

CHAPTER 4

ORGANIZATIONAL ARRANGEMENTS AT THE CIA

Principal responsibility for dealing with the Congress has always rested with the DCI. He has been the one to enunciate Agency policy and positions to the Hill, explain and defend Agency activities, provide its analytical assessments, and render such other support as the Congress may request.

To help him carry out these responsibilities, each director has had a staff that supported him. Over time, however, the level and nature of this staff support has varied.

One-Man Operations

In the fall of 1947, shortly after the enactment of the Agency's charter as part of the National Security Act of 1947, DCI Hillenkoetter stopped the Agency's legislative liaison, Walter Pforzheimer, in the hallway and told him he did not think he would be able to keep him on any longer because there would not be enough business between the CIA and the Congress to justify a full-time attorney.¹ Pforzheimer stayed on, nonetheless, making sure the Agency's funding got put through the congressional process each year and handling the various matters that arose with the Hill.



Walter Pforzheimer handled the Agency's (and CIG's) liaison with Congress for nine years, 1946–55.

¹ Pforzheimer interview, 15 October 1996.

For the first 20 years of the Agency's existence, from the days of CIG to the tenure of DCI Helms, one person—first designated as legislative liaison and later legislative counsel—was able to satisfy the demands of this role. Except for a short period in the mid-1950s when the legislative counsel reported to the Agency's inspector general, the legislative counsel was assigned to the Office of General Counsel (OGC) but operated under the direct supervision of the DCI. Pforzheimer filled this position from 1946 until 1955; Norman Paul (who reported to the IG) did so from 1956 until 1957; and John Warner did so from 1957 until 1966, during which time he also doubled as deputy general counsel.

The legislative counsel was assisted by secretaries and, as needed, by others in the General Counsel's office, but it largely fell to him to ensure that the Agency's dealings with the Hill remained on an even keel. He monitored legislative developments, arranged for briefings and hearings, ensured that congressional requests were satisfied, and, above all, shepherded the Agency's funding request through Congress each year. Occasionally, the three men who held this position found themselves the target of complaints from the Hill and, on one occasion, even the target of a congressional subpoena (see chapter 10). But overall, judging from what has been written about them, all enjoyed good relations on Capitol Hill. DCIs looked to them not simply to make sure Congress was getting what it needed but to monitor congressional sentiment towards the Agency on an ongoing basis.

In November 1966, in recognition of the increasing importance that relations with Congress had assumed, as well as the time it now took to tend to these relationships, DCI Helms moved the legislative liaison function out of OGC and made it a separate component of his own staff, known as the Office of Legislative Counsel (OLC). Warner moved out of OGC altogether at this point to become the head of the new office, which consisted of six people.² He remained for two years before returning to OGC and giving way to John Maury in 1968. Maury, a seasoned DO officer, served in the position until 1974, when he was replaced by his deputy, George Cary.

Although the OLC continued to handle the regular business of the Agency on the Hill, it was too small to deal with the volume of congressional requests that deluged the Agency once the Church and Pike Committees began their inquiries. Special arrangements had to be instituted. The agency assembled an ad hoc "review staff" headed by an "assistant to the DCI" to respond to the requests of the Rockefeller Commission. Thus, DCI Colby attempted to establish a process that would satisfy the new investigating committees while at the same time protect the Agency's legitimate security interests.³

² Hathaway and Smith, *Richard Helms*, 162; CIA draft study, Vol. II, 21.

³ CIA draft study, Vol. II, 58.

In practice, achieving this balance proved difficult. Colby assigned experienced Agency officers to the new staff, but none had had prior dealings with Congress. Moreover, few were prepared for the hostility they encountered. One of them, assigned to deal with the especially contentious Pike Committee, later said its staff was “rude, uncivil, and acted like prosecuting attorneys. . . . They thought we all were criminals.”⁴ Another commented:

*The months I spent with the Pike committee made my tour in Vietnam seem like a picnic. I would vastly prefer to fight the Viet Cong than deal with a polemical investigation by a congressional committee, which is what the Pike committee was.*⁵

Increasing their frustration, the review staff also found itself at odds with Agency components that could not understand why the investigating committees needed, or why the Agency should offer up, documents concerning their operations. As one of the review staff later noted, “We were accused [by components] of being a Benedict Arnold for even asking questions [that the Church and Pike Committees wanted to know about].”⁶ The committees, for their part, complained constantly that the staff was dragging its feet. As Pike observed at one of his committee’s hearings, “What we have . . . is a great deal of the language of cooperation and a great deal of . . . non-cooperation.”⁷

Over time, the role of the review staff expanded from simply being a clearinghouse for documents going to the Church and Pike Committees to monitoring and evaluating their work for the DCI.⁸ Indeed, because of the one-day time limit the Pike Committee mandated for the Agency to review the draft of committee’s final report, it fell largely to the review staff to accomplish.

An Expanded Office of Legislative Counsel: 1976–81

When the Church and Pike investigations were over, the Agency initially continued to have a special review office to coordinate the provision of Agency documents to the Hill.⁹ But the Agency continued to conduct its regular business with the Congress through OLC, and within a year OLC subsumed the role of coordinating document production as well.

⁴ *Ibid.*, 152.

⁵ *Ibid.*, 120.

⁶ *Ibid.*, 70.

⁷ *Ibid.*, 121.

⁸ *Ibid.*, 105–7.

⁹ *Ibid.*, 161.

With the creation of the SSCI in the summer of 1976, it became clear that OLC was too small to satisfy the Agency's future needs. To remedy the situation, the head of OLC at the time, George Cary, proposed to create an office of 32 people, divided into three staffs: legislation, liaison, and coordination and review. Although it took a while for Cary's proposal to wind its way through the Agency bureaucracy (there was a change in DCIs in early 1977), DCI Turner approved it in December 1977. Several months later, Turner named his own person, a former DO officer, Fred Hitz, to head the office.¹⁰ At the time Hitz took over from Cary, there were 28 people assigned to OLC.¹¹

Casey and Congress: 1981–86

When DCI Casey took control of the Agency in 1981, he combined what had been OLC with the existing Office of Public Affairs to form the Office of External Affairs. To head the new office, he appointed J. William "Billy" Doswell, a former newspaper publisher and lobbyist of the Virginia legislature. He, however, had neither intelligence experience nor experience in Congress. Not surprisingly, both Congress and the Agency viewed him as an outsider with little influence.¹²

Under Doswell, the congressional affairs function became the province of the Legislative Liaison Division, which itself was divided into a House and Senate branch and a legislation branch.¹³ Responsibility for pushing the Agency's annual budget through Congress, however, shifted to the Agency's comptroller. The Legislative Liaison Division was left to coordinate hearings and briefings on the Hill as well as track congressional activities.

This arrangement lasted for about a year and a half. Casey became disenchanted with Doswell because he thought Doswell was not doing enough to support his position on Nicaragua. Doswell, on the other hand, thought Casey needlessly provoked confrontation with Congress.¹⁴ He left at the end of 1982.

With Doswell gone, Casey abolished the Office of External Affairs and again made the Office of Legislative Liaison an independent element of his staff. To head the office, he chose Clair E. George, who at the time was second in command within the Directorate of Operations (DO). George, in turn, brought in DO officers to staff the office. CIA records reflect that within three months there had been an across-the-board personnel turnover.¹⁵

¹⁰ *Ibid.*, 162.

¹¹ Cary interview, 30 September 1983, 3.

¹² CIA draft study, Vol. III, 7.

¹³ *Ibid.*, 8.

¹⁴ Woodward, *Veil*, 264.

This did not play well with the two intelligence committees. Unlike Doswell, George was the consummate insider, but Agency records reflect the staffs of the two committees generally found him unresponsive and uncooperative. Instead, they perceived they were being “gamed” by the DO; there were no longer officers in the Office of Legislative Liaison they could trust.¹⁶

In the spring of 1984, after the Nicaraguan harbor mining episode had come to light (see p. 60), the staff director of the SSCI actually stopped speaking with George and told Casey “he had to go.”¹⁷ In July 1984, George moved on to become the deputy director for operations, and the Agency’s executive director at the time, Charles Briggs, replaced him as the head of OLL. Casey also took action to ensure that OLL was kept better informed of covert action activities so that it could, in turn, better represent the Agency’s activities to the Hill.¹⁸

When Briggs took over, he immediately sought to improve the level of trust between OLL and the two committees. Part of the problem, he found, was the lack of stability and continuity in his own office. Committee staffers referred to OLL as “Bolivia,” Briggs later recalled, “because of all the coups, changes and reorganizations” that were constantly taking place. Agency officers were not staying long enough to develop relationships. Red tape within the CIA bureaucracy was also resulting in inordinate delays in terms of satisfying the committees’ requests for information. Briggs endeavored to fix both problems.¹⁹

Briggs remained in the job until he retired in February 1986. Replacing him was David D. Gries, a DO officer who had previously served as the National Intelligence Officer (NIO) for East Asia. Gries continued Briggs’s efforts to improve relations with the Hill. Among other things, he got Casey’s approval for changing the name of his office to the Office of Congressional Affairs (OCA), which both believed was a stronger, more accurate reflection of the office’s mission.²⁰ This, in fact, has remained its name until the present day.

Despite their efforts to improve relations with the Hill, some on the oversight committees continued to regard Briggs and Gries as “doing Casey’s bidding.” As long as they worked for this DCI, they would be seen as part of his perceived efforts to keep the committees in the dark.²¹

¹⁵ CIA draft study, Vol. III, 9.

¹⁶ *Ibid.*; see also Woodward, *Veil*, 319–38 for a description of George’s involvement with the SSCI over the Nicaraguan harbor mining episode.

¹⁷ CIA draft study, Vol. III, 64.

¹⁸ *Ibid.*, 65.

¹⁹ *Ibid.*, 77.

²⁰ *Ibid.*, 79.

²¹ *Ibid.*, 80.

Responding to Iran-Contra: 1986–90

While the investigations of the Iran-contra affair focused on the activities of the White House staff, CIA was nonetheless a key subsidiary target. Moreover, because so many investigative bodies were looking into Iran-contra, the Agency faced an enormous challenge in terms of controlling access to its documents and personnel. Initially, DCI Casey split responsibility among his staff: OGC would monitor and support the independent counsel's criminal investigation; OCA would handle the congressional investigations; and the Agency's IG, who performed the first internal review of the Agency's involvement, would support the Tower Commission probe.²²

Within a short time, however, these arrangements changed in response to events on the outside. The Tower Commission's probe ended relatively quickly. The White House then set up an interagency declassification and production review group to control document production within the executive branch as a whole. The Agency's role in this review group was carried out by a special "documents unit" that OCA had originally established to coordinate the production of Agency documents going to the Hill. DCI Webster also established an internal coordinating committee, chaired by the Agency's executive director, to oversee at a policy level what was being provided to the various investigations.²³

The investigation of Iran-contra by the joint congressional committees lasted through the summer of 1987, at which time their demands for information began to diminish.

Strengthening Ties to the Hill after the Guatemala Episode: 1995

In January 1995, in response to the hostile reactions the Agency had received from both committees for its failure to notify them of a 1991 intelligence report suggesting that an Agency source in Guatemala had been present at the murder of an American citizen there (see chapter 8), the DO sent out an internal message asking its employees to list everyone in Congress with whom they had "personal ties" or a "working relationship." Saying that "the agency's standing with Congress is linked inextricably to the Hill's view of the directorate of operations . . . it is imperative to engage members in a variety of initiatives" to improve the Agency's standing. The goal, the message said, was "to insure [sic] that we communicate an accurate portrayal of signif-

²² *Ibid.*, 150–51.

²³ *Ibid.*, 151.

icant ongoing activities—both positive and negative—as well as articulate our vision for the future.”

This memo was leaked to the *New York Times* by an Agency employee who believed the directorate’s initiative violated a federal law prohibiting federal agencies from lobbying Congress. An Agency spokesman disputed this allegation and described the initiative simply as an educational effort intended to supplement the work of OCA.

While not commenting on its legality, incoming SSCI Chairman Arlen Specter (R-PA) found the whole idea distasteful. “The CIA’s directorate of operations would be better advised,” he told the *Times*, “to improve its reputation and standing by real performance, instead of attempting to rely on factors like personal, school, or family ties.”²⁴

The Office of Congressional Affairs: 1988–2004

The Office of Congressional Affairs remained the focal point within the Agency for handling the day-to-day relations with Congress from 1988 until 2004. While its internal organization and staff size fluctuated during this period, its role did not significantly change. OCA continued to be the office that scheduled and coordinated briefings and hearings in Congress, ensured the needs of its committees and members were met, monitored and influenced legislation affecting the Agency’s interests, and helped to deal with “flaps” when they occurred. While there were significant congressional investigations of the Agency during this period (see chapters 7–10), none required the creation of special ad hoc arrangements, such as the Church and Pike Committees or those that were put in place to respond to the Iran-contra scandal.

Moreover, after the rocky experiences of the Casey years, subsequent DCIs, for the most part, put seasoned officers at the helm of OCA—people versed in the Agency’s operations, who had also worked with the Congress. John Helgerson, a veteran of the Directorate of Intelligence, headed OCA from 1988 to 1989. Following him were Norbert Garrett, a DO officer, who served from 1989 to 1991; Stan Moskowitz, another veteran of the DI, who served from 1991 to 1994; Joanne Isham, from the Community Management Staff, who served from 1994 to 1996; John H. Moseman, a former minority staff director of the SSCI, who served from 1996 to 2001; and Moskowitz who served for a second time from 2001 to 2004.

Of this succession of OCA directors, only Moseman came to the job from the outside. By virtue of his previous jobs, however, he had considerable

²⁴ Quoted in Weiner, “CIA Mission: Strengthen Ties on Capitol Hill.”

background in the Agency's operations as well as an in-depth knowledge of the Congress. He also made a point of staffing OCA with seasoned Agency veterans to enhance the office's credibility, both internally and externally.²⁵

AUTHOR'S COMMENTARY

The Agency's Arrangements for Dealing with the Congress

Over its history, the Agency has used a variety of staff arrangements to support its dealings with the Congress. For the most part, the volume of congressional demands at a given time, the attitude of particular DCIs toward the Hill, and finally the way DCIs want to use their congressional affairs staff (as mere conduits of information or as active promoters of the Agency's interests) have determined the nature of these arrangements. In other words, the size, shape, and responsibilities of the congressional affairs staffs have depended upon the circumstances.

Nonetheless, a few points can be drawn from this experience.

First, the fact that for the first 20 years of the Agency's existence, essentially one person (with limited help) was able to handle relations with Congress is perhaps the most telling evidence of the cursory oversight of this period. Even presuming the individuals who performed these duties were capable of keeping many balls in the air at once, there are but so many hours in a day. One of them even doubled as deputy general counsel for most of his tenure.

Second, the only time in the Agency's history that a DCI brought in someone from the outside—without experience either in the Agency or the Congress—to handle congressional affairs (Casey in 1981), it did not work. Neither institution trusted him.

The optimal solution, according to former Agency Legislative Counsel John Warner, was to have someone in the OCA position who knew both sides:

To the Congress, the legislative man . . . is the Agency and should be able to talk about the Agency to the Congress and vice versa. . . . So that means a guy experienced in the Agency. . . . He can learn the legislature and maybe serve a tour . . . on the [congressional affairs] staff, but don't just jerk up a guy right out of operations and put him in there who has been overseas most of the time. . . . He has no con-

²⁵ Moseman interview, 31 March 2006.

*cept of what's going on. He needs experience in the Agency and. . . some legislative experience behind him.*²⁶

Finally, whatever the staff arrangement, those managing the relationship with Congress will always find themselves “in the middle”—trying to satisfy congressional demands while trying to protect the Agency’s interests. When the system has worked well, it has been due to these people “in the middle,” who understand and find ways to reconcile the interests of both sides. Conversely, when the system has broken down, it has been because the people “in the middle” are seen as overly protective of one side’s interests, usually the Agency’s, to the detriment of the other’s. For the Agency’s original legislative counsel, Walter L. Pforzheimer, being successful at his job was “only just a question of maintaining good, honest relationships.”²⁷

²⁶ Warner interview, 9 October 1987, 35.

²⁷ Pforzheimer interview, 11 January 1988, 8.

