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REPORT
ON
INQUIRY INTO
CIA-RELATED
ELECTRONIC SURVEILLANCE
ACTIVITIES

Warranted
Active Intelligence Sources
and Methods Involved

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CLASSIFIED BY Robert L. Keuch
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF E.O. 11652, EXEMPTION CATEGORY:
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E. CIA: LEGISLATIVE AND PRESIDENTIAL AUTHORIZATION

1. National Security Council.

Congress established the National Security Council in 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to national security. Its membership includes the President (as presiding officer), the Vice President, the Secretaries of State and Defense, et al. 50 U.S.C. §402.

2. Central Intelligence Agency

The Central Intelligence Agency (CIA) and the position of Director of Central Intelligence (DCI) were also established by the National Security Act of 1947 (50 U.S.C. §401, et seq.) to operate under the direction of the National Security Council for the purpose of "coordinating the intelligence activities of the several Governmental departments and agencies in the interests of national security."

The statutory responsibilities of the Central Intelligence Agency include the duty to advise the National Security Council and make recommendations regarding national security intelligence activities, the coordination of such activities, the dissemination within the Government of intelligence relating to national security, and the performance of such other functions and duties as the National Security Council may direct. 50 U.S.C. §403(d).

3. NSCIDs

The statutory authority of the National Security Council to direct the activities of the CIA and the Director of Central Intelligence is

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implemented by the issuance of National Security Council Intelligence Directives (NSCIDs). These NSCIDs are deemed by CIA to bear the imprimatur of the President who has the only "vote" on the Council.

The NSCIDs which prescribe the basic duties and responsibilities of the CIA and the Director of Central Intelligence during the time period here involved are NSCID 1 revised 3/4/64, and NSCID 1 effective 2/17/72, NSCID 5 revised 1/18/61, and NSCID 5 effective 2/17/72.

NSCID 1, March 4, 1964

NSCID 1, revised March 4, 1964 (and in effect until February 17, 1972), directs that the Director of Central Intelligence "shall coordinate the foreign intelligence activities of the United States in accordance with existing law and applicable National Security Council directives".

The 1964 NSCID 1 further provides that the Director of Central Intelligence "shall act for the National Security Council to provide for detailed implementation of National Security Council Intelligence Directives by issuing with the concurrence of the U.S. Intelligence Board such supplementary Director of Central Intelligence Directions as may be required... Such directions shall, as applicable, be promulgated and implemented within the normal command channels of the departments and agencies concerned". (Paragraph 3a)

The contemplated DCI Directives include:

- (1) General guidance and the establishment of specific priorities for the production of national and other intelligence and for collection and other activities in support thereof, including:
 - (a) establishment of comprehensive National Intelligence Objectives generally applicable to foreign countries and areas;

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- (b) identification from time to time, and on a current basis, of Priority National Intelligence Objectives with reference to specific countries and subjects; and (c) issuance of such comprehensive and priority objectives, for general intelligence guidance, and their formal transmission to the National Security Council.
- (2) Establishment of policy, procedures and practices for the maintenance, by the individual components of the intelligence community, of a continuing interchange of intelligence, intelligence information, and other information with utility for intelligence purposes.
- (3) Establishment of policy, procedures and practices for the production or procurement, by the individual components of the intelligence community within the limits of their capabilities, of such intelligence, intelligence information and other information with utility for intelligence purposes relating to the national security, as may be requested by one of the departments or agencies. (Paragraph 3g)

The 1964 NSCID 1 directs that the Director of Central Intelligence disseminate "national intelligence" (i.e., intelligence required for the formulation of national security policy and concerning more than one department or agency) to the President, members of the National Security Council, members of the USIB and, subject to existing statutes, to such other components of the Government as the NSC "may from time to time designate or the U.S. Intelligence Board may recommend." (Paragraph 4)

The DCI was also directed to "call upon the other departments and agencies as appropriate to ensure that on intelligence matters affecting the national security the intelligence community is supported by the full

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knowledge and technical talent available in or to the Government." (Paragraph 6).

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NSCID 1, February 17, 1972

NSCID 1 (and other NSCIDs) were revised on February 17, 1972, to conform with the directives of the President contained in a November 5, 1971 Presidential memorandum, *infra*.

The 1972 NSCID 1 charged the Director of Central Intelligence with, inter alia, the following duties and responsibilities:

3. The Director of Central Intelligence

- a. The Director of Central Intelligence will discharge four major responsibilities:
 - (1) Planning, reviewing and evaluating all intelligence activities and the allocation of all intelligence resources.
 - (2) Producing national intelligence required by the President and other national consumers.
 - (3) Chairing and staffing all intelligence community advisory boards and committees.
 - (4) Establishing and reconciling intelligence requirements and priorities within budgetary constraints.

- c. The Director of Central Intelligence shall act for the National Security Council to provide for detailed implementation of National Security Council Intelligence Directives by issuing, after appropriate

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consultation, such supplementary Director of Central Intelligence Directives as may be required. Such directives shall, as applicable, be promulgated and implemented within the normal command channels of the departments and agencies concerned.

* * *

g. Director of Central Intelligence Directives to be issued in accordance with the provisions of subparagraph c above shall include:

- (1) General guidance and the establishment of specific priorities for the production of national and other intelligence and for collection and other activities in support thereof and their formal transmission to the National Security Council.
- (2) Establishment of policy, procedures and practices for the maintenance, by the individual components of the intelligence community, of a continuing interchange of intelligence, intelligence information and other information, information with utility for intelligence purposes.

* * *

5. The United States Intelligence Board (USIB)

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c. The Board shall be provided with a Secretariat staff, which should be under the direction of an Executive Secretary appointed by the Director of Central Intelligence. Subordinate committees and Working Groups should be established, as appropriate, by the Director of Central Intelligence.

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- 6. National Intelligence

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d. The Director of Central Intelligence shall disseminate national intelligence to the President, members of the National Security Council, as appropriate, members of the United States Intelligence Board and, subject to existing statutes, such other components of the Government as the National Security Council may from time to time designate or the United States Intelligence Board may recommend....

* * *

7. Protection of Intelligence and of Intelligence Sources and Methods.

The Director of Central Intelligence, with the advice of the members of the United States Intelligence Board, shall ensure the development of policies and procedures for the protection of intelligence and of intelligence sources and methods from unauthorized disclosure. Each department and agency shall remain responsible for the protection of intelligence and of intelligence sources and methods within its own organization....

* * *

8. Community Responsibilities

a. In implementation of, and in conformity with, approved National Security Council policy, the Director of Central Intelligence shall:

* * *

(2) Call upon the other departments and agencies, as appropriate, to ensure that on intelligence matters affecting the national security the intelligence community is supported by the full knowledge and technical talent available in

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or to the Government.

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- (5) Make arrangements with the departments and agencies for the assignment to, or exchange with, the Central Intelligence Agency of such experienced and qualified personnel as may be of advantage for advisory, operational or other purposes. In order to facilitate the performance of their respective intelligence missions, the departments and agencies concerned shall, by agreement, provide each other with such mutual assistance as may be within their capabilities and as may be required in the interests of the intelligence community for reasons of economy, efficiency or operational necessity. In this connection primary departmental interests shall be recognized and shall receive mutual cooperation and support.

* * *

- (6) Be provided with all information required from all departments and agencies of the Executive Branch required for the exercise of his responsibilities.

b. Insofar as practicable, in fulfillment of their respective responsibilities for the production of intelligence, the several departments and agencies shall not duplicate the intelligence activities and research of other departments and agencies and shall make full use of existing capabilities of the other elements of the intelligence community.

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in the CIA's statutory procurement power, i.e., 50 U.S.C. §403j, which authorizes the CIA, inter alia, to expend funds for radio equipment and devices, and contractual services otherwise provided by law or regulations when approved by the DCI. In addition, NSCID 1 charges the Director of Central Intelligence with the protection of intelligence and intelligence sources and methods.

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