

CHAPTER 3

INTELLIGENCE-SHARING AND OTHER INTERACTION

A great deal of interaction takes place between the Agency and Congress apart from the execution of Congress's institutional responsibilities for the Agency: oversight, funding, legislation, and confirmation. Indeed, this interaction may well have as great an impact on the overall relationship as the execution of Congress's institutional responsibilities for the Agency.

For example, the Agency frequently provides substantive intelligence support to congressional committees that relates to their respective jurisdictions. Chapter 7 describes several episodes in which providing such support prompted oversight inquiries by the Congress. Such episodes, however, are not the norm. For the most part, the substantive intelligence support provided to the Congress does not raise oversight issues; it is simply provided to "educate." This chapter describes the evolution of this kind of support, leaving the episodes that resulted in oversight challenges to the later chapter.

This chapter also describes how the Agency has dealt with individual members over its history: not only providing them with substantive intelligence and information about the Agency but also debriefing them on foreign intelligence they might have acquired, responding to the requests and concerns of their constituents, and hiring people on the recommendation of members. Like the provision of intelligence support to committees, how the Agency responds to a request from an individual member, especially a "rank-and-file" member whose duties do not include responsibility for the Agency, can create a lasting impression. The Agency may gain a lifelong supporter as a result of a seemingly trivial act. On the other hand, slip-ups or missteps may take on significance (for that member) far beyond their actual importance.

Over the Agency's history, the volume of this daily interaction, both at the committee and member level, has steadily increased, providing opportunities as well as pitfalls for the Agency. The first part of the chapter describes the interaction that occurred before the select committees were created in the mid-1970s, the "early period;" the second part, with the interaction that occurred after that.

The Early Period: 1947–75

Provision of Intelligence Analysis to Congressional Committees

The Agency's statutory charter charged it, among other things, with the "appropriate dissemination" of intelligence "within the government." While Congress was not specifically mentioned in the law, DCIs from the beginning accepted, as a matter of principle, the obligation to provide intelligence analysis to Congress in support of its institutional functions. There does not appear to have been a formal policy decision to this effect, either within the executive branch or within the Agency itself, and the Agency's legislative liaison during this early period, Walter L. Pforzheimer, said years later he did not think the issue had ever arisen as such.¹ There was simply recognition on the part of the Agency that Congress had a legitimate need for intelligence analysis to carry out its constitutional responsibilities. How and when such sharing would occur, however, was largely determined within the executive branch and, until the intelligence committees were created in the mid-1970s, was subject to severe constraints.

Almost immediately after its creation, the Agency began providing semi-annual written reports on the Soviet atomic program to the Joint Atomic Energy Committee (JAEC), which, at that point, was the only committee on Capitol Hill to maintain a storage area for classified information. Occasionally, the committee would ask the DCI to present these reports in person. "For many years," Pforzheimer recalled, the JAEC "was our only regular customer. . . . We received occasional requests from other congressional committees, but they are hardly worth mentioning."²

Nevertheless, Agency policy also stifled a more active interchange. In the spring of 1948, for example, Agency regulations required NSC approval for the release of secret or top secret material to Congress and banned the release of any information revealing intelligence sources and methods. DCI Hillenkoetter went a step further and forbade any "spontaneous dissemination" of information to the Congress—in other words, any disclosure must have prior Agency clearance.³

There were also practical constraints. Apart from the JAEC, no House or Senate committee had facilities approved for the storage of classified information. Accordingly, no written reports or documentary evidence could be left there overnight. At the end of the day, Agency security officers would gather up any reports, documents, transcripts, notes, tapes or carbons that might have

¹ Pforzheimer interview, 15 October 1996.

² *Ibid.*

³ CIA draft study, Vol. I, 27–28.

been brought to the Hill or created by the congressional committees involved and bring them back to the Agency for safekeeping.⁴

Unclassified materials were occasionally provided. In September 1951, for example, Pforzheimer saw an opportunity to “foster and engender considerable goodwill with an extremely powerful group [of senators]” and had the Agency provide the SFRC with a collection of unclassified maps it had requested.⁵

In addition to the obvious security concerns about leaving classified documents in an unprotected environment, political concerns were a factor as well. Giving members written analysis that they might “wave around” and make use of in political debates was a concern for both the White House and the Agency’s overseers in Congress. In 1959, for example, the Eisenhower White House scotched DCI Dulles’s idea that a senior analyst take the Agency’s “Weekly Bulletins” around to selected, influential members on the grounds that it was likely to stir up too much trouble for the administration.⁶ Similarly, Senator Russell, the Agency’s chief overseer in the Senate during much of the early period, forbade successive DCIs from providing anything in writing to members not on the oversight subcommittees for fear of how they would use it. When circumstances demanded that something in writing be provided to the oversight subcommittees, the Agency would prepare an unsigned “blind memo” on “non-letterhead” paper that did not identify it as the source.

Not surprisingly, what intelligence analysis Congress received from the Agency during this early period was usually briefed to it by the DCI or senior Agency officials. For the most part, such analysis fell into one of three categories: developments around the world, the threat to the United States posed by the Soviet Union, and progress reports with respect to military operations in which the United States was involved. Oversight committees as well as “non-oversight” committees received briefings on these topics, as did individual members. However, the most sensitive information bearing on these topics, including information relating to the Agency’s own activities, was usually reserved for its oversight committees and even then often only for their leaders.

In 1950, after the start of the Korean War, DCI Smith began providing regular briefings on international developments to the Hill, including briefings on the progress of the war.⁷ When President Eisenhower heard Smith’s “round-up of the world situation” as he prepared to take office in January 1953, he was so impressed that he urged him to give the same briefing to the two foreign affairs committees.⁸

⁴ *Ibid.*, 21–22.

⁵ *Ibid.*, 36.

⁶ Barrett, *CIA and Congress*, 322.

⁷ *Ibid.*, 82; CIA draft study, Vol. I, 36.

Five weeks later, however, after Soviet Premier Joseph Stalin suffered a debilitating stroke, the chairman of the SFRC, Alexander Wiley, asked Smith's successor, Allen Dulles, to testify about the implications for the United States if Stalin died. With such a specific focus, Dulles was worried about what he might be asked to reveal and told Eisenhower it would be "a fatal mistake" for the Agency to testify. Instead, former DCI Smith, who had now moved to a new position in the State Department, was sent to testify.⁹

During the last half of the 1950s, Congress repeatedly sought to understand the nature of the Soviet military threat as it attempted to determine what the size and nature of the country's own military forces should be. Most of the requests for such information, in fact, came from congressional committees without oversight responsibility for the Agency per se. In 1956, for example, Dulles testified several times before the SASC subcommittee on military preparedness, chaired by Stuart Symington (D-MO), which was trying to assess the relative strength of the Soviet and US strategic bomber and missile forces. Dulles's testimony on these subjects was also sought by the JAEC. Knowing these committees believed his administration was not doing enough to address the perceived gaps with the Soviets in these areas, Eisenhower initially objected to Dulles appearing before the subcommittee but ultimately acquiesced, acknowledging it had a legitimate need for the Agency's analysis.¹⁰ Dulles's appearances before the Symington subcommittee, however, frequently brought him into conflict with its chairman (see chapter 7 for more detail).

During this period, Dulles continued to provide briefings on world events in response to congressional requests. General, tour d'horizon surveys posed less of a problem than requests for briefings on specific topics or incidents. For example, twice in 1959 Dulles agreed to brief the HFAC on recent developments around the globe but turned down its request to brief on the political situation in Eastern Europe, believing it might expose Agency operations.¹¹ He did agree to brief the SFRC in July 1958 with respect to the coup in Iraq, in large part to respond to criticism being leveled at the Agency for failing to predict it.¹²

In late 1959, with the approval of the Eisenhower White House, Dulles also testified at an open hearing of the Joint Economic Committee on the state of the Soviet economy, the first time a DCI had ever given public testimony before a congressional committee. While Dulles did not continue these per-

⁸ Barrett, *CIA and Congress*, 141.

⁹ *Ibid.*

¹⁰ *Ibid.*, 237.

¹¹ CIA draft study, Vol. I, 69–70.

¹² Barrett, *CIA and Congress*, 298.

sonal appearances, CIA continued to make unclassified analysis available to the committee for inclusion in its series of “green books,” macroeconomic studies of the Soviet Union published annually. The Agency’s annual contribution, in fact, was highly anticipated not only by the JEC but by scholars and historians for whom Agency reporting provided the only reliable data on the subject.¹³ This support went largely unnoticed by the rest of Congress until early 1964, when DDI Ray Cline took the additional step of providing this unclassified analysis directly to journalists. Largely because the release of the analysis was widely (but erroneously) reported to have come during a “CIA press conference,” DCI McCone received a harsh dressing down from SASC Chairman Russell, who told him that CIA needed to “stay in the background.” “If you ever do this again,” Russell warned, “I am simply not going to support the Agency in its works or its budget or anything else.” Leaders of the other CIA subcommittees conveyed similar concerns to McCone.¹⁴

Despite this experience, McCone continued the practice of providing worldwide updates to the foreign relations committee on both sides, albeit discovering that even these informational sessions had their pitfalls. In a March 1962 briefing before the HFAC, members repeatedly chided him for ducking their questions. After the briefing, one member commented that McCone, like his predecessor, had said nothing but that at least “Mr. Dulles said it more entertainingly.”¹⁵ When McCone appeared before the defense subcommittee of the HAC in August 1964 to explain what the CIA knew about the attack on US warships in the Gulf of Tonkin, members told him they had learned more from the *New York Times* and *Washington Post* than they had from him.¹⁶ In fairness to McCone, CIA had little involvement in, or first-hand knowledge of, these attacks at the time. In November 1963, McCone was invited to appear before a special HASC subcommittee to testify about civil defense shelters in the Soviet Union. The DCI was willing to do so, but HASC Chairman Carl Vinson protested, telling McCone that he should only provide CIA information to the CIA subcommittee of the HASC. McCone backed out, leaving the civil defense subcommittee to get what it wanted from the Defense Intelligence Agency and leaving a bad taste in the mouth of its chairman, Congressman F. Edward Hebert (D-LA).¹⁷

In 1965, Agency officials took the initiative when they got wind of an impending request for McCone to testify before an HFAC subcommittee on

¹³ Kennedy, *Sunshine and Shadow*, 6–10.

¹⁴ Robarge, *John McCone*, 76–77.

¹⁵ CIA draft study, Vol. I, 101.

¹⁶ *Ibid.*, 106.

¹⁷ *Ibid.*, 105.

the increasingly unstable situation in the Dominican Republic. Fearing a contentious discussion involving sources and methods, the Agency prevailed upon its HAC and HASC subcommittee chairmen to intercept and block the request before it could be sent.¹⁸

Soon after becoming DCI in April 1965, Admiral Raborn appeared before the SFRC where its chairman, Senator Fulbright, asked him if he would provide regular briefings to the committee—perhaps as often as once a week—on the world situation. Inexperienced in congressional politics and eager to ingratiate himself, Raborn replied without hesitation that he would. After the hearing, however, his staff suggested to him that Senator Russell might have a problem with this commitment to the SFRC. When Raborn raised the matter with Russell, the senator told him he ought to try and hold the briefings to once or twice a year and under no circumstances should he discuss the Agency or its operations.¹⁹

Raborn's successor, Richard Helms, was far more attuned to Russell's dim view of briefings to other committees but, soon after taking office, asked Russell what he thought about the idea of gaining more support for the Agency in the Senate by seeking out a broader spectrum of its members. Helms recalled Russell's response:

*He looked me right in the eye, and his eye got a bit glinty. He said, "If you feel any necessity to go around and talk to other Senators about the Agency's business, I certainly can't stop you. But, I'll tell you this, I will withdraw my hand and my support from your affairs."*²⁰

While Helms admitted to being chastened by this exchange with Russell, he also faced a growing demand within Congress for the Agency's intelligence analysis. Increasingly mistrustful of the way the executive branch was prosecuting the war in Vietnam, Congress began to assert itself in the late 1960s, not only in the handling of the war but in other foreign policy and defense initiatives of the Johnson and Nixon administrations, such as the deployment of an ABM system in the United States and ratification of SALT I (see below). Not surprisingly, it wanted CIA's assessment of the issues it was concerned about.

By the same token, providing such briefings to the Hill often created political problems for the Johnson and Nixon administrations, leading them to discourage, if not flatly prohibit, Helms from giving them. Briefings on the progress of the war in Vietnam—where the Agency's assessments were usually

¹⁸ Ibid., 109.

¹⁹ Ibid., 110.

²⁰ Hathaway and Smith, *Richard Helms*, 163.

more pessimistic than those of the military—were of particular concern. Helms later recalled walking out of the White House with Johnson one afternoon in 1967, when the president took him by the arm and said in a fatherly tone, “Now, if you feel any urge to go up and testify in Congress on the whole question of civilian casualties in Vietnam, I just hope you’ll pass by and have a drink with me the afternoon before.” Helms added, “This was his way of conveying a message to me that he wanted to have something to say about [it].”²¹

Such admonitions obviously put Helms in an awkward position, not wanting to offend the committee requesting a briefing, but at least what the president wanted him to do was consistent with the position of Senator Russell. On several occasions during the latter half of the 1960s, in fact, Helms had Russell intervene with the SFRC to block requests for Helms’s testimony on the progress of the Vietnam War on the grounds that it was an inappropriate forum for the discussion of intelligence sources and methods.²²

Helms also sought to put limits on what the Agency briefed to the Hill by issuing an order at the beginning of his tenure that CIA analysis would be provided orally to the Hill whenever possible. If a written response were required, it should be done as a blind memo with no indication that CIA was the originator. Congressional briefings should be concise and to the point, he directed; unnecessary detail should be kept out of them.²³

Whatever Helms might issue in the way of internal Agency policy, however, was subject to being overtaken by events on the Hill. In 1967, for example, after two senators on the SFRC requested briefings on Soviet strategic weapons, Helms checked with Senator Russell to see if he objected. After Russell himself checked with the Senate majority and minority leaders, Helms was allowed to provide the briefings so long as they did not touch on sources and methods. At the same time, Russell told the DCI that henceforth, any request for CIA briefings by individual members had to be cleared with him personally. He also told Helms not to provide written information to individual members. No briefings of staff from committees other than oversight committees would be permitted.²⁴

Several months later, apparently believing he was being consistent with Russell’s earlier guidance, Helms provided another one-on-one briefing on the same subject to another member of the SFRC without first clearing it with Russell. When Russell later found out, CIA records reflect he expressed “profound displeasure” to Helms.²⁵

²¹ *Ibid.*, 5.

²² *Ibid.*, 172.

²³ Roberta Knapp, *The Central Intelligence Agency: The First Thirty Years*, 256 (classified history.)

²⁴ CIA draft study, Vol. II, 10.

Requests for briefings from the SFRC continued to complicate Helms's life throughout his tenure as DCI. In 1968, in response to a written request received from John Sherman Cooper (R-KY), a member of the SFRC, for information on Soviet and Chinese missile forces, Helms had prepared a written reply that he had sent to Russell for concurrence. Helms described what happened next:

The next thing I knew, I had a frantic telephone call saying Senator Russell want to see me right away. So I jumped in the car and went down to the Senate. He came off the floor and he said, "Don't you ever send a letter like that to Senator Cooper or anyone else. . . . They'll simply take that letter, come to the floor of the Senate, wave it, and say, 'I've got a letter from the [DCI] and it says so-and-so,' and it will adversely affect the debate we're having. . . . You shouldn't even consider writing letters like that." . . . He was really very shirty about it.²⁶

So long as he remained in the Senate, Russell continued to be the choke point in terms of what was furnished other Senate committees. In the spring of 1969, when Helms was asked to appear in public session before a subcommittee of the Joint Economic Committee, chaired by William Proxmire (D-WI), he consulted with Russell, who told him that he should talk to Proxmire instead and under no circumstances should he appear in public. Upon hearing from Helms what Russell had told him, Proxmire simply threw up his hands and walked away.²⁷

In May 1969, Helms consulted with Russell with respect to a slightly different problem: a request from the SFRC not simply for a briefing but for copies of written analyses, including NIEs (National Intelligence Estimates), bearing upon the pending ABM issue, specifically, whether the new Soviet SS-9 ballistic missile was being equipped with multiple, independently targeted warheads, which would have indicated it was moving toward a first-strike capability. After consulting with the White House, Russell agreed that the committee could be briefed but adamantly objected to the provision of any written analysis. President Nixon, himself, later reiterated this and told Helms that he did not want CIA sending letters to the Hill on substantive matters and that oral briefings were to be as "nonspecific" as possible.²⁸ Helms subsequently met with Fulbright to explain the situation, telling him that NIEs could not be released without the permission of the president and that, in any

²⁵ *Ibid.*, 12–13.

²⁶ Helms interview, 4 November 1983.

²⁷ Hathaway and Smith, *Richard Helms*, 164.

²⁸ *Ibid.*, 165.

event, providing written materials to the Hill would inevitably increase the risk of leaks and embroil the Agency in partisan politics.²⁹

As it turned out, however, the limits imposed on Helms made little difference. While the NIEs at issue were not given to the committee, members were briefed on their key judgments, which happened to be at odds with Secretary of Defense Melvin Laird's position that the Soviets, in fact, were trying to equip their SS-9 with multiple warheads capable of taking out US ballistic missiles and, in doing so, were seeking a first-strike capability. The Intelligence Community's disagreement with the Pentagon on this issue soon became public when portions of the NIE were leaked to the *New York Times* and embroiled the Agency—Helms, in particular—in the Senate debate on whether to fund the ABM system the Nixon administration wanted.

At a closed hearing before the SFRC on 23 June 1969, Helms testified alongside Laird. Both attempted to downplay their institutional differences, but Helms was uncomfortable with being put in the position of debating a policy issue—whether the United States should build an ABM system—with a policy official. As he later explained,

*The DCI ought to wear one hat. He should be the president's intelligence officer and give him the best objective judgment possible. He should not wear a policy hat. . . . They say that the DCI should advise the president. But I think one person should be able to say, "Here stands one man dedicated to . . . keeping the game honest."*³⁰

Several weeks later, when the issue of funding the ABM system moved to the floor, the Senate, for the first time in its history, held a secret, closed session to discuss the pertinent intelligence. Because only senators were permitted in the Senate chamber, the Agency prepared a paper to be read by Henry M. Jackson (D-WA) at the start of the debate that set forth the views of the Intelligence Community. By a narrow margin, the Senate voted to fund the system, notwithstanding the Intelligence Community's assessment.

Despite the numerous interventions and admonitions from Senator Russell, Agency records still reflect that the Agency provided 60 substantive briefings to Congress during 1969, including briefings to the SFRC, the JAEC, and the House Committee on Science and Astronautics.³¹

The following year a controversy developed regarding the possible Soviet expansion of submarine facilities at Cienfuegos, Cuba. Nixon's national security adviser, Henry Kissinger, told CIA to "put a lid" on any information being

²⁹ CIA draft study, Vol. II, 15.

³⁰ Quoted in Lunberg, *The SS-9 Controversy*, 17.

³¹ CIA draft study, Vol. II, 22.

disseminated outside the executive branch about it. This created a quandary for Helms when he received a request from Mendel Rivers (D-SC), who chaired the HASC as well as the CIA subcommittee, to see any overhead photography of the Cuban facility. Helms responded by having his legislative counsel show the photographs to Rivers but urged him not to tell Kissinger, since he did not want intelligence shown to the Hill. Rivers assured the CIA representative that he would “protect the Agency,” but once the meeting was over he immediately put in a call to Kissinger and told him that he would brook interference from no one in terms of access to information of concern to his committee.³²

In early 1971, the Nixon White House set up the Legislative Interdepartmental Group to coordinate relations with Congress in the foreign affairs and national security area. CIA was represented by its legislative counsel. Among other things, the group was told to resist any effort to enact laws requiring the disclosure of national security information to the Congress. The impetus for this injunction was a request by SFRC Chairman Fulbright for all NIEs and SNIEs relating to Southeast Asia since 1945. While CIA had offered to brief Fulbright on points that may have been relevant to the study the SFRC was conducting on US involvement in Indochina, it was in no position to provide the formal estimates that had been requested. This led Kentucky Republican John Sherman Cooper, a member of the SFRC, to introduce a bill requiring that Congress be provided intelligence analysis that was necessary to its responsibilities in the foreign policy area. With the administration, along with the Agency, vigorously opposed to the bill on the grounds that it would lead to the disclosure of sensitive sources and methods, the SFRC did not seek to move it out of committee.³³

In May 1972, President Nixon signed the first Strategic Arms Limitation Treaty (SALT I) with the Soviet Union, which capped the number of strategic nuclear weapons on each side and provided a framework to govern the future deployment of such weapons. The treaty had been in negotiation since 1969, and DCI Helms had kept the foreign relations committees as well as the CIA subcommittees apprised of developments. After the treaty had been signed and formally been sent to the Senate for ratification, Helms assured the committees that the Intelligence Community would be able to monitor Soviet compliance with the treaty, but he did not provide (nor was he requested to provide) information that would have allowed the committees to make their own independent assessments of the issue.

³² *Ibid.*, 16–17.

³³ *Ibid.*, 39–40.

Once the treaty was ratified, the Nixon administration clamped down on any intelligence assessments going to the Hill regarding Soviet compliance with the treaty. It was later explained to the Pike Committee (see below) that the administration wished to preserve the ability to raise troublesome issues with the Soviets directly rather than have them surface (and, presumably, mushroom) in the Congress via the provision of intelligence assessments. It was not until 1975, in fact, that President Ford permitted the Agency to provide its first closed-session briefing on Soviet compliance with SALT I to a congressional committee.³⁴

Notwithstanding the difficult position he was often placed in as a result of the repeated requests of the SFRC for intelligence assessments, when Helms left the job in early 1973, Chairman Fulbright told him, “In the last ten or twelve years, I think the reports of the CIA [with respect to the war in Vietnam] have proved in light of subsequent experience to have been more accurate than any other estimates that came to my attention.” Senator Symington concurred: “Since the beginning [of the war] the Agency has been more accurate than anyone else in town. . . . It has operated with integrity and told it straight.”³⁵

Helms later observed, “If intelligence is to have any standing in the Congress, it has to have the support, as intelligence, of both sides of the aisle. And I didn’t know any way to do this except to make the reports as objective, and my testimony as objective, as I was able to do.” In other words, Helms said, “I leveled with the Congress. I believed they had a right to have a straight story.”³⁶

William Colby, who followed Helms in the DCI’s job, also thought that Congress was entitled to a “straight story” and that providing substantive analysis was one way of improving the Agency’s standing on the Hill, at a time when it was coming under increasing fire for a variety of actual and alleged misdeeds (see chapter 8). Accordingly, in 1975, he directed that the *National Intelligence Daily* (NID)—the Intelligence Community’s daily intelligence summary with the broadest circulation in the executive branch—be delivered each day to a room on Capitol Hill, where members of the CIA subcommittees could stop by and read it. When few of them actually did so, Colby directed that a modified version be produced—a specially tailored version called the Congressional Checklist—to encourage greater readership. This, too, proved a failure, and in April 1976, with at least the Senate prepared to create a new select committee to oversee the Agency, the short-lived Congressional Checklist was dropped in favor of having the NID delivered to the appropriations and armed services committees each day, as well as the new select committee

³⁴ Ranelagh, *The Agency*, 617–18.

³⁵ CIA draft study, Vol. II, 14.

³⁶ *Ibid.*

in the Senate once established. The NID was left with the committees during the day and returned each evening to an Agency representative.³⁷

In its final report, the Church Committee noted with approval Colby's unsuccessful effort to provide tailored intelligence support to the Congress.

With the resurgence of an active Congressional role in the foreign and national security policymaking process comes the need for members to receive high-quality, reliable, and timely information on which to base Congressional decisions and actions. Access to the best available intelligence product should be insisted upon by the legislative branch. Precisely what kinds of intelligence Congress requires . . . remains to be worked out . . . but the need and the right to it [are] clear.³⁸

Responding to Personal Requests from the Agency's Overseers

Not surprisingly, from the beginning, the Agency paid particular attention to, and attempted to accommodate, the personal requests of the members who served on one of its oversight committees.

In 1947, within months of its creation, the Agency hired a clerical worker solely to please John Chandler "Chan" Gurney (R-SD), the chairman of the SASC at the time and one of the Agency's strongest supporters.³⁹

In 1950, HAC ranking member John Tabor (R-NY) sought CIA's opinion with respect to whether a speech by Secretary of State Dean Acheson in January 1949 implying that South Korea was not of strategic importance to the United States had led to the invasion of South Korea. Legislative liaison Pforzheimer reportedly told Tabor that CIA had no intelligence with respect to North Korea's reaction to the speech.⁴⁰

Even without a specific request, DCI Dulles made a point during his tenure of meeting personally and regularly with the leaders of the CIA subcommittees to apprise them of substantive intelligence he thought they needed to know about. Even as DDCI, Dulles had had regular meetings with SASC Chairman Russell. During Saltonstall's tenure as chairman of the SASC (1953–55), Dulles would frequently invite him for breakfast, or dinner, or drinks, either at his office at the CIA or at his own residence, a practice that continued after the chairmanship had passed back to Senator Russell. Other Agency overseers preferred to have Dulles come by their offices. HAC chair-

³⁷ Knapp, *The First Thirty Years*, 340, 357; Colby, *Honorable Men*, 357–58.

³⁸ Church Committee, *Final Report*, Book I, 277.

³⁹ CIA draft study, Vol. I, 28.

⁴⁰ Barrett, *CIA and Congress*, 86.



Allen Dulles (l) with Senator Richard Russell. The gregarious Dulles made a point of meeting personally and regularly with congressional leaders responsible for CIA oversight.

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man Clarence Cannon (D-MO), for example, frequently asked to see Dulles alone.⁴¹ Dulles would also meet privately with Paul Kilday (D-TX), the chair of the HASC CIA subcommittee.⁴² Typically, there were no papers prepared for these meetings, nor did Dulles tell the CIA legislative liaison what transpired during the course of them.

Although Dulles was masterful in terms of engaging his overseers, trying to keep them happy did not always work out in quite the way he had planned. In March 1953, for example, the Agency was supposed to send a car for Congressman Tabor, a renowned “budget-cutter” who had just become chairman of the HAC, to bring him to a meeting with Dulles. Unfortunately, while Tabor managed to identify one CIA car parked outside the Capitol, he could not find the one intended for him. This led him to write Dulles the next day:

Yesterday you were going to send a car up for us, and we could not find it. We approached a car that looked like it might be it. . . . On [checking], we found that this car was a CIA car. [However,] the driver said he was waiting for a lady. It looks like you have too

⁴¹ Ibid., 331.

⁴² Ibid., 334.

*many cars and too many chauffeurs, and that could be a very simple way of reducing requirements.*⁴³

In March 1954, word got back to the Agency that SAC Chairman Styles Bridges (R-NH) had been annoyed by a briefing he had asked for. According to one account quoting what Bridges had said at a Washington dinner party,

*the briefing was given by young men who did not seem to be fully familiar with their subject and was given in a manner described as “blasé and disinterested.” Senator Bridges said that as a result of this briefing, he felt the whole CIA setup needed looking into. . . . [Name deleted] also quoted Bridges as saying, “I have told Allen Dulles just how I felt about the briefing given me by the CIA.”*⁴⁴

Still, Dulles would attempt to accommodate his overseers whenever he could. In late 1958, he arranged to have the Agency brief Senator Bridges and Representative Kilday as they were about to go to Western Europe on a trip together.⁴⁵

In 1959, when Soviet Premier Khrushchev boasted during a visit to the United States that his government was able to intercept US communications, several of the Agency’s overseers wanted to know whether it was true, prompting Dulles to respond personally to each of them.⁴⁶

A large part of keeping the Agency’s overseers “happy” involved not simply responding to their requests or complaints, but ensuring they were not surprised by something that might later come to light. DCI Helms later told an interviewer:

*There’s one thing I learned about Congress. [If] you got down there first and told members of your committee of something that had gone sour or gone wrong before they could read it in the newspapers or hear it from somebody else, they could be very understanding and stand with you and help you and so forth, if they felt they had been taken [into your confidence] and told about this in advance so that they could protect themselves against criticism from the outside. But when they were caught by surprise by one of these things by reading about it in the newspaper or being told by somebody, they really could get very flinty indeed.*⁴⁷

⁴³ Ibid., 146.

⁴⁴ Ibid., 145.

⁴⁵ CIA draft study, Vol. I, 62.

⁴⁶ Barrett, *CIA and Congress*, 342–43.

⁴⁷ Hathaway and Smith, *Richard Helms*, 64.

Dealing with Other Members of Congress at a Personal Level

While the Agency has not, over its history, devoted the same time and attention to its relations with other members of Congress, it has still taken these relationships seriously, especially those with the leadership of the House and Senate and with influential members of each body. Even requests from “ordinary” members were normally accommodated when they could be.

In a 1950 letter to DCI Smith, Senator William Benton (D-CT) said he was someone that Smith could “always . . . and surely count on.” He followed up by saying, “I hope you’ll tell your boys to feed stuff to my office which can be helpful to you, when I have a chance to speak on the floor.”⁴⁸ (CIA records do not show what was provided in response to this request.)

In March 1952, Congressman Lansdale Sasser (D-MD) asked CIA to write a statement of support for the Agency into a speech he was giving before a civic club. CIA accommodated by providing a draft speech that closed with the following solemn commitment: “Because of my faith in the work of the Central Intelligence Agency, I shall continue to give it complete support in every way possible.”⁴⁹

In 1953, DCI Smith instituted the practice of inviting small groups of legislators, many of whom were not on the CIA subcommittees, to lunch in his private dining room at the Agency.⁵⁰ Dulles continued this practice when he became DCI and actually had his staff develop likely questions and suggested answers for these “informal” occasions. Dulles also arranged regular “courtesy calls” on the House and Senate leadership during his tenure.⁵¹

After Senator Margaret Chase Smith (R-ME) characterized the Agency in a 1958 speech as an uncooperative bureaucracy with the potential for causing “national scandal,” Dulles made a point of seeing her personally to brief her on the Agency’s relationship with its congressional oversight subcommittees. The senator told him she was not even aware such subcommittees existed and had gained respect from Dulles’s briefing for his willingness to cooperate with them.⁵²

Between 1947 and 1958, CIA received “hundreds” of requests from members to hire their constituents. In 1958 alone, CIA legislative liaison had 208 telephone inquiries about potential applicants and responded in writing to 168 of them.⁵³ Most of those referred by members of Congress were not hired,

⁴⁸ CIA draft study, Vol. I, 37

⁴⁹ Ibid.

⁵⁰ Barrett, *CIA and Congress*, 92.

⁵¹ CIA draft study, Vol. I, 37.

⁵² Ibid., 62.

⁵³ Barrett, *CIA and Congress*, 321.

occasionally leading to complaints as well as repercussions down the road. In 1958, for example, CIA's refusal to hire the son of a family friend angered the congressman who chaired the judiciary subcommittee that controlled immigration matters. Although CIA explained its reasons for rejecting the applicant, the congressman was not mollified. Two years later, when two cryptologists from NSA defected to the Soviet Union, he made a public statement implying that CIA had played a role in their hiring. When DCI Dulles telephoned him to complain about his accusations, the congressman hung up on him.⁵⁴

Dulles and his successors in office nevertheless sought to build relationships with members where they could. In January 1959, Dulles had a special briefing on the Agency's activities put together for him to use with the leaders of Congress and other influential members.⁵⁵ In 1965, DCI McCone authorized his legislative counsel to brief a Nevada senator on the A-12, the new supersonic, high-altitude reconnaissance aircraft being tested at Nellis Air Force Base, because he feared that the sonic booms during the testing would bring on complaints from the senator's constituents.⁵⁶ In 1967, the Office of Legislative Counsel (OLC) instituted a program for briefing new members of Congress on the Agency and its activities through a series of breakfast meetings. A year later this program expanded to include selected influential members and their staffs. In addition to these informational briefings, the Agency also briefed individual members on topics of current interest to them. In its 1969 yearend report, OLC noted that 1,400 contacts with the Hill had been handled during the year, none of which, OLC proudly noted, had resulted in "a major flap."⁵⁷

"Flaps," in fact, were always a concern for the Agency, regardless of the member it was dealing with. As Senator Russell had once noted to a senior CIA official: "There isn't a single member of the Senate that's so lowly that he can't make life unbearable for you fellows if he decides he wants to do it."⁵⁸ Keeping relations on an even keel, however, often required remarkable forbearance on the part of Agency representatives. "I have seen my colleagues wince," recalled former CIA legislative liaison John Maury, "when asked questions [by members of Congress] about how many missiles an hour can be launched from [Soviet] silos or whether our estimate of the number of their . . . submarines is based upon anything other than a wild guess." One member, Maury recalled, kept referring intermittently in his questioning to "Libya," "Lebanon," and

⁵⁴ *Ibid.*, 321, 421.

⁵⁵ CIA draft study, Vol. I, 67.

⁵⁶ Warner interview, 2 November 1997, 83.

⁵⁷ CIA draft study, Vol. II, 22–23.

⁵⁸ Quoted in Maury, "CIA and the Congress;" also printed in the *Congressional Record*, Vol. 130, No. 117, 18 September 1984.

“Liberia,” leaving CIA analysts to guess which country he was actually referring to. Another, who had been dozing through the early part of a briefing, suddenly awoke and demanded to know “what the hell [the Agency] was doing in covert parliamentary operations.” When it was explained that the chart in front of him referred to covert “paramilitary” activities, he expressed his relief to the briefers, telling them they “don’t know enough about it [parliamentary activity] . . . to be fooling around with [it].”⁵⁹

The Agency also recognized that if it were to be successful in dealing with members, it often had to tailor its approach to them. Briefings were pitched not only to the member’s level of awareness but also to his or her mental acuity. An assistant to DCI Helms, for example, recalled preparing a briefing paper for Helms to use with a senior southern senator whom Helms regarded as friendly but not very bright. Helms sent the first draft back saying it was entirely too complicated, so his assistant offered up a second version “dumbed down . . . to the point I had the feeling I was insulting someone’s intelligence.” But Helms sent this one back as well, instructing his assistant to start with the statement, “This is a cat, the cat is black.” The assistant tried again, “reducing this briefing to an elementary level that I was sure would never be accepted, [but] lo and behold, that was exactly what Mr. Helms wanted.”⁶⁰

Not all of the Agency’s dealings with members met with success, however. Often their requests could not be accommodated and, on more than one occasion, had unpleasant consequences for the Agency. Usually this happened when a member or staff requested information or favors that exceeded what the Agency (or its overseers in Congress) thought they were entitled to.

In April 1948, for example, CIA turned down a request from Representative Clare Hoffman (R-MI) for an NSC intelligence directive, not only because it was an NSC-controlled document, but because Huffman was not a member of one of its oversight committees.⁶¹

In April 1953, staff members from Senator Joseph McCarthy’s subcommittee, who were traveling around Europe investigating the Radio Free Europe program, requested briefings from CIA officials in the countries they were visiting. Anxious to avoid any contact with McCarthy, DCI Dulles instructed Agency personnel to “stay as far away from them as can possibly be done.” Angered by the cold shoulder they received, however, McCarthy’s staff announced their intent to “crack the iron curtain” that CIA was hiding behind. When they returned to Washington, they began to request CIA records on a

⁵⁹ Ibid.

⁶⁰ Hathaway and Smith, *Richard Helms*, 77.

⁶¹ CIA draft study, Vol. I, 28.

wide range of issues from periodicals to which the Agency subscribed to its relationships with corporations in Hong Kong. None were provided them.⁶²

In 1955, a New York congressman, who was an outspoken supporter of democratic forces in Italy, asked Dulles to provide election support for candidates in the 1956 Italian elections. Two years later, the same congressman asked him to provide support for certain political and social organizations in Italy involved in democratic reform. Dulles demurred to both requests but agreed to pass them to the Department of State.⁶³

Although no direct contact was made with the Agency, Dulles took note of a public complaint made by an Iowa congressman in 1959 that an air transport company in his district had lost an Air Force contract to Air America, a proprietary of the Agency. While deciding against briefing the congressman with respect to the Agency's relationship with the company, Dulles did raise the matter with HASC Chairman Kilday, who quietly had a third member explain it to the Iowa congressman.⁶⁴

In fact, it was not unusual for the Agency to ask one of its overseers in Congress to intervene with other members when they came to the Agency with "off-the-wall" requests or for information that was particularly sensitive. Former CIA Executive Director Lawrence K. "Red" White later recalled,

*If some Congressman called up and demanded something, which they did once in a while, we'd just go tell Senator Russell or the old man from Missouri [HAC Chairman Clarence Cannon] . . . "Say, Congressman Jones called me, and he wants this or that or the other, [and] we don't want to get in trouble with Mr. Jones, but what do we do about this?" [They would say,] "Don't worry, I'll take care of it." [We] would never hear any more about it.*⁶⁵

Refusals to provide information requested by members, however, on occasion, had their consequences. In 1963, for example, Representative John Lindsay (R-NY) wrote to DCI McCone asking for certain information about the Agency's operations in Europe. Since Lindsay was not a member of either of the CIA subcommittees, McCone refused to provide answers to his questions. This infuriated Lindsay, who proceeded to express his profound displeasure with the Agency and became a leading advocate of replacing the existing oversight structure with a joint committee (see chapter 1). When the Agency

⁶² *Ibid.*, 42.

⁶³ Notes of conversations between the DCI and Congressman Victor Anfuso, 14 December 1955 and July 1957, CIA History Staff.

⁶⁴ Barrett, *CIA and Congress*, 338.

⁶⁵ White interview, 7 January 1998, 37.



Senator William Fulbright, chairman of the Senate Foreign Relations Committee. Although sometimes at odds with the Agency and its oversight committees, Fulbright called Agency analysis on Vietnam “more accurate than any other estimates that came to my attention.”

(US Senate Historical Collection)

finally apologized to him a year later, he stopped criticizing the Agency publicly but continued to push for a joint committee.

DCI Raborn’s refusal to respond to SFRC Chairman Fulbright’s questions in the spring of 1966 about allegations the Agency was using the Fulbright scholarship program as a cover for intelligence activities (on the ground that his committee was not entitled to receive information about intelligence sources and methods) infuriated Fulbright and reportedly contributed to President Johnson’s decision to replace Raborn after a little more than a year on the job.⁶⁶

Raborn’s successor, Richard Helms, also managed to get himself at odds with Fulbright soon after becoming DCI. On 18 July 1966, the *St. Louis Globe-Democrat* ran an editorial applauding the Senate’s decision to bury Senator Eugene McCarthy’s proposal to add three members of the SFRC to the CIA subcommittee of the SASC (see chapter 1). The author of the editorial took the occasion to label Fulbright as “crafty,” a description that angered the senator and many of his colleagues. As part of a new Agency program to foster better relations with the press, Helms wrote the newspaper, praising the editorial, without taking note of, or issue with, its characterization of Ful-

⁶⁶ Knapp, *The First Thirty Years*, 248.

bright. Members of the Senate were surprised that Helms would write such a letter at all, much less imply agreement with the editorial's comment concerning Fulbright; several took to the floor to make speeches about it. Fulbright spoke of the need to "teach the new Director some proper conduct." Senator John Stennis (D-MS) called upon Helms to apologize. Majority Leader Mansfield pronounced himself "more than a little surprised that the 'silent service' has seen fit to write to the newspaper. . . . I think this is a matter which must be brought to the attention of Mr. Helms, so that this will not become a habit with him."⁶⁷ Helms reacted by making telephone calls to Fulbright, Stennis, and Mansfield as well as other senators who had spoken, expressing regret for any embarrassment he might have caused Fulbright. He also offered his mea culpa at his next hearing before the SFRC.⁶⁸

Briefing and Debriefing Members with Access to Substantive Intelligence

Members of Congress frequently met with foreign officials in the United States and traveled abroad. Occasionally, these encounters involved people or places that intelligence agencies themselves had difficulty getting access to. This was especially true during the Cold War, when the Soviet Union and most of Eastern Europe were off-limits to American travelers. When members of Congress visited these "denied areas" or spoke with officials from these countries, what they learned was potentially of intelligence value.

Dulles was the first DCI to recognize this. He also saw such debriefings as an opportunity for the Agency to give members a sense they were personally contributing to the nation's security as well as a better appreciation of the Agency's work. The Agency systematically began doing this in the mid-1950s. Dulles would often meet with legislators before they left on a trip. Sometimes he would send CIA officers to accompany them. Upon their return, they would be interviewed by Agency analysts, sometimes joined by Dulles himself.

In 1955, after Senator Russell returned from an 18-day trip to the Soviet Union, Dulles, the heads of Air Force and Army intelligence, and the assistant DCI for scientific intelligence went to his office to debrief him.⁶⁹ So many members went to the Soviet Union that year, in fact, that Dulles had them debriefed in their hometowns rather than waiting for them to return to Washington.⁷⁰

⁶⁷ Hathaway and Smith, *Richard Helms*, 161–62.

⁶⁸ *Ibid.*, 162.

⁶⁹ Barrett, *CIA and Congress*, 205–6.

⁷⁰ *Ibid.*, 206.

Even congressional delegations visiting places that were accessible to the Agency were debriefed if they happened to be led by, or involved, members of the CIA subcommittees. In 1955, for example, before Senator Saltonstall left on a trip taking him to various West European capitals, the Agency briefed him on what he could expect and advised him that CIA station chiefs would be contacting him along the way to brief him on their activities. When HAC Chairman George Mahon (D-TX) made a similar trip a year later, the Agency accorded him similar treatment.⁷¹

Senator Allen Ellender (D-LA) made trips to the USSR in 1955 and 1956, spending a few hours with Premier Khrushchev on the second one. In January 1957, Dulles led a debriefing of the senator that included not only CIA analysts but representatives of the State and Defense Departments as well. A few days later, Agency analysts debriefed Representative Jamie Whitten (D-MS) on his 38-day trip to the USSR and Eastern Europe. Both legislators thought the Agency was underplaying the weaknesses of Soviet society.⁷²

CIA records reflect that in 1957 the Agency debriefed a total of 53 lawmakers returning from foreign travel, five being handled by Dulles personally. A similar number were debriefed in 1958.⁷³ Although according to CIA records, these debriefings did not produce much of intelligence interest (apart from those involving trips to the Soviet Union and Eastern Europe), they did allow the Agency to gauge the attitudes and positions of the members involved vis-à-vis the CIA. Occasionally a member would provide leads to people or organizations that could be of assistance to the Agency.

Not all of the Agency's endeavors in this area, however, generated the kind of goodwill Dulles was aiming for. In 1957, for example, after the Agency had agreed to send an escort to accompany a congresswoman on a trip to the Middle East, she spent much of her debriefing with Dulles commenting on the officer's personal and personality problems.⁷⁴ Another congressman, returning from a trip to Yugoslavia, angrily complained to Dulles about the lack of attention the US embassy paid him, as well as its "cavalier approach" to what was taking place inside the country.⁷⁵

During the summer of 1960, after learning that Senator Frank Church had met for three hours with a Soviet diplomat, Dulles called Church to ask for a

⁷¹ *Ibid.*, 207.

⁷² *Ibid.*, 207–8.

⁷³ *Ibid.*, 321.

⁷⁴ Stenographic Notes of Conversation between Dulles and Congresswoman Francis Bolton, 6 November 1957, CIA History Staff.

⁷⁵ Stenographic Notes of Conversation between Dulles and Congressman John A. Blatnik, 22 October 1957, CIA History Staff.

report of the meeting. He also offered to alert the FBI to the diplomat's activities, an offer that Church accepted.⁷⁶

After the Creation of the Select Committees: 1976-2004

Intelligence-Sharing

In July 1976, after the SSCI was created and secure work spaces constructed, it was agreed that the committee could see publications, in addition to the NID, that were intended for general circulation within the executive branch. Among them were the *Economic Intelligence Weekly*, the *Weapons Intelligence Summary*, and the *Scientific Intelligence Digest*. At the same time, the committee acquiesced in the Agency's position that intelligence analysis tailored for officials within the executive branch—the *President's Daily Brief* (PDB), for example—would not be routinely provided, nor would intelligence cables (unevaluated intelligence reports) from the field.⁷⁷

While the publicity given the Agency by the Church and Pike Committees was hardly favorable, it does appear to have awakened many congressional committees to the Agency's analytical capabilities. The "non-intelligence" committees, realizing what the intelligence committees would now be getting, doubled the number of their requests for the Agency's published analysis. The increased demand was such that the Agency in September 1976, with White House concurrence, had to issue guidelines limiting the provision of substantive analysis to "non-intelligence committees" to oral briefings.⁷⁸

When the HPSCI was created in July 1977, it began receiving the same published analysis being provided its Senate counterpart. In the beginning, such analysis was delivered and retrieved at the end of the day. In time, however—and Agency records do not mark the precise point at which this occurred—substantive intelligence publications began to be left with the two intelligence committees. Both committees had built facilities to meet the DCI's security standards for the protection of SCI (sensitive compartmented information) material. Indeed, in some respects, the security procedures in place at the oversight committees exceeded those the DCI established for the executive branch as a whole. So, while questions continued to arise during the earlier years of the committees' operations in terms of the substantive intelligence to be made available to them, the absence of approved physical storage facilities was no longer a reason for denying access.

⁷⁶ Barrett, *CIA and Congress*, 421.

⁷⁷ CIA draft study, Vol. II, 179.

⁷⁸ Knapp, *The First Thirty Years*, 357.

Indeed, within five to 10 years of the committees' creation, most finished intelligence products intended for general consumption within the executive branch were being made available to them. These products included the NIEs and SNIEs that had been so scrupulously protected prior to the mid-1970s. There does not appear to have been a specific decision by the Agency or the executive branch that allowed for this; rather, the practice appeared to evolve for several reasons.

First, there was the changing legal framework. In 1978, the Carter administration issued a new executive order on intelligence that, among other things, directed the DCI to "facilitate the use of national foreign intelligence products by the Congress in a secure manner."⁷⁹ This was, in fact, the first time that a president had ever directed a DCI to do this. In 1980, with the enactment of the Intelligence Oversight Act (see chapter 5), the head of the CIA was obligated to keep the two oversight committees "fully and currently informed" of its activities and to provide the committees with access to "any information...in its control" that was needed for the committees to carry out their responsibilities.⁸⁰ While neither of these policy changes specifically dictated that all finished intelligence be shared with the committees, taken together, they did seem to mean that the committees could see what they wanted to see and, over time, what the committees wanted to see was almost everything.

By the early 1980s, the committees had also demonstrated that they had the capability and intent to protect the information that was shared with them. There were few leaks of finished intelligence. The committees did not allow these documents out of their control. Thus, members were unable to "wave them around on the floor," as Senator Russell had envisioned years before. Had any of this happened, the situation might have been different, but by the mid-1980s at least, the analytical products that the committees routinely wished to see were being provided in hard copy; other products were being made available on request. At the end of 1988, the Office of Congressional Affairs (OCA) reported that approximately 4,000 finished intelligence products had been provided during the year to the two intelligence committees.⁸¹

What this meant, then—Deputy National Security Advisor Robert M. Gates perceptively observed in 1988, was that the committees now had essentially the same access to finished intelligence as consumers within the executive branch. In an article written for *Foreign Affairs*, Gates notes,

⁷⁹ §1-601(c) of Executive Order 12036, 24 January 1978.

⁸⁰ See §501 and §502 of the *National Security Act of 1947*, as amended.

⁸¹ CIA draft study, Vol. III, 148.

The result is that CIA finds itself in a remarkable position, involuntarily poised nearly equidistant between the executive and legislative branches. The administration knows that the CIA is in no position to withhold much information from the Congress and is extremely sensitive to Congressional demands; the Congress has enormous influence and information, yet remains suspicious and mistrustful. Such a central legislative role with respect to an intelligence service is unique in American history and in the world. And policymakers know it.⁸²

Notwithstanding the wealth of written analysis available to them, few members on either oversight committee had time to read it. Most continued to receive what intelligence analysis they were given in the form of briefings. In 1988, OCA tallied more than 1,000 such briefings to members or staff of the two committees.⁸³ Indeed, from the dates of their creation until the present, the two oversight committees have been given substantive intelligence briefings upon request, ranging from formal presentations made to the full committee, to one-on-one briefings with individual members, to briefings of one or more staff. When international crises occurred or developments around the world otherwise spurred congressional interest, the demands upon Agency analysts would become intense. During 1988-89, for example, the SSCI established an ad hoc "task force" for the sole purpose of following developments in the Soviet Union and Eastern Europe, as the fate of Mikhail Gorbachev and other communist leaders appeared to hang in the balance.⁸⁴ Meeting frequently with the same analysts during this two-year period, members of the task force were exposed to the stream of the Community's ongoing analysis in a way they had never been before. Briefings such as these afforded members of the two intelligence committees an opportunity not only to keep abreast of world events but also to question and look behind the analytical judgments they were hearing. This was an ability other congressional committees did not have. While other committees continued to receive intelligence briefings after the select committees were created, the intelligence sources and methods underlying the analysis were not disclosed to them.

Increasingly, though, as "non-oversight" committees began to appreciate what the intelligence committees were being given, they began turning to the committees to act as their surrogates. On four separate occasions during the early years of the SSCI's existence, for instance, the SFRC requested that the

⁸² Gates, "The CIA and American Foreign Policy," 224-25.

⁸³ CIA draft study, Vol. III. 148.

⁸⁴ Lundberg, *CIA and the Fall of the Soviet Empire: The Politics of "Getting It Right,"* 29.

SSCI obtain and analyze the substantive intelligence bearing upon treaties or legislation pending before the SFRC.

- In the case of SALT II, the SSCI was asked to look at whether US intelligence could adequately monitor the treaty.
- In the case of the Panama Canal Treaty, the issue was what the Intelligence Community saw as the likely consequences of Senate ratification.
- In the case of the Iraqi poison gas attacks on the refugee camps at Shaba, the SFRC wanted to know what the Intelligence Community had been able to confirm had taken place there before it considered legislative sanctions against Iraq.
- In the case of implementing the Taiwan Relations Act, the SFRC was interested in the likely reaction of the Chinese government.

For each issue, the SSCI delivered a classified report to the SFRC, together with an unclassified summary.⁸⁵

The provision of finished intelligence products to other committees also expanded during the 1980s. In 1987, an Office of Senate Security was established to serve as a repository for storing classified information going to other “non-oversight” committees. On the House side, several non-oversight committees established their own repositories. As a result, far more written analysis relevant to the institutional responsibilities of these committees was sent to the Hill.

The Agency also continued to provide one-on-one briefings to members who were about to leave on foreign travel or meet with foreign officials. Indeed, because of the increased awareness among members that such briefings were available to them—even if they were not on one of the oversight committees—more were requested.

In short, while the CIA had always shared intelligence analysis with the Congress, the scope and scale of such sharing reached new heights after the select intelligence committees came on the scene in the mid-1970s. Not only did intelligence-sharing with the intelligence committees burgeon, but so did intelligence-sharing with other committees and individual members, largely because of what the intelligence committees themselves were now able to get.

In 1992, what had become accepted practice was finally recognized in law with the passage of the Intelligence Organization Act that, among other things, required the DCI to provide substantive intelligence “where appropriate, to the Senate and House of Representatives, and the committees thereof.”⁸⁶ Thus did

⁸⁵ Smist, *Congress Oversees*, 106.

the provision of intelligence support to the Congress officially become a part of the Agency's statutory mission. During the mid-1990s, the Agency began to provide finished intelligence products electronically rather than in hard copy, but the range of analysis made available did not change.

One notable innovation during the 1990s was the institution of public "worldwide threat briefings" at the beginning of each session of Congress. The Agency had long provided such tour d'horizon briefings upon request—to oversight committees and non-oversight committees alike—but in 1995, the chairman of the SSCI, Arlen Specter (R-PA), insisted that at least a part of the annual threat briefing be given in open session. This became, from that point on, an annual ritual for the DCI. While the DCI also gave the annual threat briefing to other congressional committees, only the intelligence committees held a portion of the briefing in public. OCA Director John Moseman later recalled that these briefings

forced us to do an enormous amount of work. Simply deciding what we could and could not say in public was a very complicated issue. But going through this exercise every year did force us to think through what we were doing. It also played into other things—the budget process, for example—it basically provided the justification for that.⁸⁷

When the Republican Party took control of both houses of Congress in January 1995, the Agency also took the initiative to offer weekly "hot spot" briefings to the leaders of the House and Senate on current international events. Most of those offered such briefings were too busy to schedule them, but the incoming House Speaker Newt Gingrich (R-GA) took the Agency up on its offer and regularly made time on his calendar for them. Gingrich's successor as Speaker, Dennis Hastert (R-IL), similarly made time on his schedule. Moseman later noted:

They obviously found the "hot spot" briefings useful, otherwise they wouldn't have put them on the schedule. [The Agency] got a lot of benefit out of them, too. They gave us a chance to cultivate a relationship we wouldn't otherwise have had. Of course, [these briefings] raised other problems—the White House was forever wanting to know what we were telling them.⁸⁸

⁸⁶ See §103 of the *National Security Act of 1947*, as amended.

⁸⁷ Moseman interview, 28 December 2006.

⁸⁸ *Ibid.*

Other Interaction

With the establishment of the intelligence committees, another form of interaction with the Congress took shape: member and staff visits to Agency facilities around the world. While such visits had happened before—members of the CIA subcommittees would sometimes travel to foreign countries where they would meet with Agency personnel and receive briefings by the country team—the number of such visits proliferated after the select committees were created (more than 100 in 1988 alone), as did the amount of Agency information shared during such visits.⁸⁹ A CIA escort officer accompanied most such delegations; he or she not only facilitated the logistical arrangements but helped members obtain the information they were seeking. As a result of these visits, members and their staff often established personal relationships with the officers who escorted them or who hosted them during official visits, relationships that sometimes followed the officer once he or she returned to Headquarters for a new assignment. The committees also gained a better appreciation of the day-to-day problems in the field, of how the Agency's activities fit within the overall country-team approach, and where the Agency's assessments of the internal political situation differed from those of other agencies.

Cultivating personal relationships with the members and staffs of its oversight committees, as well as other influential members of Congress, had always been a goal of the Agency's leadership, but during the early period the "targeted" members were relatively few in number. With the creation of the intelligence committees, the number of members and staff to be cultivated multiplied severalfold. Further complicating the problem for the Agency were the term limits for service on each committee, which meant that new members and staff were continually coming aboard. It could take years to win a member over, only to have him or her leave the committee.

To encourage and promote these personal relationships, DCIs employed a variety of techniques. Casey, for example, despite his well-known aversion to dealing with Congress, and perhaps because of it, tried several approaches. In 1986, he invited new members of Congress out to the Agency for orientation briefings.⁹⁰ The same year, he began having members of the oversight committees and their staffs out to the Agency for breakfast or lunch to meet informally with senior Agency staff.⁹¹ In December 1983, after the passage of the FOIA exemption for the Agency's operational files, he invited staff from both committees to the Agency for a party.⁹² Other DCIs have adopted similar strategies,

⁸⁹ CIA draft study, Vol. III, 148.

⁹⁰ *Ibid.*, 78.

⁹¹ *Ibid.*, 143.

⁹² Woodward, *Veil*, 383–84.

at times adding wrinkles of their own. Webster and Gates, for example, held weekend “off-sites” early on in a congressional session to educate members of the oversight committees. Others chose to recognize the leaders of the oversight committees (and sometimes even long-serving staff) when they left their positions by presenting them with medals or certificates of commendation.

AUTHOR’S COMMENTARY

Significance of the Incidental Interaction with Congress

The incidental interaction that occurs with Congress apart from the exercise of its institutional responsibilities for the Agency not only affects how members perceive the Agency but can lead to repercussions for the institutional relationship as well.

For members who do not sit on one of the committees with institutional responsibility, this incidental interaction is apt to be their only personal exposure to the Agency. For them, a telephone call not returned, a letter unanswered, a constituent not hired can have significance for the relationship far beyond the matter at issue. They may not be in a position to affect the Agency’s budget or otherwise call it to task, but by virtue of being members of Congress, they have a public platform from which to comment and criticize. They also have a vote in their respective chambers.

For members who do sit on one of the committees with institutional responsibility, the stakes for the Agency are higher. Small miscues can be taken as signs of larger problems. Failures to respond appropriately to a member’s needs or requests can be perceived, for example, as a snub, a lack of attentiveness, a lack of candor, or evidence of incompetence. And, where these members are concerned, their positions on the oversight committees provide the wherewithal to do something about it. Hearings might be called, investigations launched, funding cut, or follow-up reports required. In short, as Senator Russell once noted, they have the ability “to make life miserable” for the miscreants (as they perceive them). Moreover, when a member of one of the oversight committees believes he or she has been slighted in some way, the leaders of the committee involved are not usually inclined to stand in their way. Most of the time, tempers cool when explanations or apologies are offered, but the Agency can never completely count on it.

By far, most of the incidental interaction that occurs with members of Congress at a personal level occurs during substantive intelligence briefings, and, these briefings have on balance, over the Agency’s history, generated far more

support than problems for the Agency. As former DCI Helms observed at the end of his career, members may not always agree with what the Agency has to say, but they see it as “keeping the game honest.” Negative impressions, however, can also be generated. Briefers who are perceived as promoting political agendas, who can provide little information or insight beyond what is in the press, or who do not seem to have a mastery of the evidence can lead members not only to question their competence but also to wonder if this is what the Agency itself is about.

The lesson from all this is that the Agency must take even incidental interaction with the Congress seriously. Any interaction with a member, no matter how small, can potentially have consequences.

Why Congress Needs Intelligence Support

Congress has numerous functions, derived from its constitutional responsibilities, that benefit from having access to intelligence analysis. Providing for the national defense requirements of the country, for example, benefits from intelligence analysis of the foreign threat. Providing for border control and homeland security, similarly, requires knowledge of the domestic threat posed by foreign entities. Foreign assistance programs funded by Congress may well hinge on the conduct and intentions of foreign recipients. Declarations of war and/or resolutions authorizing the president to use military force abroad require consideration of the likely consequences of such action. For the Senate to provide advice and consent to treaties typically requires knowledge of the intent and capabilities of foreign signatories.

Beyond such institutional functions, members of Congress are expected to be knowledgeable of, and able to comment intelligently about, foreign policy issues, especially if they affect their home state or district. They are frequently asked about them by the press, their constituents, and their political opponents. Yet, if they are not members of the intelligence, armed services, or foreign relations committees, few opportunities exist in Congress for them to acquire basic information on foreign policy issues. While few will have the time to make themselves experts, having access to intelligence analysis can provide an expeditious means of familiarizing themselves with an issue.

Obviously, Congress has no intelligence capability of its own. It has a great many sources of information available to it, but where foreign intelligence is concerned, it must rely upon what it receives from the executive branch. Most of what it receives comes from the CIA, an agency it established and funds, but also an agency whose director (for the period covered by this study)

reported to the president and was principally responsible for serving the president's needs.

During the early part of the Agency's history, the president exercised considerable control over the intelligence analysis DCIs were allowed to provide the Congress, especially if they were concerned about the sensitivity of the information or the political fallout likely to occur if it were made available to members. While presidents understood the Agency's need to keep its subcommittees happy, they were less understanding when it came to other committees. In fact, relatively little was shared with them, and the lack of secure storage facilities on Capitol Hill meant that what was shared was passed verbally, either in briefings or in one-on-one meetings.

Like other aspects of the relationship between Congress and the Agency, intelligence-sharing with the Congress changed dramatically after the creation of the select committees. It did not happen immediately nor was everything made available at the same time. By the early 1980s, however, most of the finished intelligence analysis the Intelligence Community produced was being made available to Congress. This came about not as a result of any "grand deal" struck with the executive branch but rather as a result of the evolution in the oversight process itself. By this point, not only did the committees possess the physical facilities to protect classified information, they had, for the most part, demonstrated their intent to do so. As overseers, they believed they were entitled to see what the Intelligence Community was producing. They never asked for it in terms of seeing all the finished intelligence that was being produced, nor was the president ever asked to consider it in these terms. The committees simply began asking to see publications they became aware of, and in time access to almost everything was being provided.

In retrospect, given the concerns of past presidents, it seems curious that this "sea change" in intelligence-sharing with Congress during the 1980s could have occurred without the issue being posed in some fashion to the White House. In fact, no other government in the world routinely shares intelligence with its legislature. Intelligence is meant to support the executive function, not the legislative one. In the United States, it has come to support both. To be sure, intelligence analysis is written principally for the executive branch. Congress may be able to share in such analysis, but it has no role in developing it.

The Impact of Intelligence-Sharing with the Congress

The consequences of sharing intelligence with the Congress have been, and will continue to be, far-reaching.⁹³

Without question, the position of Congress vis-à-vis the executive branch has been strengthened by virtue of its access to intelligence analysis. When this analysis is at odds with administration policy, it will provide members with ammunition to challenge this policy. By the same token, having the intelligence analysis may enable members to better understand why a particular policy was adopted, thus muting the criticism the administration might otherwise have received. Congress may also be less prone to “go off half-cocked,” legislating unwisely in the heat of a crisis and thereby creating problems for an administration to deal with down the road.

For the intelligence committees, access to finished intelligence allows them to see what the entire system is producing. It is the “meat” that comes out the end of the grinder, after all of the information collected around the world has been put together, processed, evaluated and put in context. If the committees are paying attention, it allows them to see what the Intelligence Community knows, and does not know, about a particular topic. It reveals where the gaps in our knowledge are and often what is needed to fill them. In this regard, having access to finished intelligence can lead to better oversight and ultimately to a stronger intelligence capability.

At the same time, the emergence of Congress as a consumer of intelligence analysis has added immeasurably to the Intelligence Community’s day-to-day burdens. Whatever their commitments to executive branch policymakers, hardly a day goes by, when Congress is in session, that intelligence analysts are not also briefing on Capitol Hill. Moreover, the congressional recipients of these briefings often pose a different challenge for the analysts doing them. Members and/or their staffs are typically not as informed with respect to the subject being briefed as executive branch policymakers are, nor do they have the same perspective in terms of what the intelligence reporting means (or does not mean). Moreover, what a member may be looking for from the briefing is not simply information, but ammunition with which to challenge administration policy.

Indeed, the exponential growth in intelligence-sharing with the Congress has significantly complicated the lives of policymakers in the executive branch. Intelligence analysis, by its very nature, will sometimes undermine or seem at odds with the policy a particular administration adopts. Perhaps the administration, for perfectly valid reasons, has chosen a course of action that seems unsupported by the intelligence analysis, yet their rationale may not be apparent to members of Congress who hear the analysis. Before, policymakers rarely had to worry what was being briefed to the Hill. Now, intelligence

⁹³ For a detailed description of this topic, see Snider, *Sharing Secrets with Lawmakers*.

briefings occur with such frequency that policymakers must struggle to keep up with what Congress is being told. If they fail to do so, the next time they are testifying before Congress they risk being caught short by a member who inquires about an intelligence analysis the policymaker has not seen and wants to know how the administration's policy can be sustained in light of it. Forcing policymakers to explain why the administration's policy makes sense despite the intelligence analysis might be seen as a salutary effect of intelligence-sharing, but it also has the potential for creating hostility and resentment for the analyst whose work created the problem for the policymaker. To avoid this outcome, most intelligence analysts will advise policymakers when their analysis is apt to cause a problem on the Hill.