

UNITED STATES GOVERNMENT

Memorandum

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Soyars
- Mr. Thompson
- Mr. Walters
- Tele. Room
- Mr. Baise
- Mr. Barnes
- Mr. Bowers
- Mr. Herington
- Mr. Comby
- Mr. Mintz
- Mr. Eardley
- Mrs. Hogan

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OTHERWISE~~

DATE: 5/22/73

~~CONFIDENTIAL~~

TO : Mr. E. S. Miller
FROM : T. J. Smith TJS

- 1 - Mr. E. S. Miller
- 1 - Mr. T. J. Smith

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE (AD.HOC)

CLASSIFIED BY 14828/6116/4
EXEMPT FROM GDS CATEGORY 2,3
DATE OF DECLASSIFICATION INDEFINITE

E. S. Miller to Felt memorandum 5/18/73 captioned as above outlined request of Mr. J. Fred Buzhardt of the White House for a comprehensive outline of the history and events relating to the Interagency Committee on Intelligence. This memorandum provided the genesis of the committee and enclosed a letterhead memorandum for the Department's review and concurrence before delivery to Buzhardt.

When [redacted] turned over documents to the U.S. District Court 5/14/73 which he had kept in a safe-deposit box, newspaper reports revealed that several documents were turned over. We quickly surmised that one of the documents was the 43-page "special report" of the captioned committee which was turned over to the White House on 6/26/70. Since the news items referred to the other documents as supporting papers, we had to assume these were internal documents relating in some manner to the committee or its report. Smith to Miller memorandum 5/22/73 enclosed a copy of these documents obtained from the Department 5/21/73 for information and review of the Acting Director.

On 5/15/73 at a meeting called by the Pentagon of representatives of the intelligence community, including the FBI, CIA, National Security Agency, and Defense Intelligence Agency, Mr. [redacted] Army General Counsel, revealed that the Defense Department had obtained a copy of the documents turned over to the court by [redacted] on 5/14/73 and he noted that there were nine documents altogether, one of which was the 43-page "special report" prepared by the FBI for the White House, dated 6/25/70.

Mr. [redacted] described the other documents in general, noting that only three of the other eight were sensitive and related to the national security, the others being political in nature. We had no opportunity to review the documents at that time, although one of the documents was summarized by [redacted]. This one was an undated document entitled

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TJS:bjr:lyr
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ROUTE IN ENVELOPE

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#25718

1-16-80
CLASS. & EXT. BY SP8 ACB/clc
REASON-FCIM II, 1-2.4.2-2.3
DATE OF REVIEW 5-22-97

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Memorandum to Mr. E. S. Miller
Re: Interagency Committee on
Intelligence (Ad Hoc)

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"Operational Restraint on Intelligence Collections" (five pages) which went into detail concerning recommendations and rationale for removing restraints on intelligence collection methods which Mr. J. Edgar Hoover opposed. This document is classified "Top Secret." Mr. [] said that copies of the documents would be furnished later to the FBI and CIA.

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Purpose of the Pentagon meeting on 5/15/73 was to plan steps which had to be taken to make sure that national security interests were protected insofar as public disclosure of the [] documents were concerned, since the "special report" contained extremely sensitive details relating to sensitive sources and methods used in intelligence collection efforts by the intelligence community, the unauthorized disclosure of which could seriously damage the national security and the conduct of foreign affairs.

A meeting had already been arranged by Pentagon officials with Senator Stuart Symington, Acting Chairman of the Senate Armed Services Committee, on 5/15/73 to brief him on the problem and to seek his help in interceding with Senator Ervin's Select Committee to investigate the Watergate matter. The U.S. District Court had ordered that copies of the documents were to be turned over to the Select Committee. It was pointed out to the group that you and I had contacted Senators Ervin and Baker on 5/14/73 and that both were sympathetic to the problem and had agreed to afford the documents proper security if we could assure them they were unrelated to the Watergate case, the Pentagon Papers case, or to political espionage or sabotage. However, the group felt that additional approach should be made to Senator Symington.

On 5/15/73 you and I accompanied Mr. [] and representatives of CIA and National Security Agency to a meeting with Senator Symington. Senator Harry Byrd and members of the committee staff, Messrs. James Woolsey and Ed Braswell, were also present. Mr. [] explained the problem concerning possible public disclosure of the documents and he furnished a copy of the 43-page "special report" to

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Senator Symington for review by the staff members. [] also revealed that three of the other documents were also sensitive and should be suppressed. He only turned over two of the three documents, however. The purpose was to allow the committee staff to evaluate the claim of the intelligence community that the documents should not be disclosed during committee testimony.

Senator Symington then asked that the representatives of the intelligence community meet with him and his staff again on 5/16/73 and that we be prepared to justify on a paragraph-by-paragraph basis just what must be protected in the national interest. Each agency then went over the documents with that view in mind. We made a very careful study and marked certain paragraphs and pages as being so sensitive that public disclosure could be damaging to the national security. CIA and National Security Agency concurred in most every instance and added points not affecting FBI interest.

The portions set aside by us had to do with protection of three live sources whose identity could be exposed through public disclosure; discussion of the use of surreptitious entry of foreign embassies; the opening of mail; and the expansion of use of electronic surveillances. We also noted that admissions of weaknesses and lack of coverage or knowledge would also be damaging. (S) (U)

On 5/16/73 we again met with Senator Symington, who also brought Senators Henry M. Jackson, Strom Thurmond, Harry Byrd and Sam Nunn, as well as Messrs. Woolsey and Braswell. Mr. William Clements, Deputy Secretary of Defense, acted as spokesman for intelligence agencies under the Defense Department umbrella. Senator Jackson acted as Chairman since Senator Symington had to leave for a period. Senator Jackson voiced sympathy for the problem of protecting national security information, but clearly indicated suspicion that White House aides had made efforts to pervert the facilities of the intelligence agencies, and he stated emphatically that because of such activity the "White House is already impeached." He explained that he did not mean the President, but rather the office of the Presidency. He said that for this reason great care had to be exercised

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~~CONFIDENTIAL~~

not to interfere with Congressional efforts to uncover wrongdoing. He emphasized that the documents in question may well contain national defense information, while simultaneously containing information linking certain persons to the illegal activities related to Watergate.

It was soon noted that the day before three documents had been mentioned by Mr. [] but that only two had been provided. This soon became a heated issue, particularly when Mr. [] declared that only one paragraph of the third document was pertinent, the rest being a political matter. Sensing that [] was attempting to hide something, Senator Jackson criticized [] actions to Mr. Clements and the third document as well as the remaining five were turned over to the committee.

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Senator Jackson, upon reading in the third document that Mr. Hoover had objected most strongly to surreptitious entry and electronic surveillance, said the other documents strongly supported testimony before the committee earlier by former CIA Director Richard Helms, who testified that efforts had been made to involve the CIA in illegal activity. Senator Symington, who had returned to the meeting, agreed with Senator Jackson and denounced what appeared to be efforts by Defense Department to get the committee's support on the one hand and simultaneously hold out information bearing on the overall issue of White House efforts to pervert the intelligence community's true mission.

The group was again told to advise the committee staff just what particular parts of the documents are vital to the national security interest, and this was done. A meeting was to be called subsequently after the staff had gone over the suggested excisions. A meeting is now scheduled for 2:30 p.m., 5/23/73.

Although efforts were made to get copies of the eight documents [] had released to the Court on 5/14/73 with the 43-page "special report," [] delayed furnishing copies and on 5/18/73 Mr. Clements issued orders forbidding release to the FBI or CIA of copies of the documents. Finally, after some difficulty, copies were furnished by the Justice Department on 5/21/73.

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On 5/22/73 The Washington Post carried an article relating to the documents in question and quoted Senator Symington concerning the proposal for breaking into foreign embassies. Although Senator Symington did not disclose details of the documents in question, he revealed much of the essence of the 43-page "special report" and parts of the other eight [] documents." Senator Symington indicated that after the documents have been sanitized for national security purposes, portions will be made public. Senator Symington told the press that the documents were provided to the Armed Services Committee last Wednesday by the Defense Department, the FBI, and other agencies. For the record, these documents were turned over to the committee by the Defense Department without consultation with the FBI or to our knowledge National Security Agency or CIA.

Now that public disclosure has been made of at least some of the documents, it is believed pertinent that the eight documents accompanying the 43-page "special report" be analyzed.

1. One of the documents is an undated, five-page document entitled "Operational Restraint on Intelligence Collections." It was undoubtedly prepared by Tom Charles Huston, the White House staff member who was one of the motivating forces behind the Interagency Committee on Intelligence. This document summarizes the various recommendations of the Interagency Committee for removing or relaxing operational restraints on intelligence collection, and gives rationale in each instance for the recommendation. This document was likely the basis of the Huston letter to the FBI dated 7/23/70 instructing Mr. Hoover to remove restraint imposed by him on surreptitious entry, mail coverage, electronic surveillance, and campus informant development.

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2. A memorandum to Huston 7/14/70 from H. R. Haldeman refers to recommendations Huston had proposed (those in the five-page document described above) and stated these had been approved by the President. There is no other document among the eight that Haldeman could have been referring to since all but one were dated subsequent to 7/14/70. The second paragraph of Haldeman's memo to Huston does not seem to relate to the undated document, since nothing is mentioned therein about implementation.

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Therefore, some inference has to be drawn that a relationship existed between the "special report" dated 6/25/70, the undated document summarizing recommendations in the "special report," and the Haldeman memorandum saying that the President had approved the recommendations.

3. The next chronologically related document is a memorandum for H. R. Haldeman from Tom Charles Huston dated 8/5/70. In this memorandum Huston is evidently expecting a meeting between Mr. Hoover, Mr. Haldeman, and the Attorney General, probably concerning the Interagency Committee recommendations that Huston had ordered Mr. Hoover to implement and which Mr. Hoover declined to do except on express written instructions in each instance by the Attorney General. A letter to this effect was sent to the Attorney General 7/27/70.

Huston, in his 8/5/70 memorandum, was suggesting a tack which Haldeman might follow to counter opposition Mr. Hoover might voice concerning removal of restraints as contained in Huston's letter of 7/23/70. Huston outlined a persuasive argument in favor of removal of the restraints. He also suggested that at some point Hoover had to be told who is the President; that he had become totally unreasonable; and his conduct detrimental to domestic intelligence operations.

Huston pointed out that if Hoover got his way it would look like he was more powerful than the President. Through the use of the initials RN, Huston implied that the President was fully aware of the situation.

Huston stated that Mr. Hoover could be expected to raise certain points and he provided suggested counterarguments. He used a vulgar colloquial expression to emphasize his point. It is to be noted here that Senator Symington was particularly incensed when he read this vulgar expression in the context in which it related to Mr. Hoover, whom he described as a close personal friend.

This five-page document ended with a critical summation of Mr. Hoover's opposition.

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4. The next document is a short Huston to Haldeman memorandum dated 8/7/70 noting that Mr. Hoover had departed for a three-week vacation on the West Coast, and recommending that Haldeman meet with the Attorney General and secure his support for the President's decisions (concerning recommendations mentioned above).

5. The next document of pertinence is a memorandum for the Attorney General from [] dated 9/18/70 concerning the creation of an Interagency Domestic Intelligence Unit. In this connection, Mr. Hoover had opposed a recommendation in the 43-page "special report" that a permanent interagency committee on domestic intelligence be established.

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This particular document points out the strong opposition of such a unit and therefore the first step was to bring the FBI fully on board to guarantee proper and full participation in the program. It was suggested that a request be made of Mr. Hoover to assign an Agent to the task of locating appropriate housing. It was also suggested that the Interdivision Intelligence Unit of the Department of Justice be used as a cover for the interagency intelligence unit.

The memorandum pointed out that rather than have a blanket removal of restrictions (or restraints) on intelligence collections, the interagency intelligence unit would decide on the type of intelligence needed and then proceed to remove the restraints as necessary to obtain such intelligence. In other words the interagency intelligence unit would function as a device to block Mr. Hoover's opposition to removal of restraints.

The memorandum points out that the interagency intelligence unit was to be created for both operational and evaluation purposes. Such language suggests that representatives of the committee would actually engage in intelligence gathering activity and based on a broad knowledge of succeeding events, inference is likely to be drawn by Congressional committees that this committee was a prelude to the Watergate affair and the Ellsberg psychiatrist burglary.

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~~CONFIDENTIAL~~

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6. A memorandum from Huston to Haldeman dated 8/25/70 related to the Subversive Activities Control Board and does not appear to be related to the other documents.

7. A 9/21/70 Huston to Haldeman memorandum concerned the Internal Revenue Service and its efforts to monitor activities of ideological organizations such as the Jerry Rubin Fund, Black Panthers, etc. Two additional documents relating to this matter were attached.

8. A memorandum for H. R. Haldeman from Huston dated 9/10/70 related to air hijackings but referred to Mr. Hoover running a one-man show. Sarcasm was evident in this document.

When taken as a whole it is believed that in spite of the fact the Interagency Committee on Intelligence was formed in 1970 to critically analyze the national security intelligence collection capability on the part of the intelligence community and to make recommendations to correct any deficiencies, the material turned over by [redacted] when viewed in today's climate of political hysteria and recrimination supports the thesis by some that the Interagency Committee on Intelligence was only a link in a chain of events in which White House personnel were conspiring to involve the intelligence community in acts of political espionage and political sabotage.

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Mr. [redacted] Army General Counsel, described above, commented on 5/17/73 that these documents could be used by those opposed to the Nixon Administration to paint a picture of efforts to create a Hitlerian regime or a Nixon oligarchy.

All of the documents clearly show strong opposition of Mr. Hoover to the use of the FBI for purposes he deemed improper. From that standpoint any further surfacing of the documents will tend to show the FBI as being resistant to political pressures. We should, however, in the interest of national security and conduct of foreign affairs, continue to resist any further public disclosure of the documents and if possible [redacted] should be prosecuted for his part in removing the documents from the White House and turning them over to the U.S. District Court.

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ACTION:

For information and record purposes. Further developments
will be reported as they occur.

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FD-5
Revised
08/05/2008

FEDERAL BUREAU OF INVESTIGATION
SERIAL CHARGE-OUT

* This form is consolidated with the old FD-654, based on a Sentinel review.

Date 7/27/2011

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Document Type: Letter Airtel LHM Memo Report
 Facsimile Teletype Misc EC Email
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SCITYPE: _____
[Redacted Box]

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FD-501 Number _____

Date of Mail 5/15/1973

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To _____ From _____

Initials of
Clerk

SERIAL CHARGE-OUT

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. E. S. Miller

DATE: 5/22/73

FROM : T. J. Smith *TJS*

SUBJECT: INTERAGENCY-COMMITTEE-ON INTELLIGENCE-(AD HOC)

ALL INFORMATION CONTAINED
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DATE 8/27/85 BY SP2TAP/cls

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- Mr. Herington
- Mr. Comy *b6*
- Mr. Mintz *b7C*
- Mr. Eardley
- Mrs. Hogan

An article in The Washington Post by William Claiborne, 5/22/73, reports revelation by Senator Stuart Symington (D-Missouri) of certain documents prepared by White House staff members which [redacted] had kept in a safe-deposit box prior to turning them over to U.S. District Court 5/14/73.

We became aware of the identity of the documents 5/15/73 during a meeting at the Pentagon on that date. However, we had no opportunity to review them. And although we were promised copies of the documents 5/15/73, Defense Department officials kept delaying. Finally, on 5/18/73 Deputy Secretary of Defense William Clements ordered that the Defense Department not release copies of the documents to the FBI or any other agency of the Government.

We then attempted to get copies from the Department of Justice 5/18/73; however, we were told that only Assistant Attorney General Henry Petersen could release the documents to us and he was out of town and unavailable. Copies of the documents were finally released to us on the afternoon of 5/21/73. Copies of the eight documents are attached.

We are now analyzing the documents in light of statements made by Senator Symington and reported in the article 5/22/73 and a detailed memorandum is being prepared.

ACTION:

Attached documents being furnished for information and review by the Acting Director

Enclosures

TJS:bjr (3) *bjr*

- 1 - Mr. E. S. Miller
- 1 - Mr. T. J. Smith

ENCLOSURE

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25 MAY 29 1973

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ROUTE IN ENVELOPE

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