

Texts of Documents Relating to Domestic Intelligence-Gathering Plan in 1970

6/7/73

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WASHINGTON, June 6—The following are the texts of recommendations for increased domestic intelligence gathering made to President Nixon in July, 1970, by an inter-agency Government committee; an analysis of the committee's report and of strategy to be used to secure the cooperation of J. Edgar Hoover; and a "decision memorandum" reflecting President Nixon's approval of the committee's recommendations. The President later rescinded his approval after the plan was opposed by Mr. Hoover.

Recommendations

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Operational Restraints on Intelligence Collection
A. Interpretive Restraint on Communications Intelligence

RECOMMENDATION:

Present interpretation should be broadened to permit and program for coverage by N.S.A. [National Security Agency] of the communications of U.S. citizens using international facilities.

RATIONALE:

The F.B.I. does not have the capability to monitor international communications. N.S.A. is currently doing so on a restricted basis, and the information is particularly useful to the White House and it would be to our disadvantage to allow the F.B.I. to determine what N.S.A. should do in this area without regard to our own requirements. No appreciable risk is involved in this course of action.

B. Electronic Surveillance and Penetrations.

RECOMMENDATION:

Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.

Also, present procedures should be changed to permit intensification of coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community.

At the present time, less than [unclear] electronic penetrations are operative. This includes coverage of

the C.P.U.S.A. (Communist Party, U.S.A.s and organized crime targets, with only a few authorized against subject of pressing internal security interest.

Mr. Hoover's statement that the F.B.I. would not oppose other agencies seeking approval for the operating electronic surveillances is gratuitous since no other agencies have the capability.

Everyone knowledgeable in the field, with the exception of Mr. Hoover concurs that existing coverage is grossly inadequate. C.I.A. and N.S.A. note that this is particularly true of diplomatic establishments, and we have learned at the White House that it is also true of new Left groups.

C. Mail Coverage

RECOMMENDATION:

Restrictions on legal coverage should be removed.

Also, present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.

RATIONALE:

There is no valid argument against use of legal mail covers except Mr. Hoover's concern that the civil liberties people may become upset. This risk is surely an acceptable one and hardly serious enough to justify denying ourselves a valuable and legal intelligence tool.

Covert coverage is illegal and there are serious risks involved. However, the advantages to be derived from its use outweigh the risks. This technique is particularly valuable in identifying espionage agents and other contacts of foreign intelligence services.

D. Surreptitious Entry

RECOMMENDATION:

Present restrictions should be modified to permit procurement of vitally needed foreign cryptographic material.

Also, present restrictions should be modified to permit selective use of this technique against other urgent security targets.

RATIONALE:

Use of this technique is clearly illegal: it amounts to burglary. It is also highly

risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion.

The F.B.I., in Mr. Hoover's younger days, used to conduct such operations with great success and with no exposure. The information secured was invaluable.

N.S.A. has a particular interest since it is possible by this technique to secure material with which N.S.A. can break foreign cryptographic codes. We spend millions of dollars attempting to break these codes by machine. One successful surreptitious entry can do the job successfully at no dollar cost.

Surreptitious entry of facilities occupied by subversive elements can turn up

information about identities, methods of operation, and other invaluable investigative information which is not otherwise obtainable. This technique would be particularly helpful if used against the Weathermen and Black Panthers.

The deployment of the executive protector force has increased the risk of surreptitious entry of diplomatic establishments. However, it is the belief of all except Mr. Hoover that the technique can still be successfully used on a selective basis.

E. Development of Campus Sources

RECOMMENDATION:

Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.

Also, C.I.A. coverage of American students (and others) traveling or living abroad should be increased.

RATIONALE:

The F.B.I. does not currently recruit any campus sources among individuals below 21 years of age. This dramatically reduces the pool from which sources may be drawn. Mr. Hoover is afraid of a young student surfacing in the press as an F.B.I.

source, although the reaction in the past to such events has been minimal. After all, everyone assumes the F.B.I. has such sources.

The campus is the battleground of the revolutionary protest movement. It is impossible to gather effective intelligence about the movement unless we have campus sources. The risk of exposure is minimal, and where exposure occurs the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene. The intelligence community, with the exception of Mr. Hoover, feels strongly that it is imperative the [was unclear] increase the number of campus sources this fall in order to forestall widespread violence.

C.I.A. claims there are not existing restraints on its coverage of over-seas activities of U.S. nationals. However, this coverage has been grossly inadequate since 1965 and an explicit directive to increase coverage is required.

F. Use of Military Undercover Agents

RECOMMENDATION:

Present restrictions should be retained.

RATIONALE:

The intelligence community is agreed that the risks of lifting these restraints are greater than the value of any possible intelligence which would be acquired by doing so.

Budget and Manpower Restrictions

RECOMMENDATION:

Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.

RATIONALE:

In the event that the above recommendations are concurred in, it will be necessary to modify existing budgets to provide the money and manpower necessary for their implementation. The intelligence community has been badly hit in the budget squeeze. (I suspect the foreign intelligence operations are in the same shape) and it may be will be necessary to make some modifications. The projected figures should be reasonable, but will be subject to individual review if this recommendatoin is accepted.

Measures to Improve Domestic Intelligence Operations

RECOMMENDATION:

A permanent committee consisting of the F.B.I., C.I.A., N.S.A. D.I.A. [Defense Intelligence Agency] and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence estimates, and carry out the other objectives specified in the report.

RATIONALE:

The need for increased coordination, joint estimates, and responsiveness to the White House is obvious to the intelligence community. There are a number of operational problems which need to be worked out since Mr. Hoover is fearful of any mechanism which might jeopardize his autonomy. C.I.A. would prefer an ad hoc committee to see how the system works, but other members believe that this would merely delay the establishment of effective coordination and joint operations. The value of lifting intelligence collection restraints is proportional to the availability of joint operations and evaluation, and the establishment of this inter-agency group is considered imperative.

Top Secret

Analysis and Strategy

Memorandum for: H. R. Haldeman

From: Tom Charles Huston
Subject: Domestic intelligence review

I. Background

A working group consisting of the top domestic intelligence officials of the FBI, CIA, DIA, NAS, and each of the military services met regularly throughout June to discuss the problems outlined by

the President and to draft the attached report. The discussions were frank and the quality of work first-rate. Cooperation was excellent, and all were delighted that an opportunity was finally at hand to address themselves jointly to the serious internal security threat which exists.

I participated in all meetings, but restricted my involvement to keeping the committee on the target the President established. My impression that the report would be more accurate and the recommendations more helpful if the agencies were allowed wide latitude in expressing their opinions and working out arrangements which they felt met the President's requirements consistent with the resources and missions of the member agencies.

2. Mr. Hoover

I went into this exercise fearful that C.I.A. would refuse to cooperate. In fact, Dick Helms [Director of Central Intelligence] was most cooperative and helpful, and the only stumbling block was Mr. Hoover. He attempted at the first meeting to divert the committee from operational problems and redirect its mandate to the preparation of another analysis of existing intelligence. I declined to acquiesce in this approach, and succeeded in getting the committee back on target.

When the working group completed its report, Mr. Hoover refused to go along with a single conclusion drawn or support a single recommendation made. His position was twofold:

(1) Current operations are perfectly satisfactory and (2) No one has any business commenting on procedures he has established for the collection of intelligence by the F.B.I. He attempted to modify the body of the report, but I successfully opposed it on the grounds that the report was the conclusion of all the agencies, not merely the F.B.I. Mr. Hoover then entered his objections as footnotes to the report. Cumulatively, his footnotes suggest that he is perfectly satisfied with current procedures and is opposed to any changes whatsoever. As you will note from the report, his objections are generally inconsistent and frivolous—most express concern about possible embarrassment to the intelligence community (i.e., Hoover) from public disclosure of clandestine operations.

Admiral Gayler and General Bennett were greatly displeased by Mr. Hoover's attitude and his insistence on footnoting objections. They wished to raise a formal protest and sign the report only with the understanding that they opposed the footnotes. I prevailed upon them not to do so since it would only aggravate Mr. Hoover and further complicate our efforts. They graciously agreed to go along with my suggestion in order to avoid a nasty scene and jeopardize the possibility of positive action resulting from the report. I assured them that their opinion would be brought to the attention of the President.

3. Threat Assessment

The first 23 pages of the report constitute an assessment of the existing internal security threat, our current

intelligence coverage of this threat, and areas where our coverage is inadequate. All agencies concurred in this assessment, and it serves to explain the importance of expanded intelligence collection efforts.

4. Restraints on Intelligence Collection

Part Two of the report discusses specific operational restraints which currently restrict the capability of the intelligence community to collect the types of information necessary to deal effectively with the internal security threat. The report explains the nature of the restraints and sets out the arguments for and against modifying them. My concern was to afford the President the strongest arguments on both sides of the question so that he could make an informed decision as to the future course of action to be followed by the intelligence community.

I might point out that of all the individuals involved in the preparation and consideration of this report, only Mr. Hoover is satisfied with existing procedures.

Those individuals within the F.B.I. who have day-to-day responsibilities for domestic intelligence operations privately disagree with Mr. Hoover and believe that it is imperative that changes in operating procedures be initiated at once.

I am attaching to this memorandum my recommendations on the decision the President should make with regard to these operational restraints. Although the report sets forth the pros and cons on each issue, it may be helpful to add my specific recommendations and the reasons therefore in the event the President has some doubts on a specific course of action.

5. Improvement in Inter-Agency Coordination

All members of the committee and its working group, with the exception of Mr. Hoover, believe that a continuing mechanism be established to effectuate the coordination

of domestic intelligence efforts and the evaluation of domestic intelligence data. In the past there has been no systematic effort to mobilize the full resources of the intelligence community in the internal security area and there has been no mechanism for preparing community-wide domestic intelligence estimates such as is done in the foreign intelligence area by the United States Intelli-



The New York Times

Tom Charles Huston, former aide to President Nixon

gence Board. Domestic intelligence information coming into the White House has been fragmentary and unevaluated. We have not had, for example, a community-wide estimate of what we might expect short or long-term in the cities or on the campuses or within the military establishment.

Unlike most of the bureaucracy, the intelligence community welcomes direction and leadership from the White House. There appears to be agreement, with the exception of Mr. Hoover, that effective coordination within the community is possible only if there is direction from the White House. Moreover, the community is pleased that the White House is finally showing interest in their activities and an awareness of the threat which they so acutely recognize.

I believe that we will be making a major contribution to the security of the country if we can work out an arrangement which provides for institutionalized coordination within the intelligence community and effective leadership from the White House.

6. Implementation of the President's decisions

If the President should decide to lift some of the current restrictions and if he should decide to authorize a formalized domestic intelligence structure, I would recommend the following steps:

(A) Mr. Hoover should be called in privately for a stroking session at which the President explains the decision he has made, thanks Mr. Hoover for his candid advice and past cooperation, and indicates he is counting on Edgar's cooperation in implementing the new report, announce his decisions,

(B) Following this Hoover session, the same individuals who were present at the initial session in the Oval Office should be invited back to meet with the President. At that time, the President should thank them for the report, announce his decisions, indicate his desires for future activity, and present each with an autographed copy of the photo of the first meeting which Ollie took.

(C) An official memorandum setting forth the precise decisions of the President should be prepared so that there can be no misunderstanding. We should also incorporate a review procedure which will enable us to ensure that the decisions are fully implemented.

I hate to suggest a further imposition on the President's time, but think these steps will be necessary to pave over some of the obvious problems which may arise if the President decides, as I hope he will, to over-rule Mr. Hoover's objections to many of the proposals made in this report. Having seen the President in action with Mr. Hoover, I am confident that he can handle this situation in such a way that we can get what we want without putting Edgar's nose out of joint. At the same time, we can capitalize on the good will the President has built up with the other principals and minimize the risk that they may feel they are being forced to take a back seat to Mr. Hoover.

7. Conclusion

I am delighted with the substance of this report and believe it is a first-rate job. I have great respect for the integrity, loyalty, and competence of the men who are operationally responsible for internal security matters and believe that we are on the threshold of an unexcelled opportunity to cope with a very serious problem in its

germinal stages when we can avoid the necessity for harsh measures by acting swift, discreetly, and decisively to deflect the threat before it reaches alarming proportions.

I might add, in conclusion, that it is my personal opinion that Mr. Hoover will not hesitate to accede to any decision which the President makes, and the President should not, therefore, be reluctant to overrule Mr. Hoover's objections. Mr. Hoover is set in his ways and can be bull-headed as hell, but he is a loyal trooper. Twenty years ago he would never have raised the type of objections he has here, but he's getting old and worried about his legend. He makes life tough in this area, but not impossible—for he'll respond to direction by the President and that is all we need to set the domestic intelligence house in order.

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Decision Memorandum

The White House

Washington

July 15, 1970

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Subject: Domestic Intelligence

The President has carefully studied the special report of the Interagency Committee on Intelligence (ad hoc) and made the following decisions:

1. Interpretive Restraint on Communications Intelligence

National Security Council Intelligence Directive Number 6 (NSCID-6) is to be interpreted to permit N.S.A. to program for coverage the communications of U.S. citizens using international facilities.

2. Electronic Surveillances and Penetrations

The intelligence community is directed to intensify coverage of individuals and groups in the United States who pose a major threat to the internal security. Also, coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community is to be intensified.

3. Mail Coverage

Restrictions on legal coverage are to be removed, restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of priority foreign intelligence and internal security interest.

4. Surreptitious Entry

Restraints on the use of surreptitious entry are to be removed. The technique is to be used to permit procurement of vitally needed foreign cryptographic material and against other urgent and high priority internal security targets.

5. Development of Campus Sources

Coverage of violence-prone campus and student-related groups is to be increased. All restraints which limit this coverage are to be removed. Also, C.I.A. coverage of American students (and others) traveling or living abroad is to be increased.

6. Use of Military Undercover Agents

Present restrictions are to be retained.

7. Budget and Manpower

Each agency is to submit a detailed estimate as to projected manpower needs and other costs required to implement the above decisions.

8. Domestic Intelligence Operations

A committee consisting of the directors or other appropriate representatives appointed by the directors, of the F.B.I., C.I.A., N.S.A., D.I.A., and the military counterintelligence agencies is to be constituted effective August 1, 1970, to provide evaluations of domestic intelligence, prepared periodic domestic intelligence estimates, carry out the other objectives specified in the report, and perform such other duties as the President shall, from time to time, assign. The director of the F.B.I. shall serve as chairman of the committee. Further details on the organization and operations of this committee are set forth in an attached memorandum.

The President has directed that each addressee submit a detailed report, due on September 1, 1970, on the steps taken to implement these decisions. Further such periodic reports will be requested as circumstances merit.

The President is aware that procedural problems may arise in the course of implementing these decisions.

The Day's Developments

1970 Intelligence Plan: President Nixon was warned before giving it his approval that parts of the "1970 Intelligence Plan" for expanded domestic surveillance were "clearly illegal" and would pose "serious risks" to the Administration because Federal agents would be engaged in the crime of breaking and entering. The plan was rescinded after five days because of opposition by J. Edgar Hoover.

Laird Joins White House: Melvin R. Laird, former Secretary of Defense and a former Congressman, was named chief domestic adviser to the President as part of Mr. Nixon's effort to reshape his top-level staff. Gen. Alexander M. Haig Jr. will continue as chief of staff at the White House, but has resigned from active Army duty in response to Congressional criticism of his dual role. Ronald L. Ziegler, the White House press secretary, will be given added policy duties and the title of Assistant to the President.

Sloan Testifies: Hugh W. Sloan Jr. said pressure was applied by Presidential Counsel John W. Dean 3d and others to get him to resist cooperating with prosecution of the Watergate conspirators. Mr. Sloan, former treasurer of the Finance Committee to Re-Elect the President, also testified at the televised Senate hearing that Jeb Stuart Magruder and Frederick C. LaRue, finance committee aides, had suggested that he perjure himself when questioned about transactions related to the Watergate investigation.

Closed Session Sought: Archibald Cox, the special Watergate prosecutor, asked for a court order to compel the Ervin committee to question Mr. Dean and Mr. Magruder in closed session or, if in open session, to bar live television and radio coverage. Both men are to testify next week under immunity, which Mr. Cox fears will hinder later prosecution for alleged cover-ups of the Watergate

Senate to Receive Logs: The White House agreed to turn over to the Ervin committee logs of the President's conversations with his dismissed counsel, Mr. Dean, relating to Watergate. The committee had threatened to subpoena the logs.

Ellsberg Prosecution Dropped: The Justice Department said it would not appeal last month's dismissal by Federal Judge William M. Byrne Jr. in Los Angeles of all charges against Dr. Daniel Ellsberg and Anthony J. Russo Jr. for stealing and making public the Pentagon Papers. The dismissal resulted from the Government's disclosure that the office of Dr. Ellsberg's psychiatrist had been broken into on national-security grounds by figures later involved in the Watergate case.

ident expects to be before the group, the directors of the respective agencies should serve personally. However, if necessary and appropriate, the director of a member agency may designate another individual to serve in his place.

2. Chairman

The director of the FBI shall serve as chairman. He may designate another individual from his agency to serve as the FBI representative on the group.

3. Observers

The purpose of the group is to effectuate community-wide coordination and secure the benefits of community-wide analysis and estimating. When problems arise which involve areas of interest to agencies or departments not members of the group, they shall be invited, at the discretion of the group, to join the group as observers and participants in those discussions of interest to them. Such agencies and departments include the Departments of State (I & R, Passport); Treasury (IRS, Customs); Justice (BNDD, Community Relations Service); and such other agencies which may have investigative or law enforcement responsibilities touching on domestic intelligence or internal security matters.

4. White House Liaison

The President has assigned to Tom Charles Huston staff responsibility for domestic intelligence and internal security affairs. He will participate in all activities of the group as the personal representative of the President.

5. Staffing

The group will establish

such sub-committees or working groups as it deems appropriate. It will also determine and implement such staffing requirements as it may deem necessary to enable it to carry out its responsibilities, subject to the approval of the President.

6. Duties

The group will have the following duties:

(A) Define the specific requirements of member agencies of the intelligence community.

(B) Effect close, direct coordination between member agencies.

(C) Provide regular evaluations of domestic intelligence.

(D) Review policies governing operations in the field of domestic intelligence and develop recommendations.

(E) Prepare periodic domestic intelligence estimates which incorporate the results of the combined efforts of the intelligence community.

(F) Perform such other duties as the President may from time to time assign.

7. Meetings

The group shall meet at the call of the chairman, a member agency, or the White House representative.

8. Security

Knowledge of the existence and purposes of the group shall be limited on a strict "need to know" basis. Operations of, and papers originating with, the group shall be classified "top secret handle via Comint channels only."

9. Other Procedures

The group shall establish such other procedures as it believes appropriate to the implementation of the duties set forth above.

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However, he is anxious that such problems be resolved with maximum speed and minimum misunderstanding. Any difficulties which may arise should be brought to my immediate attention in order that an appropriate solution may be found and the President's directives implemented in a manner consistent with his objectives.

Tom Charles
Huston.

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Organization and Operations of the Interagency Group on Domestic Intelligence and Internal Security (IAG)

1. Membership

The membership shall consist of representatives of the F.B.I., C.I.A., D.I.A., N.S.A., and the counter-intelligence agencies of the Departments of the Army, Navy, and Air Force. To insure the high level consideration of issues and problems which the Pres-