



CBS NEWS
2020 M Street, N. W.
Washington, D. C. 20036

FACE THE NATION
as broadcast over the
CBS Television Network
and the
CBS Radio Network
Sunday, October 5, 1975 -- 11:30 AM - 12:00 Noon, EDT
Origination: Washington, D. C.

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HERMAN: Mr. Colby, you have warned of the dangers to the CIA from all these congressional investigations. Chairman Pike of the House committee said on this program last week that he thinks that as the CIA stands today, if there were to be an attack on this country, the country wouldn't know it in time. What is your answer?

MR. COLBY: Well, I think Mr. Pike is wrong in that. I indicated that I disagreed with him. He also said, I believe it was the day before yesterday, that--challenged us to name one single situation in which we'd warned the country of a possible attack. He seems to have forgotten the Cuban missile crisis, on which intelligence did warn the country of a very direct threat to our country. I think today we have the best intelligence in the world, and I think that the American people can be assured that we can warn our government of potential attack or other kinds of problems that we can face around the world.

ANNOUNCER: From CBS News, Washington, a spontaneous and unrehearsed news interview on FACE THE NATION, with the Director of Central Intelligence, William E. Colby. Mr. Colby will be questioned by CBS News Correspondent Daniel Schorr; David Wise, author; and CBS News Correspondent George Herman.

HERMAN: Mr. Colby, in fairness to Chairman Pike, I believe I should probably point out that the burden of his statement was that the CIA has millions of very--or thousands of very hard-working good people at lower levels--that they would find out about a possible enemy attack or something of that sort, but that it would get lost in the upper levels and wouldn't get through to the government in time.

MR. COLBY: Well, that's, of course, why CIA was produced--

because it was a follow-on of Pearl Harbor, where there were certain indications to the fact of possible attack but they were not put together and assembled and given to the senior levels of the government in a fashion that clearly pointed out the danger. The idea of CIA was to centralize all the intelligence available to the government; and as a result, we now have access to all the kinds of material that our government learns, either from open sources or from technical sources, or from some of our clandestine sources. In that respect, we then have to put the different pieces of the jigsaw puzzle together, and arrange them, and order them, and make a projection as to what they really mean.

Now the easiest thing after any crisis is to find that single report that predicted it was going to happen. The question you have to look at is how many other reports cried wolf earlier, and secondly, how many other reports predicting exactly the opposite exist. The process is an intellectual one of analyzing all of these different reports, putting them together, and hopefully coming out with the right answer.

On the particular instance Mr. Pike cited--the Arab-Israeli war in 1973--we did make a wrong prediction. But we really don't run a crystal ball. What we really try to do is arrange all the things, improve the understanding of our government of the factors and forces at work, and then, to the extent possible, warn of the dangers, warn of things, but not give absolute predictions.

WISE: Mr. Colby, perhaps the CIA has gotten away from this warning function a little bit. For example, why did the CIA open a letter from Senator Church to his mother-in-law? Did you think that his

mother-in-law was a dangerous character, or did you think Senator Church was a dangerous character?

MR. COLBY: I don't know why that was opened. Since 1973, we have stopped that kind of activity. It was wrong then. It was wrong whether we opened the mail of Senator Church or President Nixon or Mrs. Jones. It was equally wrong for all parties.

SCHORR: Mr. Colby, you've been coping valiantly with the problems of the CIA in the past year as a series of investigations descend upon you, and several times you've said that you've been subject to criticism for being too candid. You've never really explained--at least not publicly--what are the pressures on you within the administration, where is the criticism of you coming from inside the administration, and do you think that you'll survive that criticism in your current job?

MR. COLBY: Well, I think there are men of good will on all sides of various of these questions. There are those who wish that we didn't have to say anything at all, because that was the old tradition of intelligence; there are other people, in the government and in intelligence, who believe that we should expose everything so that we can get over it and get on with the future. What I've been trying to do is maintain the morale of both groups, that we are trying to create a responsible intelligence in America, that we want it to work within the laws and the Constitution. But at the same time, there are some secrets of intelligence that we have to keep, and it's those secrets that somehow--sometimes they leak, but I think we have been able to keep most of those secret, at the same time being quite open about some of the other developments of our intelligence business.

SCHORR: Let me be more specific--

MR. COLBY: There are different people who evaluate the line between those two extremes differently. We're perfectly straightforward in our disagreements, both within our discussions, and you see indications of these disagreements in the press.

SCHORR: Well, one of the disagreements that I see some indications of--it appears to be so that last December, you took the responsibility for informing the Deputy Attorney General, Laurence Silberman at the time, of the possibility that one of your predecessors, Richard Helms, may have committed perjury, and turned over to the Justice Department for investigation a possible--a possible perjury. I don't like to--I don't want to prejudge it. One gets indications that you've been not only criticized, but that maybe Secretary Kissinger and perhaps Secretary Schlesinger--I'm not quite sure--has gone to President Ford, saying that you've made an awful mistake there. Why did you feel it necessary to refer the Helms matter to the Department of Justice, and how high does your problem in the administration go?

MR. COLBY: Well, I don't think it's only that. There were a series of events which later came out, of course--the mail opening and various things of that nature--that we had investigated. We set out rules against any repetition of those, but in the course of the studies there were very strong positions taken as to the rectitude or non-rectitude of those various activities. There was an old understanding between the Department of Justice and the CIA that the CIA could evaluate whether the revelation of some activity would do so much damage to our intelligence business that it would not be worth prosecuting. That seemed a little bit dubious to me, and I did raise

that question with the Deputy Attorney General, and he indicated that that understanding was not proper and could not endure--at which point I was obliged, under the normal law, to inform him of any potential activity which would transgress the law. It is my opinion that there is no one in CIA who could be convicted of any--of any crime. There were things that were done wrong, but they were either done because they were believed to be right or within the color of the law there is a justification for what they did. There are various of these things, but I do not believe that any of our employees can be found actually guilty. But that is not for me to decide any more; that is now a matter for the Justice Department--

SCHORR: But then, what happened after you referred the Helms and other matters to the Department of Justice? Apparently, the roof came in at some points around the White House or a couple of departments. I mean, is it then not true--Secretary Schlesinger admitted on this broadcast two weeks ago that he had talked about your problem to President Ford last March, I believe. Secretary Kissinger has admitted nothing, but apparently was also involved. What is your problem with these cabinet officers?

MR. COLBY: Well, I don't think it's a problem. I think it's just this question as to what the proper line is between exposure and secrecy, and there are honest differences of opinion as to how this should be done. The fact that I'm still in my office is an indication that the President has not turned his pleasure somewhere else, because I serve him completely at his pleasure.

HERMAN: One of the things that you've said here, and that you said before in a newspaper interview, troubles me a good deal--that is,

your belief that none of the CIA employees can or should be indicted, because they acted under the belief that what they were doing was proper, even though it was illegal. I'm a little troubled by the idea that if the CIA believes something is good or proper, that therefore it becomes legal and nobody can be indicted for it.

MR. COLBY: No, I'm not saying that at all. I'm saying that the-- an attempt to prosecute an individual--I think that any jury would give consideration to the circumstances in which he did the act, and I think that the possibility of a successful conviction would depend upon the evidence of some wrong intent; and that in the circumstances of the times, in the 1950's and the 1960's, there were things that were considered quite appropriate at that time, which are no longer considered appropriate.

HERMAN: Apparently something as simple as the break-in on Dr. Ellsberg's psychiatrist--the people who broke in, we know from their testimony, believed they were doing something right and proper for the government of the United States.

MR. COLBY: And I think that's a question for a jury to decide. I don't have any problem--it's not for me to decide--

HERMAN: But don't you have a feeling about it?

MR. COLBY: --I'm expressing my belief that the circumstances, as I know it, we would not have any of our employees actually convicted.

WISE: Mr. Colby, do you think that the CIA should kill the political leaders in other countries, and have they ever done so or attempted to do so?

MR. COLBY: I have many times turned down suggestions to that effect. In 1973 I issued directives that the CIA would have nothing

to do with assassinations, would not stimulate them, condone them, support them or conduct them. Therefore, I think that the answer is that we should not. Very clearly, I do not think this subject a good one to go into public discussion of for two reasons. I think we can see into our national history a very damaging wound. And I think secondly, that some of the facts of these things--because of the ways these matters were discussed at the times there--are very murky as to who was part of it and who--where the approval and how detailed the approval was. But it is not a subject for a public discussion--

WISE: Are you saying there was an attempt, an actual--

MR. COLBY: I am saying the situation was very murky, and that I really don't believe that this subject is an appropriate one for an official to be talking about.

WISE: So how are we going to get the facts about it, then?

MR. COLBY: We have reported all the facts to the Senate committee; they have examined the matter independently as well, and I think they can come to a conclusion which--on the basis of the evidence available to them. But I do not believe it appropriate for open public discussion, because I think we can hurt our country very seriously.

SCHORR: Does that mean that when Senator Mondale mentions the-- as he did in a speech this week--the existence of a group called The Executive Action Group in the--for a couple of years in the early 60's, which was charged with responsibility for making plans, hypothetical or not, for the assassination of various persons--that you'd rather not talk about that?

MR. COLBY: We have reported everything on this general subject to the committees, but I don't believe that it's appropriate for pub-

lic discussion.

SCHORR: You don't dispute the little that Senator Mondale has--

MR. COLBY: I don't say one way or the other. I just don't believe the subject is appropriate for public discussion. Some others may disagree with me, but that's my view.

SCHORR: But there will be public discussion when the Senate report comes out.

MR. COLBY: There has been quite a lot of public discussion, but I--

SCHORR: There has been and there will be.

MR. COLBY: --don't think it appropriate for me to discuss it in great detail.

HERMAN: Are you satisfied with the prospects for security of what you have told the two committees?

MR. COLBY: I think our record to date has been quite good in the Senate--

HERMAN: No, I'm talking about them, Mr. Colby.

MR. COLBY: Yes, yes.

HERMAN: Do you think that they will keep secure the things that you want kept secure?

MR. COLBY: Well, I think the Senate has kept its matters quite careful. We had a discussion last week, as you know, with the House committee, as to the details of how we would do things. I think that is an arrangement; it's a compromise arrangement, and it affords a vehicle for reasonable men to come to good conclusions as to what should be exposed and what should be kept quiet. There may be some individual leaks; you journalists are very energetic in prosecuting

the possible statements of one man and comparing it with another, and adding up to an overall story. But I would hope that the discipline of the Senate and the House committees and their staffs would be as good as the discipline of the executive branch. And neither will be perfect. Neither are perfect at the moment. But I would hope that we Americans, as we try to make intelligence responsible, we can be responsible ourselves in the way we do it.

(MORE)

WISE: Mr. Colby, you said that assassination is not a good subject to be discussing publicly, but at a hearing about two weeks ago you displayed that poison dart gun at the Church committee hearing in-the Senate, and I wondered if that gun or that type of weapon has been used against any foreign political figures?

MR. COLBY: The gun has not been used. The gun was brought up there because the Senate committee rather insisted on its being there. I didn't volunteer it certainly, but it was a part of the evidence that was submitted to the committee, and there was really no reason to say that it was so highly classified that it could not be exposed.

SCHORR: Mr. Colby, one of the -- as one gets around this country one finds that one of the things that will not go away is the popular misunderstanding about the assassination of President Kennedy. I guess you've run into that, and time and time again people ask me and I guess they ask you, did the CIA do it. I've said as far as I know, the CIA had nothing whatsoever to do with the Kennedy assassination or any conspiracy in this country against any American public figure, but --

MR. COLBY: Right.

SCHORR: -- one of the reasons people don't understand the role or lack of role of the CIA is that there are things that the CIA did know about tangentially connected, and which apparently didn't come out. I'm talking about, for example, the series of conspiracies to try to kill Castro, which was never communicated to the Warren Commission, as far as I know. John McCone as director, Helms as deputy director, testified and didn't tell the Warren Commission anything about that. Would you care, if you feel that way, to say that covering up things that didn't matter, like that, didn't matter that much, was

a mistake and gets the CIA blamed for a lot of things it didn't do?

MR. COLBY: Well, the CIA is somewhat accustomed to being blamed for a lot of things. In that case, CIA did provide to the Warren Commission everything it knew about the assassination, about Oswald and so forth. It did not apparently display this matter, but you must remember that Mr. Allen Dulles was a member of the Warren Commission, and he certainly knew something about this general subject, and he could have brought that question in very easily.

SCHORR: Can you say now that other than its involvement with Castro who -- and that which may or may not have been involved with what was going on in Oswald's mind, that the CIA had no connection with Oswald, no connection, is not hiding anything in the way that we're finding out that the FBI destroyed certain documents, that the CIA has nothing further to reveal about the Kennedy assassination?

MR. COLBY: Certainly not, not about Mr. Oswald or about the assassination. We have provided all the material we had that was in any way relevant to the matter to the Warren Commission, with the single exception of the possible stories about Mr. Castro, which I think were considered as not relevant at the time.

WISE: Wouldn't the CIA have wanted to brief Oswald, debrief him when he came back from the Soviet Union, ask him about his travels in the Soviet Union? I've always wondered about that.

MR. COLBY: Well, there was some consideration of that, but he had other connections, other contacts, in the context where any debriefing could have been handled through that.

WISE: I don't understand.

MR. COLBY: He had some other contacts, as I think has come out

in the record, with the United States government, other aspects of our government, and that any debriefing that was appropriate could have been handled through that manner.

--- WISE: Are you suggesting the FBI might have interviewed him?

MR. COLBY: I think there is in the record the fact that there was some contact early on with the FBI.

HERMAN: When you say could have been handled, are you actually saying was handled by the FBI?

MR. COLBY: I don't know the answer to that. I'm not aware of the details of the FBI's experience.

HERMAN: Do you consider that the CIA is now bound by law, like laws passed by the Congress and signed by the President, to the point where it cannot conduct overseas operations?

MR. COLBY: No, I don't think so at all. We're --

HERMAN: I mean operations, not in the sense of gathering intelligence but of operating against a government or for a government or for a political party?

MR. COLBY: No, I think not. The question of whether we should be allowed to conduct these things, these kinds of operations, was raised last year in both the House and the Senate, and both the House and the Senate voted that we should continue to do so. At the same time --

HERMAN: But in a very --

MR. COLBY: But at the same time a regulation was put in that we could only do other than intelligence gathering if the President found it important to the national security, and it was reported to the appropriate six committees of the Congress. We are in compliance with

that law, and we are able to do things in compliance with that law. There is obviously a risk in exposing secrets beyond a very limited group, but at the moment we are following the law and I have every intention to continue to follow the law.

HERMAN: How do you inform the committee? Do you inform just one member of the committee, the chairman?

MR. COLBY: It's up to the committee, the way we -- to set up the arrangements. In some cases we inform a small group; in some cases a larger group.

WISE: On that point, you've said that the CIA gets its authority to conduct so-called covert political operations from the rather broad language of the law that set up CIA. Now, if Congress gave CIA that power, do you believe that Congress could take it away? Could Congress prohibit covert operations altogether, and if they did, would you obey that law?

MR. COLBY: Oh, certainly they could. That was the question of the bills put in Congress last year, and both the House and the Senate turned them down. If they had barred it, of course we would obey the law.

WISE: But, you see, that leads into the question of suppose the President ordered a covert operation to be conducted despite this act of Congress. Would you --

MR. COLBY: Well, this came up in my confirmation hearing. They asked me what I'd do if I were directed to do something that was wrong. I said this very easy, I'd leave the job.

SCHORR: Mr. Colby, the White House indicates that plans for the reorganization of the intelligence community are being considered,

probably will not reach definite shape until the current wave of investigations is over. Are you a part of the planning of this reorganization, and do you expect to play any part in administering the new shape of things?

MR. COLBY: Well, I certainly am participating in the different discussions, as to how this ought to be arranged, different kinds of thoughts as to how it ought to be structured in the future. I have submitted my comments on both the Murphy Commission report and on the Rockefeller Commission report, and I have discussed these to some extent with the various other people in the intelligence community, and with the policy levels of our government. Certainly I expect to play a part in any changes which are developed.

SCHORR: No, what I really mean is -- this was the original question which you bypassed much earlier in this broadcast -- do you -- is your role about coming to an end? Have you been expended in saving the agency, and having been expended; do you expect to be leaving at some proper point in the next year or so, or do you still think you'll be in office a year from now?

MR. COLBY: I really don't decide that question myself. That's a question for the President. I serve at his pleasure --

SCHORR: You work on forecasts --

MR. COLBY: I serve at the President's pleasure. It would depend, I think, on the restructuring that is finally decided, the developments from now on, as to how things happen. At any time that either the President or I thought that the intelligence business would be better off with someone else, why I would clearly withdraw, or I would be asked to.

SCHORR: My question is really one where your talents as an intelligence analyst come into play. You know how much trouble you've made for yourself by what you've had to do. You know how many people disapprove of your candor, and every time you've gone to Congress and told about some new little thing that went wrong, the people involved might have been angry at you. Do you think that you can preside over a united agency with what you've had to do?

MR. COLBY: Well, it's been, I think, very united in these past weeks and months. I think it testifies to the toughness of spirit of the people in the intelligence business. They have had a terrible buffeting, and I think that they have stood together and stood very well. There have been some unease and some concerns and all the rest of it, but they have held their morale and discipline very well. Whether I'm an essential element of that, I really don't think that I'm an essential element to it. It might be that some day a new face would be a mark of a new start and the investigation period is over and we can get back to the important work of our country.

SCHORR: When do you suggest that?

MR. COLBY: As I said, if either the President or I felt that the intelligence operations of our government would be better served by having a new face, why I would leave.

HERMAN: You said a moment ago that if you were asked to do something wrong, you would resign. That speaks well of you, but how about the organization -- supposed to be equal justice under laws -- equal application of the laws -- is the law and the government so set up that if somebody else were in your place, he could not disobey the will of Congress?

MR. COLBY: Well, I think the clear evidence today is that the people in CIA and in the intelligence business are as conscious of the American attitudes, feeling about wrongful acts, as any other Americans --

HERMAN: Are they in agreement with it?

MR. COLBY: They are in agreement, they do want to conduct an intelligence business in our society which does follow our laws, and I think that if any effort were made to do anything wrongful to get them to do things that are wrongful, there would be objection and they would not do it.

WISE: Mr. Colby, the CIA, according to what we've been hearing and reading, has broken the law in some cases and done some, as you yourself have said, some terrible things. It's opened mail, it's engaged in domestic surveillance, there have been break-ins and wire-taps, failure to destroy poison, and what not. Now, do you agree with the recent testimony of James Angleton, who was your chief of counter-intelligence, that we must sacrifice some of our liberties in order to preserve our freedom?

MR. COLBY: No, I don't think so. I think America has had secrets, it has lots of secrets in the ballot box, in the grand jury proceedings, even the Congress has secret sessions. If secrecy is necessary to the operation of part of our democratic government, I think we Americans can respect the secrets. I think we have to really decide between sensation and safety, between publicity and protection, and I think we have to draw a line there so that we Americans, as we look into our intelligence business, are really responsible as we try to make it responsible.

HERMAN: Is that where we are now?

MR. COLBY: I think it is. We are at the question of whether we can conduct a responsible investigation, make the improvements in our system so that we can conduct a responsible intelligence business under the Constitution and laws of our country.

HERMAN: Thank you very much, Mr. Colby, for being with us on Face the Nation.

MR. COLBY: Thank you.

ANNOUNCER: Today on FACE THE NATION, the Director of Central Intelligence, William E. Colby, was interviewed by CBS News Correspondent Daniel Schorr, David Wise, author, and CBS News Correspondent George Herman. Next week another prominent figure in the news will FACE THE NATION.