activity. The knowledge and the information that  
8 is acquired in this overt way, the source is witting of the  
9 fact that it's going to be used in some fashion.

10 That's not the issue. The issue is different. The  
11 issue is whether he is asked to perform certain tasks or  
12 drawn into certain kinds of relationship or any number of  
13 ways in which he might be exploited in some unwitting fashion.

14 Now if the argument is made that unwitting use of  
15 Americans is desirable and useful and should be performed by  
16 this organization that represents itself as completely above  
17 board, then that's another recommendation that can be made.  
18 But I think if we are going to try to draw some lines here  
19 and we are going to try to reestablish some measure of trust  
20 in this Agency, it ought to be prepared to accept that it is  
21 what it is when it says what it is when it deals with Americans.

22 Now this does not preclude the Foreign Resources Division  
23 from taking all sorts of clandestine steps and measures.  
24 We step up to that issue in a different part of this report.  
25 This is dealing with the so-called open arm of the government

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1 and it may make as much operational use of Americans  
2 as it wishes so long as it is so informing them.

3 Senator Huddleston. I think what you're asking here is  
4 that the person being advised, is he's advised, first of all --  
5 that whatever information he supplies to this Agency might  
6 be useful to this Agency in different types of operations.  
7 In other words, he might be made aware of the fact that while  
8 a good part of the information they're seeking may relate only  
9 to economic information or something else, that it might also  
10 be helpful to the Agency in its operations and that he ought  
11 to be advised that if that's the case the Agency will use that  
12 information for that purpose.

13 Secondly, if the Agency wants to approach him on the  
14 idea that because of his contacts they'd like for him on his  
15 next trip to look for specific types of information and again,  
16 he ought to be advised that the purpose of this is to provide  
17 the Agency with operational information that might result in the  
18 Agency becoming involved in a covert or clandestine type of  
19 operation because of the information he supplies.

20 Now is that the kind of thing?

21 Mr. Aaron. Yes, I simply feel, and by and large that's  
22 the way it's done.

23 Mr. Kirbow. It's done like that to my specific knowledge.  
24 Every time, even if it's the same man debriefing you, he  
25 tells you every time and kind of forewarns you like the Miranda



1 rule of what your rights are and that they plan to use this  
2 thing.

3 They also, Mr. Chairman, use these returning people as  
4 one of the best sources of initial contact for the company to  
5 gain cover in sensitive areas overseas of any of the records --

6 Senator Huddleston. What's wrong with saying that?

7 Mr. Kirbow. Well, in many cases you would not want to  
8 tell the returning head of the foreign sales division that you  
9 find that just in debriefing him that that particular company  
10 would make an excellent cover company because of their  
11 activities in the foreign area. They go to the head of the  
12 company and they tell them, and the man never knows maybe that  
13 two of his salesmen are later, or sales positions are later  
14 picked up.

15 That's the decision of the management of the company and  
16 not the returning traveller.

17 Senator Huddleston. You don't have to tell him that  
18 specifically of this requirement.

19 Mr. Maxwell. I think the problem with the phrasing  
20 with regard to that, I think Elizabeth pointed out also that  
21 there wouldn't be a problem with that. The problem is that  
22 the finding was unclear that that was based on because it did  
23 blur two different things.

24 I think you can work it out so that it does, in fact, make  
25 the point you are suggesting.



1 Mr. Kirbow. My point is is the Committee really concerned  
2 about this and if they're not, we ought to leave that out.  
3 I don't think there's any evidence before the Committee that  
4 creates the concern that the staff appears to be recommending  
5 to the Committee.

6 Senator Huddleston. Let's bracket that and move on. I  
7 personally would feel that it would be appropriate for the  
8 Committee to say in a more positive way than this sentence  
9 indicates that exceptional care should be taken in dealing with  
10 these people, that they be fully aware that information they  
11 are providing might form the basis of further operational  
12 use within the Agency.

13 Ms. Culbreth. Mr. Chairman, in connection with this  
14 whole section, my earlier draft indicated that there were  
15 several sections here that were bracketed, and I thought that  
16 was to be carried forward.

17 Senator Huddleston. There are some other brackets around  
18 page 36.

19 Mr. Aaron. Do you have some brackets, Liz, that did not  
20 get in?

21 Ms. Culbreth. Yes. On page 45 my notes indicated that  
22 the recommendation that is now recommendation number 26, which  
23 was recommendation number 24 before it got changed, and we  
24 got the whole thing bracketed.

25 Mr. Aaron. Who had it bracketed?

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1 Ms. Culbreth. It was bracketed in this text in the brown  
2 notebook.

3 Mr. Aaron. It was my understanding that the Committee  
4 agreed on that.

5 Mr. Inderfurth. It was bracketed because there was a  
6 question of moving it over to the State Department and it was  
7 resolved to keep it within the CIA.

8 Mr. Kirbow. Mr. Chairman, obviously this book was just  
9 made available this morning because it was being retyped over  
10 the weekend and I would like the opportunity at the staff level  
11 to go through our earlier draft and if there are brackets here  
12 which we either reserved on for the minority or which were from  
13 the record not decided for the Committee, we'll mark them and  
14 call them to your attention.

15 Senator Huddleston. Yes, I think that would be helpful.  
16 In fact, it would be helpful for me to have my own book in  
17 which I have notes to compare with this.

18 Okay. Let's move on.

19 Mr. Inderfurth. I would like to raise a matter. On  
20 page 28 there's a reference under recommendation 18 which I  
21 think faithfully represents what was discussed but I'm not  
22 sure if this is the best way to state it.

23 The second paragraph under recommendation 18, the term  
24 current provision regarding the status of the DCI should be  
25 extended to cover the DCI's and both deputies. At most, two of

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1 the three could be military officers.

2 I'm concerned about that because that would allow the  
3 DCI and the man in charge of the CIA both to be career military  
4 officers allowing for the third, the deputy director for the  
5 DIC staff to be a civilian, and I think that's going against  
6 the grain of what was originally considered to be a concern  
7 of those writing the '47 act that at least one of the two  
8 individuals in line responsibility for the CIA be civilian.

9 But this would allow both the DCI and the person running the  
10 CIA to be military.

11 I would recommend that at most one of the three could  
12 be career military.

13 Mr. Kirbow. This is not the decision, I think, that  
14 the Committee took. What we should do is go back to the original  
15 language so that if the DCI is a military man, that neither of  
16 the other people can be military. If he is a civilian, either  
17 or both of the other people could be military. It's what the  
18 law currently is today, and I think that's the way -- it has  
19 worked very well that way and I think that's what we should  
20 adopt.

21 Senator Huddleston. This would include retired military,  
22 too, isn't it?

23 Mr. Aaron. Yes, that's in the '47 Act.

24 Mr. diGenova. You could just say only one of the three  
25 could be career military.

1 Mr. Aaron. I might agree with that but that is not  
2 exactly what Charley said because under his rule if you had a  
3 civilian as you had, you could have two military.

4 Senator Huddleston. Is that the way the Act is?

5 Mr. Kirbow. Today what it really says is that if the DCI  
6 is a military man, the deputy must be a civilian and they make  
7 it just that clear.

End 2A, b 28 If he is not, the deputy may be a civilian.

9 Mr. diGenova. But that's the problem. If you have both  
10 deputies being military men under the new arrangement one of  
11 them will run the CIA while he is the Director and that means  
12 that the two subordinates who are going to be in charge of  
13 that Agency are going to be military men.

14 Mr. Kirbow. Maybe.

15 Mr. diGenova. But they can be. That's the point.  
16 Now that is not, I don't believe that that is what was intended  
17 by the Congress in the 1947 Act.

18 Mr. Maxwell. I think it should be said that the question  
19 is whether the Committee wants to do it rather than the '47  
20 Act. And the other part is whether the Committee wants to  
21 bind successive Congresses and the President in their choice  
22 because both could be nominated and confirmed.

23 Mr. Miller. Isn't the principle that we are trying to  
24 achieve throughout to get the best possible person no matter  
25 where he comes from?

1 Mr. Kirbow. Yes, except there was always a genuine  
2 concern that it be taken over by the military and if that were  
3 the case, Bill, all three of them could be senior active duty  
4 military officers at the time they were serving. And I don't  
5 believe that is the intent of the Committee or the Congress.

6 Mr. Inderfurth. I would suggest saying only one of the  
7 three.

8 Mr. Miller. Why don't we just say one of the three?

9 Mr. Kirbow. The other thing is this. If you're trying  
10 to hinge it on the man who runs the operation, if he runs it  
11 and he is a military man, then I think that you should try to  
12 prohibit the kind of, maybe the next key individual and here  
13 you make it the man who is the principal deputy and maybe he  
14 must be a civilian. And under those circumstances I do strongly  
15 feel that if the DCI is military, maybe the other man should  
16 be a deputy also.

17 Senator Huddleston. But under your plan, if the DCI  
18 were civilian, then both deputies could be military.

19 Mr. Kirbow. But if he were military, both deputies  
20 would have to be civilian, and I think that's how we ought to  
21 couch the language.

22 Mr. Aaron. The only problem is that, and it's a small  
23 one, is that in the absence of the DCI, it's possible for the  
24 first deputy who is military to really have line responsibility  
25 over the other deputy who is military, and I assume that's not

1 a big deal but --

2 Mr. Kirbow. Because principally this is what occurs  
3 at the Agency today if the DCI is not there. The three star  
4 has control.

5 Mr. Miller. Let's say the control of the Agency is  
6 what we have in mind. Civilian control of the Agency should be  
7 emphasized.

8 Mr. Kirbow. Well, unless you're careful you will  
9 eliminate any military people from being in the act at all.

10 Mr. Inderfurth. Well, I think it has to be nailed down  
11 to who is going to run it, whether one of the three, two of the  
12 three, or whatever.

13 Mr. Kirbow. We have this problem, which is a little  
14 more pronounced, a particular problem which I think Al  
15 Quanbeck could speak to you here because we're going to have to  
16 consider it in his paper, and that's the national security  
17 agency and the rather peculiar problem there that if your  
18 director is military --

19 Senator Huddleston. If you put in the statement that  
20 we believe that civilian control is essential --

21 Mr. Kirbow. In the national intelligence function,  
22 absolutely.

23 Senator Huddleston. And then only one of the three could  
24 be military.

25 Mr. Inderfurth. Again, Bill, only one of the three would

1 allow that it would be possible for the DCI plus the person  
2 running the CIA -- no, I'm sorry.

3 Mr. Quanbeck. In the case of the NSA --

4 Senator Huddleston. A majority of those three must be  
5 civilian.

6 Mr. Kirbow. Senator, I wish you would hear, because  
7 it's on this very subject to civilian control, the NSA thing,  
8 because it is peculiar to that group out there.

9 Mr. Quanbeck. Traditionally, the NSA has been headed by  
10 a military officer and the deputy has been a career cryptologist.  
11 Now in order to emphasize civilian control, we considered having  
12 the director be a civilian, and we came down to the idea that  
13 one of the two should be a civilian without specifying, and empha  
14 sizing the civilian control and getting the best qualified individ  
15 without specifying, that one be civilian and the other be a career  
16 cryptologist. He could be a well qualified individual.

17 Mr. Kirbow. And the problem there was that if the  
18 Director were a civilian appointee, he may have no crypto  
19 experience, and then the number 2 man would be a military  
20 man and there wouldn't be anything out there representing those  
21 career crypto people that have made their whole life in the  
22 Agency.

23 Mr. diGenova. So the fix is only one?

24 Senator Huddleston. I think so and civilian control is  
25 essential

1 Mr. Quanbeck. Do you want that to apply in wartime as  
2 well?

3 Mr. Kirbow. Unless you say desirable, it'll mean there'll  
4 never be a career military man out of the Agency.

5 If you promise that with the fact that it is essential --

6 Senator Huddleston. All right, I'll agree with that.

7 Now let's move on.

8 Mr. Kirbow. Mr. Chairman, one of my associates pointed out  
9 that the paper which precedes, that starting on page 37  
10 and going down through to the beginning of the recommendation  
11 section of that paper on page 43, that in the period required  
12 by the Committee to consider recommendations the other day,  
13 that none of the language from 37 through the first full  
14 paragraph on the top of page 43 had been considered by the  
15 Committee and we might, should --

16 Mr. Aaron. That's correct, and more than that it needs  
17 to be severely scrubbed.

18 Mr. Kirbow. It needs to be worked on tremendously,  
19 so maybe we can do that today and get back.

20 We just haven't taken it up, Mr. Chairman. We've been  
21 pressed with other business and this fell through the cracks.

22 Mr. Aaron. It's been suggested that we expand the section  
23 somewhat since it really only had one paragraph and we tried  
24 to include something about the threat as well as something  
25 about the operations, and I think it requires some further work.



1 Now I'll just ask a question in this regard.  
2 Is it a fair assumption on the part of the staff that even as  
3 the Committee considers these findings and recommendations and  
4 puts in their various fixes, that we will have some opportunity  
5 to go through here and try to clean up the language once  
6 the policy issues are settled?

7 Senator Huddleston. Yes, and the members themselves will  
8 probably have some suggestions.

9 Mr. Kirbow. As I indicated before, Mr. Chairman, we  
10 can do this up to the day it goes to the printer. We did it  
11 on the previous drafts and we did it on the galleys.

12 Mr. Aaron. If we could return to the Department of  
13 State and the ambassador's paper, now I hope people have  
14 had an opportunity to look through this. I've tried to incor-  
15 porate, at least as far as I could, various views.

16 Mr. Inderfurth. This goes with page 95, so it should  
17 be page 95 through 101, and then you don't have a page 102, and  
18 then on to page 103.

19 Mr. Aaron. Now there is some bracketed language as  
20 well as bracketed recommendations. I might just get the  
21 discussion going with what we know are problems. Why  
22 don't we just take up the first one here and that is there is  
23 an example here concerning coordination of agent recruitment  
24 programs with the ambassador on page 83 and it says, for example,  
25 a [major] new CIA recruitment program targeted on a friendly

1 [European] country was under consideration in Washington, et cetera

2 Now some people believe we ought to take out major and  
3 some people think we ought to take out European. I think most  
4 everyone agrees that one of those words should come out because  
5 it narrows us down to France, Germany, and Britain, and since  
6 Britain is off limits, it narrows down to Germany and France.

7 My recommendation is to take out the word major. I  
8 would like to reserve the word European because I think it's  
9 important to give some flavor of the character of the program.  
10 If the word major comes out, there are then more than a dozen  
11 European countries that this might involve.

12 Mr. Kelley. What about Western or something like  
13 that, not so much geographic but major allies?

14 Mr. Aaron. Western would be all right, as a matter of  
15 fact. But what we want to get at is that this simply isn't  
16 just a program like in Brazil where we have done this stuff  
17 for years and years and years. But we're really talking about  
18 something else.

19 If Western would do it, I'd be happy to take out major  
20 and put in Western.

21 Mr. Kirbow. Take out European?

22 Mr. Aaron. Yes, and put in Western.

23 Mr. Kirbow. If the example you are trying to make is  
24 a disagreement or is a fact that the ambassador was not aware  
25 of something that the station chief was aware of, you can

1 say a major program and leave out European or Western or  
2 anything else because that is not pertinent to the fact. He  
3 can be an ambassador in Lower Uganda and have the same right  
4 because he is the number one man in the country.

5 Senator Huddleston. Except you're talking about a  
6 specific case.

7 Mr. Kirbow. We're all trying to avoid pointing out  
8 the country by using the ambassador's name or anything, Mr.  
9 Chairman, because it is really a touchy subject and goes  
10 directly to a very classified matter in a European country.

11 Mr. Kelley. But we still want to make the point that  
12 this was sensitive, that the size and importance of this country  
13 made these an even more egregious example and I wonder if  
14 maybe if Western, Charley, still doesn't fit the bill, we  
15 could use some word like sensitive, in a sensitive country  
16 because it really is different. If it's Lower Uganda rather  
17 than a major, as it was in fact, a NATO ally.

18 Mr. Kirbow. I would agree that substituting sensitive  
19 for the word major and striking the word European should give  
20 no foreign intelligence agency a handle up on this particular  
21 program.

22 Mr. Kelley. Why don't we see what the CIA says.

23 Mr. Kirbow. They have.

24 Mr. Kelley. Why don't we put in sensitive program in  
25 a friendly Western country and see what the CIA says? We don't

1 have to vet this ourselves.

2 Mr. Miller. Isn't the point about, that is being made  
3 that it's going around the Ambassador and it seems to me that  
4 if the detail is to illuminate that point rather than where  
5 it takes place, then you don't need the specifics?

6 Mr. Aaron. No, I think Bob Kelley has the point. It  
7 isn't just that we have a major program and ambassadors don't  
8 know about it. That has happened for years and years, you know,  
9 around the world.

10 The important point here is that we're talking not about  
11 just a country in which we've been involved for a long time  
12 which we've had lots of relationships with. We're talking about  
13 a country in whom the programs of this character could have  
14 a major impact on the country itself and on our interests there  
15 and on their relationship to us.

16 And in that case, and on vital U.S. interests.

17 Mr. Maxwell. Could I suggest a fix, which is to be  
18 a major and highly sensitive program?

19 Mr. Kirbow. May I suggest that if that's what we're trying  
20 to show by example we're using a very poor example here because it  
21 was only under consideration in Washington and the decision  
22 had not been made on this particular covert operation and if  
23 we want to use an example of the ambassador being left out  
24 of the action, this is not it.

25 Mr. Aaron. I disagree with that point.

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1 Senator Huddleston. Well, we want to talk about whether  
2 not the Ambassador ought to be brought into this.

3 Mr. Kirbow. It's just a matter of when you bring him  
4 into the action.

5 Mr. Maxwell. For example, a major in a highly sensitive  
6 CIA recruitment program targeted on a friendly country were  
7 under consideration in Washington.

8 If it's major and highly sensitive, I don't think we  
9 need to say where it is.

10 Senator Huddleston. I think that's all right.

11 Mr. Miller. I challenge the idea that it's major.

12 Senator Huddleston. Major and/or sensitive.

13 Mr. Kelley. Why don't we see what the CIA says about  
14 the word Western. They may be perfectly happy with that word  
15 as opposed to European.

16 Senator Huddleston. I think it does make an important  
17 point, that even involving friends, that we could strain an  
18 already good relationship when the Ambassador was not taken into  
19 confidence.

20 Mr. Aaron. And we'll take a close look at this as well.

21 Mr. Inderfurth. In light of the U.S. position in the  
22 world today, friendly may also limit it to the point that it  
23 can be identified.

24 Mr. Kirbow. Mr. Chairman, I can't emphasize how sensitive  
25 the word recruitment is. When you add the other words to it you

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1 make it very clear to everybody that you are trying to recruit  
2 a very high official in that government.

3 If the word recruitment doesn't, if you're talking about  
4 a major new CIA program targeted and leave the word recruitment  
5 out, you will inhibit the enemy from finding out exactly the  
6 individual's name that you're talking about and recruitment  
7 doesn't add anything to it, does it, David?

8 What point are you trying to make in leaving this stuff  
9 in? The fact that the Ambassador was not brought into the  
10 act, right, and it was an important program?

11 Senator Huddleston. The nature of the act, I think,  
12 has to be defined to some degree before you know how serious  
13 it was that the ambassador was not included.

14 Let's leave it there and see what the Agency says if  
15 the Full Committee accepts this.

16 Mr. Kirbow. Then will we bracket this to the Full  
17 Committee, Mr. Chairman?

18 Senator Huddleston. We certainly have an opportunity  
19 to take exception to it.

20 Mr. Kirbow. We had taken that exception at the staff  
21 level and obviously we did not prevail and we would like to  
22 have that bracketed in the Full Committee.

23 Mr. Aaron. Perhaps we could then turn to the recommendatio  
24 where we have a couple of brackets from the staff level, one  
25 of which does not appear, I'm sorry to say. This is page 86 and

1 87. Let me see if I can just go through them and indicate  
2 some changes.

3 Let me just call your attention here to the first  
4 recommendation which, in effect, simply says the National  
5 Security Council and the Department of State should issue  
6 instructions implementing law with regards to the obligations  
7 of ambassadors.

8 We now make clear in the text that the conflict here that  
9 has led to, in parts, to the absence of any regulations is  
10 between the Department's effort to implement them through  
11 instructions in the CIA's view that there is a conflict between  
12 this law and their responsibility to protect sources and  
13 methods from unauthorized disclosure.

14 This recommendation would put the Committee on record  
15 as saying the law makes ambassadors authorized recipients  
16 and that is how that needs to be squared with --

17 Ms. Culbreth. Could we get a copy of that to examine  
18 in context with this?

19 Mr. Aaron. Yes. I'm sorry I don't have it right now.  
20 That it simply makes the point that instructions have to go  
21 to other components and the request that such instructions be  
22 made available to the oversight committee.

23 Now the second recommendation. --

24 Mr. Maxwell. The footnote about the CIA's opposition, is  
25 that a letter from the Agency?

1 Mr. Aaron. We were just told that by deposition.

2 Mr. Maxwell. How?

3 Mr. Aaron. They just told us.

4 Mr. Kirbow. I don't remember how it was under discussion  
5 there but that is -- in other words, it is information that  
6 I also know about.

7 Mr. Aaron. I don't have the document.

8 Mr. Maxwell. Did you ask them with regard to examples  
9 that you gave?

10 Mr. Aaron. We asked them if they had any further  
11 comment on it and I believe they do.

12 Mr. Kirbow. What is the result of the Ambassador's  
13 trip out there?

14 Mr. Aaron. He went out and talked with the review staff.  
15 They were aware of the sensitive Western program. They were  
16 not aware offhand of the other two examples.

17 Now the second recommendation should be in brackets  
18 from the staff level, and I would like to correct or suggest  
19 a correction in the first phrase. Instead of saying to this  
20 end, just simply say in the exercise of its statutory  
21 responsibility Ambassadors should have the right to access  
22 to the operational communications of the CIA's clandestine  
23 service.

24 Any exceptions would have to have the approval of the  
25 Department of State and be brought to the attention of the



1 oversight committee, the point of that being that if you ought  
2 to have full authority to act for the ambassador, he ought to have  
3 the right, if not the obligation, to read operational traffic  
4 when necessary.

5 Mr. Kirbow. Who would determine when necessary? The  
6 station chief?

7 Mr. Aaron. He would determine when necessary. That's  
8 the point of changing the authority around.

9 Mr. Kirbow. Mr. Chairman, I find myself in an awkward  
10 position here because I think that the ambassador is entitled  
11 to know practically all of what's going on in this country.  
12 I think that he is entitled to know all of the policies and  
13 the national estimates against which all of the collections in  
14 this country are being made and any other major policy decisions  
15 made in Washington.

16 I have stressed to the staff, as has Mr. Bader, I believe,  
17 the peculiarity of cables which have to do with agent handling,  
18 and how it is publicly the most sensitive operation in the  
19 entire Agency.

20 I do not for the life of me see why if the Ambassador  
21 has the control that we give him elsewhere in this thing, that  
22 he should read every operational message that the station chief  
23 or whoever is in charge in that particular area in the  
24 embassy is sending back on the various agents and the manner  
25 in which they are being handled or their names because he can't

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1 help but find out the names of the people and who they are  
2 and exactly what they're doing if you brief the operational  
3 travel.

4 Senator Huddleston. This gives him the right to it. It  
5 does not require him to do it.

6 Mr. Maxwell. I think that's the real difference. I did  
7 have a question on the exceptions having the approvals only of the  
8 Department of State. The ambassador, as the President's  
9 representative in the country, it would seem that if the  
10 Department of State had the right to overrule, for instance, the  
11 DCI or the deputy in charge of the CIA in regard to a sensitive  
12 matter, that there should be a mechanism by which that can  
13 be resolved.

14 Mr. Aaron. I would certainly be subject to say any  
15 exceptions would have to have the approval of the appropriate  
16 national security council body and leave it at that because that  
17 would then put the State Department in the process.

18 Mr. Kirbow. My problem is totally different from that.  
19 I think that today the instructions from the President of the  
20 United States, or at least approved in principle because it's  
21 been in operation for some great period of time, the classified  
22 instruction from the State Department which were joined by the  
23 DCI prescribes certain situations in which they tell the  
24 ambassador, the station chief need not tell you, and in those cases  
25 where you will request and he doesn't tell you, it says for the

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1 exact procedures the station chief and the Ambassador both have  
2 an absolute secure channel to refer the matter back to the  
3 Department in Washington where it is reconciled here at a  
4 policy level because a man out at the end of the line should not  
5 I think in all circumstances have a prerogative that exceeds  
6 that which the President wishes him to have.

7 That's the current state of the situation. The instructio  
8 is cited at great length in the full paper.

9 Senator Huddleston. I think this recognizes the  
10 exceptions and just sets procedures.

11 Mr. Truehart. But the instruction conflicts with the  
12 law on the books.

13 Mr. Kirbow. Mr. Ambassador, it also conflicts with the  
14 law that says that the DCI should protect the sources and methods  
15 in the Agency.

16 Mr. Truehart. From unauthorized disclosure.

17 Senator Huddleston. We should have to bracket this?

18 Mr. Kirbow. Yes.

19 Senator Huddleston. Well, we have to wrap this section  
20 up here right now.

21 Mr. Aaron. Okay. The next recommendation just authorizes  
22 the Department, and I would suggest here that to clarify it a  
23 little bit, say by statute the Department of State should be  
24 authorized to take the necessary steps to assure that it can  
25 provide the kind of support. We found that it really was not

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1 in the position to provide this in the execution of that law.

2 This has been in many forms. At one point we said there  
3 should be an office to do this and at one point we said to put  
4 it in the hands of a responsible official.

5 But I think the main point we want to make here is that  
6 the Department does not have the parallel authority as the  
7 ambassador has in law and therefore is not in a position to  
8 help him out when he gets into the kind of trouble that Charley  
9 referred to.

10 So this simply gives the Department the same kind of  
11 authority.

12 Mr. Kirbow. The words "can provide," I think we should  
13 require them to provide this, especially instructions on what  
14 the complications of the law is.

15 Ms. Culbreth. I have a fix on that. By statute the  
16 State Department should provide effective guidance and  
17 support. Just say do it.

End Tape 2b 18 Mr. Aaron. But they can't be told to do something without  
19 also authorizing them to have the information to be able to  
20 do it.

21 Mr. Kirbow. The Department of State has access to  
22 everything that goes to the National Security Council by the  
23 Secretary sitting as the principal member.

24 Mr. Aaron. Well, as you know, a lot of these activities  
25 we're talking about do not go to the National Security Council.

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1 They will if we had our way but they don't in current law.

2 Senator Huddleston. Okay.

3 Mr. Aaron. Number 5 is in brackets. The point is that  
4 it is similar to number 2, the point being that communications  
5 with overseas posts are now in the hands of the Central  
6 Intelligence Agency for the most part. The recommendation here  
7 is that they be put in the hands of the Department of State  
8 as an overt organization. This is a recommendation which the  
9 Murphy Commission came to, its recommendation which has --

10 Mr. Maxwell. Do we have a position of the Secretary of  
11 State and the DCI on this, as well as a cost estimate of what,  
12 if any, changes there would be?

13 Mr. Aaron. No, we don't have any cost estimate.

14 Mr. Maxwell. My sense of the findings on which this  
15 is based go to number 2 which I personally support in guaranteeing  
16 the ambassador access, but I think that we have an inadequate  
17 record on which to base a recommendation that the entire  
18 communications network be passed from one agency of government  
19 to another.

20 Mr. Kirbow. I agree on 5 and have consistently found  
21 no evidence to support putting it back under the State Department  
22 who originally had it and agreed to put it over under the CIA.

23 Senator Huddleston. Well, that's in brackets.

24 Mr. Kirbow. On 4, Mr. Chairman, I had an extensive and  
25 fairly supportive, I think, recommendation that we should not

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1 recommend increased money if we have not heard that this is an  
2 inadequately funded program. Nor should we recommend internally  
3 a reorganization of the policies of the Department of State  
4 so that who controls this money without a record before the  
5 Committee, but rather that the recommendation be that the  
6 oversight committee, in conjunction with the Department of  
7 State, carefully consider the adequacy of the funding for this  
8 program in light of their value to the nation and whatever the  
9 requirements are.

10 Senator Huddleston. Do you have any trouble with that?

11 Mr. Aaron. Yes, I do because I think we do have a  
12 sufficient record from our discussions with members of the  
13 foreign service and the State Department that they are not  
14 adequately funded to carry on their political reporting  
15 responsibility and I believe that we can make a recommendation  
16 that this responsibility deserves increased support.

17 And so that is taking the first half of the recommendation.

18 Mr. Kirbow. Excuse me. Let me take the first part with  
19 you.

20 We don't have the Department's position on that. We  
21 have opinions of some of the individuals in that particular  
22 operation that they need more money. The Department's position  
23 in defending their programs before the Foreign Relations  
24 Committee as far as I could see from what record was available  
25 to me does not stress that it is inadequately funded and unless

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1 we're going to get the State Department's position on this  
2 and they say the same thing, then that is not the Administration'  
3 position.

4 Mr. Quanbeck. It also runs contrary to the points that  
5 we make in the budget paper when we say that we have a surplus  
6 of collection and that the problem is in analysis.

7 Mr. Aaron. Wait, wait, wait, that's a very different  
8 point.

9 Mr. Kirbow. The paper clearly says excess collection  
10 compared to the analytical.

11 Mr. Aaron. Can you tell me why the Administration  
12 opposes this?

13 Mr. Kirbow. I think the point is that if we don't have  
14 a position of the Department of State on this, it is unfair  
15 for us to recommend to the Committee that they adopt the position  
16 from individuals' views, not being the person responsible for  
17 the program.

18 Mr. Inderfurth. I think another point here is that the  
19 ambassadors that we talked with, and I'm thinking right now of  
20 those in Chile, all said that the overt collection of intelligence  
21 through their political reporting was most valuable to them and  
22 I think it follows that this recommendation is appropriate because  
23 we want to beef that side up.

24 Senator Huddleston. It seems like we are beating  
25 semantics here.

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1 Mr. Kirbow. Inadequate funding against the funding for  
2 their normal chores, which is representation in the country  
3 where we are accredited. We're able to take out the business  
4 of the CIA having more funds for this than the State Department  
5 because we don't think it is cause and effect.

6 Senator Huddleston. Can't we just say there that  
7 consideration should be given to increasing the funding or  
8 something to that effect?

9 Mr. Kirbow. Or need to determine whether or not it is  
10 adequate.

11 Mr. Aaron. Let me just make one last point on this.  
12 I don't really understand Charles' position. If I understand  
13 him correctly, his position is the recommendations that the  
14 Subcommittee or the Committee makes should all have been either  
15 approved or supported by the Administration in some way.

16 Now in this particular case --

17 Mr. Kirbow. Now don't misrepresent me. What I really  
18 said was I do not think that this Committee has before it a  
19 record from responsible individuals in charge of the Department  
20 of State that fairly indicates that that is an inadequately  
21 funded program.

22 Mr. Aaron. We have the record before this Committee that  
23 those people who are tasked with this responsibility including  
24 ambassadors overseas do feel that these programs are inadequately  
25 funded and indeed, we have reached a point in Europe, for



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1 example, which is of extreme importance to us that there is only  
2 one post outside of the major capitals that has any funds  
3 available or manpower available to do any political reporting,  
4 that that is a major area of the world in which there have been  
5 repeated cutbacks. The record is very clear on this. There  
6 has been enormous cutback in the foreign service as well as  
7 the clandestine service, but unlike the clandestine service,  
8 the foreign service has certain statutory responsibilities in  
9 the field of council affairs.

10 They have gotten to the point now that all they can do  
11 it to take care of their council responsibilities and are no  
12 longer capable of doing the political reporting.

13 But that is the factual matter, that is what we have  
14 discovered.

15 I believe that on that basis the Committee can make a  
16 recommendation that this requires further support.

17 Mr. Quanbeck. I would argue that if we queried all  
18 of the program managers throughout the intelligence community,  
19 95 percent of them would say that they are inadequately funded.

20 Mr. Kirbow. The point that I make here for this is that  
21 there is apparently an irreconcilable difference of opinion  
22 between the staff on the sufficiency of the record and the  
23 first day that we started on these recommendations you had  
24 agreed that where there was a real and sincere difference of  
25 opinion, that the evidence would be brought forth for consideration.

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1 by the Committee.

2 I ask that the record on this one be produced to support  
3 that recommendation. I don't think it is adequate.

4 Senator Huddleston. Well, all I think we can do is move  
5 it up to the Full Committee. I would suggest that we put in there  
6 consideration be given to increasing the funds with the earmarkin  
7 left there when it comes before the Full Committee. Then we  
8 can expect to have whatever record we have.

9 Mr. diGenova. The recommendation that you're giving is  
10 that the sentence be changed to say consideration should be  
11 given to increasing the money.

12 Senator Huddleston. That's correct.

13 Mr. Kirbow. Mr. Chairman, on number 5, what was the  
14 recommendation that Mr. Aaron said he agreed was not an  
15 essential recommendation?

16 Mr. Aaron. I don't recall agreeing to that.

17 Mr. Kirbow. Excuse me. I thought you said you were  
18 willing to take it out if I were going to be insistent on it.

19 Mr. Aaron. No.

20 Mr. Kirbow. Well, if that's not the case we can leave  
21 it bracketed.

22 It always puts us in a bad position that just by putting  
23 forth the recommendation from the staff by which there is no  
24 general consensus among the staff, that we always wind up on  
25 the defensive when we want it taken out. I don't think that

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1 should necessarily be. I think there should be an affirmative  
2 record shown where that recommendation should be in the recommen-  
3 dation of the Committee at all.

4 I don't think that has been shown at all. It's just what  
5 one member of the staff for sure wants done, and I don't think  
6 the record supports it.

7 Senator Huddleston. Let's just leave it there in brackets  
8 Where do we go from here?

9 Mr. Miller. Defense.

10 Senator Huddleston. Well, I can't go to defense.

11 We're scheduled for 10:00 tomorrow morning, and meanwhile  
12 would the staff have an opportunity to go through this entire  
13 paper here?

14 Ms. Culbreth. Could I raise a point?

15 Several of us on the staff were talking about this and  
16 I know you have to go, but is there some plan or procedure that  
17 has already been decided for how this is going to be brought  
18 before the Full Committee?

19 Senator Huddleston. That's the next question.

20 Ms. Culbreth. I believe that's awfully important.

21 Mr. Miller. I recommend the following very briefly, that  
22 tomorrow you present the briefing book to the Full Committee  
23 with a covering letter saying that this represents the view of  
24 the Subcommittee, that you ask them to look the briefing book  
25 over the following day, I mean that same evening, and say that

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1 you would, and suggest that the Chairman entertain any suggestion  
2 on the part of Senators from the other subcommittee for any  
3 expansions, corrections, deletions, and proceed by suggestions  
4 from the Senators, not from the staff but from the Senators  
5 until completed.

6 Mr. Kirbow. Mr. Miller, I will note that the Chairman's  
7 letter would also point out, like Mr. Bader did a while ago,  
8 that there are several things in here not yet adopted but  
9 recommended as alternatives.

10 Senator Huddleston. Yes. I believe that would be well,  
11 plus I believe Dave ought to be prepared to give a quick overlay  
12 and the rest of you available for any questions that might come  
13 up the first day as we give it to them.

14 Mr. Maxwell. I don't know what the time schedule is  
15 but could we have it as early as possible because just an  
16 overnight reading for 120 page document.

17 Senator Huddleston. I see no reason why this shouldn't  
18 go by spending the rest of the day, if you can smooth it out  
19 any at all at that point, that it couldn't go ahead and go to the  
20 full membership.

21 Mr. Aaron. Could I ask a question about the number of  
22 copies?

23 Obviously we'll have a copy for every Senator. Now the  
24 question is whether there should be a copy for every Senator and  
25 his designee.

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1 Mr. Kirbow. The only way to work it, Mr. Chairman, it's  
2 just impossible not to have a copy.

3 Senator Huddleston. That suits me all right.

4 Mr. Inderfurth. Let's do one thing. On the designee  
5 copy let's stamp the Senator's name.

6 Mr. Kirbow. I might add, Mr. Chairman, the security  
7 operation under Mr. Marshall has been exemplary during the  
8 last couple of weeks.

9 (Whereupon, at 11:20 o'clock a.m., the hearing in the  
10 above-mentioned matter was concluded.)

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