

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

December 24, 1974

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

Dear Mr. President:

This report is in response to your request for my comments on The New York Times article of December 22nd alleging CIA involvement in a "massive" domestic intelligence effort. While CIA has made certain errors, it is not accurate to characterize it as having engaged in "massive domestic intelligence activity."

The National Security Act of 1947 states that CIA shall have no "police, subpoena, law-enforcement powers, or internal security functions." The Agency's functions thus relate solely to foreign intelligence. Included in this responsibility is foreign counterintelligence, as stated in National Security Council Intelligence Directive No. 5. This provides that CIA shall, inter alia, conduct clandestine counterintelligence outside the United States and its possessions. Under this charge, CIA for many years has maintained liaison with the intelligence and security services of other nations and has conducted independent counterintelligence activities abroad. Whenever such matters relate to the internal security of the United States, information derived from such operations is passed to the Federal Bureau of Investigation and other Departments or Agencies of the Government when appropriate. In addition, CIA has responded to requests from the Federal Bureau of Investigation, and on occasion other Departments, for counterintelligence work abroad.

In 1967, when concern grew in the United States Government over domestic dissidence, questions were raised as to whether there might be stimulation or support of such activity from outside the United States. As a result, the Director of Central Intelligence on 15 August established within the CIA counterintelligence office a program to identify possible foreign links with American dissident elements (Annex A). Later that same year, this became a part of an interagency program (Annex B). In November 1967, the Agency produced a study, International Connections of US Peace Groups, in response to a request by the President. In late 1967 or early 1968 the Assistant to the President for National Security Affairs

requested an assessment of possible foreign links with American dissident student groups (SDS). In mid-1968 the Agency produced an assessment of youth movements throughout the world, including a section analyzing the American scene to complete the picture. This study concluded that: "There is no convincing evidence of control, manipulation, sponsorship, or significant financial support of student dissidents by any international Communist authority."

In September 1969 the Director reviewed the counter-intelligence program and stated that he believed it to be proper, "while strictly observing the statutory and de facto proscriptions on Agency domestic involvements" (Annex C).

In 1970, in the so-called Huston Plan, the Directors of the FBI, DIA, NSA, and CIA signed a report to the President recommending an integrated approach to the coverage of domestic unrest. While not explicit in the Plan, CIA's role would have been to contribute foreign intelligence and counterintelligence. The Huston Plan itself was not implemented but was followed by the establishment on 3 December 1970 of the Interagency Evaluation Committee which was coordinated by the Counsel to the President, Mr. John Dean. This committee was chaired by a Department of Justice officer, Mr. Robert Mardian, and included representatives from CIA, FBI, DOD, State, Treasury, and NSA. Pursuant to this Government-wide effort, CIA continued its counterintelligence interest in possible foreign links with American dissidents. A full description of the CIA project, prepared on 1 June 1972, is attached (Annex D).

Because of CIA's effort during these years, some CIA employees, not directly involved in the program, misinterpreted it as being more focused on American dissidents than on their possible connections with foreign governments. In addition, however, there were individual cases in which actions were taken which overstepped proper bounds. For example, the Agency recruited or inserted individuals into American dissident circles to establish their credentials for operations abroad against those foreign elements which might be supporting, encouraging, or directing dissidence in the United States. In the course of their preparatory work or on completion of a phase of their mission abroad, these individuals reported on the activities of the American dissidents with whom they came in contact. Significant information thereby derived was reported to the FBI, but in the process CIA files were established on the individuals named.

In 1972, with the approval of the Director, the Executive Director issued an internal memorandum to senior CIA officials describing the program in order to clarify its scope and to invite reports of any departures from its policy:

"To carry out its responsibilities for counter-intelligence, CIA is interested in the activities of foreign nations or intelligence services aimed at the U.S. To the extent that these activities lie outside the U.S., including activities aimed at the U.S. utilizing U.S. citizens or others, they fall within CIA's responsibilities. Responsibility for coverage of the activities within the U.S. lies with the FBI, as an internal security function. CIA's responsibility and authority are limited to the foreign intelligence aspect of the problem, and any action of a law enforcement or internal security nature lies with the FBI or local police forces."
(Annex E)

On 9 May 1973, the Director issued a bulletin to all employees requesting them to report any indication of any activity they believed might be outside CIA's charter (Annex F). Responses from some employees referred to the counterintelligence program. As a result, on 29 August 1973 the Director issued specific direction to the managers of the program re-emphasizing that the focus of the program was to be clearly on the foreign organizations and individuals involved in links with American dissidents and only incidentally on the American contacts involved (Annex G).

In March 1974 the Director terminated the program and issued specific guidance that any collection of counter-intelligence information on Americans would only take place abroad and would be initiated only in response to requests from the FBI or in coordination with it; furthermore, any such information obtained as a by-product of foreign intelligence activities would be reported to the FBI (Annex H).

In the course of this program, files were developed on American citizens. The total index of these Americans amounts to 9,944 counterintelligence files. Approximately two-thirds of these consisted of the by-product coverage of the activities outlined above or stemmed from specific requests from the FBI for information on the activities of Americans abroad. One-third consisted of FBI reports on American Communists. We have for the past several months been in the process of

eliminating material not justified by CIA's counterintelligence responsibilities, and about 1,000 such files have been removed from the active index but not destroyed.

Aside from our Congressional liaison working records, we hold files on fourteen past and present Members of Congress. These were opened prior to their election to office and were caused either by the process of clearing them for work with the Agency or because we were interested in them for foreign intelligence purposes. There is no, and to my knowledge never has been any, surveillance--technical or otherwise--of any Members of Congress.

The New York Times articles makes a number of specific allegations of improper activity domestically by CIA and relates these to the above program. In the 1973 compilation by the Agency of all activities which might be questionable, a number of items were raised which were not related to that program. The Agency's action in most of these cases was founded upon the section of the National Security Act of 1947 which provides that the Director of Central Intelligence is responsible for protecting intelligence sources and methods from unauthorized disclosure. Over the many years in which CIA has been operating, some actions have been taken which were improper extensions of the charge contained in this language. Apparently The New York Times reporter learned of some of these items and erroneously associated them with the above program. Examples include:

a. Unauthorized entry of the premises of three individuals, a defector and two former employees, to determine whether they had classified documents, and in one case to recover them (in 1966, 1970 and 1971). Two of these incidents involved breaking and entering.

b. Electronic surveillance (telephone tap) of two newspaper reporters (1963) and physical surveillance of five reporters (in 1971 and 1972) to determine the sources of classified information published by them. Similar physical surveillance of three ex-employees of the CIA who were suspected of unauthorized possession of classified documents (1969, 1971, and 1972).

c. Development of paid informants among construction workers at the time of construction of the Agency building (1960-1961) to protect against the placement of electronic taps therein.

d. During the period 1967-1971, agents were also developed to monitor dissident groups in the Washington area considered to be potential threats to Agency personnel and installations, and Agency security field officers in the US also collected information on similar dissident groups, to advise the Agency of potential threats to its personnel and installations.

e. A list of individuals suspected of particular offenses considered to pose a security vulnerability was collected over a number of years prior to 1973. This practice was terminated and the file destroyed in 1973.

f. From May-September 1971 a long-time CIA source was under surveillance in the US in connection with a reported plot to assassinate or kidnap Vice President Agnew and the DCI. The individual covered was a Latin American revolutionary, but the surveillance expanded to cover several American citizen contacts in New York and Detroit.

A final category of questionable activity identified during the 1973 survey was related to the Agency's mission to collect foreign intelligence. In some cases the Agency exceeded proper bounds or its activities were subject to misconstruction as being aimed at purposes outside its charter. The following examples, for instance, may be related to the charges made in The New York Times article, although they have no connection with the program first discussed above:

a. Records were made of the identities and addresses of individuals exchanging correspondence between the United States and certain communist countries, as an aid to determining possible leads to potential operations. This program included the surreptitious opening of certain first-class mail to extract positive intelligence or data valuable for the development of foreign intelligence operations against the communist country. This program was initiated in 1953, and from its inception was fully coordinated with the FBI, which received much of its product. The operation was approved by three Postmasters General and one Attorney General. The program was terminated in 1973. ✓

b. We obtained names and addresses of persons telephoning a communist country so that we could follow up for possible operational leads.

c. Individuals were recruited or inserted into dissident groups in the US to establish their credentials to collect foreign intelligence overseas. By-product information reflecting planned violence or similar activity was passed to the FBI.

The items listed above are those questionable activities relating to matters covered in The New York Times article. Obviously, I am prepared to brief you fully on such matters, as I did the Chairmen of the Congressional Armed Services Committees.

Following our identification of all these matters in 1973, I issued detailed and specific instructions dealing with each activity. Some were terminated; others were continued but only as fully authorized by our statute and in accordance with law (Annex I).

The New York Times article also states that I am considering the possibility of asking the Attorney General to institute legal action against some of those who had been involved in these activities. I have conferred with the Acting Attorney General, Mr. Silberman, as to my responsibilities with respect to evidence relating to possible illegal activities by Agency personnel. On December 21st I agreed with him that I would review the questionable activities noted in this letter and others to determine whether these should be brought to his attention for legal review. I will certainly keep you advised of any such action.

As I stated to you on the telephone, Mr. President, you have my full assurance that the Agency is not conducting activities comparable to those alleged in The New York Times article. Even in the past, I believe the Agency essentially conformed to its mission of foreign intelligence. There were occasions over the years in which improper actions were taken as noted above, but I believe these were few, were quite exceptional to the thrust of the Agency's activities, and have been fully terminated. Agency personnel are instructed each year to advise me of any activity they consider questionable, and I am resolved to follow your directive that no improper activity be conducted by this Agency.

Respectfully,

W. E. Colby

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Director.