

CIA INTELLIGENCE COLLECTION ABOUT AMERICANS:  
CHAOS AND THE OFFICE OF SECURITY

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# CIA INTELLIGENCE COLLECTION ABOUT AMERICANS: CHAOS AND THE OFFICE OF SECURITY

## I. INTRODUCTION

One of the main controversies raised by recent practices of the Central Intelligence Agency is the question of intelligence collection about Americans. Unlike the FBI, the CIA was intended to focus on foreign intelligence matters. Charges have been made, however, suggesting that the CIA spied on thousands of Americans and maintained files on many more, all in violation of its statutory charter.

Senate Resolution 21, establishing the Select Committee, authorized inquiry into the extent of covert intelligence efforts against Americans and their legality under CIA's charter. It specifically authorized review of the need for new legislation to protect American citizens and to clarify the authority of CIA. This included the tension under present law between the authority of the Director of Central Intelligence to protect sources and methods of intelligence, on the one hand, and the prohibition on CIA exercising police powers and internal security functions, on the other.

This report discusses the results of a staff inquiry into the major CIA programs which involved collection of information about Americans: the CHAOS, MERRIMAC and RESISTANCE programs and the special security investigations undertaken by the Office of Security.

### *A. Chaos*

The most extensive program of alleged "domestic spying" by CIA on Americans was the "CHAOS" program. CHAOS was the centerpiece of a major CIA effort begun in 1967 in response to White House pressure for intelligence about foreign influence upon American dissent. The CHAOS mission was to gather and evaluate all available information about foreign links to racial, antiwar and other protest activity in the United States. CHAOS was terminated in 1974.

The CHAOS office participated in the preparation of some half dozen major reports for higher authorities, all of which concluded that no significant role was being played by foreign elements in the various protest movements. This repeatedly negative finding met with continued skepticism from the White House under two administrations and pressures for further inquiry. In response to this skepticism CHAOS continued to expand its coverage of Americans in order to increase White House confidence in the accuracy of its findings.

A second major element of the CHAOS operation was to pursue specific inquiries from the FBI about the activity of particular Americans traveling abroad.

CHAOS received a great deal of information regarding Americans from CIA stations abroad, as well as from the FBI itself. In addition, CHAOS eventually received such information from its own agents who participated in domestic dissident activity in America in order to develop radical "credentials" as cover for overseas assignment. CHAOS also obtained information about Americans from other domestic CIA components, from the CIA mail opening project and from a National Security Agency international communications intercept program.<sup>1</sup>

In the process, the CHAOS project amassed thousands of files on Americans, indexed hundreds of thousands of Americans into its computer records, and disseminated thousands of reports about Americans to the FBI and other government offices. Some of the information concerned the domestic activity of those Americans.

### *B. Merrimac and Resistance*

The MERRIMAC and RESISTANCE programs were both run by the CIA Office of Security, a support unit of the CIA charged with safeguarding its personnel, facilities and information.

Project MERRIMAC involved the infiltration by CIA agents of Washington-based peace groups and black activist groups. The stated purpose of that program was simply to obtain early warning of demonstrations and other physical threats to the CIA. The collection requirements, however, were broadened to include general information about the leadership, funding and activities and policies of the targeted groups.

Project RESISTANCE was a broad effort to obtain general background information for predicting violence which might create threats to CIA installations, recruiters or contractors and for security evaluation of CIA applicants. From 1967 until 1973, the program compiled information about radical groups around the country, particularly on campuses. Much of the reporting to headquarters by field offices was from open sources such as newspapers. But additional information was obtained from cooperating police departments, campus officials and other local authorities, some of whom, in turn, were using more active collection techniques such as informants.

In addition, both MERRIMAC and RESISTANCE supplied information for the CHAOS program.

### *C. Special Security Investigations*

Finally, there was a group of specific security investigations undertaken either to find the source of newsleaks, or to determine whether government employees were involved in espionage or otherwise constituted security risks. Investigations were made of former CIA employees, employees of other government agencies, newsmen and other private individuals in this country. Physical surveillance, electronic surveillance, mail and tax return inspection, and surreptitious entry have been used on various occasions.

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<sup>1</sup>These last two are the subjects of separate Committee reports.

They were not part of a particularly organized program, and were conducted on a case-by-case basis. But they raise questions about what kinds of security investigations are within the CIA's lawful authority, and also about what kinds of techniques are permissible, even when such investigations are authorized.

#### *D. The Investigation*

The Committee staff investigation of each of these areas has included interviews, depositions, and documentary review of available files.

Each of these areas had been examined intensively by the Rockefeller Commission on CIA Activities within the United States before the Select Committee was given access to the files and to some of the persons involved.<sup>2</sup>

The Committee staff conducted an independent review of these programs. At the same time, an effort was made to avoid duplication of the extensive testimonial record already made by the Commission, and to take additional testimony only when necessary to clarify the record or to explore additional issues which arose. Hence, this report includes citation to both testimony given to the Select Committee and the Rockefeller Commission.

Part Two of this report reviews the evolution and operation of the CHAOS program. Part Three considers the questions which the history of CHAOS raises about future CIA programs. Part Four reviews more briefly the Office of Security programs and considers the questions which they raise.

#### *E. Summary of the Issues*

Before turning to the description of these programs, the remainder of this introduction summarizes the issues which these programs present for congressional decision.

Three themes are fundamental. First, to what extent did any of these activities exceed the lawful authority of the CIA under its charter in the 1947 National Security Act? The answer is not always clear; the statute's legislative history is often obscure at best.

Second, what should be the extent of the CIA's authority in the future? Whatever the limits of present law, now is the time to reassess which intelligence operations impinging upon Americans are appropriate for the CIA, and which best left to others.

Finally, in reviewing the CHAOS program, particularly, the Congress must look beyond judging past legality or reallocating functions among Federal agencies. For the American citizen, the fact that his Government keeps a file on his associations, or monitors his travel and his advocacy of dissent, is far more important than the question of which office in the bureaucracy is doing it. Ultimately the activity discussed in this report bears on the question of what kinds of intelligence operations are proper undertakings for any part of the Government.

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<sup>2</sup> See generally, *Report of the Commission on CIA Activities Within the United States*, June 1975.

### 1. Statutory Authority

The legality of the CIA activity involves, first, the general positive statutory authority on which it can be based, and second, specific prohibitions which might supersede or limit the affirmative authority and responsibilities of the CIA.

(a) *Counterintelligence*.—CIA's charter in the 1947 National Security Act speaks of "intelligence." The legislative history establishes that this means "foreign intelligence" in the case of the CIA. The only explicitly specified duties of the CIA are to "correlate and evaluate intelligence relating to the national security." However, the CIA's role as an intelligence gatherer was understood at the time of enactment; the provision that the National Security Council may assign CIA "other functions and duties" has been accepted as implied authority for clandestine foreign intelligence collection. In addition, the legislative history of the 1947 Act and the 1949 Central Intelligence Act recognize that the CIA would perform training and other functions in the United States in support of its overseas intelligence efforts.<sup>2a</sup>

Like foreign intelligence, the term "counterintelligence" is not dealt with explicitly in the 1947 Act. In the broad sense, however, counterintelligence may be viewed as one facet of "foreign intelligence activities." Counterintelligence is the effort to learn about foreign intelligence activities and to thwart hostile attempts to penetrate our own intelligence activity or to conduct operations against us.

Organizationally, the CIA and other intelligence agencies distinguish positive intelligence collection from counterintelligence. It has long been assumed, however, that CIA's general charter in foreign intelligence, includes authority for counterintelligence activity abroad. Although it was not expressly addressed by Congress during the passage of the 1947 Act, it is hard to imagine, for example, that foreign intelligence collection was implicitly authorized, but that Congress precluded CIA efforts *abroad* to ascertain hostile threats to the security of its own operations or to learn about enemy espionage.

Treating counterintelligence as part of "foreign intelligence" within the meaning of the 1947 Act, the Executive branch has viewed CIA as having statutory authority for the collection, collation and evaluation of counterintelligence. Pursuant to this authority National Security Intelligence Directive 5 designated the Director of Central Intelligence to coordinate all counterintelligence abroad.<sup>3</sup> The Directive defines counterintelligence comprehensively:

b. Counterintelligence is defined as that intelligence activity, with its resultant product, devoted to destroying the effectiveness of inimical foreign intelligence activities and undertaken *to protect the security of the nation and its personnel, information and installations against espionage, sabo-*

<sup>2a</sup> See "The Central Intelligence Agency: Statutory Authority," in the Committee's Final Report on Foreign and Military Intelligence.

<sup>3</sup>The National Security Intelligence Directives, or so-called "NSCIDS" have been promulgated by the National Security Council to provide the basic organization and direction of the intelligence agencies within their statutory framework.

*tage and subversion.* Counterintelligence includes the process of procuring, developing, recording, and disseminating information concerning hostile clandestine activity and of penetrating, manipulating or repressing individuals, groups or organizations conducting such activity. [Emphasis added.]<sup>4</sup>

Under this directive the CIA was given *primary* responsibility for the conduct of counterintelligence operations abroad, and is also tasked with maintaining central counterintelligence files for the entire intelligence community. All agencies are directed to provide the CIA with any information appropriate for such a central file and such material maintained by the CIA is to be "collated and analyzed for appropriate dissemination." NSCID 5 does not purport to give the CIA authority to conduct counterintelligence activities in the United States.<sup>5</sup>

It is this directive regarding CIA's counterintelligence responsibility that the director of CHAOS testified was the authority for the program. He claimed that the mission of determining and reporting on the extent and nature of foreign links to American dissident protest activity was an assignment within the CIA's counterintelligence responsibility.<sup>6</sup>

(b) *Protecting Sources and Methods of Intelligence.*—The MERRIMAC and RESISTANCE programs were premised on a more explicit provision of authority under the 1947 Act. The Act provides that:

The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure.<sup>7</sup>

The responsibility is given to the Director of Central Intelligence, rather than to the Central Intelligence Agency. However, the Office of Security within the Agency has been the administrative arm to implement the Director's duty in this regard.

This authority has been read by the CIA to authorize protection of CIA personnel and facilities against any kind of "security threat" including the possibility of violent demonstrations by the public. That was the stated basis for undertaking the MERRIMAC and RESISTANCE programs.<sup>8</sup> The legislative history of this provision suggests it was included essentially to allay the concern of the military services that the new civilian agency would not itself operate with adequate safeguards to protect the services' intelligence secrets to which the CIA gained access.<sup>9</sup>

The individual special security investigations examined in this report were also justified by a claim of authority derived from the Director's responsibility to protect intelligence "sources and methods."

<sup>4</sup> National Security Intelligence Directive Number 5.

<sup>5</sup> Ibid.

<sup>6</sup> Richard Ober testimony, 10/28/75, pp. 53-54.

<sup>7</sup> 50 U.S.C. 403 (d) (3).

<sup>8</sup> See pp. 84.

<sup>9</sup> Lawrence Houston testimony, Commission on CIA Activities Within the United States, hereinafter cited as the Rockefeller Commission, 3/17/75, p. 1654-55.

## 2. *Statutory Prohibitions*

Juxtaposed to CIA's counterintelligence authority and the Director's charge to protect sources and methods, are specific constraints on the activity in which CIA may engage. The 1947 Act provides in Section 403(d) (3) :

That the Agency shall have no police, subpoena, law enforcement powers or internal security functions.

Neither "internal security functions" nor "law enforcement powers" are defined in the statute. Nor is the scope of "internal security" for purposes of this ban directly discussed within the legislative history. The legislative history, however, does reflect the public concern at the time that the CIA might become a secret police agency, an American "Gestapo," spying on opponents of the government in power.<sup>10</sup> Moreover, "internal security functions" are distinguished in the statutory prohibition from law enforcement and police powers, suggesting that the "functions" limitation covered intelligence investigation and not merely arrest or prosecution.

Thus, one purpose of the section was to prevent this new foreign intelligence organization from investigating American citizens.

## 3. *Questions Raised by CHAOS*

When does CIA collection and use of information about Americans exceed its authority to engage in foreign intelligence work, including counterintelligence? And when does it violate the specific ban on the CIA performing internal security functions?

A review of CHAOS reveals the blurred line between permissible foreign counterintelligence and prohibited internal security. Traditionally, the concept of internal security has not been confined to groups which were considered purely domestic. It has included inquiry into the foreign connections of domestic groups considered to pose an internal security threat.

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<sup>10</sup> General Vandenberg, who was then head of the Central Intelligence Group, the CIA's predecessor, testified as one of the main witnesses for the legislation. In the Senate hearings, he commented on the directive setting up the Group, from which the prohibition was taken :

"One final thought in connection with the President's directive : It includes an express provision that no police, law enforcement, or internal security functions shall be exercised. These provisions are imporant, for they draw the lines very sharply between the CIG and the FBI. In addition, the prohibition against police powers or internal security functions will assure that the Central Intelligence Group can never become a Gestapo or security police." (Hoyt Vandenberg testimony, Armed Services Committee, Hearings on S. 758, Pt. 3, 1947, p. 497.)

Another witness for the bill, Dr. Vannevar Bush, was asked during the House hearings to comment on the concern the new agency might become a "Gestapo." Dr. Bush testified :

"I think there is no danger of that. The bill provides clearly that it is concerned with intelligence outside of this country, that it is not concerned with intelligence on internal affairs. . . ."

"We already have, of course, the FBI in this country, concerned with internal matters, and the collection of intelligence in connection with law enforcement internally."

(Vannevar Bush testimony, House Committee on Expenditures in the Executive Departments, Hearings on H.R. 2319, 1947, p. 559.)



Indeed, the preeminent "internal security" concern of the late 1940s was Communist subversion of the Government aided or directed from abroad.<sup>11</sup>

Therefore, if the CIA's counterintelligence authority is broadly construed to include examining ties between domestic groups and foreign elements, there is a question whether such authority is consistent with the specific prohibition on internal security functions.

The CHAOS program presents these questions with respect to both the overall mission undertaken by the CIA, and the specific tasks which the CIA performed:

—CIA received and maintained considerable information about the domestic activities and relationships of American individuals and organizations. Much of that material was collected in the first instance by the FBI, police or other confidential sources, who turned it over to the CIA. The Agency maintained it in files on those persons and groups and made use of it the CHAOS operation.

—The CIA prepared several analyses of student dissent in America and other reports which included material of domestic protest activities.

—Undercover agents of the CHAOS program, while in the United States in preparation for overseas assignment or between assignments, provided substantial information about domestic activities of dissident groups, as well as information providing leads about possible foreign ties.

—In a few instances the CIA agents appear to have been encouraged to participate in specific protest activity or to obtain particular domestic information.

Even if the basic mission of CHAOS was appropriate for the CIA, the question remains whether the way in which the CIA implemented that mission should be permitted.

Another aspect of this issue is the degree to which the CIA assisted the internal security operations of the FBI. Much of the CHAOS arrangements for coverage of Americans abroad was in response to specific FBI requests. The CIA also gave the FBI considerable information about the activities of Americans here, not limited to evidence of crimes, which had been developed in the course of the CHAOS operation.

Thus, a separate question is the point at which CIA assistance to the FBI's internal security investigations may constitute participation in a forbidden function.

Finally CHAOS raises a fundamental question about the kind of intelligence investigations, by *any* Government agency, which are acceptable to a free society. Should investigating foreign control of domestic dissent be done through screening Americans to see if their international travel or contacts reflect hostile foreign direction? Or

<sup>11</sup> The concern about wholly "domestic" internal security threats from groups deemed completely independent of any foreign influence is a fairly recent development.

should the Government be able to investigate the "foreign connections" of Americans only when substantial indication of illegal conspiracy is acquired in the course of counterintelligence work against the hostile foreign elements themselves?

#### *4. Questions Raised by the Office of Security Programs*

The questions raised by the Office of Security activities are the scope and limits of the Director's authority to protect intelligence sources and methods.

Does that authority include a general mission to protect the physical security of the CIA against violent domestic disorder?

What are the Director's responsibilities and legal authority to safeguard intelligence activities through investigations of personnel from other government agencies, or private citizens? What is his proper role with respect to CIA employees? And what techniques may he employ to detect and counter those threats which are within that authority?

In addition, the "sources and methods" authority under the 1947 Act must be considered in conjunction with the restraints expressly imposed on the CIA. Is the Director's power to protect sources and methods limited by the denial to the CIA of law enforcement and police powers and internal security functions?

The MERRIMAC and RESISTANCE programs also raise the question of the relationship between the Director's authority to protect sources and the prohibition on internal security functions. Neither were limited to gathering information of imminent demonstrations which threatened the CIA. Both programs involved collection of intelligence on dissident activity generally and both suggest that the "protection of sources and methods," read broadly, can become a mandate to scour the society for possible threats to the CIA, thereby rendering meaningless the ban on performing internal security functions.

## PART II: HISTORY AND OPERATION OF CHAOS

### *A. Background*

Operation CHAOS was not an intelligence mission sought by the CIA. Presidents Johnson and Nixon pressed the Director of CIA, Richard Helms, to determine the extent of hostile foreign influence on domestic unrest among students, opponents of the Vietnam war, minorities and the "New Left." By all the testimony and available evidence, it was this pressure which led to the creation and expansion of a special office in the CIA to coordinate the efforts to respond.

The decisions to initiate the CHAOS program and, subsequently, to expand the effort, were made in the context of increasing domestic unrest in the United States.

The nonviolent policy of civil rights efforts in the first half of the Sixties was being challenged by militant "Black Power" advocates urging confrontation with the white majority. On July 29, 1967, following serious disturbances in the Nation's cities, which comprised the worst period of racial riots in American history, President Johnson had established the National Commission on Civil Disorders (the "Kerner Commission") to investigate their origins.<sup>12</sup>

<sup>12</sup> Executive Order No. 11365, 7/29/67.

Organized demonstrations and international conferences protesting America's role in the Vietnamese war also became an increasing concern to the Government.

In April 1967, there were large antiwar demonstrations in San Francisco and New York. In May the International War Crimes Trials, sponsored by Bertrand Russell in regard to U.S. activity in Vietnam, began in Stockholm. In July 1967, there was a major international conference of peace groups in Stockholm. In September, a wide range of American activists in domestic peace groups, student and black organizations met with groups from other countries who were opposed to American involvement in Vietnam, including North Vietnam, in Bratislava, Czechoslovakia. Finally, on October 21, 1967, there were large scale protest activities in Washington, including a march on the Pentagon, and worldwide demonstrations of support for opposition to continued American involvement in Vietnam.

Government concern about domestic unrest continued throughout 1968, with riots following the death of Martin Luther King in April, continuing student violence at campuses from coast to coast, stepped-up antiwar protest activity, and violence at the National Democratic Party Convention in Chicago.

During the remaining five years for which the CHAOS program lasted, 1969-1974, racial disorders diminished but the intensity of antiwar demonstration and student violence increased and then subsided after 1972.

### *B. Authorization of CHAOS*

Against this backdrop of unrest, the CIA's systematic investigation of possible foreign involvement began with two assignments made by Director Richard Helms in the late summer and fall of 1967.

In August, Helms established a program to coordinate and improve the CIA's coverage abroad of American dissidents. Helms does not claim a specific presidential request for a new CIA program in this area. Rather, Helms testified that he was acting in general response to President Johnson's insistent interest in the extent of foreign influence on domestic dissidents. Helms testified that:

President Johnson was after this all the time. I don't recall any specific instructions in writing from his staff, particularly, but this was something that came up almost daily and weekly.<sup>13</sup>

Helms summarized his response to the presidential overtures:

But what I am attempting to say is that when a President keeps asking if there is any information, "how are you getting along with your examination," "have you picked up any more information on these subjects," it isn't a direct order to do something, but it seems to me it behooves the Director of Central Intelligence to find some way to improve his performance, or improve his Agency's performance. And the setting up of this unit was what I conceived to be a proper action in an effort to see if we couldn't improve the Agency's performance in this general field.<sup>14</sup>

<sup>13</sup> Richard Helms testimony, Rockefeller Commission, 1/13/75, p. 163.

<sup>14</sup> Helms, Rockefeller Commission, 4/28/75, pp. 2434-5.

The Deputy Director of Plans, Thomas Karamessines also testified to his understanding of the White House pressures precipitating CHAOS.<sup>15</sup>

As a result, Helms sought to have the CIA try to pull together all the pertinent information already being received and to use the resources available for better intelligence coverage.

Within CIA, there is no written directive from Helms to Karamessines, his deputy for the Plans Directorate, to establish the CHAOS program.<sup>16</sup> The first recorded authorization is an August 15, 1967, memorandum from Karamessines to James Angelton, Chief of the Counterintelligence Staff.

Karamessines' memorandum refers to discussions earlier that day among himself, Angelton and Helms and asks Angelton to designate a staff officer to run the program. The memorandum contemplated the conduct of operations to collect intelligence. It also acknowledged the program's "domestic counterintelligence aspects," and the need for dissemination of the information obtained to domestic agencies. The memorandum requested:

b. The exclusive briefing of specific division chiefs and certain selected officers in each division, on the aims and objectives of this intelligence collection program with definite domestic counterintelligence aspects.

c. The establishment of some sort of system by Dick Ober (or whatever officer you select) for the orderly coordination of the operations to be conducted, with the responsibility for the actual conduct of the operations vested in the specific area divisions.

d. The identification of a limited dissemination procedure which will afford these activities high operational security while at the same time getting the information to the appropriate departments and agencies which have *the* responsibility domestically.<sup>17</sup>

Angleton chose Richard Ober to head what became the Special Operations Group within the Counterintelligence Staff. Ober had already been involved in a more limited inquiry into possible foreign links to American dissidents.

In the beginning of 1967, Ramparts magazine had published an expose of various CIA activities and relationships with private institutions in America. Ober had been investigating the possibility of ties between foreign intelligence services and persons associated with the magazine, or their friends. He had begun to build a computerized file on dissident activists in America with some connection to the Ramparts organization. By the time he was given the more general CHAOS assignment in August 1967, Ober estimates he had indexed several hundred Americans and had created perhaps fifty actual files. However, there was no indication that the Ramparts inquiry was expected to lead to a larger investigation of American protest.<sup>18</sup>

<sup>15</sup> Thomas Karamessines testimony, Rockefeller Commission, 2/24/75, p. 1001-2.

<sup>16</sup> The program did not become known as "CHAOS" until a year after its inception *infra*, pp. 27-28, but, for continuity, it is so referred to throughout this report.

<sup>17</sup> Memorandum from Thomas Karamessines to James Angelton, 8/15/67, p. 1.

<sup>18</sup> Richard Ober testimony, 10/28/75, pp. 4-5; Ober, Rockefeller Commission, 3/28/75, pp. 5-7.

Ober first sought to pull together the Agency's holdings and information readily available here and abroad which would be pertinent to his assigned inquiry.

The scope of that inquiry had not been defined in Karamessines' August 15 memorandum, which was simply entitled: "Overseas Coverage of Subversive Student and Related Matters." The first direct statement of the target was included in an August 31 cable to the field describing the collection requirement:

In light of recent and current events which of major interest and deep concern to highest levels here, Headquarters has established program for keeping tabs on radical students and U.S. Negro expatriates as well as travelers passing through certain select areas abroad. Objective is to find out extent to which Soviets, Chicoms and Cubans are exploiting our domestic problems in terms of espionage and subversion. High sensitivity is obvious.<sup>19</sup>

The cable also advised that a special reporting channel had been established with a cryptonym limiting distribution at Headquarters of any traffic. The recipient chiefs of station were told to control knowledge of the program and the information collected and to destroy the cable itself after reading. Cable distribution was to be limited at Headquarters to the Division Chiefs controlling the station or base involved, Angelton and Karamessines or his deputy.<sup>20</sup>

### *C. The November 1967 Peace Movement Study*

CIA's inquiry into foreign ties of American dissidents intensified at the end of October 1967. This time, responding to a specific White House request, Helms directed CIA to produce a study on the "International Connections of the U.S. Peace Movement."<sup>21</sup> Presumably, this request was precipitated by the October 21 demonstrations and arrests at the Pentagon and the worldwide antiwar demonstrations on the same day.

Ober testified that the scope of his own operation soon came to include antiwar activists, as well as student radicals and black nationalists. But it was his participation in the October CIA study for the President which firmly set Vietnam protest as a major target of the CHAOS office's efforts.<sup>22</sup>

The study was written by the Intelligence Directorate of the Agency.<sup>23</sup> Ober coordinated the Plans Directorate contribution and the receipt of material from the FBI and other Federal agencies.<sup>24</sup>

<sup>19</sup> CIA Headquarters cable to several field stations, August 1967, p. 1.

<sup>20</sup> Memorandum from Deputy Chief Counterintelligence Staff to Cable Secretary, 8/17/75.

<sup>21</sup> There is no written record of this request, but Helms' transmittal note to President Johnson states, "here is the Study of the U.S. Peace Movement you requested." (Cover Memorandum from Richard Helms to President Johnson, 11/15/67.)

<sup>22</sup> Ober, 10/28/75, pp. 10-17.

<sup>23</sup> The Intelligence Directorate is the component with the primary analytical and evaluation responsibilities in the CIA.

<sup>24</sup> Richard Ober, Memorandum for the Record: "International Connections of the U.S. Peace Movement." 10/31/67, p. 1.

Both the "peace movement" and "foreign connections" were broadly defined. According to Ober's memorandum of his meeting with the Directorate of Intelligence officers in charge of the study, American organizations "affiliated with the overall Peace Movement" as well as peace organizations themselves, were to be included. "Foreign connections" were defined to include associations with the American Communist Party.<sup>25</sup>

With the approval of Angleton, Karamessines and Helms, Ober sent a second reporting requirement to the stations, this time asking for information on foreign connections to the peace movement. The information was to be handled in another restricted channel separate from the one provided for responses to the August inquiry on radical students and black activists. The November 1967, cable to multiple addresses told the stations:

Headquarters is participating in high level interdepartmental survey of international connections of anti-Vietnam war-movement in U.S. For purposes this study, we are attempting to establish nature and extent of illegal and subversive connections that may exist between US organizations or activists involved and communist, communist front or other anti-American and foreign elements abroad. *Such connections might range from casual contacts based merely on mutual interest to closely controlled channels for party directives.* [Emphasis added.]<sup>26</sup>

Since Director Helms had asked for the report within two weeks, the stations were asked only to furnish information on hand or readily available.<sup>27</sup>

The conclusions of the review were essentially negative. The study noted that the diversity and loose structure of the peace movement in America permitted the more active leaders to coordinate some of the activities on an international scale and it cited the simultaneous demonstrations on October 21, both here and abroad. But the CIA found little evidence of actual foreign direction or control, or evidence that any international dialogue went beyond consultation and coordination.<sup>28</sup>

However, these conclusions were explicitly tentative. Director Helms' letter of transmittal to the President states reservations about the adequacy of the intelligence community's coverage of the target:

From this intimate review of the bulk of the material on hand in Washington, we conclude that there are significant holes in the story. We lack information on certain aspects of the movement which could only be met by levying requirements on the FBI.

<sup>25</sup> Richard Ober, Memorandum for the Record, "International Connections of the U.S. Peace Movement", 11/1/67, p. 1.

<sup>26</sup> CIA book cable from Acting Deputy Director for Plans to various field stations, November 1967, pp. 1-2.

<sup>27</sup> CIA book cable from Acting Deputy Director for Plans to various field stations, November 1967, p. 2.

<sup>28</sup> "International Connections of the U.S. Peace Movement," CIA study prepared by the Office of Current Intelligence, 11/15/67, Summary, pp. 2-3.

First we found little or no information on the financing of the principal peace movement groups. Specifically, we were unable to uncover any sources of funds for the costly travel schedules of prominent peace movement coordinators, many of whom are on the wing almost constantly.

Second we could find no evidence of any contact between the most prominent peace movement leaders and foreign embassies, either in the U.S. or abroad. Of course, there may not be any such contact, but on the other hand, we are woefully short of information on the day-to-day activities and itineraries of these men.

Finally, there is little information available about radical peace movement groups on U.S. college campuses. These groups are, of course, highly mobile and sometimes even difficult to identify, but their more prominent leaders are certainly visible and active enough for monitoring.<sup>29</sup>

#### *D. Operation of the CHAOS Program and Related CIA Projects*

The assignment of responsibility to Ober in August 1967 and the CIA's study of the peace movement in November, set the initial pattern of the Agency's inquiry into foreign powers and American dissidents.

Ober's office served as the focal point and clearinghouse for Agency efforts on this question, and along with the analysts in the Intelligence Directorate, provided the expertise for Director Helms to respond to the White House interest.

As it developed, the CHAOS mission included three related tasks:

- (1) to coordinate and expand CIA's own collection of relevant information and to obtain pertinent material from other government agencies;
- (2) to process, control and retain the information as it became available;
- (3) to provide the results for dissemination by CIA to the White House, other high level offices and interested agencies.

At the same time, CHAOS performed a second role. It serviced the FBI's own requirements for information about foreign contacts and travel of Americans. Ober regarded responding to the Bureau's requests for coverage of Americans abroad as an accepted part of his responsibilities.<sup>30</sup>

#### *1. Gathering Information*

The two main sources of information received by CHAOS were the CIA's stations abroad, and the FBI at home.

For example, the CIA received all of the FBI's reports on the American peace movement.<sup>31</sup>

The material received from the FBI included information about foreign travel, contacts, and communications of Americans. Much of

<sup>29</sup> Memorandum from Richard Helms to President Johnson, 11/15/67, p. 1.

<sup>30</sup> Ober, 10/28/75, pp. 9, 22.

<sup>31</sup> Richard Ober memorandum for the record, "Daily Progress Report," 11/1/67, p. 1.

it was simply information about individual activists or groups and their domestic activities. In many instances, FBI reports would contain both kinds of information.<sup>32</sup>

By June 1970, these FBI reports were pouring into CHAOS at the rate of over 1,000 a month.<sup>33</sup>

The background information on individuals provided by the FBI served as a "data base" of names, and intelligence about the associations between different dissident elements. This background information could be used to develop leads, and to understand the significance of reports directly relating to foreign contacts.<sup>34</sup>

The other basic source of information was the reporting from the CIA's overseas stations. Using the special reporting channel, the stations supplied reports from their own assets and also supplied whatever CHAOS information was obtained from the liaison with local intelligence services.

On June 25, 1968, a message was sent to various European stations advising that recent high level discussions had underscored the need for increasing the coverage of American black, student and antiwar dissidents abroad. The stations were asked to engage friendly foreign intelligence services more fully in that effort. Headquarters said that foreign intelligence services covering their own dissidents might be able to provide more information on the foreign contacts of American citizens.<sup>35</sup>

This cable was followed shortly by another multi-station message which repeated the general reporting requirement as follows:

As many of you know, Headquarters is engaged in a sensitive high priority program concerning foreign contacts with US individuals and organizations of the "Radical Left." Included in this category are radical students, antiwar activists, draft resisters and deserters, black nationalists, anarchists and assorted "New Leftists." The objective is to discover the extent to which Soviets, ChiComs, Cubans and other Communist countries are exploiting our domestic problems in terms of subversion and espionage. Of particular interest is any evidence of foreign direction, control, training or funding.<sup>36</sup>

The cable also directed even tighter control over the reporting procedures. The two previously separate channels for reporting information on antiwar and on black or student activists were combined into the single restricted handling cryptonym "CHAOS."<sup>37</sup>

Information supplied CHAOS by the stations was of two types. First there was the general outstanding requirement for any intelli-

<sup>32</sup> Committee staff review of CHAOS individual and organization files.

<sup>33</sup> Memorandum from Richard Ober to James Angelton re CHAOS, 6/9/70, p. 9.

<sup>34</sup> James Eatinger testimony, 10/14/75, pp. 10, 12-13. "James Eatinger," (Ober's deputy at CHAOS) testified under alias.

<sup>35</sup> CIA cable from Thomas Karamessines to various European stations, June 1968, p. 1.

<sup>36</sup> CIA cable from Thomas Karamessines to various field stations, July 1968, p. 1.

<sup>37</sup> CIA cable from Thomas Karamesieres to various field stations, July 1968, pp. 1-3.



gence pertinent to the CHAOS mission as defined in the basic cable instructions. Second, the stations were asked to respond to specific inquiries. Such requests from Ober might relate to an upcoming international conference or the activities of particular foreign person suspected of being involved in efforts to influence American unrest. Frequently these special inquiries were triggered by travel of particular Americans to the area and a CHAOS request for coverage of their activities and contacts.<sup>38</sup>

## *2. Processing, Storage and Control of CHAOS Information*

As the material flowed into CHAOS from stations, domestic CIA components, and the FBI, it was analyzed, indexed and filed. Every name of individuals and organizations was extracted and referenced in the central CHAOS computer system known as "HYDRA." This system served as the reference index to all of the office's holdings.<sup>39</sup>

If a report on one individual referred to others, their names would be indexed also. Any information which was received about an individual for whom CHAOS maintained a file, went into his file.<sup>40</sup> There was no winnowing of the material before its entry into the permanent record system of CHAOS.<sup>41</sup>

Once the information was indexed and filed, the HYDRA computer system permitted its prompt retrieval. By checking a name in HYDRA, one could find all the cables, memoranda or other documents referring to that individual, whether he was the subject of the material or merely mentioned in passing.<sup>42</sup> It should be emphasized, however, that CHAOS did not maintain a separate file on every American whose name was indexed in the computer. In many instances the computer would refer a searcher to the file of another person, or some other CHAOS holdings in which the subject individual was mentioned, but there was not enough material to open a file. Thus, there were an estimated 300,000 Americans indexed in HYDRA, but only an estimated 7,500 Americans for whom actual files were maintained.<sup>43</sup>

The tight control maintained over communication of CHAOS information from the CIA's stations was continued at Headquarters. The special reporting channel and restricted handling assured that the cable traffic would be seen only by a few high-level officials in

<sup>38</sup> Staff review of CHAOS files.

<sup>39</sup> Testimony of Chief, International Terrorism Group, CIA, Rockefeller Commission, 3/10/75, pp. 1484-1489.

<sup>40</sup> Chief, International Terrorism Group, CIA, Rockefeller Commission, 3/10/75, pp. 1488-1489.

<sup>41</sup> EATINGER testimony, 10/14/75, pp. 11-12.

<sup>42</sup> Chief, International Terrorism Group, CIA, Rockefeller Commission, 3/10/75, pp. 1485-1489.

<sup>43</sup> Chief, International Terrorism Group, CIA, Rockefeller Commission, 3/10/75, pp. 1488-90.

In addition to the distinction between files and names indexed, the varying figures as to the number of CHAOS files reflect other ambiguities. For example, the "file" on many individuals and groups ran several volumes, sometimes ten or more for the active leaders and organizations. Thus the Rockefeller Commission cites 1,000 "files" on private organizations, while the CIA notes that these multiple files actually were maintained on only 107 groups. (Letter from Director William Colby to Vice President Rockefeller with attachment of CIA comments on the Rockefeller Commission Report, 6/25/75, attachment, p. 8.)

the area divisions of the Plans Directorate, Karamessines, Angleton and their deputies or designees.<sup>44</sup>

Tight security was maintained over the information deemed most sensitive, even within the CHAOS office itself. The information in the HYDRA computer system was compartmented into several layers of increasing sensitivity and correspondingly more restricted access. Only CHAOS officers cleared for access to the more restricted streams of information could retrieve the items on an individual which involved sensitive sources and methods or other tightly held intelligence.<sup>45</sup>

### 3. Reporting by CIA

CIA disseminated the information gathered on foreign ties of American dissidents in three forms: major studies prepared for the President; special reports for the White House and other senior officials on individual items of information; and routine reporting to the FBI.

(a) *Studies*.—On November 20, 1967, at the request of Director Helms, the CIA began an investigation of "Demonstration Techniques" both here and abroad.<sup>46</sup>

On December 21, 1967, Helms sent President Johnson a followup review of the November Study on the United States Peace Movement.<sup>47</sup>

On January 5, 1968, Helms sent to the White House an interim study of "Student Dissent and Its Techniques in the U.S.," "which is part of our continuing examination of this general matter. It is an effort to identify the locus of student dissent and how widespread it is."<sup>48</sup> The forty-page paper dealt exclusively with American student activists and the bulk of it contained much the same kind of material on the Students for a Democratic Society (SDS) that formed the chapter of "Restless Youth," CIA produced a year later.

"Student Dissent" briefly noted that Communist front groups did not control the student organizations, and that American student groups had not forged significant links with foreign radicals.<sup>49</sup> The report concentrated on domestic matters and analyzed the makeup, strength, motivation, strategy and views of the American students. It concluded, for example, that

Except on the issue of selective service, the student community appears generally to support the Administration more strongly than the population as a whole.<sup>50</sup>

<sup>44</sup> Richard Ober, Memorandum for the Record, re CHAOS Traffic Distribution, 5/29/69.

<sup>45</sup> Chief, International Terrorism Group, CIA, Rockefeller Commission, 3/10/75, pp. 1505-1506.

<sup>46</sup> Richard Ober Memorandum for the Record: "Demonstration Techniques," 11/20/67.

<sup>47</sup> "The Peace Movement: A Review of Developments Since 15 November," 12/21/67.

<sup>48</sup> Letter from Richard Helms to President Johnson, 1/5/68, with attached study "Student Dissent and Its Techniques in the U.S."

<sup>49</sup> Student Dissent and Its Techniques in the U.S., 1/5/68, Summary p. ii.

<sup>50</sup> Student Dissent and Its Techniques in the U.S., 1/5/68, Summary, p. i.

The last analytical study prepared for President Johnson, "Restless Youth," was finished in the fall of 1968. "Restless Youth" is a detailed sociological and political analysis of student unrest throughout the world.<sup>51</sup> It found common sources of alienation and hostility to established institutions in many countries, but concluded that, in each nation, student dissent was essentially homegrown and not stimulated by an international conspiracy.<sup>52</sup>

The version sent to the White House included a section on the SDS in the United States. Helms cover memorandum to the President stated:

Some time ago you requested that I make occasional round-up reports on youth and student movements worldwide. Responding to this request and guided by comments and suggestions from Walt Rostow, we have prepared the attached study. You will, of course, be aware of the peculiar sensitivity which attached to the fact that CIA has prepared a report on student activities both here and abroad.<sup>53</sup>

Helms did not testify that the White House had requested the section on domestic student protest. Rather, he said that since the White House had wanted a study of possible international orchestration of protest activity, it did not seem sensible to leave out the American scene, so it was included.<sup>54</sup>

The section on the United States was drawn largely from public sources. An updated, unabridged version was sent to Henry Kissinger for President Nixon in February of the following year. Helms stated his concern more explicitly in the transmittal letter for that version:

Herewith is a survey of student dissidence worldwide as requested by the President. In an effort to round out our discussion of this subject, we have included a section on American students. This is an area not within the charter of this Agency, so I need not emphasize how extremely sensitive this makes the paper. Should anyone learn of its existence, it would prove most embarrassing for all concerned.<sup>55</sup>

This first series of studies for the White House were all prepared by the CIA's Intelligence Directorate, with continuing assistance from CHAOS in providing material from overseas stations, other CIA components, and the FBI.<sup>56</sup> The CHAOS office, itself, only began to produce the studies itself following further White House requests in the summer of 1969, discussed below. Copies of the material collected for the 1967 and 1968 studies on the Peace movement and on student dissent, however, were also indexed and retained by the CHAOS operation for its own files.

<sup>51</sup> "Restless Youth," 9/4/68.

<sup>52</sup> "Restless Youth," conclusions, p. 1, 9/4/68.

<sup>53</sup> Memorandum from Richard Helms to President Johnson, 9/4/68.

<sup>54</sup> Helms, Rockefeller Commission, 4/28/75, p. 244.

<sup>55</sup> Letter from Richard Helms to Henry Kissinger, 2/18/69.

<sup>56</sup> In other words, the procedures used in the first Peace Movement study were continued in this period. See p. 169, *supra*.

(b) *Special Reports.*—In addition to the formal studies CIA prepared for the President, Ober prepared occasional reports, so-called “M,” memoranda, of particularly sensitive or timely intelligence items for high level distribution to the White House, the Attorney General, Secretary of State, and similar officials. During the entire history of CHAOS there were 34 such M memoranda.

The content of M memoranda varied. They included, for example, information that a foreign government was making a grant to a dissident protest group in America, information regarding a reported kidnapping and murder plot against high government officials; and information about speeches made by radical leaders while abroad. Essentially these were one-shot reports about some contact or cooperation between foreign elements and American radicals, rather than an analysis of such links.<sup>57</sup>

One or two of the earliest memoranda did deal with plans for domestic protests.

In connection with the anticipated demonstrations in Washington at the end of October 1967, Helms had requested all available information to be furnished the administration:

In any event, I want to be sure that any information you gentlemen acquire through whatever channels, is promptly passed to appropriate Federal authorities, including the White House, the Secret Service, the FBI, and anyone else who counts. I am under the impression that this “do” may turn out to be a humdinger, and I want to insure that we have clean hands in passing along any information that *we turn up in the normal course of business.* [Emphasis added.]<sup>58</sup>

On October 10, the CIA distributed a memorandum to the White House, recounting “unevaluated information” about alleged plans for racial disturbances at the time of the October 21 demonstrations and the alleged involvement of a particular black leader.<sup>59</sup>

Richard Ober, at the request of Director Helms, also provided the Kerner Commission with a series of 26 reports. The Executive Order establishing the Commission had directed all agencies, to the extent permitted by law, to provide information and otherwise assist its efforts.<sup>60</sup> The material supplied by the CIA primarily consisted of reports on overseas travel and statements by American black leaders and allegations of foreign efforts to exacerbate racial unrest in America. However, they included some of the early memoranda on reported plans for domestic disorders, which appear to be from domestic sources and to have little relevance to the question of foreign links.<sup>61</sup>

(c) *Dissemination to the FBI.*—By far the main tangible product of CHAOS was extensive dissemination of raw reports to the FBI. Information deemed of interest to the Bureau was put in memorandum form and sent through special channels directly from the

<sup>57</sup> Staff review of M memoranda.

<sup>58</sup> Memorandum from Richard Helms to Deputy Directors for Plans and Intelligence, and Director of Security, 9/28/67.

<sup>59</sup> M Memorandum No. 10, 10/9/67.

<sup>60</sup> Exec. Order No. 11365, 7/29/67, p. 2.

<sup>61</sup> Committee Staff review of memoranda provided to the Kerner Commission.

CHAOS office to the FBI. In many instances it was information about Americans which CHAOS had sought in response to a specific FBI request. Most typically, the Bureau would notify Ober that it wished coverage of Americans whose overseas travel it had learned about in advance.<sup>62</sup>

In addition, CHAOS obtained information pursuant to its general collection requirements from stations abroad, and wholly domestic information about dissident activities obtained in the course of its operations. This, too, was disseminated to the FBI, if it was deemed pertinent to the Bureau's concerns about such Americans. Ober testified that he regarded any names in reports sent to CHAOS by the FBI as a standing requirement from the FBI for information which CHAOS obtained about those persons.<sup>63</sup>

#### *E. 1969 Expansion of Chaos*

The CHAOS operation was expanded and given renewed impetus in 1969, when the new Nixon administration expressed the same concern about foreign influence on domestic unrest as had its predecessors.

##### *1. The Review of CHAOS for the President*

On June 20, 1969, Tom Huston, Staff Assistant to the President, asked the CIA for a review of its progress:

The President has directed that a report on foreign Communist support of revolutionary protest movements in this country be prepared for his study. . . . "Support" should be liberally construed to include all activities by foreign Communists designed to encourage or assist revolutionary protest movements in the United States.

On the basis of earlier reports submitted to the President on a more limited aspect of this problem, it appears that our present intelligence collection capabilities in this area may be inadequate.<sup>64</sup>

Huston asked for both a substantive review and a survey of the effectiveness of resources the CIA was employing, and what gaps might exist "because of either inadequate resources or a low priority of attention."<sup>65</sup> This study was the first one actually produced by the CHAOS office.

The review was completed within 10 days. Deputy Director Cushman summarized the results in his letter of transmittal:

2. The information collected by this Agency provides evidence of only a very limited amount of foreign Communist assistance to revolutionary protest movements in the United States. There is very little reporting on Communist assistance in the form of funding or training and no evidence of Communist direction or control of any United States revolutionary protest movement. The bulk of our information illustrates

<sup>62</sup> Ober, 10/30/75, p. 88.

<sup>63</sup> Ober, 10/28/75, p. 45.

<sup>64</sup> Memorandum from Tom Huston to the Deputy Director of CIA, 6/20/69, p. 1.

<sup>65</sup> Memorandum from Tom Huston to the Deputy Director of the CIA, 6/20/69, p. 1.

Communist encouragement of these movements through propaganda methods.

3. Since the summer of 1967, this Agency has been attempting to determine through its sources abroad, whether or not there is any significant Communist direction or assistance to revolutionary groups in the United States. We have been collaborating closely in this effort with the Federal Bureau of Investigation and disseminating information to it. Existing Agency collection resources are being employed wherever feasible and new sources are being sought through independent means as well as with the assistance of foreign intelligence services and the Federal Bureau of Investigation. Of course, the Katzenbach guidelines have inhibited our access to certain persons who might have information on efforts by Communist intelligence services to exploit revolutionary groups in the United States.<sup>66</sup>

Two additional studies were prepared by CHAOS, which were essentially revisions of this 1969 review. In 1970, as part of the CIA contribution to the work of the Interdepartmental Committee on Intelligence which led to the so-called "Huston Plan," CHAOS prepared an update of the 1969 study.<sup>67</sup> A similar revised version was prepared in 1971.

The 1971 report, "Definition and Assessment of Existing Internal Security Threat—Foreign," concluded that hostile foreign governments were committed to exploiting United States unrest as much as possible. But, apart from a few isolated instances, the study concluded that the main "assistance" was still in the form of exhortation and encouragement through international conferences and statements of support by foreign figures. The summary of foreign Communist influence on the New Left and radical student groups stated:

There is no evidence, based on available information and sources, that foreign governments, organizations, or intelligence services now control U.S. New Left movements and/or are capable at the present time of directing these movements for the purpose of instigating open insurrection or disorders; for initiating and supporting terrorist or sabotage activities; or for fomenting unrest and subversion in the United States Armed Forces, among government employees, or in labor unions, colleges and universities, and mass media.

In summary, foreign funding, training, propaganda, and other support does not now play a major role in the U.S. New Left. International fronts and conferences help to promote New Left causes, but at present the U.S. New Left is basically self-sufficient and moves under its own impetus.<sup>68</sup>

<sup>66</sup> Memorandum from Gen. Robert Cushman to Tom Charles Huston, 6/30/69, transmitting "Special Report on Foreign Communist Support to Revolutionary Protest Movements in the U.S.," p. 1.

<sup>67</sup> See Huston Plan Report.

<sup>68</sup> Report, "Definition and Assessment of Existing Internal Security Threat—Foreign," 1/5/71, pp. 1-3. Thereafter, Richard Ober also used the CHAOS office to prepare the CIA contributions on foreign aspects of domestic unrest for the Intelligence Evaluation Committee established in the wake of the aborted Huston Plan. See Huston Plan Report.

The conclusions with regard to black activists were the same.

Following the Huston memorandum of June 1969, questioning the adequacy of the CIA's efforts, the CHAOS program was expanded to develop better sources of information, and an improved capability to process it.

In September, Helms issued a memorandum regarding CHAOS to the heads of the Directorates. Helms told the Deputy Directors that he had:

recently reviewed the Agency's efforts to monitor those international activities of radicals and black militants which may affect the national security. I believe that we have the proper approach in discharging this sensitive responsibility, while strictly observing the statutory and de facto proscriptions on Agency domestic involvements.<sup>69</sup>

The memo acknowledged overlapping interests of several CIA components in this area but made clear that Ober had the principal operational responsibility for coordinating collection efforts. Helms specifically requested that Ober be provided with trained analysts to process a large backlog of undigested data and skilled operations officers.<sup>70</sup>

In the fall of 1969, CHAOS began to develop two additional programs to increase its sources of information. The first was a domestic collection program undertaken by the Domestic Contact Service.<sup>71</sup> In the second, CHAOS developed its own agents, who were trained in the United States and then sent on reporting missions abroad.

### *2. Domestic Contract Service*

In early 1969, Domestic Contact Service (DCS) was receiving an increasing volume of field reports on Black militant activity. Some of the material related to possible foreign association and had been routinely sent in by the field offices. On March 10, 1969, in order to channel and control this material, DCS opened a new case on "Activities of Black Militants" here and abroad.<sup>72</sup>

Because of references to foreign contacts, DCS sent some of the reports to the Counterintelligence Staff and they were routed to Ober, who sought additional material.<sup>73</sup>

In October 1969, Ober formally briefed DCS officials. A subsequent memorandum to DCS field offices, jointly drafted by DCS and CHAOS representatives, expanded projects to the same five subject categories used by CHAOS: black militants; radical youth groups;

<sup>69</sup> Memorandum from Richard Helms to the Deputy Directors for Support, Plans, Intelligence and Science and Technology, September 1969, p. 1.

<sup>70</sup> *Id.*, p. 2.

<sup>71</sup> At that time in the Intelligence Directorate, the unit has since been renamed Domestic Contact Division and returned to the Operations Directorate. Its main mission is the collection of foreign intelligence information in the United States from witting Americans. In connection with that role and other tasks which support CIA's foreign operations many DCS field offices have developed a network of confidential sources and contacts with local authorities. They are also openly listed in the phone book and would receive any walk-ins or phone calls from citizens to the CIA.

<sup>72</sup> Deposition of Deputy Chief, Operational Support Branch, DCS, Rockefeller Commission, 4/11/75, pp. 32-36.

<sup>73</sup> *Ibid.*

radical underground press; antiwar groups; and deserter/draft resister movements. The directive advised that:

CI's interest is primarily to ascertain the details, if any, of any foreign involvement/support/guidance/training/funding/or exploitation of above groups and movements, particularly through coverage of foreign travel, contacts and activities of the Americans involved.<sup>74</sup>

Over 200 reports and other items were supplied by DCS to CHAOS between 1969 and 1973. Much of the material included information relating to foreign contacts of Americans; some contained "operational leads" to potential sources who might be willing to collect information when they went overseas. Other items consisted largely of information about domestic organization and activity.<sup>75</sup>

DCS officials thought they were expected to supply domestic information about dissidents for use as background data, as well as any leads to foreign connections.<sup>76</sup>

There was no express reference to a domestic information collection requirement in the directive sent to DCS field offices in December 1969. But the Deputy Chief of CHAOS testified that his office had indicated their appreciation to DCS for such material, which helped build the CHAOS data base.<sup>77</sup>

Moreover, whatever the formal written requirements, CHAOS made specific requests for domestic materials and, in other instances, made follow up requests based on items which DCS field offices had sent in.

For example, CHAOS asked the Chicago Field Office for information on the "28 co-conspirators" of 12 SDS members who had been locally indicted for the Weathermen riots in Chicago the previous fall. This was supplied, as well as subsequent coverage of the legal proceedings.<sup>78</sup>

Another CHAOS request resulted in a DCS field office obtaining from confidential sources a large report prepared by a state investigating commission on radical demonstrations in that state.<sup>79</sup>

The CHAOS office thanked DCS for one early report on the domestic political activities of a black leader and asked for any additional information available.<sup>80</sup>

In the beginning of 1971, however, after expressions of uncertainty about the program from the field, DCS officials sought a revised written requirement stating both a primary interest in foreign-related information and a secondary CHAOS interest in background information of a domestic nature.

DCS claimed this was merely intended to confirm the prior practice based on oral requests from CHAOS.<sup>81</sup>

<sup>74</sup> DCS Memorandum to Field Offices: Case 52722, 12/19/64, p. 1.

<sup>75</sup> Deputy Chief, Operational Support Branch, DCS, Deposition, Rockefeller Commission, 4/11/75, pp. 47, 43-44.

<sup>76</sup> Chief Support Branch, DCS, Deposition, Rockefeller Commission, 4/11/75, pp. 56, 61.

<sup>77</sup> Eatinger, 10/14/75, pp. 36-37.

<sup>78</sup> Field Office Reports to DCS, 4/16/70, 6/1/70.

<sup>79</sup> Field Office Report to DCS, 5/14/70.

<sup>80</sup> Undated memorandum from Richard Ober to DCS: re DCS Field Report LA-654-69 of 9/14/69.

<sup>81</sup> Chief Support Branch, DCS, Rockefeller Commission, 4/11/75, pp. 53-56.



The draft directive stated that: . . . The second type of information concerns the activities of US radical groups but does not contain any obvious foreign implications. Such information is considered of primary interest to the FBI under its domestic security charter. DCS however has been directed to collect both types of information, with the emphasis on that pertaining to foreign involvement.<sup>82</sup>

Ober refused to approve the new directive. As a result, DCS closed the old case, and opened a new one under a narrower directive. DCS reporting was to be "focused exclusively upon the collection of information suggesting *foreign involvement* in U.S. radical activities." [Emphasis in original.] Purely domestic information was to be passed locally to the FBI.<sup>83</sup>

Though nowhere near as voluminous as domestic reports received by CHAOS from the FBI, the DCS material was one of the main additional sources of "domestic intelligence" in the CHAOS files.

### 3. CHAOS Agents

The other main source of "domestic intelligence" about Americans which went into CHAOS' files came from agents being run by the CHAOS project and a few from a related foreign intelligence operation run in close coordination with CHAOS.

The effort to develop assets targeted fully on CHAOS information began right after the White House review of the Agency's CHAOS effort in the fall of 1969. Previously, overseas reporting had come from assets already working for the various stations on other assignments. Those station assets continued to supply CHAOS information even after Ober obtained his own agent program.

Over 40 potential recruits were evaluated. About half of these were referred by the FBI, for whom they had already worked. Most of those referred by the FBI ultimately were used on a single assignment. Seven recruits developed unilaterally by the CIA also were used as CHAOS agents.<sup>84</sup>

CHAOS agents participated in radical activity here as part of their preparation for assignment overseas. In the process, they supplied detailed information on domestic activities of Americans.

While here, the agents spent at least several weeks, and, in some cases, much longer, immersed in the radical community. This not only enhanced their radical credentials and increased their familiarity with persons and groups they might be reporting on from abroad. It also afforded their case officer with an opportunity to train them, assess their progress, test the possibility they were a plant, and evaluate how CHAOS could best use them abroad.<sup>85</sup> This was done by extensive debriefing of the agents on a periodic basis.<sup>86</sup>

<sup>82</sup> Draft memorandum from Director, DCS, to Field Offices, 1/6/71.

<sup>83</sup> Memorandum from Director, DCS, to Field Offices, 3/23/71.

<sup>84</sup> Charles Marcules testimony, Rockefeller Commission, 3/10/75, pp. 1538-1545. (For security reasons, the CHAOS agent case officer testified as "Charles Marcules.")

<sup>85</sup> *Ibid.*, pp. 1545-1547; 1566-1667; Ober 9/24/75, p. 46.

<sup>86</sup> Staff Review of CHAOS Agent Files.

According to Marcules, the agents in training were asked to report to him in detail on their activities, persons with whom they had been meeting and so forth.<sup>87</sup>

In all of these instances, the information about individuals in dissident groups, the plans and policies of the organizations and other domestic information, as well as any leads to possible foreign connections went not only into the case file of the agent in training but also into the general CHAOS files on those individuals and groups.

#### 4. Project 2

A separate intelligence project which also involved the use of radical credentials by American agents, furnished CHAOS with additional information about American dissidents. "Project 2" was developed in 1969 and implemented in 1970, by a particular area division at CIA.<sup>88</sup> It was designed ultimately to penetrate certain foreign intelligence targets through these agents, or to have them spot others who could accomplish such infiltration.

Most of the assets developed their leftist coloration by entering universities in the United States after an initial period of basic agent training. When in school, they participated in the radical community. While preparing for their future assignments, the agents filed detailed reports and were also debriefed by their case officer. In the process, they provided considerable information on their associates, dissident organizations, demonstration plans and sometimes personal information.<sup>89</sup> One asset submitted a 60 page report for a three week period which included detailed information on demonstrations, group meetings, and general accounts of such activity as Women's Liberation efforts in the area.<sup>90</sup>

From the outset, the project's potential usefulness to CHAOS was recognized. All of the agent reports and debriefing contact reports were provided to CHAOS for its files.<sup>91</sup>

Once abroad on their basic intelligence mission, moreover, the Project 2 agents were explicitly directed to acquire CHAOS information as well. One memorandum regarding the overseas assignment of a Project 2 agent, stated:

His mission will be to spot, assess and develop leftists in the Maoist spectrum. . . . He will also report on CHAOS developments in [the target country].<sup>92</sup>

One Project 2 agent became affiliated with an American dissident group in the foreign country which was directing its activities at personnel of American bases in that area. He began to report on both the native "radical left and the American radical left."<sup>93</sup>

<sup>87</sup> Marcules testimony, 3/10/75, Rockefeller Commission, p. 1567.

<sup>88</sup> The Rockefeller Commission refers to this project in its Report as "Project 2." For continuity, the same reference is used here.

<sup>89</sup> Staff review of Project 2 agent files.

<sup>90</sup> Agent 1, contact report, Vol. 11, Agent 1 file.

<sup>91</sup> Earl Williams testimony, 10/14/75, p. 10. (For security reasons, one of the Project 2 case officers testified as "Earl Williams.")

<sup>92</sup> Memorandum from Chairman, CS Agent Panel to DDP: "Request for Approval for Nonofficial Cover Premium Pay," 8/4/70.

<sup>93</sup> Project 2 Progress Report, August-September 1971, p. 201.

### 5. *Provision to CHAOS of NSA and Mail Intercepts*

When CHAOS was in full scale operation, it also was receiving information from the CIA's mail intercept program and the interception of international communications by the National Security Agency.

The CIA mail project was run by another unit within the Counterintelligence Staff. CHAOS supplied that office with a list of 41 individuals and organizations for specific inclusion in the so-called "watch list" used as one basis for intercepting international mail.<sup>94</sup> The names provided by CHAOS were to be sent to the point of interception in the field, and not merely to be used to screen mail which had independently been selected and had already arrived at the project office in Headquarters.<sup>95</sup>

CHAOS also supplied lists of individuals and organizations to the National Security Agency for inclusion in its "watch list." In addition, CHAOS had access to more general distributions of communications intelligence involving Americans which were received by the CIA from NSA.<sup>96</sup>

### F. *Reduction, Limitation and Termination of CHAOS*

#### 1. *Reduced Reporting Priority*

With the decline of student demonstrations and antiwar activity in the latter part of 1972, the intensity of the CHAOS effort declined. A cable to several stations advised that general reporting of information regarding foreign contacts of the New Left was no longer a high priority, although routine coverage was to be maintained in order to preserve a "residual counteraction capability for possible future use." The cable noted that a high priority would continue with regard to foreign connections of New Left individuals or groups advocating or engaging in violence.<sup>97</sup>

#### 2. *Reaction to Inspector General's Survey*

At the end of 1972, the CHAOS program was subject to a high level review. In the fall of 1972, an Inspector General survey of overseas stations for a particular region raised questions about CHAOS. The survey team was not permitted to review specific CHAOS files and operations, either in the field or at Headquarters. However, questions voiced to the team by station personnel in several countries resulted in a separate memorandum from the Inspector General, William Broe to the Executive Director. Broe summarized the policy concerns expressed about CHAOS:

Even though there is a general belief that CIA involvement is directed primarily at foreign manipulation and subversive exploitation of U.S. citizens, we also encountered general concern over what appeared to constitute a monitoring of the political views and activities of Americans not known to be or suspected of being involved in espionage. Occasionally,

<sup>94</sup> Memorandum from Richard Ober to Chief, CI Project, 2/15/72.

<sup>95</sup> James Eatinger, Memorandum for the Record: CI Project Material Handling, 10/7/71.

<sup>96</sup> Ober, 10/30/75, p. 16-17.

<sup>97</sup> CIA Headquarters Cable to several Stations, July 1972.

stations were asked to report on the whereabouts and activities of prominent persons . . . *whose comings and goings were not only in the public domain but for whom allegations of subversion seemed sufficiently nebulous to raise renewed doubts as to the nature and legitimacy of the MCH AOS program.*<sup>98</sup>  
[Emphasis added.]

On a practical level, the stations had complained about the burden of seeking information from the liaison service on behalf of the FBI when the local or nearby FBI representative had also requested the same information from the liaison directly.<sup>99</sup>

Broe's memorandum caused a review of the CHAOS operation by Karamessines, Helms, William Colby, who was then the Executive Director/Comptroller of the CIA, and other senior officials. In addition to improving coordination with the FBI and briefing overseas officers with a misunderstanding of CHAOS, Helms also directed that thereafter:

A clear priority is to be given in this general field to the subject of terrorism. This should bring about a reduction in the intensity of attention to political dissidents in the United States not, or not apt to be, involved in terrorism. On a secondary level, continued discreet coverage will be maintained of counterintelligence matters, including the possible manipulation of American citizens by foreign intelligence services or their actions abroad of counterintelligence interest.<sup>100</sup>

Ober had already taken on the additional duties of coordinating the CIA's efforts to combat international terrorism the previous summer.<sup>101</sup> In 1973, the CHAOS program was transferred from the Counterintelligence Staff to the newly formed Operations Staff within the Plans Directorate.

On May 9, 1973, CIA Director James Schlesinger requested an inventory of all "questionable activities" in which the CIA might have engaged. One such activity on which reports were sent to the Director was CHAOS. On August 29, 1973, William Colby, who had succeeded Schlesinger as Director, issued a series of instructions regarding the questioned programs and activities. His directive in regard to CHAOS limited the CIA's own operations to focus more narrowly on collecting information about foreign nationals and organizations, rather than the Americans with whom they might be in contact:

MEMORANDUM

*Subject: CHAOS*

CHAOS is restricted to the collection abroad of information on foreign activities related to domestic matters. *CIA will focus clearly on the foreign organizations and individuals involved and only incidentally on their American contacts.*

<sup>98</sup> Memorandum from Inspector General to Executive Director-Comptroller, 11/9/72, p. 1.

<sup>99</sup> Memorandum from Inspector General to Executive Director-Comptroller, 11/9/72, p. 2.

<sup>100</sup> Memorandum from Executive Director-Comptroller to DDP, 12/20/72, p. 7.

<sup>101</sup> Clandestine Service Notice—Establishment of International Terrorist Information Program, from Thomas Karamessines, 7/19/72.

*As a consequence, CIA will not take on the primary responsibility for following Americans abroad, although CIA can accept a request by the FBI to be passed to an appropriate liaison service in a foreign country for the surveillance of such an American and the transmission of the results back to the FBI. It must be plainly demonstrated in each such transmission that the CIA is merely a channel of communication between the FBI and the appropriate foreign service and is not to be directly engaged in the surveillance or other action against the American involved. [Emphasis added.]*<sup>102</sup>

### 3. Termination of CHAOS

CHAOS was terminated as a specified collection program in March 5, 1974, by order of Director Colby. The cable announcing this to the stations also stated guidelines for future activity involving Americans:

1. This message is to notify you of the termination of the CHAOS program and to provide guidelines under which HQS has been operating for some time on certain activities formerly included in CHAOS.

2. Guidelines: All collection takes place abroad. Collection is restricted to information on foreign activities related to domestic matters. CIA will focus clearly on the foreign organizations and individuals involved and only incidentally on their American contacts. In doing this, following will apply:

A. Whenever information is uncovered as a byproduct result of CIA foreign-targeted intelligence or counterintelligence operations abroad which makes Americans abroad suspect for security or counterintelligence reasons, the information will be reported by CIA in the following manner.

(1) With respect to private American citizens abroad, such information will be reported to the FBI.

(2) With respect to official U.S. personnel abroad, such information will be reported to their parent agency's security authorities, and to the FBI if appropriate.

In both such cases, under this sub-paragraph, specific CIA operations will not be mounted against such individuals; CIA responsibilities thereafter will be restricted to reporting any further intelligence or counterintelligence aspects of the specific case which come to CIA attention as a by-product of its continuing foreign targeted operational activity. If the FBI, on the basis of the receipt of the CIA information, however, specifically requests further information on terrorist or counterintelligence matters relating to the private American citizens involved in the specific case, CIA will respond according to the guidance in subparagraph B below. In performing these functions CIA will be discharging its responsibilities for primary foreign counterintelligence collection abroad, particularly as assigned it under paragraphs 1B and 3B of NSCID 5.

<sup>102</sup> Memorandum from William Colby to Deputy Director for Operation, Attachment "Memorandum: CHAOS," 8/29/73.

B. CIA may respond to written requests by the FBI for clandestine collection abroad by CIA of information on foreign terrorist or counterintelligence matters involving private American citizens. Such collection activity may involve both liaison services and unilateral operations. In the case of liaison services, whenever feasible it should be plainly demonstrated in the transmission of the request to such liaison services that CIA is acting as a channel of communication between the FBI and the appropriate foreign service. Any unilateral operational activity will require specific prior approval of the DDO and the DCI will be advised thereof. Pertinent information obtained will be provided by CIA to the FBI.<sup>103</sup>

A new restricted channel cryptonym was provided for the controlled reporting and handling of information relating to Americans which was furnished pursuant to these guidelines.<sup>104</sup>

At the same time, domestic offices of the CIA were sent a copy of the cable to stations with the additional guidance that the cable was specifically restricted to information obtained abroad:

If as a byproduct of ongoing activities, incidental information is received on U.S. citizens and it is determined that such information is inimical to U.S. interests or the Base feels that the incidental information should be reported to Headquarters, they should do so via appropriate staff channels with [a priority] indicator. Headquarters will make the final determination as to disposition of any information which is received.<sup>105</sup>

### PART III. ISSUES RAISED BY CHAOS AND RELATED PROJECTS

CHAOS and the related studies undertaken by the CIA for the White House sought to determine the role played by hostile foreign involvement in domestic unrest. Was that an appropriate task for the CIA under its charter?

#### *A. The Propriety of the CHAOS Mission*

The history of CHAOS raises a serious question whether the entire mission was a proper one for CIA. The inquiry into links between American dissidents and foreign elements inevitably involved the Agency not only in "foreign intelligence" but also in examining domestic affairs outside of its foreign intelligence jurisdiction, and, at the least, treading close to prohibited internal security functions.

Of course, the mission required "foreign intelligence" about the efforts of hostile governments or foreign groups. But it also involved acquiring and using information about the American dissidents and their activities. In order to detect and understand connections between

<sup>103</sup> Cable from William Colby to Field Stations, 3/5/74.

<sup>104</sup> Cable from William Colby to Field Stations, 3/5/74, p. 5.

<sup>105</sup> CIA Headquarters Cable to Domestic Bases, March 1974.

foreign elements and the Americans, the CIA felt that it had to examine both sides of the connection—the foreign and the domestic. As Ober put it:

Obviously, if you're talking about links between the foreign individuals or groups or people or groups in the United States, to understand any link you need some information on either end. So that a degree of information would have to be maintained against which you could measure your foreign information and understand whether it is relevant or not.<sup>106</sup>

The inevitable involvement in the activities of Americans was increased by the fact that the scope of CIA's interest in domestic dissidents was sometimes defined in broad terms. While the emphasis was clearly placed on evidence of direct foreign funding or control, both the requested reporting and the studies provided for the President covered a much broader range of "foreign connections." As a result, CHAOS screened a wide range of individuals and groups.

For example, the CIA asked stations providing information for the 1967 study of the peace movement to report on "subversive connections" between Americans and foreign elements, but then explained that "such connections might range from *casual contacts based merely on mutual interest* to closely controlled channels for party directives."<sup>107</sup> [Emphasis added.] In that context, "subversive connections" to be reported meant no more than a possible basis for foreign powers to develop actual control or direction at some point in the future.

Similarly, the White House request in the summer of 1969 for a study of foreign communist support to American protest groups directed that "support should be liberally construed to include" encouragement by Communist countries, as well as assistance.<sup>108</sup> Thus, mere expressions of sympathy and approval conveyed to an American group would constitute a "foreign link" and make the group a subject of the CHAOS examination of foreign influence.

In the fall of 1969, anticipating a new worldwide "peace offensive," CHAOS asked stations to report on "any foreign support, inspiration, and/or guidance" to such activities in the United States.<sup>109</sup>

The studies produced by CIA on the peace movement, black activist groups, and the New Left included the efforts of foreign governments to exploit or stimulate unrest through propaganda and expressions of support. In the case of the peace movement, they also discussed international coordination of antiwar activity in various countries.

The attempt to ascertain and evaluate "foreign links" so broadly defined required more than background information on a few individuals suspected of actually being agents directed by a hostile power. In a period when there was considerable international communication and travel involving American dissidents, a study of "foreign links" which included expressions of common concern, contact at conferences, or encouragement came necessarily to include a substantial segment of the more militant protest groups in America.

<sup>106</sup> Ober, 10/28/75, p. 44.

<sup>107</sup> CIA Headquarters cable to several field stations, November 1967, pp. 1-2.

<sup>108</sup> Memorandum from Tom Huston to Deputy Director of CIA, 6/20/69.

<sup>109</sup> CIA cable from headquarters to stations, November, 1969.

Moreover, the CIA examined domestic dissident activity not only to determine the extent of foreign contracts, but also to evaluate the impact they had in the domestic arena.

Isolated reports of training, directions, and limited financial assistance provided to American dissidents by hostile foreign governments were found. Instances of mutual encouragement and international coordination were far more numerous. The studies prepared by the CIA sought to weigh the significance of such instances in the context of the domestic sources of support for the American dissident movements, in order to portray accurately the role played by foreign influence.

This was the theory on which Helms and the Directorate of Intelligence justified including the study by CIA of American student protest. Acknowledging that analysis of American student groups was sensitive, they felt that one could not test the proposition that there was an underlying international conspiracy manipulating the students in each country, without examining the origins and nature of the student protests here.<sup>110</sup>

Yet Helms contemporaneously indicated his understanding that the section of the "Restless Youth" report by CIA analyzing American student unrest was beyond the CIA's authority.<sup>111</sup>

Thus, whether or not the primary interest of the CHAOS mission is characterized as "foreign intelligence," the very nature of the inquiry can be said to have taken the Agency into domestic matters as well. The ultimate objective transcended any effort to limit CIA's role to "foreign intelligence." As Director Helms testified:

The jurisdiction is divided at the water's edge. When you are dealing with something that has both foreign and domestic aspects to it, I don't recall anybody having come down, I mean any President come down hard and say, all of this is for the FBI and all of this is for the agency. I mean the line has to be wavy. There is no other way to do it that I know of. It is like cutting a man down the middle.<sup>112</sup>

Did the overall CHAOS program also inherently involve the CIA in prohibited internal security functions?

If the intent of the statutory prohibition is considered to limit active investigation of Americans by the CIA only in this country, then the answer is no. The specific ways in which CHAOS was implemented still raise a problem, but the task of determining the extent and impact of foreign links to domestic unrest did not inevitably require that the CIA do such investigation itself.

On the other hand, the general thrust of the statutory prohibition can be read as a more rigid limit to the CIA's entry into the internal security field at all—not merely a geographical limitation on domestic CIA investigations. If the proscription is read that broadly, then the basic mission of CHAOS to determine the role played by foreign influence in domestic dissent violated the statutory charter.

<sup>110</sup> Drexel Godfrey deposition, Rockefeller Commission, January 1975, p. 9.

<sup>111</sup> See *supra*, pp. 33-34.

<sup>112</sup> Helms deposition, Rockefeller Commission, 4/24/75, p. 222.



This ambiguity was reflected in the study prepared for the White House by CHAOS in June 1971 on the extent of foreign links.<sup>113</sup> It was entitled:

Definition and Assessment of the *Internal Security Threat—Foreign*. [Emphasis added.]<sup>114</sup>

Interestingly, the Rockefeller Commission concluded that with the exception of several particulars, the CHAOS mission undertaken by CIA was a proper foreign intelligence mission. But in its basic recommendation on the CHAOS program, immediately following that conclusion, the Commission advised that the President in the future not direct “the CIA to perform *what are essentially internal security tasks.*”<sup>115</sup> [Emphasis added.]

Both the 1971 study title and the Rockefeller Commission recommendation implicitly recognize that the question of foreign influence on domestic unrest or subversion is an aspect of “internal security”.

Ober suggested that CHAOS could be viewed as the foreign collection, collation, analysis, and dissemination of counterintelligence. In short, he justified CHAOS as a “vertical slice” of the CIA’s counterintelligence responsibilities under NSCID 5.<sup>116</sup> But as the history of CHAOS shows, the inclusion of “subversion” in the definition of threats covered by “counterintelligence” under NSCID 5, meant that the effort by CIA to perform foreign collection of counterintelligence information and to produce analyses of foreign counterintelligence questions would involve it in internal security matters. Therefore, to the extent the specific prohibition of the statute applied, it superceded any general implied authority for counterintelligence work upon which NSCID 5 was predicated.

Whether or not the overall CHAOS program was proper under the CIA charter, the ways in which the project was implemented raise further questions about the limits of the CIA’s authority to gather information about Americans.

*B. Domestic Intelligence Collection*

To what extent was the CIA involved in improper domestic intelligence collection?

In any ordinary sense of the word, the CIA had “collected” a great deal of information in the United States about Americans, which was systematically maintained in files on those persons and used in the CHAOS program.

The manner in which the CIA had acquired that information, however, varied considerably. Most of it was received from the FBI, partly in response to traces and general requests from the CIA, and partly through disseminations made routinely by the Bureau.

The CIA’s own acquisition of information about dissident Americans in this country involved the reports by the Domestic Contacts

<sup>113</sup> See *supra*, pp. 39–40.

<sup>114</sup> Report, “Definition and Assessment of Existing Internal Security Threat—Foreign”, 1/5/71.

<sup>115</sup> Rockefeller Commission Report, pp. 149–150.

<sup>116</sup> Ober, 10/28/75, p. 53, and see *supra*, pp. 8–9.

Services, the CHAOS and Project 2 agents, and by the Office of Security sources in the MERRIMAC and RESISTANCE programs.

### *1. Domestic Contact Service*

The basic formal policy of the DCS aid to CHAOS precluded active collection efforts by the field offices. Information was to be accepted if volunteered in the course of other duties, or sent in if it was available in the local public media.<sup>117</sup>

As a practical matter, however, information was provided by local officials or other "confidential sources" who became alerted to the field offices' interest in such material. And some of that information was obtained through local informants or undercover agents of police intelligence units.

In one city, for example, the DCS field office was obtaining from local authorities the coverage by informants of the meetings of local chapters of New Left dissident groups.<sup>118</sup> Another confidential report dealt with local funding sources for the Black Panther Party.<sup>119</sup> Thus, CIA's "passive" receipt sometimes was simply one step removed from active covert collection efforts by other public agencies.<sup>120</sup>

The DCS involvement in CHAOS was questionable, even as to leads about foreign travel or possible contacts of Americans. The essential aspect was the intentional acquisition here by CIA of information about the political activities and associations of Americans. The argument such material was useful background for a "foreign intelligence" project does not answer the basic question of whether the CIA should leave such intelligence gathering here about Americans to other federal agencies, if, indeed, such information should be collected at all.

### *2. Domestic Reporting by CIA Agents*

The CIA was most directly involved in clandestine gathering of domestic intelligence as a result of the reporting by CHAOS and Project 2 agents while they were in the United States. Both sets of agents participated in the radical milieu here in order to develop or improve their leftist credentials and, consequently, their access to information in their overseas assignments.

The CHAOS case officer who debriefed the CHAOS agents in this country sought a complete account of the agents' activities and associates. He frequently amazed the FBI in the degree of information he could extract from the agents' experience; he was "like a vacuum cleaner."<sup>121</sup>

Since the extensive debriefings about their associates in the United States served a variety of training, assessment, and counterintelligence purposes, any information reported to the CIA in the process can be viewed as the byproduct of overseas operations. At times, however, the CHAOS agent program and, to a lesser extent, Project 2 went beyond incidental collection.

<sup>117</sup> Deputy Chief, Support Branch, DCS, Deposition, 4/11/75, Rockefeller Commission, p. 45.

<sup>118</sup> Memorandum from DCS to CHAOS with attached field office reports, 11/15/68.

<sup>119</sup> Report from field office to DCS, 8/14/70.

<sup>120</sup> In addition, as already noted, DCS pursued follow-up requests from CHAOS for specific information with its local sources. See *supra*, p. 44.

<sup>121</sup> Ober, 10/30/75, p. 56.

(a) *CHAOS Agents*.—Generally, the CHAOS agents under development were not directed to acquire information about particular targets. But the case officer would sometimes put specific questions to them, asking what they had learned about particular persons or events. Sometimes the questions had been provided by the FBI.<sup>122</sup> Ober agreed that an agent trying to perform well would thereby be sensitized and implicitly directed toward obtaining information on those subjects or persons when he returned to the radical community.<sup>123</sup>

In addition, not all of the CHAOS agent debriefings on domestic matters was tied to their preparation and development. When agents returned to America and reentered the radical community here pending reassignment, they continued to report on the activities of their domestic associates.<sup>124</sup> According to Ober, agents were sometimes expressly brought back from their overseas assignment to cover a target in the United States of particular interest to the FBI.<sup>125</sup>

Three cases illustrate this range of circumstances in which domestic information was collected by CHAOS agents.

The first instance involved a recruit who was under assessment and not formally hired for over half a year, during which time he was debriefed on his knowledge of domestic radical activity.<sup>126</sup>

In April 1971, after consultation with the case officer and at the time he was formally recruited as a CHAOS agent, he attended the spring demonstrations against the Vietnam war in Washington.<sup>127</sup>

Prior to this time, the agent had not been directed to try to acquire information about domestic radicals, but had done so as a result of his continuing association with them. In the case of the Washington demonstrations, however, he was briefed in advance by the case officer, Marcules, on a number of individuals in whom the FBI was interested, as well as being asked to report any advance information about plans for the demonstrations.<sup>128</sup> Marcules testified it was not practical to turn Finch over to the Bureau during this period because of problems with compartmenting his identity. He also said it provided a good training opportunity.<sup>129</sup>

<sup>122</sup> Ober, 10/30/75, p. 47.

<sup>123</sup> Ober, 10/30/75, p. 60.

<sup>124</sup> Staff Interview of Chief, International Terrorism Group, Rockefeller Commission, 2/24/75, p. 3.

<sup>125</sup> Memorandum from Richard Ober to James Angelton, 6/9/70, p. 9.

<sup>126</sup> Bob Finch deposition, Rockefeller Commission, 4/16/75, pp. 5-6. (For security reasons, this agent testified under the alias "Bob Finch".)

<sup>127</sup> The case officer testified that Finch had raised the possibility and that from a security viewpoint, it would have seemed suspicious if Finch had not come. (Marcules, Rockefeller Commission, 3/10/75, p. 1550). Finch testified he could not recall whether he or Marcules first suggested his participation at the demonstrations. (Finch, Rockefeller Commission, 4/16/75, pp. 14-15.) However, a memorandum prepared by the case officer states that Finch was "willing to go" to D.C. (Marcules contact report, 4/5/71). In addition, the circumstances of his being formally recruited just in time for the assignment, and the juggling of his training schedule, strongly suggest the reporting was more planned as a collection opportunity than it was merely a fortuitous coincidence.

<sup>128</sup> Marcules contact report, 4/17/71.

<sup>129</sup> Marcules, Rockefeller Commission, 3/10/75, p. 1552.

The second instance of intensive domestic reporting involved another CHAOS agent with particularly good entree into the highest levels of a segment of the domestic radical community. He made several trips abroad and reported CHAOS information obtained overseas.<sup>130</sup> In addition, both during his preparation period and in between his overseas assignments, this asset reported a great deal of detailed information, some extremely personal, about individuals in this segment of the radical community and about their personal relationships.<sup>131</sup> In the fall of 1969 it was determined that he would not be used on an overseas assignment for many months and, in the meantime, would continue to be debriefed as a source of information about his associates, in part because he did not wish to deal with the FBI.<sup>132</sup> But there is no indication in the file that the personal information of an intimate nature was requested by CIA or was disseminated to the Bureau.

A third CHAOS asset had already been working for the CIA abroad. At the time he was recruited for the CHAOS effort, the agent had an opportunity to attend antiwar demonstrations in this country. He was encouraged to attend by CHAOS, which assisted his arrangements.<sup>133</sup> The agent attended a series of activities in the United States and was debriefed extensively. The information was the basis for numerous reports to the FBI on domestic antiwar efforts and plans.<sup>134</sup>

(b) *Project 2 Agents*.—The Project 2 agents developing their credentials in this country were not directed to participate in particular dissident activities. But the principal case officer for the agents' preparation stated there was a sense of urgency to get the maximum amount of information for CHAOS from the credential building process in the United States.<sup>135</sup>

The Deputy Chief of CHAOS testified that he briefed Project 2 agents while they were in this country. He could not recall asking the agents to collect any specific information. But he testified that the CHAOS office had requested the Project 2 case officers to ask their agents specific questions about the persons and activities they were reporting upon.<sup>135a</sup>

A cover memorandum written by the Project 2 case officer attached to a debriefing report of an agent prior to his departure overseas read:

A part of the substance herein is in response to questions posed by CHAOS before I went to the West Coast. Especially the part on factionalism in the New Left and the organizational activity. Am sending a copy of this to CHAOS as per usual practice. (The attachments were collected by the asset for CHAOS at our request.)<sup>136</sup>

<sup>130</sup> The agent had been a CIA source for a number of years.

<sup>131</sup> Staff review of CHAOS agent file.

<sup>132</sup> Memorandum for the Record from Charles Marcules, 10/21/70. (in agent file.)

<sup>133</sup> Marcules, Rockefeller Commission, 3/10/75, pp. 1556-1558; staff review of CHAOS agent file.

<sup>134</sup> Staff review of agent file.

<sup>135</sup> Williams, 10/14/75, pp. 8, 23.

<sup>135a</sup> Eatinger, 10/14/75, pp. 50-51.

<sup>136</sup> Cover memorandum from Earl Williams to Acting Chief of Operations of the Project 2 area division, 7/28/70.

### 3. Propriety of Domestic Reports by Agents During Preparation

In those situations when CHAOS agents were directed to cover specific activity in the United States or to find out about a particular person, CIA was engaged in domestic clandestine intelligence collection about Americans.

Whether the information was sought for CHAOS' own use or at the request of the FBI, should the CIA ever be involved in domestic collection targeted against United States citizens?

It can be argued, for example, that where CHAOS and Project 2 agents were not directed to collect specific information, and were reporting domestic intelligence as a by-product of their preparation for overseas operations, that CIA was not involved in improper domestic operations.

Thus, Deputy Director Karamessines felt that the general preparation of agents through participation in domestic dissident activity, and their debriefing by CIA, was consistent with his policy that CHAOS would not engage in domestic intelligence operations. Karamessines understood that the agents would report to their case officer information which included domestic matters which would be available to CHAOS and which might be disseminated to the FBI. But he explained that CHAOS was not to conduct operations "for the purpose" of acquiring domestic information about targeted groups.<sup>137</sup>

Such narrow definitions of the intelligence trade differ from the general public understanding of what constitutes "domestic intelligence collection" by CIA. Under this narrow definition of "domestic operations," if the ultimate purpose of the covert reporting is preparation for a foreign operation, then even the conscious acquisition of detailed domestic intelligence in the process, its systematic retention and dissemination, would be appropriate for CIA. That standard poses a potential loophole in any guidelines which purport to restrict the CIA's collection of information about Americans here in the United States. It is particularly dangerous when, as was true for CHAOS, the overseas mission itself includes reporting on Americans abroad.

If it is to be continued, does CIA use of such credential building and training techniques require strict controls on the use of any information acquired during such preparation?

#### C. Assistance to FBI Internal Security Investigations

A third issue is raised by the extensive pattern of assistance CHAOS provided to the FBI. Apart from the mission Helms had the CIA undertake for the White House, and the specific ways in which CHAOS sought to implement that mission, a major focus of the actual CHAOS operation became its servicing of the FBI's internal security investigations. Did the extent of that assistance bring the CIA into the realm of forbidden internal security work?

<sup>137</sup> Thomas Karamessines testimony, Rockefeller Commission, 2/24/75, pp. 1018-1020. A similar analysis was offered by the Chief of Counterintelligence, Ober's immediate superior. (James Angleton testimony, Rockefeller Commission, 2/10/75, p. 699.)

As just noted, the most directed use of CHAOS agents to collect domestic information in the United States was done on behalf of the FBI.

Abroad, the bulk of the CHAOS requests for coverage of specific Americans by CIA stations, foreign liaison services, or both, also resulted from FBI requests.

Both Karamessines and Ober acknowledged that the CIA through CHAOS was assisting the FBI in its performance of internal security functions.<sup>138</sup>

They characterized that assistance as a proper part of the CIA's counterintelligence responsibility.

Karamessines testified that, as the foreign operational arm of the American counterintelligence effort, CIA has always accepted the responsibility to meet the FBI's collection requirements abroad.<sup>139</sup> But, collection of intelligence about Americans abroad, whether the CIA's own agents or from liaison services, can be done for internal security purposes, just as much as can intelligence operations at home.

This issue was reviewed in a different context by the Rockefeller Commission when it considered the propriety of the CIA's mail interception program. The Commission found that it exceeded CIA authority wholly apart from the statutory ban on any government agency opening mail without a warrant. The Commission concluded that:

The nature and degree of assistance given by the CIA to the FBI in the New York mail project indicate that the primary purpose eventually became *participating with the FBI in internal security functions*. Accordingly, the CIA's participation was prohibited under the National Security Act. [Emphasis added.]<sup>140</sup>

In contrast to the relatively small number of formal studies and special memoranda CIA provided the White House, the CHAOS office disseminated thousands of reports to the FBI.

All told, in its seven years of operation, CHAOS sent well over 5,000 reports to the Bureau; approximately 4,400 memoranda, and some 1,000 cable disseminations.<sup>141</sup>

Reviewing the degree to which the product of the CHAOS operation was internal security intelligence sent to the FBI, as well as the testimony that targeted operations abroad against Americans were largely the result of specific FBI requests, one can draw a similar conclusion paralleling that analysis of the mail project: a major purpose of CHAOS activity in actual practice became its participation with the FBI in the Bureau's internal security work.

On the other hand, because CHAOS generated information of interest to the FBI in the course of pursuing its own mission, the dissemination figures combine production requested by the Bureau and also the byproduct of CHAOS which was made available to the FBI.

<sup>138</sup> Ober, 10/30/75, pp. 74-76; Karamessines, 10/24/75, p. 29.

<sup>139</sup> Karamessines, Rockefeller Commission, 2/18/75, pp. 995-996.

<sup>140</sup> Rockefeller Commission Report, p. 115.

<sup>141</sup> Letter from Director William Colby to the Vice President, 7/8/75, p. 6 of Attachment.

Moreover, insofar as CHAOS watched Americans abroad at the FBI's request, CIA participation in the Bureau's internal security work, unlike the mail program, did not involve domestic CIA operations, the primary concern underlying the prohibition of international security functions to the CIA.

For the future, the question remains which intelligence agency will be the operational arm for the United States to collect information about Americans outside the country. Even if all collection of information about Americans undertaken in the United States were reserved to the FBI, there might be situations in which surveillance of Americans abroad was sought as part of an internal security or counterterrorism investigation initiated pursuant to approved criteria. In such cases, unless the FBI or some new agency had adequate capability to cover the subject's activities abroad, it would be necessary either to permit the CIA to do it, or to request coverage by the local intelligence service through an FBI legal attache or a State Department representative. And, of course, the second course would not be open unless America had a cooperative relationship with the liaison service in the foreign country.

The solution of this issue may lie less in determining what to deem the performance abroad of internal security functions than in setting restraints on the investigation of Americans by the FBI and applying those restraints to surveillance of Americans overseas, by any arm of the government.

#### *D. Maintenance of Files on Americans*

The mechanics of the CHAOS operation, both in performing the mission undertaken by the CIA and in servicing the FBI's needs, involved the establishment of files and retention of information on thousands of Americans.

To the extent that information related to domestic activity, its maintenance by the CIA, although perhaps not itself the performance of an internal security function, is a step toward the dangers of a domestic secret police against which the prohibition of the charter sought to guard. Specific standards are required for the retention of such material when its direct availability in the CIA's own files is necessary for legitimate foreign intelligence purposes and the Agency has acquired it properly. In addition, the CIA can be required to purge existing files in conformity with the new standards, and where appropriate, to purge name indexes as well.

#### *E. Approaches to Determining Foreign Direction of Domestic Dissent*

Beyond the questions CHAOS raises about the scope of CIA's authority under its charter, CHAOS also suggests the more general problems of controlling efforts by any intelligence agency to determine the nature of foreign connections to domestic unrest.

The most systematic and the quickest way to look for foreign direction of domestic unrest is to start at both ends of the suspected connection. One tries to learn what hostile intelligence services are doing, by coverage of them. But one can also begin to investigate those Americans thought most likely to have such ties. Thus, CHAOS

sought to sift through the leaders and more active segments of domestic protest movements in order to learn of travel and other foreign contacts and then to investigate the possibility that those Americans were supported or controlled by foreign powers.

The more traditional CIA policy has been to monitor hostile intelligence services and then, only if it thereby learns of their involvement with particular Americans, to investigate those Americans abroad or request an inquiry here. Generally, CIA has not tried to work backward from a surveillance of traveling Americans who seemed likely prospects in order to see what kinds of connections could be found.

The present Assistant Deputy Director of CIA for Operations, David Blee, summarized the distinction :

We have always said that we did not operate that way, but that we went about it much more inefficiently, which is by penetrating the foreign government or foreign subversive operation and finding if that led us to an American, rather than trying to see what Americans were doing, and seeing if they were in touch with those groups.

In this, we operate very differently from practically all of the other security and intelligence services, which typically watch their own citizens to see what they are doing.<sup>142</sup>

The CHAOS program took the more "efficient" approach; it acquired information from coverage of foreign elements, but also worked back from the American end by screening foreign contacts of dissidents. As Ober testified :

At some point perhaps it should be explained that one of the reasons for having so many files on so many people was that the estimates and assessments required of the Agency in terms of possible foreign involvement with domestic activities were such that one could only give a responsible answer if one knew, of this group of people, how many had any sort of connector of significance abroad. What I am getting at indirectly, I think, is that to respond with any degree of knowledge as to whether there is significant foreign involvement in a group, a large number of people, one has to know *whether each and every one of those persons has any such connection. And having checked many, many names and coming up with no significant connections, one can say with some degree of confidence that there is no significant involvement, foreign involvement with that group of individuals.* But if one does not check the names, one has no way of evaluating that, without a controlled penetration agent of the FBI by that group, or a control penetration agent of the KGB abroad who works on the desk which deals with these matters through us. [Emphasis added.]<sup>143</sup>

The former Deputy Director for Plans, Thomas Karamessines, testified that, in this regard, CHAOS reflected a general increase through-

<sup>142</sup> David Blee deposition, Rockefeller Commission, 4/18/75, p. 15.

<sup>143</sup> Ober, Rockefeller Commission, 3/28/75, pp. 88-89.



out the intelligence community in the use of such a screening approach on American dissidents as opposed to more traditional counterintelligence efforts targeted directly at hostile foreign elements.<sup>144</sup>

CHAOS suggests the dangers of any intelligence agency starting from such an investigation of Americans to find illegal or subversive foreign ties. It particularly shows how the broad impact of that approach is amplified by the dynamics of counterintelligence work, and the likely national setting of such efforts.

### *1. The Nature of Counterintelligence Work*

Counterintelligence investigations of this type start from a data base of background information necessarily broader than the ultimate target of the inquiry. The foundation of such counterintelligence efforts is to build up a reference collection of names and organizations against which one can check information reported about possible ties between foreign elements and Americans.<sup>145</sup> Hence, the extraction of every name from materials received about domestic dissidence.

Along with the identities, the data base requires developing background information about the individuals and groups—their relationships, the status of particular individuals, their views and policies. The Deputy Chief of CHAOS testified that such background information was needed to understand the significance of the “tidbits,” i.e., specific items relating to foreign connections which came to CHAOS.<sup>146</sup>

As Ober explained:

I think that is significant in any counterintelligence operation, that the meaning of information in the abstract, it is very difficult to determine. You have to measure it against other information and put it into context.<sup>147</sup>

Moreover, in counterintelligence work, the credo is that every bit of information about associations and activities might prove relevant—a piece of the puzzle. Thus, when CIA responded to the Rockefeller Commission's conclusions that too much information was maintained by CHAOS on wholly domestic activity, it stated:

this was due in part to the paucity of information pertinent to its foreign intelligence objectives which the operation had been able to collect *and also to the uncertainty over how much of the accumulated data might not eventually prove relevant to these objectives.* [Emphasis added.]<sup>148</sup>

The bias is toward inclusion, not selectivity, in collecting information and maintaining files. Other agencies and components of the CIA, alike, were not encouraged to be selective in their provision of material to CHAOS.

The request to NSA for materials on persons CHAOS sought to have watchlisted indicated the widest possible scope. In a memorandum

<sup>144</sup> Karamessines, 10/24/75, p. 44.

<sup>145</sup> Ober, 10/28/75, p. 42.

<sup>146</sup> Ober, 10/28/75, p. 44.

<sup>147</sup> Ober, 10/28/75, p. 45.

<sup>148</sup> Letter from William Colby to Vice President Rockefeller, July 1975.

to NSA, Ober indicated that he should be sent any material obtained on those targets "regardless of how innocuous the information may appear."<sup>149</sup> Ober testified this was not indicative of his pursuit of domestic intelligence, but rather his view that NSA was not competent to judge what bits of seemingly irrelevant information might be meaningful to CHAOS. Therefore, he wanted NSA to turn everything over and let CHAOS personnel sift through it for whatever might prove fruitful to their interests.<sup>150</sup>

The Director of the Office of Security, Howard Osborn, testified that Ober requested he provide all information about dissident groups obtained through Projects MERRIMAC and RESISTANCE, and not merely specific items suggesting foreign connections. According to Osborn, Ober explained that only the CHAOS office, not the Office of Security, was competent to judge what might be relevant to the CHAOS mission.<sup>151</sup>

## 2. Political Setting of Investigations

The other main source of expansive pressures on intelligence operations such as CHAOS is the political setting in which they are undertaken. Such inquiries are most likely to be pursued in times of turbulent protest and dissent from official policy. Intense Government concern about the source of that opposition is inevitable and the possibility of foreign involvement is ever present. Moreover, the administration in power may find it difficult to accept the fact that domestic opposition to policy is really indigenous.<sup>152</sup>

In the case of CHAOS, two successive presidents were reluctant to accept the CIA's conclusions that the dissident activity against the Government was indigenous.

Director Helms testified that the White House was dissatisfied with these reports and studies because they did not show "enough foreign money and foreign influence in these dissident movements. . . . They just said you aren't doing your job, you aren't finding it out, its got to be there."<sup>153</sup>

Ober testified that Helms never pressured him as to the findings reported by the CIA. But a steadfast determination to provide unbiased analyses, itself, creates pressure to expand an operation such as CHAOS. The dynamic is present in any effort to establish the validity of a negative finding—*no substantial foreign influence*—to the satisfaction of skeptical Government leaders. Only by increasing the coverage of American dissidents with any kind of foreign contact could the CIA hope to satisfy the White House that if there were significant links of direction and support, CHAOS would find them.

<sup>149</sup> Memorandum from Richard Ober to Office of Customer Relations, NSA, 9/14/71.

<sup>150</sup> Ober, 10/30/75, p. 16-17.

<sup>151</sup> Howard Osborn testimony, 10/3/75, p. 12-14.

<sup>152</sup> As Joseph Califano, a principal assistant to President Johnson put it, high government officials sometimes cannot believe that: "a cause that is so clearly right for the country, as they perceive it, would be so widely attacked if there were not some [foreign] force behind it." (Joseph Califano, 1/27/76, p. 70.)

<sup>153</sup> Richard Helms deposition, Rockefeller Commission, 4/24/75, p. 223.

Both Helms and Ober testified that the White House pressure for redoubled efforts was a significant factor in the continued expansion of CHAOS.<sup>154</sup>

The expansive pressures created by the nature of counterintelligence work and by the difficulty of "proving a negative" to the White House, of course, are not peculiar to the CIA. They increase the danger that any intelligence agency's effort to find hostile foreign ties to domestic dissent by working back from surveillance of Americans will sweep within its scope many citizens engaged only in lawful activity.

The alternative would be to prohibit such investigations of the activity of an American dissident unless, in the course of counterintelligence efforts against hostile foreign elements, a reasonable basis was established for suspecting the American was acting illegally on behalf of the foreign power.

#### PART IV. OFFICE OF SECURITY PROGRAMS

The concerns about domestic unrest which led to the CHAOS program, also caused the CIA to undertake other programs through the Office of Security, the support unit of the CIA charged with protecting its personnel, facilities and operations. The Office of Security has responsibility for both physical security measures and questions of personnel security.

The Office conducts routine background investigations of prospective personnel. It has also developed files on individuals and organizations in the course of investigating individual security cases of alleged penetration or attempted penetration of CIA employees.

In 1967, the Office began two efforts which were not focused on particular security cases. Rather, they were designed to collect information about groups which might pose a threat to the Agency's physical security through violent demonstrations or other disruptive activities.

By the mid-1960s, student unrest had led to increased harassment of government recruiters, including those of CIA, at campuses throughout the country. In the fall of 1968, the CIA recruiting office at the University of Michigan was destroyed by a bomb.

##### *A. Project Resistance*

Project RESISTANCE developed out of a narrower program designed to provide direct support to CIA recruiters visiting college campuses. In February 1967, the Office of Security had directed its field offices to report on the possibilities of violence or harassment at those schools which CIA recruiters planned to visit. Subsequently, pursuant to this directive, the field offices provided information on

<sup>154</sup> Helms deposition, Rockefeller Commission, 4/24/75, p. 234; Ober deposition, Rockefeller Commission, 3/28/75, pp. 137-38. Ober also noted his independent professional judgment that in the beginning CHAOS sources were insufficient to afford confidence in its findings. Ober, 10/30/75, p. 32. Nevertheless, his and Helms' acknowledgments, as well as the circumstances of CHAOS' evolution, indicate the role played by White House dissatisfaction with the results in the program's expansion.

expected opposition to government recruiting, or to CIA in particular, and made appropriate security arrangements with campus officials if the recruitment effort took place.

The broader RESISTANCE program was initiated by the Deputy Director of the CIA for support, whose directorate included the Office of Security and who previously had been a Director of Security, himself. In December 1967, he requested the Office of Security to study campus dissidence on a systematic basis. The Deputy Director suggested that there was an increased pattern of similar activity among student protest movements and directed the Office to examine their aims, causes, attitudes and the extent of their support among the Nation's students.<sup>155</sup> The collection requirement sent to the field officers in a telegram from headquarters asked for local news clippings about campus demonstrations related both to local grievances or to national issues such as the Vietnam War.<sup>156</sup>

Because of the volume of material reported by the field offices, a special unit, the Targets Analysis Branch, was established in May 1968, to process and digest the information.

The testimony and the files indicate no use of infiltrations by CIA in connection with this program. The overwhelming bulk of the information continued to be press clippings passed on to headquarters. However, the field offices also obtained information from confidential sources in the local community such as campus officials and police authorities.

For example, one field office indicated that it had already obtained information from the local law enforcement authorities and advised of additional opportunities to obtain from other police departments reports of their informants with local dissident groups.<sup>157</sup> Headquarters advised the office to utilize such sources when the information was offered to CIA.<sup>158</sup>

On some occasions, the field offices were specifically requested to obtain information about particular activities or individuals, through information obtained directly by CIA personnel and material developed through confidential sources.<sup>159</sup>

The analyses provided by the RESISTANCE project were criticized at one point by the Office of Security analyst who had initiated the program for primarily focusing on publicly available information:

The RESISTANCE output should not attempt to duplicate or compete with the media on such reporting. Rather it should draw on such open sources for material needed to link together the data acquired from other sources.<sup>160</sup>

By the end of 1970, the Director of the Office of Security felt that some of the field offices might be going too far in developing informa-

<sup>155</sup> Memo for the Record from Security Research Staff Project Officer, 12/8/67.

<sup>156</sup> Telegram from CIA Headquarters to Office of Security Field Offices, 12/11/67.

<sup>157</sup> Memorandum from Field Office to CIA Headquarters, 5/23/68.

<sup>158</sup> Memorandum from CIA Headquarters to Field Office, 6/11/68.

<sup>159</sup> Memorandum from CIA Headquarters to Washington, D.C. Field Office, 5/11/68; Memorandum from CIA Headquarters to Washington, D.C. Field Office, 11/10/69.

<sup>160</sup> Memorandum from Security Research Staff analyst on Project RESISTANCE to Chief, Special Activities Division, 5/13/68.

tion from cooperating confidential sources.<sup>161</sup> At the beginning of 1971, limiting instructions to the field offices directed restraint in the development of information :

No attempts should be made to recruit new informants or sources such as campus or police officials for the express purpose of obtaining information regarding dissident groups, individuals, or activities. No new requirements for information should be levied on existing sources.

The above limitations do not preclude acceptance of information gratuitously offered by informants or sources and field personnel should continue to be on the alert for non-solicited information which might contribute to the protection of the Agency personnel, projects or installations.<sup>162</sup>

The Targets Analysis Branch also received FBI reports.<sup>163</sup>

Although the initial impetus for RESISTANCE was an effort to evaluate campus activities, the Targets Analysis Branch broadened its inquiry to include analyses of protest activities in Washington and other centers of protest.

The incoming material was digested and indexed. Eventually the project developed an estimated 600-700 files and indexed an estimated 12,000 to 16,000 names.<sup>164</sup> Apart from specific spot reports and evaluations of particular groups requested by other components of the Office of Security, the main product of the operation was weekly Situation Reports, summarizing and analyzing past events and projecting a calendar of upcoming events which might involve violence or disruption directed at government facilities.<sup>165</sup>

The knowledge of organizations was also made available to the Personnel Office for purposes of evaluating membership in such groups by prospective employees.<sup>166</sup>

The project was terminated at the end of June 1973.<sup>167</sup>

### *B. Project Merrimac*

The second general effort by the Office of Security to protect the CIA from threats posed by domestic disorder was Project MERRIMAC. MERRIMAC involved the participation of CIA assets in dissident groups in the Washington metropolitan area in order to obtain advance warning of demonstrations which posed a threat to CIA facilities and also to collect other intelligence about the groups and their members.

There is no record of MERRIMAC having been authorized at the outset by Director Helms. The Director of the Office of Security, Howard Osborn, testified that Helms had indicated his concern about the security of the CIA facilities in the face of dissident activities in the period prior to the formal commencement of MERRIMAC in

<sup>161</sup> Howard Osborn testimony, 10/3/75, pp. 19-20.

<sup>162</sup> Memorandum from CIA Headquarters to all field offices, 1/6/71.

<sup>163</sup> Chief, Targets Analysis Branch OS (1970-1973), testimony, Rockefeller Commission, 3/3/75, p. 1277.

<sup>164</sup> Chief, Targets Analysis Branch OS (1970-1973), Rockefeller Commission, 3/3/75, pp. 1296, 1314.

<sup>165</sup> *Id.* at 1279.

<sup>166</sup> *Id.* at 1291-1292.

<sup>167</sup> Memorandum from CIA Headquarters to New York Field Office, 6/28/73.

early 1967.<sup>168</sup> And Helms believes that he approved the project at some point.<sup>169</sup>

In February 1967, Osborn inquired whether a proprietary company used by the Office of Security could monitor the activity of certain groups in Washington in order to provide advance information about demonstrations directed against CIA properties.<sup>170</sup>

Shortly thereafter, the proprietary was directed to obtain such information. At the beginning of April, it was specifically asked to have its assets collect intelligence on the April antiwar demonstrations in Washington, D.C.<sup>171</sup>

The Office of Security initially chose four "indicator organizations"—the Women's Strike for Peace, the Washington Peace Center, the Congress of Racial Equality, and the Student Nonviolent Coordinating Committee—deemed to be bellweathers of the likely nature of protest activity and the potential threat it might pose to the CIA.<sup>172</sup>

The proprietary used only a few assets at first, including one regular employee and several others hired on a part-time basis. None of the assets were sophisticated agents, although they eventually received some training. They were construction workers or persons in similar trades and their relatives. Most of their work continued on a part-time basis, in addition to their regular employment, throughout the duration of MERRIMAC.<sup>173</sup>

Initially, the assets were asked to monitor the organizations in order to report information only about planned demonstrations which might threaten the Agency. In June, however, the collection requirement was expanded to include information about the organizations' financial operations and sources of support.<sup>174</sup>

In the fall of 1967, in anticipation of the peace demonstrations in Washington, MERRIMAC sought to obtain information about the leadership and plans of organizations participating in the National Mobilization Committee to End the War, as well as information about all the participant organizations.<sup>175</sup>

The scope of the information requested continued to increase. The assets were asked to report any information about the plans and attitudes of groups revealed at meetings, their associations with other groups, sources of support, and an account of what was said at the meetings, in addition to information specifically relating to threatened action against the CIA.<sup>176</sup> In addition, other organizations were added

<sup>168</sup> Howard Osborn testimony, 10/3/75, p. 6.

<sup>169</sup> Richard Helms, Rockefeller Commission, 4/28/75, p. 2472.

<sup>170</sup> Memorandum from Deputy Director of Security to Howard Osborn, 2/20/67. The proprietary company was engaged in commercial security business as a cover operation. It was used by the Office of Security where no government identification was permissible, or where other considerations required "deep cover" for the CIA's security work. (Osborn, Rockefeller Commission, 2/17/75, p. 837; Gen. Manager of the proprietary testimony, Rockefeller Commission, 3/3/75, pp. 1372-1379.)

<sup>171</sup> Memorandum from Headquarters to proprietary Gen. Manager, 4/17/67.

<sup>172</sup> *Ibid.*

<sup>173</sup> Proprietary, General Manager, Rockefeller Commission, 3/3/75, pp. 1378-1379.

<sup>174</sup> Memorandum from Headquarters to Proprietary Gen. Manager, 6/29/67.

<sup>175</sup> Memorandum from Headquarters to Proprietary Gen. Manager, 9/14/67.

<sup>176</sup> Memorandum from Headquarters to Proprietary Gen. Manager, 8/15/68.

to the list of covered groups. By August 1968, ten groups were targeted by MERRIMAC for such coverage.<sup>177</sup> Thus, although the primary purpose remained advance warning of threats to the Agency, the program expanded into a general collection effort whose results were made available to other components in the CIA, and in many instances, to the FBI. As Osborn put it:

Now I would be less than candid and less than honest with you to say that over the course of this project we reported pretty much of everything we got. [sic] I am not going to try to kid you. But the primary purpose of the project was self-protection physical security and I think we probably exceeded that.<sup>178</sup>

In some instances the agents conducted surveillance of particular dissident leaders and activists of special interest to the CIA. Photographs were taken of persons attending meeting, or license plates, and persons were trailed home in order to identify them. Some of the assets also made contributions to the organizations at a low level necessary for credible participation.<sup>179</sup>

Information obtained from MERRIMAC agents was made available to CHAOS. Osborn testified that the broadening scope of MERRIMAC was due in part to the requests from the CHAOS office to the Office of Security for general information about dissident groups.

I think it started out legitimately concerned with the physical security of installations and I think it expanded as these things often do, in light of the intense interest in the requirements by Mr. Ober and by a lot of other people. I think it just kind of grew in areas that it perhaps shouldn't have.<sup>180</sup>

Osborn testified that most of the requests for specific information beyond the threat of immediate situations, came from inquiries by the CHAOS office.<sup>181</sup>

The last reports from MERRIMAC agents found in CIA files were gathered in late 1968. However, CIA has confirmed that the program lasted until September 1970.<sup>182</sup>

In August 1973, Director Colby issued a directive as part of the Agency's review of "questionable activities" regarding the activity which had involved MERRIMAC. The Directive stated:

It is appropriate for the Office of Security to develop private sources among CIA employees. It is not appropriate for CIA to penetrate domestic groups external to CIA, even for the purpose of locating threats to the Agency. Notice of such threats should be reported to the appropriate law enforcement bodies and CIA will cooperate with them in any action required which does not involve direct CIA participation in

<sup>177</sup> *Ibid.*

<sup>178</sup> Osborn, Rockefeller Commission, 2/17/75, p. 836.

<sup>179</sup> Examination of MERRIMAC Report files.

<sup>180</sup> Osborn, Rockefeller Commission, 2/17/75, p. 844.

<sup>181</sup> Testimony of MERRIMAC Agent A, 8/14/75, pp. 19-20; Osborn, 10/3/75, p. 16.

<sup>182</sup> Letter from William Colby to Vice President Rockefeller with CIA comments on Rockefeller Commission Report, 8/8/75, p. 8 of attachment.

covert clandestine operations against U.S. citizens in the United States.<sup>183</sup>

### *C. Special Security Investigations*

Since the inception of the CIA, the Office of Security has conducted routine background investigations of prospective CIA employees and agents, as well as employees of contractors and other persons being considered as cooperative sources of information or assistance. Periodic reinvestigation of CIA employees is also performed.

In addition, the Office of Security has conducted numerous special investigations of persons affiliated with the CIA and others who were the subject of a particular security case. In some instances the investigations involved efforts to determine the source of news leaks thought to compromise the security of intelligence sources and methods, including news leaks for which there was no particular reason to suspect that CIA personnel were responsible, as opposed to other government employees with access to intelligence material.

More frequently, however, the investigations involving Americans were conducted as a result of allegations or suspicions that individuals had become the target of an effort to penetrate the CIA, or had become involved in espionage, or had developed personal difficulties which created risks that intelligence sources and methods might be compromised. The subjects of these investigations have included former and present CIA employees, employees of other government agencies, and private citizens who were in contact with the subject of an investigation.

In the course of these investigations, various covert techniques have been employed, singly and in combination, against American citizens in this country: physical surveillance, electronic surveillance, unauthorized entry, inspection of mail and of income tax records.

In January 1975, the Inspector General of the CIA initiated a survey of all special security investigations and other activity undertaken by the Office of Security since the inception of the CIA in 1947 which involved the use of any such special investigative techniques against persons in the United States.

A team of officers from the Inspector General's staff and the Office of Security conducted such an examination, with complete access to all records in the Office of Security and in other source records throughout the CIA which might reflect such use of these investigative techniques. Knowledgeable personnel were interviewed as well.<sup>184</sup>

The examination resulted in a compendium of every identifiable instance in which physical surveillance, telephone tapping, electronic surveillance, mail cover and opening, access to tax information, unauthorized entry and other special investigative procedures had been employed against persons in the United States.<sup>185</sup>

<sup>183</sup> Memorandum from William Colby to Deputy Director for Administration, Attachment, "Memorandum: MERRIMAC," 8/29/73.

<sup>184</sup> Affidavit of staff officers from Inspector General's Office and Office of Security responsible for investigation of domestic surveillance, 5/27/75.

<sup>185</sup> *Ibid.*, p. 7.



Each instance was analyzed in terms of the techniques, the target and the circumstances involved in the investigation. Specifically, the survey detailed whatever information was available concerning:

- the background of the investigation.
- the level and nature of authorization within the CIA.
- coordination with other agencies.
- the methods used to implement the surveillance.
- reporting and the results of the operation.
- and the authority and reasons for terminating the operations.<sup>186</sup>

The Committee staff reviewed the methods and results of this survey of domestic surveillance compiled by the Inspector General's office. In addition, the Committee staff reviewed in their entirety the original files of selected cases involving physical surveillance, electronic surveillance and unauthorized entry which occurred within the last ten years, and has also taken testimony regarding the use of such techniques in America from present and former officials of the Office of Security and other CIA components.

The result of this review by the Committee essentially confirms the summary of the Inspector General's survey provided in the Rockefeller Commission Report.<sup>187</sup>

However, the records of authorization, scope and results of these investigations are sometimes incomplete. This is particularly true for the earlier history of the CIA, at a time when the use of covert investigative techniques against Americans affiliated with the CIA or other persons in the United States was more widespread than it has been in the past decade.

Even in recent years, however, most authorizations and approvals at the highest levels within the CIA have not been accompanied by a written record.

Howard Osborn testified that during his ten year service as Director of the Office of Security he regularly sought approval from Helms for physical surveillance or any more intrusive technique, with the exception of two minor instances of brief physical surveillance of CIA personnel allegedly involved in irregular personal activities or financial difficulties. In those instances, Osborn testified, approval was obtained from the Deputy Director of CIA for Support. However, Osborn added that such authorizations from the CIA Director were handled orally with a minimum of paperwork because of the sensitivity of the allegations.<sup>188</sup>

#### *D. Issues Raised by the Office of Security Programs and Investigations*

##### *1. Protecting CIA from Potential Violence*

The MERRIMAC and RESISTANCE programs represent an overly ambitious view of the CIA's authority to act on behalf of the Director of Central Intelligence to protect intelligence sources and methods.

<sup>186</sup> Ibid.

<sup>187</sup> Rockefeller Commission Report, June 1975, Chapter 13.

<sup>188</sup> Osborn, 10/3/75, pp. 45-46.

While the special security investigations raise questions about the propriety of targets and techniques in some cases, they reflected a common concern—the threat of unauthorized disclosure by CIA personnel, or in a few instances other government employees with access to intelligence material. This common denominator was present whether the particular case involved news leaks, suspected penetration by hostile intelligence services or simply personal situations making employees vulnerable, and thus security risks. The possibility of such security problems developing within the CIA's own organization was at least the basic concern expressed when the Director of Central Intelligence was charged with protection of intelligence sources and methods.

MERRIMAC and RESISTANCE, however, take the concept of such protection a step further. They were premised on the assumption that the responsibility for protecting sources and methods includes the general mission of safeguarding CIA—its personnel, facilities and operations—from domestic unrest in the larger society.

Is the protection of the CIA from disruption by domestic violence part of the intended responsibility to protect sources and methods? And if it is, how far would that authority extend?

Presumably all government agencies, but particularly those doing sensitive tasks, may undertake measures at their installations to prevent physical disruption by outsiders, for example by maintaining a guard force at entrances.

Beyond this, does the "sources and methods" mandate authorize the CIA to go out into the community and covertly investigate protest activity in order to detect potential threats, rather than relying on the FBI and local police for advance warning? Little in the legislative history suggests such an open-ended reading of that provision. But even if the mandate is presently so vague that it might be read that broadly, the programs would be questionable under the prohibition on CIA exercising law enforcement powers or performing internal security functions.

Both programs involved the CIA in examining domestic dissident activity, which, insofar as it actually threatened the government or particular agencies was a matter of internal security or law enforcement.

In RESISTANCE, the collection technique was less intrusive; even where covert sources supplied information, no CIA personnel became involved with the domestic groups. Its scope, however, was broad and the in depth analysis of political organizations and their leaders went beyond indications of specific threats to the CIA.

MERRIMAC, while more narrowly focused, took the CIA into actual penetration with the dissident groups. And to the extent the collection requirement was broadened from warning of imminent attacks on CIA to general information about the groups' finances and policies, it brought the Office of Security even closer to performing essentially internal security functions.

In addition, a common theme running through the explanation of the MERRIMAC and RESISTANCE programs is the claim that local police and federal law enforcement agencies were unwilling or

unable to provide adequate warning to permit safeguarding CIA facilities and personnel.<sup>189</sup> If the CIA, therefore, took on what would normally be responsibilities of law enforcement agencies, did it violate the letter, or the spirit, of the 1947 Act?

The CIA did undertake to supplement the public safety work of law enforcement agencies, whatever the CIA's parochial purpose for such activity.

Moreover, the FBI was providing the entire government with both intelligence about expected demonstrations, and information about the propensity of particular groups and individuals toward violence. The FBI did not assess the threat posed to each particular agency by every group or expected activity. But to let each agency run its own investigation of how domestic unrest might threaten its operations would be a dangerous invitation to multiply the opportunity for excessive surveillance of protest activity.

In any event, the CIA's perception, whether correct or not, that law enforcement agencies were incapable of providing adequate warning and countering any threat did not increase the CIA's authority to take action inconsistent with its own statutory limitations. To what extent should the CIA be permitted to engage in such activity in the future?

Director Colby's regulations on MERRIMAC-type activity indicated his view that the CIA should not be involved in any clandestine operations directed against domestic groups which might threaten the CIA. If the CIA is forbidden to infiltrate such groups, should it still be permitted to monitor public rallies and demonstrations, or should that, too, be reserved to law enforcement authorities? Although such monitoring is less intrusive on the participants' expectations of privacy, the general purpose of minimizing the CIA's involvement in domestic affairs suggests that the CIA should engage in no investigations beyond its own premises which are directed at domestic dissidents.

What, then, could the CIA do, short of such efforts, to help protect itself from external threats of public disorder? Anticipated violence would justify analysis of information received from the FBI or local police with direct responsibility for the jurisdiction in which CIA facilities are located. Such information and analysis would permit the CIA to take security precautions, such as notifications to employees and disposition of its own security forces, without engaging in covert operations like MERRIMAC or RESISTANCE.

Finally, if the CIA requires some information about dissident organizations in order to assess the significance of membership in them for security clearance of CIA applicants, should it rely on the FBI and the Civil Service Commission for such information? It might be argued that the CIA would undertake a more sophisticated analysis, and, in fact, hold mere membership less a disqualification than might some other government agencies. But that small benefit must be weighed against the risk of providing license for a foreign intelligence agency to scrutinize domestic political activity.

<sup>189</sup> Helms deposition, Rockefeller Commission, 4/12/75, pp. 315-316.

*2. Sensitive Security Investigations*

The power of the Director of Central Intelligence to take action to protect intelligence sources and methods in particular security cases has been viewed differently by recent directors.

Richard Helms testified that, in his view, the CIA could be asked to take any reasonable investigative steps, with no covert technique precluded, in order to protect sources and methods.<sup>190</sup>

While Helms explained that the FBI had been unwilling to undertake many of the investigations which the CIA performed, he testified that, independent of the Bureau's availability, he regarded those investigations as a legitimate exercise of his responsibility as director to protect intelligence sources and methods.<sup>191</sup>

Helms did recommend that the charge to protect sources and methods which he termed an "albatross" around the neck of the Director, be removed from the statute and given to the FBI, at least with regard to investigation of any Americans who were not affiliated with the CIA.<sup>192</sup>

William Colby, on the other hand, did not view the statutory mandate to be accompanied by actual extraordinary investigative authority:

It gives me the job of identifying any problem of protecting sources and methods, but in the event I identify one it gives me the responsibility to go to the appropriate authorities with that information and it does not give me any authority to act on my own. So I really see less of a gray area in that regard. I believe that there is really no authority under that act that can be used.<sup>193</sup>

His directives in response to the CIA's review of questionable practices reflect this position. Thus, the directive addressing past instances of investigating newsmen to determine the source of intelligence leaks stated:

MEMORANDUM

SUBJECT: [Cases Involving Investigation of Newsmen]

No surveillance, telephone tap, surreptitious entry or other action will be taken by Agency personnel in the United States against United States citizens not connected with CIA, under the claimed authority of "protection of intelligence sources and methods." This provision of the law lays a charge and duty on the Director and the Agency to act so as to protect intelligence sources and methods. It does not give it authority to take action with respect to other American citizens. If a threat or exposure of intelligence sources and methods occurs, the Agency can appropriately assemble its information on the topic and conduct such steps within its organization

<sup>190</sup> Helms deposition, Rockefeller Commission, 4/24/75, pp. 333-334.

<sup>191</sup> Helms, Rockefeller Commission, 1/20/75, p. 288.

<sup>192</sup> Helms deposition, Rockefeller Commission, 4/24/75, pp. 353-354.

<sup>193</sup> William Colby testimony, Senate Armed Services Committee Hearings, 7/2/73, p. 25.

as may be appropriate. With respect to outsiders, the appropriate lawful authorities must be approached for assistance on the matter, e.g., the FBI or local police.<sup>194</sup>

In addition, Colby's directive concerning the use of covert investigative techniques against the CIA's own employees off the Agency's own premises stated:

MEMORANDUM

SUBJECT: [Cases Involving Surveillance of CIA Employees and Ex-employees]

No surveillance, telephone tap, or surreptitious entry will be conducted against employees or ex-employees of the Agency outside Agency property. In the event that threats to intelligence sources and methods appear from Agency employees or ex-employees, the appropriate authorities will be advised, and the Agency will cooperate with the appropriate authorities in the investigation of possible violation of law.<sup>195</sup>

On its face, the director's statutory charge to protect sources and methods does not authorize the use of the CIA, as opposed to other agencies, for active investigation in the United States. The legislative history is also unclear in this regard.

An additional ambiguity is the tension between this responsibility, if it is deemed to authorize implementation by the CIA, and the restriction upon the CIA's exercising law enforcement or police powers.

Not all of the special security investigations undertaken in the past involve suspected criminal violations. For example, not all news leaks may be subject to prosecution. Yet if surveillance reveals the source, then he would be subject to administrative sanction or loss of clearances. Similarly, when investigations are in response to allegations that the subject's personal situation makes him a bad security risk, there may be no suggestion that he is yet involved in any unauthorized disclosure of information. It is merely a question of whether the subject should continue to have access to sensitive information or be given assistance in regard to his problems.

On the other hand, the more intrusive investigation techniques, at least in recent years, have usually been employed by the CIA only when there was a significant possibility of illegal activity, at which point there is a law enforcement aspect to the investigation.

Moreover, some of the investigative techniques, such as electronic surveillance and unauthorized entry, are tools which normally require warrants as an exercise of the police power. And to the extent their future use in national security matters is regulated by Congress under warrant procedures, CIA participation in such activity would present an even sharper question under the charter prohibition.

Most important, whatever the propriety of these special investigations has been under the 1947 charter, the ultimate question before the

<sup>194</sup> Memorandum from William Colby to Deputy Director for Administration, Attachment "Memorandum: [News Leak Investigations]", 8/29/73.

<sup>195</sup> Ibid. Attachment "Memorandum: [Investigation of CIA Employees and Ex-employees]."

Congress is the degree to which a secret foreign intelligence agency should conduct clandestine operations in the United States directed at Americans.

Centralizing these special security investigations (as opposed to routine background investigations) as much as possible within one agency under tight controls would not only minimize the potential opportunities for misuse of the more intrusive techniques. It would also enable the CIA to reduce its own involvement in any covert activity in the United States. The CIA's security role outside of its own premises would be held to the minimum, with respect to both the permissible subjects of such investigations and the techniques employed.

In the case of investigating newsmen to uncover intelligence leaks, Helms and Howard Osborn both agreed that the responsibility should be given to the FBI. Such a restriction on the CIA could be extended to any American not employed by the Agency. If the subject was suspected of being involved in efforts to procure improper disclosure of sources and methods, the same consideration of avoiding CIA involvement with private citizens suggests that the subject be investigated by the FBI.

What should the CIA's role be with respect to its own employees? The CIA could be permitted to conduct some preliminary investigations of its own employees outside of CIA premises, including interviews and other routine checks, before calling the FBI into every case in which a question of security risk has arisen. If some physical surveillance is also permitted as part of this preliminary investigation, it might be limited in duration and, more importantly, careful guidelines provided concerning the authority of the CIA to investigate other persons with whom the CIA employee comes in contact.