

NATIONAL SECURITY, CIVIL LIBERTIES, AND THE
COLLECTION OF INTELLIGENCE: A REPORT ON THE
HUSTON PLAN

CONTENTS

	Page
I. Introduction	
A. The Scope of the Investigation.....	923
B. A Precis.....	924
C. Issues.....	927
II. Background: A Time of Turbulence	
A. Frustrations in the White House.....	928
B. The Huston-Sullivan Alliance.....	929
C. The "New" Hoover.....	930
D. The Pressure of Events.....	933
III. The Meetings: The Writing of the Special Report	
A. Who, What, When and Where.....	934
B. At the White House, June 5th: The President Requests an Intelligence Report.....	936
C. In Hoover's Office, June 8th: A Premonitory Disagreement.....	938
D. The Langley Meetings:	
Drafting the Intelligence Report.....	939
The First Langley Meeting: Setting the Agenda.....	939
The Second Langley Meeting: Early Discussions.....	940
The Third Langley Meeting: Reviewing the First Draft.....	941
The Fourth Langley Meeting: The Final Draft.....	942
E. The Signing Ceremony.....	945
IV. An Intelligence Report for the President	
The options:	
A. Category One: Communications Intelligence.....	945
B. Category Two: Electronics Surveillance and Penetrations.....	946
C. Category Three: Mail Coverage.....	947
D. Category Four: Surreptitious Entry.....	948
E. Category Five: Development of Campus Sources.....	948
F. Category Six: Use of Military Undercover Agents.....	949
G. Category Seven: Budget and Manpower.....	950
H. Category Eight: Permanent and Interagency Committee.....	950
I. Category Nine (Removed): Surreptitious Optical Surveillance.....	951
J. Category Ten (Removed): Investigations of Diplomatic Personnel.....	951
V. The Huston Plan:	
A. Huston Plan, Phase One: Advice for the President.....	951
B. Huston Plan, Phase Two: The President's policy.....	955
VI. Recision of the Huston Plan: A Time for Reconsideration:	
A. The President Takes a Second Look.....	957
B. Huston Leaves the White House.....	961
VII. The Hidden Dimensions of the Huston Plan:	
A. Duplicity.....	962
B. Lawlessness.....	967
C. Mixed motives.....	971
D. "Credit Card Revolutionaries".....	973

	Page
VIII. Aftermath: The End—or the Beginning	
A. The Intelligence Evaluation Committee.....	974
B. Secret Meeting with Hoover.....	977
IX. Summary and Conclusions:	
A. Accountability, Authority, and the Law.....	980
B. The Quality and Coordination of Intelligence.....	981
C. Public Policy Implications.....	981
Table: Summary of the Meetings for the Preparation of an Intelligence Report for the President, June 1970.....	935
Appendix: "Chronology of Huston Plan and Intelligence Evaluation Committee" prepared by Senate Select Committee staff.....	983

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I. INTRODUCTION

A. The Scope of the Investigation

On January 27, 1975, the United States Senate, meeting early in the 1st Session of the 94th Congress, established through Senate Resolution 21 a Select Committee to Study Governmental Operations with Respect to Intelligence Activities. The Select Committee on Intelligence was given a broad mandate to investigate the extent, if any, to which "illegal, improper, or unethical" activities were engaged in by the intelligence agencies of the Federal Government.

Falling within this mandate was the specific charge in Section 2(3) of the Resolution to reveal "the full facts" with respect to "the origin and disposition of the so-called Huston Plan to apply United States intelligence agency capabilities against individuals or organizations within the United States."¹ This report presents the results of the Select Committee inquiry into this controversial intelligence plan.

In June 1970 President Nixon requested a review of those intelligence collection practices which might lead to better information on domestic dissenters. In response, the intelligence community produced a 43 page Special Report on the subject. The Huston Plan, written soon thereafter by presidential assistant Tom Charles Huston, was a set of recommendations-for-action derived from the options presented in this Special Report.

The following commentary on the Special Report and the Huston Plan is organized, first, to reveal the background events which led to the presidential request for an intelligence review. It then explores in detail the views and activities of the men who wrote the Special Report, as well as the reaction of the President to its controversial spin-off, the Huston Plan. The effect of this episode upon the ongoing activities of the intelligence agencies is examined next. Pursuant to Senate Resolution 21, special attention was devoted throughout the inquiry to the question of whether illegal, improper, or unethical acts had been carried out by the President or those preparing the intelligence report for him.

The Committee investigation into the Huston Plan began in April 1975. During the course of the inquiry over 40 interviews were conducted. These included all major—and most minor—participants in the intelligence agencies who helped draft the intelligence report for

¹ Senate Resolution 21, January 27, 1975, Sec. 2(3).

the President. The documents relevant to an understanding of the case were obtained by the Committee, including those from the papers of President Nixon.

Plans were made early in the investigation to interview the former President regarding his views on the Huston Plan episode; but, after lengthy negotiations, the conditions set for the interview by his lawyer proved to be unacceptable to the Committee Members, who favored an examination before the full Committee and on the record. The Select Committee did decide, however, to send the former President a set of written interrogatories on the Huston Plan. His responses are included in this report.

Supplemented by this presidential retrospect, the extensive documentation now available—as well as the existence of views from virtually every other major participant still living—provides a reasonably full understanding of the events which transpired in the summer of 1970, now encapsulated in the phrase, “The Huston Plan.” These events are summarized briefly in the following *précis*.²

B. A Précis

Richard M. Nixon won his first Presidential election in 1968 by less than one percent of the total popular vote. The Presidential campaign that year had been accompanied by some of the most violent street demonstrations in the history of American elections.

His first year in office provided the President with ample further evidence of the mood of revolt in the country. In March and April 1969, student riots erupted in San Francisco, Cambridge, and Ithaca; and in Chicago, ghetto blacks battled the police in the streets. By October and November, the anti-war movement was sufficiently well organized to bring to the nation's capital the largest mass demonstrations ever witnessed in the United States. The magnitude of the unrest was immense and, just as the nation was obsessed by Vietnam, so, too, the White House grew increasingly preoccupied with the wave of domestic protest sweeping the countryside.

Presidential assistant Tom Huston and others in the White House believed that better intelligence on the plans of domestic protesters would enable the President to take more decisive action against violence-prone dissenters. In their view, serious deficiencies in intelligence collection had resulted from the decision in the mid-1960s by J. Edgar Hoover, the Director of the Federal Bureau of Investigation, to curtail certain collection techniques (particularly surreptitious entry and electronic surveillance). This view was shared widely by intelligence officers throughout the Government. Hoover went so far as to sever formal liaison ties between the FBI and the CIA in March 1970 and later with the other intelligence agencies, adding further to the widespread disenchantment with his leadership in the intelligence area.

Tom Huston grew more frustrated by the inability of the White House to anticipate the plans of domestic dissenters. He was also encouraged by William C. Sullivan, Assistant Director for Domestic

² See the main text for documentation of facts presented in the *précis*.

Intelligence, FBI, to help remove Hoover's restraints on intelligence collection. By the spring of 1970, Huston decided to urge senior White House personnel to have the President request a thorough review of intelligence collection methods. The President, himself greatly concerned about domestic unrest, agreed to the proposal.

On June 5, 1970, President Nixon held a meeting in the White House with the leaders of the intelligence community. The purpose of the meeting was to establish a special committee which would review methods for improving the quality of intelligence particularly on the New Left and its foreign connections. Specifically this Interagency Committee on Intelligence (Ad Hoc) was charged with the preparation of a report for the President on existing intelligence gaps, how to close them, and how to enhance coordination among the intelligence agencies.

Assigned a tight deadline, the Ad Hoc Committee staff prepared the study in a fortnight. The final report was entitled "Special Report Interagency Committee on Intelligence (Ad Hoc)" and, on June 25, 1970, it received the signatures of the four top intelligence directors: Hoover (FBI), Helms (CIA), Bennett (DIA) and Gayler (NSA).³

The enterprise was unique. It pooled the resources of the foreign-oriented CIA, DIA, and NSA with those of the domestic-oriented FBI. Many of the participants endorsed the enterprise enthusiastically, not because of an interest in better data on the New Left but because they sensed an opportunity to remove various restrictions on the collection of strictly foreign intelligence. Others participated only hesitantly and briefly, fearful of breaking through the membranes of law and propriety.

Drawing upon the Special Report, Tom Huston prepared a memorandum in early July for Presidential advisor H. R. (Bob) Haldeman under the heading "Operational Restraints on Intelligence Collection." In this memorandum Huston, who had been the White House representative at the Ad Hoc Committee meetings, recommended that the President select for implementation those options in the Special Report which would have relaxed dramatically the current restrictions on intelligence collection. The set of options recommended by Huston is defined in this particular report known as the Huston Plan, although the phrase has been generally applied to the Special Report from which Huston selected his options.^{3a}

³ J. Edgar Hoover, Director, Federal Bureau of Investigation (FBI) and Chairman of the Ad Hoc Committee; Richard Helms, Director, Central Intelligence Agency (CIA); Lt. General Donald V. Bennett, USA, Director, Defense Intelligence Agency (DIA); Vice Admiral Noel Gayler (pronounced GUY-ler), USN, Director, National Security Agency (NSA).

^{3a} Since the Senate Watergate Committee revealed Nixon White House relations with the intelligence community, the term "Huston Plan" has been generally used in reference to recommendations and options described in both the Special Report of the Interagency Committee on Intelligence (Ad Hoc), June 1970, and in the memorandum from Tom Charles Huston to H. R. Haldeman, July 1970. In this report, "Special Report" refers only to the Special Report of the Interagency Committee on Intelligence (Ad Hoc), and "Huston Plan" refers to the recommendations outlined in the memorandum from Huston to Haldeman, July 1970.

Presidential approval of the options recommended by Huston would have given intelligence and counterintelligence specialists within the intelligence community authority to:

- (1) monitor the international communications of U.S. citizens;
- (2) intensify the electronic surveillance of domestic dissenters and selected establishments;
- (3) read the international mail of American citizens;
- (4) break into specified establishments and into homes of domestic dissenters; and,
- (5) intensify the surveillance of American college students.

Thus, in the summer of 1970, Tom Charles Huston believed the law had to be set aside in order to combat forces which seemed to be threatening the fabric of society. Apparently the President agreed, for on July 14, 1970, Haldeman wrote a memorandum back to Huston to inform him the President had approved his options to relax collection restraints. This decision later formed the core of Article II in the Impeachment Articles framed by the Judiciary Committee of the House of Representatives in 1974.

To implement the presidential decision, Huston next wrote a memorandum to each of the intelligence agency directors, dated July 23rd, informing them that certain restraints on intelligence collection were being removed. Writing under the heading "Domestic Intelligence," Huston invoked the authority of the President and outlined exactly which restrictions were to be lifted. This document is the second version of the Huston Plan and is similar to the first sent to the President for his approval via Haldeman in early July.

Four days later on July 27th, the Huston Plan sent to the intelligence directors was recalled by the White House "for reconsideration."

Most of these bare facts have been in the public domain since 1973, when the Senate Watergate investigation first brought to light the history of the Huston Plan. What is new as a result of this inquiry conducted by the Senate Select Committee on Intelligence is the discovery of a much more extensive degree of impropriety in the intelligence community than was initially revealed in 1973. Moreover, the Committee found instances of duplicity between the intelligence agencies and the President, and among agencies themselves.

Despite the request of the President for a complete report on intelligence problems, the Special Report of June 1970 failed to mention an ongoing CIA program that involved opening the international mail of American citizens or an on-going NSA program to select from intercepted international communications of American citizens contained on "watch lists" submitted by other agencies. The CIA mail program was clearly illegal, and the NSA program was of questionable lawfulness. Not only were laws violated, but the President was asked to consider approving the CIA mail-opening program apparently without ever being told of its existence.

Furthermore, despite the ultimate decision by the President to revoke the Huston Plan, several of its provisions were implemented anyway. The intelligence agencies contributed an increasing number of names of American citizens to the NSA "watch list" so that NSA

would provide the contents of any intercepted international communications of those citizens to the other intelligence agencies.

The number of Americans on this watch list expanded to a high point in 1973. The CIA continued its illegal program of mail opening. After the Huston Plan, the FBI lowered the age of campus informants, thereby expanding surveillance of American college students as sought through the Plan. In 1971, the FBI reinstated its use of mail covers^{3b} and continued to submit names to the CIA mail program. In December 1970, the intelligence community established—at the request of the White House—a permanent interagency committee for intelligence evaluation called the Intelligence Evaluation Committee (IEC), an entity highly comparable to one outlined in the Special Report. Finally, several of the principals involved in the Huston Plan episode continued to seek the full implementation of its provisions. Admiral Gayler and Richard Helms, for instance, urged Attorney General Mitchell on March 22, 1971, to relax the restrictions on key intelligence collection operations previously barred by the President in his ultimate rejection of the Huston Plan.

Placed in perspective, the Huston Plan must be viewed as but a single example of a continuous effort by counterintelligence specialists to expand collection capabilities at home and abroad often without the knowledge or approval of the President or the Attorney General, and certainly without the knowledge of Congress or the people. As a commentary on accountability, the lesson of the Huston Plan is obvious: often there was no accountability at all, beyond the intelligence agencies themselves. The result was a neglect of civil liberties by the intelligence collectors.

C. Issues

The case of the Huston Plan has been of particular significance because it raises a host of central issues about the American intelligence community that reappear throughout the broad range of the Committee investigation. Among these are the issues of accountability, authority, lawlessness, the quality of intelligence, and the problem of intelligence coordination.

Accountability and Authority.—Did the intelligence agencies conceal operations from the President in June 1970? From the representative of the President, Tom Huston? From the Attorney General? From the Congress? From each other? What review procedures existed to evaluate and approve the various collection techniques discussed in the Special Report? Were these procedures used?

Lawlessness.—Has the White House or the intelligence service acted in disregard for the law? Why did the intelligence community list for the President in the Special Report options which were illegal? Why did the President approve for implementation in the Huston Plan recommendations which were, in some cases, plainly illegal and, in other cases, of dubious legality? Did the intelligence professionals or Tom Huston seek legal consultation with the Justice Department, Congress, the courts, or their own legal counsel in drafting the intelligence plan?

^{3b} A "mail cover" involves a request to the Postal Service to examine the exterior of mail addressed to or from a particular individual or organization.

Quality and Coordination of Intelligence.—How justified was the dissatisfaction expressed by the Nixon Administration with the quality and coordination of intelligence on domestic dissenters in 1969 and 1970? Did the raising of barriers to intelligence collection by Hoover in the mid-1960's significantly reduce the quality of counterintelligence information? How badly were intelligence functions impaired by the severance of formal liaison ties between the FBI and the other intelligence entities in 1970?

An inquiry into the Huston Plan permits an analysis of answers to such issues found in the writings of the intelligence specialists who prepared the Special Report for the President in June 1970. Their views, reflected in the Report and subsequent memoranda, are provocative stimuli for thought, debate, and reform on the scope and method of intelligence activities within the United States.

II. BACKGROUND: A TIME OF TURBULENCE

A. Frustrations in the White House

The antiwar protests and the incidents of violence and civil disobedience which occurred throughout the country in 1969 and 1970 greatly concerned the Nixon Administration, much as it had the Johnson Administration before it. Among the responses of both administrations was the belief that hostile foreign powers must somehow be responsible for, or at least influencing, the domestic unrest. President Johnson often asked the intelligence agencies to probe the possibility of linkages between the antiwar movement and foreign influence.⁴ Not long after entering the White House, President Nixon took up the refrain.

In April 1969 the President asked his aide, John Ehrlichman, to have the intelligence community help him prepare a report on foreign Communist support of campus disorders. Evidence of a foreign connection was insubstantial; but the President and Ehrlichman were dissatisfied with the intelligence provided by the agencies, believing it to be inconclusive.⁵

Two months later, Ehrlichman assigned a young White House Counsel on Pat Buchanan's Research and Speech-Writing staff to prepare a second and more thorough report on foreign support of campus disturbances. Tom Charles Huston, lawyer and recently discharged Army intelligence officer, drew the assignment chiefly because he was interested in the subject and seemed to know more about New Left politics than anyone else on the White House staff.⁶

On June 19, 1969, Huston paid his first visit to William C. Sullivan of the FBI.⁷ Sullivan had served as the FBI's Assistant Director for Domestic Intelligence since 1961. In this position, he was responsible for counterintelligence, that aspect of intelligence activity designed to discover and destroy the effectiveness of hostile foreign intelligence services. Huston related to Sullivan the substance of a recent meeting

⁴ C. D. Brennan testimony, 9/25/75, Hearings, Vol. 2, pp. 104, 107, 135.

⁵ Tom Charles Huston deposition, 5/23/75, p. 4.

⁶ Huston deposition, 5/23/75, p. 4.

⁷ Memorandum from William C. Sullivan to Cartha DeLoach, 6/20/69. (Hearings, Vol. 2, Exhibit 5)

he had with the President. Concerned about revolutionary activities by the New Left, the President wanted to know the details on the radical movement—"especially," Sullivan remembers Huston emphasizing, "all information possible relating to foreign influences and the financing of the New Left."⁸ (To at least one intelligence official the line seemed extremely thin between the interest of President Nixon in this kind of information for the purposes of national security, on the one hand, and his interest for strictly political purposes, on the other hand.)⁹

Sullivan, replying to the White House inquiry for assistance from the FBI, told Huston that his request would have to be put in writing to Mr. Hoover, the FBI Director.¹⁰ On the next day, June 20, 1969, Huston prepared the request to be sent to Hoover. With the earlier report which the FBI had prepared for Ehrlichman in mind, Huston told the Director that the available intelligence data on Communist influence over radicals was "inadequate."¹¹ On behalf of the President, Huston wanted to know what gaps existed in intelligence on radicals and what steps could be taken to provide maximum possible coverage of their activities. Unwilling to accept earlier intelligence results which did not fit their preconceptions, the White House policy-makers began to apply increased pressure on the FBI to try additional collection techniques.

Huston also gave this same assignment to the CIA, NSA, and DIA. Each of the agencies submitted its report to Huston on a June 30th deadline, with the NSA feeding its contribution through the DIA presentation. The FBI report showed a "strong reliance upon the use of electronic coverage", according to C. D. Brennan, an assistant to William Sullivan who helped prepare the response to the White House request.¹² Brennan concluded that increased coverage would be necessary "as it appears there will be increasingly closer links between [the New Left and black extremist movements] and foreign communists in the future."

The quality of the intelligence supporting these reports apparently failed to satisfy Ehrlichman and others in the White House, especially the FBI data, and the disenchantment with the intelligence agencies continued.¹³

B. The Huston-Sullivan Alliance

Throughout the rest of 1969, Huston was assigned to receive and disseminate FBI intelligence estimates sent to the White House. Contempt for these estimates was voiced by Ehrlichman, Haldeman, and Huston's colleague, Egil Krough.¹⁴ Huston himself adopted more moderate views on the quality of Bureau intelligence reports, especially after he became more acquainted with Sullivan. Listening to the

⁸ Sullivan memorandum, 6/20/69.

⁹ Staff summary of [CIA intelligence officer] interview, 6/27/75.

¹⁰ Sullivan memorandum, 6/20/69.

¹¹ Memorandum from Tom Charles Huston to J. Edgar Hoover, 6/20/69. (Hearings, Vol. 2, Exhibit 6).

¹² Memorandum from C. D. Brennan to William C. Sullivan, 6/30/69. (Hearings, Vol. 2, Exhibit 7).

¹³ Huston deposition, 5/23/75, p. 19.

¹⁴ Huston deposition, 5/23/75, pp. 19, 21.

counterintelligence specialists made Huston sympathetic to the difficulties of intelligence collection under the restraints imposed upon the FBI by its Director. Sullivan often complained to Huston about the "question of coordination, the lack of manpower, the inability to get the necessary resources, the problems of the various restraints that were existing."¹⁵

From June 1969 to June 1970, the important relationship between Huston and Sullivan deepened into a working alliance devoted to the lowering of intelligence collection barriers. As a Central Intelligence Agency officer wrote in a memorandum for the record, "By way of background, it should be noted that Mr. Sullivan and Mr. Huston had been in frequent contact on these matters before [June 1970], because Mr. Sullivan was extremely displeased by the number of restrictions which had been placed on the FBI by Mr. Hoover."¹⁶ The two had numerous meetings and telephone conversations during this period, beginning with dialogues on the report prepared for the President in June 1969 and followed by preparations to deal with protest activity in the Washington, D.C., area.

As Huston recalls, it was during this period that he became close to Sullivan and his assistant, Brennan. "I think I had their confidence, in that I think they thought I understood a little bit about who the players were and what was going on in the country in internal security matters," Huston has testified. "And they certainly had my confidence. In fact, I do not think there was anyone in the government who I respected more than Mr. Sullivan."¹⁷

Though far different in temperament, age, and experience, Huston and Sullivan found themselves in agreement on several points. Both viewed the spiraling unrest in the country with alarm; both believed in the need for greater interagency coordination among the intelligence agencies; both thought the quality of data on domestic radicals could be vastly improved; and both agreed that most of the intelligence deficiencies could be remedied if the intelligence agencies—and particularly the FBI—would reinstate collection methods common "in the good old days," such as the use of electronic surveillance to obtain intelligence data.¹⁸

C. The "New" Hoover

Counterintelligence specialists throughout the government were dismayed when undercover FBI operations important to them, and carried out for several years, were suddenly suspended by Hoover in the 1960s.¹⁹ The new emphasis in the Kennedy Administration on investi-

¹⁵ Huston deposition, 5/23/75, p. 28; see also Tom Charles Huston testimony, 9/23/75, Hearings, Vol. 2, pp. 16-18.

¹⁶ Memorandum for the Record, James Angleton, 5/18/73, p. 2. (Hearings, Vol. 2, Exhibit 61); see also Huston deposition, 5/23/75, p. 23 and staff summary of William Sullivan interview, 6/10/75.

¹⁷ Huston, 9/23/75, Hearings, p. 16.

¹⁸ Huston deposition, 5/23/75, p. 33; Sullivan (staff summary), 6/10/75. See Sullivan's endorsement in March 1970 of a proposal advanced by Richard Helms, the CIA Director, that the FBI consider installing electronic surveillance upon CIA request, with the prior approval of the Attorney General and "on a highly relative basis." In a handwritten note, Hoover vetoed the idea. (Memorandum from William C. Sullivan to Cartha DeLoach, 3/30/70.)

¹⁹ Sullivan (staff summary), 6/10/75.

gations into organized crime and civil rights had already drained manpower from security and intelligence operations, according to an experienced FBI counterintelligence specialist.²⁰

Then by the mid-1960s, Hoover began to terminate specific security programs. In July 1966, for example, Hoover wrote on a memorandum that henceforth all FBI break-ins—or “black-bag” jobs—were to be cut off.²¹ By its refusal to use rigorously a full array of intelligence collection methods, Huston strongly believed the FBI was failing to do its job. This belief was shared widely among intelligence professionals. Helms, Bennett, and Gayler all expressed this view, as did—privately—key intelligence officers within the FBI itself.²²

Intelligence professionals were dismayed by Hoover’s reluctance now to order what he had allowed before on a regular basis. Some suggested that the wiretap hearings held by Senator Edward V. Long in 1965 had turned public opinion against the use of certain intelligence-gathering techniques,²³ and that the Director was merely reading the writing on the wall. One seasoned CIA intelligence officer recalls:

Mr. Hoover’s real concern was that during the Johnson Administration, where the Congress was delving into matters pertaining to FBI activities, Mr. Hoover looked to the President to give him support in terms of conducting those operations. And when that support was lacking, Mr. Hoover had no recourse but to gradually eliminate activities which were unfavorable to the Bureau and which in turn risked public confidence in the number one law enforcement agency.²⁴

Others pointed to the increased risks involved in break-ins because of new and sophisticated security precautions taken by various Bureau targets. Hoover, according to this theory, was unwilling to engage in past practices when faced with the new dangers of being caught.²⁵

The fact that Hoover reached age 70 in 1965 was also significant in the view of still others, since he then came within the law which required mandatory retirement. Henceforth, he served each year in a somewhat vulnerable position, as his Directorship was now reviewed for renewal on an annual basis. So he became, according to an FBI official, “very conscious of the fact that any incident which, within his

²⁰ Brennan, 9/25/75, Hearings, p. 101.

²¹ See also J. Edgar Hoover’s handwritten notes on memorandum from William C. Sullivan to Cartha DeLoach, 7/19/66, p. 3. As early as 1963, Hoover began to oppose the broad use of domestic wiretaps. (Memorandum from William C. Sullivan to Cartha DeLoach, 3/7/70.)

²² Richard Helms deposition, 9/10/75, p. 3; General Donald V. Bennett deposition, 8/5/75, p. 12; Admiral Noel Gayler deposition, 6/19/75, pp. 6-7; Sullivan (staff summary), 6/10/75; Huston deposition, 5/23/75, p. 36. In the latter part of 1969, Hoover was advising the CIA to see the Attorney General—not him—if it wanted to expand its intelligence collection on foreigners within the United States. (Sullivan memorandum, 3/30/70.)

²³ Staff summary of (FBI intelligence officer), 8/20/75.

²⁴ James Angleton testimony, 9/24/75, Hearings, Vol. 2, pp. 69-70. In April 1970, Sullivan noted that “we have had to retrench in recent years largely as a result of the lack of support [from ‘responsible quarters’]. . . .” [Memorandum from William C. Sullivan to Cartha DeLoach, 4/14/70. (Hearings, Vol. 2, Exhibit 52).]

²⁵ Sullivan (staff summary), 6/10/75.

understanding might prove an embarrassment to the Bureau, could reflect questionably on his leadership of the Bureau.”²⁶

Several highly-placed observers in the intelligence community also believed the Director was simply growing old and more wary about preserving his established reputation—a wariness nurtured by the protective instincts of his close friend and professional colleague, Clyde Tolson, who held the second highest position in the FBI. Dr. Louis Tordella, the long-time top civilian at NSA, speculated in conversations with William C. Sullivan in 1969 that Tolson probably had told Hoover something to the effect: “If these techniques ever backfire, your image and the reputation of the Bureau will be badly damaged.”²⁷

Tordella, Sullivan, and others in the intelligence world grew increasingly impatient with the “new” Hoover and with what they considered to be his obstinance on the question of intelligence collection. If they were to expand their collection capabilities, as they and the White House wished, the new restrictions would have to be eased. Yet no one was willing to challenge Hoover’s policy directly.

Tordella and General Marshall Carter, when he was Director of NSA, tried in 1967 and failed.²⁸ Their 15-minute appointment with Mr. Hoover in the spring of that year stretched into two-and-a-half hours. The communications experts first heard more than they wanted to about John Dillinger, “Ma” Barker, and the “Communist Threat.” Finally, they were able to explain to Hoover their arguments for reinstating certain collection practices valuable to the National Security Agency. Hoover seemed to yield, telling the NSA spokesmen their reasoning was persuasive and he would consider reestablishing the earlier policies.

The news came a few days later that Hoover would allow FBI agents to resume the collection methods desired by NSA. Tordella and Carter were surprised, and gratified. Then three more days passed and the FBI liaison to NSA brought the word that Hoover had changed his mind; his new stringency would be maintained after all. William Sullivan called to tell Tordella that “someone got to the old man. It’s dead.” That someone, Sullivan surmised, was Tolson.

Hoover added a note to his message for Carter and Tordella, indicating that he would assist the National Security Agency in its collection requirements only if so ordered by the President or the Attorney General. Tordella, however, was reluctant to approach either. “I couldn’t go to the chief law enforcement figure in the country and ask him to approve something that was illegal,” he recently explained (despite the fact that he and General Carter had already asked the Director of the FBI to approve an identical policy). As for the President, this was “not a topic with which he should soil his hands.” For the time being, Tordella would let the NSA case rest.

Nor was Richard Helms going to be the man to urge Hoover to relax the newly imposed restrictions. He and Hoover had little patience for one another for several years. Hoover distrusted the

²⁶ Brennan, 9/25/75, Hearings, p. 97.

²⁷ Staff summary of Louis Tordella interview, 6/16/75.

²⁸ Tordella (staff summary), 6/16/75.

“Ivy League” style of CIA personnel in general; according to Sullivan, “Ph.D. intelligence” was a term of derision Hoover liked to use against the Agency.²⁹ Gayler and Bennett, newcomers to the intelligence community, were warned immediately by their assistants not to challenge the Director of the Bureau directly on matters relating to domestic intelligence.³⁰

It would take the pressure of events, skillful maneuvering by a group of FBI counterintelligence specialists, and Huston’s strategic position on the White House staff to focus the attention of the President on the problem of intelligence collection.

D. The Pressure of Events

Events encouraged action. Riots and bombings escalated throughout the country in the spring of 1970. In his official statement on the Huston Plan, issued while he was still in the White House, President Nixon recalled that “in March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City.”³¹ The explosion of a Weatherman “bomb factory” in a Greenwich Village townhouse in March particularly shocked Tom Huston and other White House staffers.³² The response of the President was to send anti-bombing legislation to the Congress.

Moreover, in the spring of 1970 the FBI severed its formal liaison to the CIA in reaction to a CIA–FBI dispute over confidential sources in Colorado.³³ Though hostility between the two agencies had surfaced before with some frequency over matters such as disagreement regarding the *bona fides* of communist defectors, this particular dispute was “the one straw that broke the camel’s back.”³⁴ The incident in Colorado, now known as the Riha Case, involved a CIA officer who received information concerning the disappearance of a foreign national on the faculty of the University of Colorado, a Czechoslovak by the name of Thomas Riha.

The information apparently came from an unnamed FBI officer stationed in Denver. Hoover demanded to know the identity of the FBI agent; but, as a matter of personal integrity, the CIA officer refused to divulge the name of his source. Hoover was furious with Helms for not providing the FBI with this information and, “in a fit of pique,”³⁵ he broke formal Bureau ties with the Agency.³⁶ To

²⁹ Sullivan (staff summary), 6/10/75.

³⁰ Gayler deposition, 6/19/75, p. 28; staff summary of General Donald Bennett interview, 6/5/75.

³¹ President Nixon statement, 5/22/73, *Presidential Documents*, Vol. 9, No. 21, May 28, 1973, p. 694.

³² Huston deposition, 5/23/75, p. 21.

³³ Hoover issued an order that “direct liaison” with CIA Headquarters “be terminated” and that “any contact with CIA in the future” be “by letter only.” Henceforth, the position of FBI “liaison agent” to the CIA was eliminated. See also Hoover’s handwritten notes on a letter from Richard Helms to J. Edgar Hoover, 2/26/70 and Sam Papich deposition, 9/22/75, p. 3.

³⁴ Angleton, 9/24/75, Hearings, pp. 83–84.

³⁵ Staff summary of [CIA intelligence officer], 2/9/76.

³⁶ By midsummer, formal Bureau liaison ties with all other intelligence agencies had been terminated as well, leaving only a staff linkage between Sullivan in the Bureau and Huston in the White House.

many observers, including Huston and Sullivan, the severance of these ties contributed to the perceived inability of the Bureau's intelligence division to perform their task adequately.

In this context, a special meeting was called on April 22, 1970, in Haldeman's office. In attendance were Haldeman, Krogh, Huston, Alexander Butterfield (who had responsibility for White House liaison with the Secret Service), and Ehrlichman. The purpose of this gathering was to improve coordination among the White House staff for contact with intelligence agencies in the government and, more importantly, as Huston remembers, to decide "whether—because of the escalating level of the violence—something within the government further needed to be done."³⁷

A decision was made. The President would be asked to meet with the directors of the four intelligence agencies to take some action that might curb the growing violence. The intelligence agencies would be asked by the President to write a report on what could be done. The meeting was planned for May. In addition, Tom Huston was given a high staff position in the White House; henceforth, he would have responsibilities for internal security affairs.³⁸ He was now in a strategic position to help Sullivan reverse existing Bureau policies.

The meeting between President Nixon and the intelligence directors was not held in May, because plans for, and the reaction to, the April 29 invasion of Cambodia in Southeast Asia disrupted the entire White House schedule. In the aftermath of this event, the meeting "became even more important," recalls Huston.³⁹ The expansion of the Indochina war into Cambodia and the shootings at Kent State and Jackson State had focused the actions on antiwar movement and civil rights activists.

As soon as the reaction to the Cambodian incursion had stabilized somewhat, the meeting between President Nixon and the intelligence directors was rescheduled for June 5th. It was to start a chain of events that would culminate in the Huston Plan.

III. THE MEETINGS : THE WRITING OF THE SPECIAL REPORT

A. Who, What, When and Where

Throughout June 1970 a series of seven important meetings on intelligence were held in Washington. They began on June 5th in the Oval Office with a conference between the Chief Executive and the intelligence directors, at which President Nixon requested the preparation of an intelligence report; and they ended twenty days later in Hoover's office where the directors gathered to officially sign the report for the President. In between these two meetings came a preliminary planning session in Hoover's office on June 8, and four subsequent staff meetings held at CIA Headquarters in Langley, Virginia. It was at these staff meetings that the intelligence report was formulated. (See Table 1.)

³⁷ Huston deposition, 5/23/75, p. 22. H. R. Haldeman's appointment calendar for April 22, 1970, includes a list of participants at this meeting.

³⁸ Memorandum from John R. Brown III to H. R. Haldeman, 4/30/70.

³⁹ Huston deposition, 5/23/75, p. 26.

TABLE 1.—SUMMARY OF THE MEETINGS FOR THE PREPARATION OF AN INTELLIGENCE REPORT FOR THE PRESIDENT, JUNE 1970

	Meeting No.						
	1	2	3	4	5	6	7
Date of meeting.....	June 5 ¹	June 8.....	June 9 ²	June 12 ²	June 17 ²	June 23 ²	June 25.....
Location.....	White House.....	FBI.....	CIA.....	CIA.....	CIA.....	CIA.....	FBI.....
Principal participants.....	President Nixon, Hoover (FBI), Helms (CIA), Admiral Gayler (NSA), Bennett (DIA), Ehrlichman (WH), Haldeman (WH), Huston (WH).	Hoover, Helms, Gayler, Bennett, Buffham (NSA), Sullivan (FBI), G. Moore (FBI).	Helms, Angleton (CIA), Buffham.	Cregar (FBI), Lieu- tenant Colonel Downie (Army), Huston.	Colonel Koller (AF), D. Moore (FBI), Captain Rifenburg (Navy).	Stilwell (DIA), Sullivan, G. Moore (FBI).	Hoover, Helms, Gayler Bennett, Sullivan, Huston, Brennan.
Purpose of meeting.....	Request for intel- ligence plan	Planning session.....	Agenda setting.....	Review of working papers.	1st draft.....	2d draft.....	Signing ceremony.

¹ Robert Finch, an advisor to the President, also attended this meeting, but just as a holdover from a previous meeting invited to stay on by the President.

² Each of these individuals listed attended 1 or more of the 4 staff meetings held at the Central Intelligence Agency.

Note: Helms, D. Moore, and Koller attended only the 1st CIA meeting. A few other "observers" not listed above attended 1 or more of the last 3 sessions at the CIA, including C. D. Brennan and Fred J. Cassidy of the FBI.

B. At the White House, June 5th: The President Requests an Intelligence Report

Huston was responsible for arranging the conference between President Nixon and the intelligence leaders, and had briefed the President in advance. The briefing was based on a two-page working paper that Huston prepared, relying on his conversations with the considerably more experienced Sullivan. As Sullivan's assistant, C. D. Brennan, recalls: "Mr. Huston did not have that sufficient in-depth background concerning intelligence matters to be able to give that strong direction and guidance," and therefore Sullivan was the "principal figure" behind the preparations leading to the Huston Plan.⁴⁰ Sullivan's role seemed to be to tell Huston what were *desirable* changes in the intelligence services; Huston was to try to make what was desirable *possible*, through his position as the White House man charged with responsibility for domestic intelligence.

The two-page working paper outlined for the President items he might discuss with the intelligence directors: the increase in domestic violence; the need for better intelligence collection; a report to be prepared for the President on radical threats to the national security and gaps in current intelligence on radicals; and the use of an interagency staff to write the report.⁴¹

Before the meeting, the President telephoned Huston to say he wanted Hoover to be the chairman of the committee responsible for the intelligence report. (The President had met privately with the FBI Director the day before.⁴²) Huston took the opportunity to urge the President to appoint Sullivan as the chairman of the staff subcommittee.⁴³

The June 5th meeting in the Oval Office lasted less than an hour. Reading from a talking-paper prepared for the session by Huston, the President first emphasized the magnitude of the internal security problem facing the United States. The paper read:

We are now confronted with a new and grave crisis in our country—one which we know too little about. Certainly hundreds, perhaps thousands, of Americans—mostly under 30—are determined to destroy our society. They find in many of the legitimate grievances of our citizenry opportunities for exploitation which never escape the attention of demagogues. They are reaching out for the support—ideological and otherwise—of foreign powers and they are developing their own brand of indigenous revolutionary activism which is as dangerous as anything which they could import from Cuba, China, or the Soviet Union.⁴⁴

⁴⁰ Brennan, 9/25/75, Hearings, pp. 105–106.

Huston stated that the paper for the President "clearly reflected Bill's [Sullivan's] views." (Huston deposition, 5/23/75, p. 32.)

⁴¹ Huston deposition, 5/23/75, p. 32.

⁴² Attachment to memorandum from J. Bruce Whelihan to Ron Ziegler, 1/29/74, p. 2, from the Nixon Papers.

⁴³ Huston deposition, 5/23/75, p. 33.

⁴⁴ Talking Paper prepared for President Nixon, 6/5/70.

Among the chief factors complicating the internal security problem, according to the paper, were the people of the United States: "Our people—perhaps as a reaction to the excesses of the McCarthy era—are unwilling to admit the possibility that 'their children' could wish to destroy their country. . . . This is particularly true of the media and the academic community." The solution to the problem of domestic instability could be found in better intelligence: "The Government must know more about the activities of these groups, and we must develop a plan which will enable us to curtail the illegal activities of those who are determined to destroy our society."

The President then expressed his dissatisfaction with the quality of intelligence he had been receiving on the protest movement.⁴⁵ "Based on my review of the information which we have been receiving at the White House," read his prepared notes, "I am convinced that we are not currently allocating sufficient resources within the intelligence community to the collection of intelligence data on the activities of these revolutionary groups."⁴⁶ To obtain the "hard information" he wanted, the President told the directors they were to serve on a special committee to review the collection efforts of the intelligence agencies in the internal security area. Based on this review, they were expected to recommend steps which would strengthen the capabilities of the government to collect intelligence on radicals.⁴⁷

Departing from his prepared notes, the President next mentioned a meeting he had had with President Calder of Venezuela earlier that morning.⁴⁸ President Calder had complained to him about the high degree of violence and unrest in the Caribbean, noting that some Latin American nation believes U.S. nationals—specifically black radicals—were fomenting this unrest. President Nixon asked Helms if he had any information on the relationship between black militancy in the United States and unrest in the Caribbean. Helms said he did not, but that he would investigate the matter for the President. (The CIA gave the President a report on this subject, via Huston, on July 6, 1970.⁴⁹)

The President paused at this point in the meeting to ask Hoover and Helms if there were any problems in coordination between their respective agencies. Both assured him there were not.⁵⁰ Neither, apparently, wished to discuss the Riha Case with other disagreements.

⁴⁵ General Bennett recalls that "the President chewed our butts." [Bennett (staff summary), 6/5/75.] The Director of DIA took notes on the meeting, and thought he remembered President Nixon turning on a taperecorder sitting on his desk at the beginning of the session. No other participant recalls this taping, and no such tape was found in the search through the papers of President Nixon by his lawyers, at the request of the Select Committee.

⁴⁶ Talking Paper prepared for President Nixon, 6/5/70. In fact, however, this matter had received considerable attention from the intelligence agencies. See, for instance, the testimony of FBI intelligence officer Brennan, 9/25/75. Hearings, Vol. 2, pp. 104, 107, 135; and the Select Committee Report on CIA Project CHAOS.

⁴⁷ Talking Paper prepared for President Nixon, 6/5/70.

⁴⁸ Huston deposition, 5/23/75, pp. 35-36.

⁴⁹ Report to the President by the Commission on CIA Activities within the United States, June 1975, p. 122, note.

⁵⁰ Huston deposition, 5/23/75, p. 36.

President Nixon concluded the meeting by directing the intelligence directors to work with Tom Huston on the report they were to prepare. Huston would "provide the subcommittee with detailed information on the scope of the review which I have in mind," said the President.⁵¹ He also asked Hoover to serve as chairman of the committee, which was to be known as the Interagency Committee on Intelligence (Ad Hoc). Finally, he recommended that Hoover name his Assistant Director for Domestic Intelligence, William Sullivan, to be responsible for the staff workgroup for the actual drafting of the Special Report. Hoover agreed to be chairman and to place Sullivan in charge of the inter-agency committee staff.⁵²

The meeting in the Oval Office took place on a Friday. Sullivan's first assignment from Hoover was to set up a preliminary planning session to be held in Hoover's office the following Monday.

C. In Hoover's Office, June 8th: A Premonitory Disagreement

At the Monday meeting, Hoover reminded the other intelligence directors that the President was dissatisfied with the current state of intelligence on domestic radicals, and stressed his own alarm at links between protestors in this country and Cuba, China, and the Iron Curtain countries.⁵³ He said that President Nixon wanted an historical summary of unrest in the country up to the present, and he spoke of the establishment of an interagency staff committee to meet the President's objectives. Sullivan would be chairman of the staff group, and its first meeting would occur the next afternoon, Tuesday, June 9th, at the Central Intelligence Agency.

Hoover asked Richard Helms first, and then the others, if they had anything to add; none of the intelligence directors did. Then came Tom Huston's turn to respond. The Director had misunderstood the intent of the President, said the White House aide. The report was not to be an historical summary at all. It was to be a current and future threat assessment, a review of intelligence gaps, and a summary of options for operational changes.⁵⁴

Admiral Gaylor of NSA then spoke up: it was his understanding, too, that the committee was to concentrate on the shortcomings of current intelligence collection. General Bennett, Gaylor, Helms, and Huston proceeded to discuss their impressions of what the President really meant.⁵⁵ President Nixon wanted the pros and cons of various collection methods spelled out clearly in the form of an options paper, emphasized the young White House staffer. The President preferred reports presented in this form to assure that decisions were not made at a lower level, with the President merely the recipient of a *fait accompli*. All the intelligence directors, except Hoover, supported the objectives articulated by Huston.

Hoover—who was apparently irritated by this turn of events⁵⁶ finally agreed and the meeting ended abruptly. He asked the other directors to give this matter the highest priority and to assign their top experts to the project. After the meeting, Hoover confided to Wil-

⁵¹ Talking Paper prepared for President Nixon, 6/5/70.

⁵² Huston deposition, 5/23/75, p. 34.

⁵³ Sullivan (staff summary), 6/10/75.

⁵⁴ Huston, 9/23/75, Hearings, p. 4.

⁵⁵ Sullivan (staff summary), 6/10/75.

⁵⁶ William C. Sullivan deposition, 11/1/75, p. 121.

liam Sullivan that he believed Huston was a "hippie intellectual."⁵⁷ Sullivan's own views on the importance of this undertaking were reflected in a statement which he prepared for Hoover as background information for this meeting. "Individually, those of us in the intelligence community are relatively small and limited," he wrote. "Unified our own combined potential is magnified and limitless. It is through unity of action that we can tremendously increase our intelligence gathering potential, and, I am certain, obtain the answers the President wants."⁵⁸

D. The Langley Meetings: Drafting the Intelligence Report

The Ad Hoc Committee staff met the next day at CIA Headquarters in Langley, Virginia, for the first of four drafting discussions.⁵⁹

The First Langley Meeting: Setting the Agenda

At the first staff meeting Huston summed up for the participants the objectives of the President, using a "Top Secret" outline he had prepared.⁶⁰ Under "Purposes," the outline noted that the Committee was to prepare an analysis on the internal security threat; identify gaps in the present collection efforts; recommend steps to close these gaps; and review the status of interagency coordination. Under "Procedures," Huston had written: "Operational details will be the responsibility of the chairman. However, the scope and direction of the review will be determined by the White House member." In other words, Sullivan would provide the guiding expertise to lay out what collection barriers the counterintelligence experts wanted removed; Huston would make sure the Committee did not stray from the goal of suggesting options to remove these barriers. The "Objectives" of the Committee included "maximum use of all special investigative techniques. . . ."

After the staff members had read the outline, Huston stressed to the group the President's deep concern about New Left anarchism and whether the intelligence agencies were doing all they could to cope with the problem. He said, as he had in Hoover's office the day before, the President wanted to see the pros and cons of any restraints so that he could decide what action to take.

Following the presentation by Huston on the President's requirements for the Committee, Sullivan asked for comments regarding the level of classification for papers or reports prepared by the Committee. The classification "Top Secret" was adopted. Helms also recommended the maintenance of a "Bigot List" reflecting the names of all persons who would have knowledge of the work of the Committee.

⁵⁷ Sullivan (staff summary), 9/23/75.

⁵⁸ Attachment to William Sullivan memorandum to Cartha DeLoach, 6/6/70. (Hearings, Vol. 2, Exhibit 9.)

⁵⁹ The FBI served as secretariat for these meetings, with William Creegar keeping the minutes. Summaries of the sessions are found in a series of FBI memoranda: Memorandum from William Sullivan to Cartha DeLoach, 6/10/70 (Hearings, Vol. 2, Exhibit 11); Memorandum from William Sullivan to Cartha DeLoach, 6/15/70 (Hearings, Vol. 2, Exhibit 13); Memorandum from William Sullivan to Charles Tolson, 6/29/70 (Hearings, Vol. 2, Exhibit 17); Memorandum from William Sullivan to Charles Tolson, 6/26/70 (Hearings, Vol. 2, Exhibit 18); and Interagency Committee on Intelligence (ICI) minutes, 6/19/70 (Hearings, Vol. 2, Exhibit 14).

⁶⁰ Memorandum, "USIB Subcommittee on Domestic Intelligence," undated. A summary of the first session is found in Sullivan memorandum, 6/10/70.

The Committee turned next to the heart of the matter: the methodology of intelligence collection. Going around the table, the various representatives discussed restraints upon the ability of their agencies to develop the intelligence necessary to satisfy the concern of the President over "New Left" dissent and its possible foreign support. It was agreed that members would bring to the next session a list of those restrictions which hampered their intelligence-collection activities. Again, Huston urged them to remember the President's interest in the pros and cons of each restriction.

Buffham of NSA called attention to the outline circulated by Huston. In its first paragraph the outline called upon the Committee "to define and assess the existing internal security threat." The NSA representative said that such a study would require immediate attention from the counterintelligence specialists from each member organization. Huston suggested the FBI prepare a threat assessment from the domestic point of view and CIA from the foreign point of view. All members concurred, and Sullivan asked the FBI and CIA to have the papers ready for distribution at the next meeting to allow consideration by the full committee as soon as possible.

Thus, the agenda was set. The work-group would begin by examining restraints on intelligence collection and preparing a threat assessment. Members were cautioned to maintain tight security to conceal the existence and activities of the Committee. To assist this objective, the group agreed to continue meeting at CIA Headquarters. The Committee adjourned until the following Thursday, June 12th. (See the Chronology in the Appendix.)

The Second Langley Meeting: Early Discussions

At the next gathering of the work-group at CIA Headquarters on Friday of the same week, agreement was reached to follow an outline prepared by Huston and the FBI to guide the writing of the report for the President.⁶¹ The report would cover three specific areas: (1) an assessment of the current internal security threat and the likelihood of future violence; (2) a listing of the current restraints on intelligence collection; and (3) an evaluation of interagency coordination within the intelligence community.

Just as he had reminded Hoover that Monday in the Director's office, Huston again made the point that the threat assessment was not to be merely an exercise in history writing. The President wanted an up-to-date analysis of the "New Left" threat and an estimate on future problems posed by the radicals.

For the meeting each agency had prepared a paper on intelligence collection restraints. Huston found the preliminary drafts "totally unacceptable," according to CIA representative James Angleton, and said that the group "was not being responsive to the President's needs."⁶² As exemplified by the FBI submission, Huston wanted the restraints clearly identified, the pros and cons listed, and a format provided whereby the President could indicate whether he wished the restraints to be maintained, relaxed, or that he required more information to make a decision. The entire range of collection options were to be listed, whether the Committee thought they were preposterous or

⁶¹ The second Langley meeting is summarized in Sullivan memorandum, 6/15/70.

⁶² Angleton, 9/24/75, Hearings, p. 57.

desirable. The representatives were asked by Huston to follow the FBI model for their subsequent drafts.

As for the third portion of the report, opinion among the participants was generally in favor of the establishment of a permanent interagency committee on intelligence. It would evaluate intelligence, coordinate operations, prepare ongoing threat assessments on domestic protest, and develop new policies.

The idea of a permanent committee was strongly endorsed by Huston, who said the President would probably favor its creation. Privately, Huston thought this was "the most important recommendation."⁶³ Among the participating agencies only the CIA questioned the need for a permanent committee, recommending instead the establishment of a temporary group first to see if it would work.⁶⁴ The Agency's hesitancy may have reflected a reluctance to confront Hoover with such a blatant entry into the domestic intelligence area, largely the private preserve of the FBI in the past.

The FBI threat-assessment paper, entitled "Defining and Assessing the Existing Internal Security Threat—Domestic," was circulated at this second meeting and, at Huston's suggestion, was tabled to allow each member time to review its contents carefully for discussion at the third session. The CIA paper, captioned exactly like the Bureau's except for the substitution of "Foreign" for "Domestic," was not yet ready; but Richard Ober, the primary CIA drafter, said it would be circulated in time for review by everyone before the third meeting.⁶⁵

The Committee agreed to have the FBI prepare a first draft of the entire report to be circulated on June 16th. T. J. Smith and Richard Cotter of the Bureau Research Division were assigned by Sullivan to write the drafts;⁶⁶ everyone was to provide the Bureau with inputs on or before June 15th. The third meeting of the Committee was set for Wednesday, June 17th.

The Third Langley Meeting: Reviewing the First Draft

This third session of the Ad Hoc Committee staff was the most important. From it emerged the specific options which the group would lay before the President. The first two sessions had been preparatory; now the Committee was ready to examine thoroughly a first draft of the report.⁶⁷ The members dissected the draft in minute detail, spending all afternoon and part of the evening going over it. The FBI and CIA reports on "Defining and Assessing the Existing Internal Security Threat" had been incorporated into the draft, as had the pros and cons of various restraints inhibiting intelligence collection.

Starting at the beginning of the draft, the Committee first went step-by-step through the section on the internal security threat facing the United States. The military representatives criticized the CIA and FBI data and interpretations on militant "New Left" groups, black

⁶³ Huston (staff summary), 9/22/75.

⁶⁴ Huston, 9/23/75, Hearings, pp. 18-19; staff summary of James Angleton interview, 9/12/75.

⁶⁵ Ober was also in charge of the controversial CIA "Operation CHAOS" to investigate foreign contracts with American dissidents. See the Select Committee Report on Operation Chaos.

⁶⁶ Staff summary of Richard Cotter interview, 9/15/75; Sullivan (staff summary), 6/10/75.

⁶⁷ For a review of the third ICI meeting, see the Interagency Committee on Intelligence minutes, 6/19/70.

extremists, the intelligence services of Communist countries, and other revolutionary groups (like the Puerto Rican nationalist extremists). Eventually, however, virtually unanimous agreement was reached on this threat assessment section.

The next section of the report on restraints was much more complex and open to controversy. Huston made it clear early in the review of this "Restraints" section that no individual agency would be allowed to make a separate recommendation, conclusion, opinion, or observation. The report had to be a joint effort, and only options were to be listed for the President. The sole exception would be the possibility of recommending to the President the establishment of a permanent interagency group or committee to evaluate intelligence problems related to internal security. While the discussion on the options was lengthy and punctuated by disagreements, the end result was a first draft of the intelligence report which had the support of all the participating agencies.

The Fourth Langley Meeting: The Final Draft

The fourth and final meeting of the ICI staff was held on June 23rd and was devoted to improving the first draft and polishing it into a final report.⁶⁸ Between the third and fourth sessions, Sullivan and the other representatives from the various agencies showed the first draft to their superiors. While the other directors saw no significant problems with the draft, Hoover balked. He would not sign the report, he informed Sullivan. It would have to be completely rewritten to eliminate the extreme options in the "Restraints" section and the recommendation for the permanent interagency committee would have to be removed also.⁶⁹

Hoover explained his objections, as Sullivan recalls, in this way:

For years and years and years I have approved opening mail and other similar operations, but no. It is becoming more and more dangerous and we are apt to get caught. I am not opposed to doing this. I'm not opposed to continuing the burglaries and the opening of mail and other similar activities, providing somebody higher than myself approves of it. . . . I no longer want to accept the sole responsibility—the Attorney General or some high ranking person in the White House—then I will carry out their decision. But I'm not going to accept the responsibility myself anymore, even though I've done it for many years.

Number two, I cannot look to the Attorney General to approve these because the Attorney General was not asked to be a member of the ad hoc committee. I cannot turn to the ad hoc committee to approve of these burglaries and opening mail as recommended here. The ad hoc committee, by its very nature, will go out of business when this report has been approved.

That leaves me alone as the man who made the decision. I am not going to do that any more . . . I want you to prepare a detailed memorandum and set forth these views. . . .⁷⁰

⁶⁸ The last meeting of the ICI staff is summarized in the Sullivan memorandum, 6/24/70.

⁶⁹ Sullivan (staff summary), 6/10/75.

⁷⁰ Sullivan deposition, 11/1/75, pp. 122–24.

Sullivan pointed out to Hoover that it would not be entirely fair or reasonable to rewrite completely a report which had been approved already by everyone else. Instead the Director might wish to note his objections in the form of footnotes to the report, if he felt he needed to as was commonly done on interagency intelligence papers. Hoover finally agreed. Sullivan personally added the footnotes to the draft, as requested by Hoover, and had his secretary type up the new version to be presented at the fourth Langley meeting.⁷¹

Sullivan distributed this second draft of the report at the final Langley meeting. It bore Hoover's footnotes conspicuously, and the participants realized that Hoover had intervened.⁷² (The first draft had been written in the Bureau Research Section and brought to the third Langley meeting without being shown to Hoover.⁷³) Col. Downie, the Army representative, remembers smiling as he read the second draft; he found it amusing that Sullivan had "eaten humble pie." Hoover had "put the brakes on," Downie figured, and now the Committee was "back to square one."⁷⁴

Only one day separated the last meeting at Langley from the official signing of the Special Report, which was to take place in Hoover's office on June 25th. It left little time for the directors of CIA, DIA, and NSA to react to the footnotes.⁷⁵ Certainly, Hoover did not call to

⁷¹ Sullivan deposition, 11/1/75, pp. 124-125.

⁷² Sullivan (staff summary), 6/10/75. Sullivan also remembers the presence of an Intelligence Review Board in the draft, which was designed to monitor problems within the intelligence side of government. He remembers Hoover demanding its removal at this stage, and Sullivan complied. No one else remembered this Review Board concept.

⁷³ Cotter (staff summary), 9/15/75.

⁷⁴ Staff summary of Col. John Downie interview, 5/13/75.

⁷⁵ The footnote aspect of the Special Report remains a mystery. A Sullivan memorandum dated June 24, 1970, discussing the results of the final ICI staff meeting, notes that the Hoover footnotes were included in the final draft distributed on June 23rd to all the participants. (Sullivan memorandum, 6/24/70.) Yet, Adm. Gayler now denies knowing about these notes until the actual signing ceremony in Hoover's office on June 25th. [Gayler (staff summary) 6/19/75.] Gen. Bennett goes so far as to claim the footnotes were added after the signing ceremony. [Bennett (staff summary) 6/5/75.] Going still further, Col. Downie, the Army representative, believes the directors signed an innocuous report, then the signature page was attached later—without the knowledge of the other directors—to a report which included all the extreme options appearing in the Special Report as we know it today. [Downie (staff summary) 5/13/75.] This extreme version was then sent to the President via Tom Huston.

What seems most likely to have happened regarding the footnotes is as follows: Sullivan had told Huston early in the sessions at CIA Headquarters that it would be a major error to show Hoover the final draft of the report at the same time the other directors saw it. He would just "whack it away, and will have no chance," Sullivan said. (Houston deposition, 5/23/75, p. 65.)

Instead, Sullivan decided to have the Ad Hoc staff first approve a draft (which they did at their third meeting). The members were then to get their respective agency hierarchies to approve it, also. This was accomplished directly after the third meeting. Helms, Bennett, and Gayler reviewed this first draft and found it generally acceptable. Bennett had it approved by his and Gayler's superiors at the Defense Department. Finally, once the representatives of the various agencies had reported back that their directors had given their approvals (around June 20th) Sullivan approached Hoover, saying: "Here is the report that has been approved by all the other agencies, and we need your approval." [Sullivan (staff summary), 6/10/75.]

Sullivan hoped that, faced with this united front, Hoover would go along. [Sullivan (staff summary), 6/10/76; Huston deposition, 5/23/75.]

forewarn them of his action. When their representatives brought news of what the FBI Director had done, Gayler and Bennett were furious. Both called Huston immediately.⁷⁶

They were "mad as the dickens," Huston recalls. The White House aide tried to calm them and urged them to "live with" Director Hoover's additions to the Report.

The military intelligence director persisted. Hoover had no right to add his own personal observations; and if he could do it, so could they. Bennett and Gayler were particularly annoyed that Hoover had objected to specific operations, when what was listed were *options* for the President, not recommendations. Hoover's critical footnotes made the options appear to be recommendations which the other directors automatically supported. "They either wanted another meeting among the Directors [to] demand that the footnotes be withdrawn, or else they wanted to insert their own footnotes saying they favored certain things," recalls Huston.⁷⁷ The White House staffer was:

. . . very much interested in not creating any difficulties with Mr. Hoover that could, at all, be avoided, and I told both General Bennett and Admiral Gayler that I thought it was unnecessary for them to take such action; that in my cover memorandum to the President, I would set forth their views as they had expressed them to me, and that I would appreciate it if they would not raise the question with the Director.⁷⁸

Helms has testified that he does recall the episode.⁷⁹

At the time, Huston appeared unconcerned about Hoover's notations. One participant at the final session thought Huston would achieve his ends anyway. "He seemed to exude the attitude that 'What the White House wanted, the White House would get,'" recalls a Navy observer. "If Hoover didn't want to play, it would be played some other way."⁸⁰

Tordella of NSA, too, remembers that Sullivan was not particularly upset by Hoover's move. With Helms, Bennett, and Gayler still in support of the Special Report, Sullivan believed President Nixon would accept the options on relaxing restraints anyway.⁸¹

The final meeting at Langley was thus spent in the review of this second draft. In addition to the footnotes, some changes were made. Diction which Hoover had found perjorative was removed ("procedures" replaced "restrictions" in one segment, for instance); and references to CIA-FBI liaison difficulties was excised, as was the concept of a full-time working staff for the recommended permanent interagency committee. The essential alteration, however, was the addition of Hoover's footnotes.⁸² The next step was to have the intelligence directors sign the report.

⁷⁶ Huston deposition, 5/23/75, p. 67.

⁷⁷ Huston, 9/23/75, Hearings, p. 7.

⁷⁸ Huston, 9/23/75, Hearings, p. 7.

⁷⁹ Helms deposition, 9/10/75, p. 40.

⁸⁰ Staff summary of B. Willard interview, 5/16/75.

⁸¹ Tordella (staff summary), 6/16/75.

⁸² Sullivan memorandum, 6/24/70.

E. The Signing Ceremony

The meeting to review and sign the Special Report began at 3:00 promptly on the afternoon of June 25th.⁸³ The Director of the FBI opened the meeting by commending the members for their outstanding effort and cooperative spirit displayed in preparing the Special Report. Hoover went through his normal routine on such occasions. He started with page one of the Report and said "Does anyone have any comment on Page 1?" He then proceeded to go through the 43-page document, page by page, in this fashion.

For each page, Hoover addressed his question to each Director and to Tom Huston. Hoover displayed his contempt for Huston by addressing him with different names: "Any comments, Mr. Hoffman? Any comments, Mr. Hutchinson?" and so on, getting the name wrong six or seven different ways.⁸⁴

Huston hoped the meeting would end before Gayler or Bennett raised the subject of the footnotes. "We got down to about 'X' number of pages and, finally, it was just too much for Admiral Gayler," Huston recalls, "and so, sure enough, there he goes. He started in about a footnote, I think."⁸⁵ Bennett joined Gayler in querying the Director about the footnotes.⁸⁶

Hoover was surprised. It was not customary to respond critically during the FBI Director's pro forma readings. Huston looked toward Helms, who spoke up and managed to smooth the waters to some degree.⁸⁷ However, Hoover was clearly upset,⁸⁸ and hurried through the rest of the Report. The four directors then signed the document. Hoover reminded them to have all working copies of the Report destroyed, thanked them for their participation, and dismissed the Committee. The Interagency Committee on Intelligence (Ad Hoc) had completed its assignment.

IV. AN INTELLIGENCE REPORT FOR THE PRESIDENT: THE OPTIONS

The next day, June 26th, the Special Report was delivered to Huston at the White House for the President. For each of the intelligence collection methods, the President was presented the option of (1) continuing the present restrictions, (2) asking for more information, or (3) accepting one of the relaxations listed below.⁸⁹ Hoover's notes were typed in beneath the options for each collection technique.

The first category of options written into the report dealt with communications intelligence.

*A. Category One: Communications Intelligence*⁹⁰

—Present interpretation should be broadened to permit and program for coverage by NSA of the communications of U.S. citizens using international facilities.

⁸³ Sullivan memorandum, 6/24/70.

⁸⁴ Sullivan (staff summary), 6/10/75.

⁸⁵ Huston deposition, 5/23/75, p. 70.

⁸⁶ Bennett (staff summary), 6/5/75.

⁸⁷ Huston deposition, 5/23/75, p. 70.

⁸⁸ Sullivan (staff summary), 6/10/75.

⁸⁹ Special Report, Interagency Committee on Intelligence (Ad Hoc), 6/70 cited in this report as Special Report. (Hearings, Vol. 2, Exhibit 1). See note 3a.

⁹⁰ The "and" in the following two paragraphs is probably an original error and should read "a".

—Present interpretation should be broadened to permit and program for coverage by NSA *at the request of the FBI* of the communications of U.S. citizens using international facilities. [Original emphasis. No footnotes were added to this section.]

The National Security Agency pressed for the inclusion of these options in an effort to obtain a clarification of their role in targeting against communications traffic involving U.S. revolutionary leaders and organizations.⁹¹ At the time, NSA believed that its authority precluded production and dissemination of intelligence from international communications between U.S. citizens and barred specific targeting against the communications of U.S. nationals.⁹²

At the heart of this option lay the NSA "Watch List." In 1967, the NSA began to receive from the FBI, the CIA, and the Secret Service the names of individuals whom these agencies viewed as threats to American security. The NSA was supposed to select, from international communications, messages which were sent to or from these individuals—approximately 1,650 of whom were U.S. citizens.⁹³ (The present director of the NSA does not know whether or not the President knew about the NSA Watch List.⁹⁴) Unsure about the legality of the practice, the June meetings were viewed by NSA as a chance to obtain more explicit approval to do what, in fact, they were already doing; that is, selecting the international messages of specified U.S. nationals for transcription and dissemination to other intelligence agencies. Explicit approval from the President for this practice would have permitted an expansion of the American names on the Watch List.

B. Category Two: Electronic Surveillances and Penetrations

—Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.

—Present procedures should be changed to permit intensification of coverage of foreign nationals [classified] of interest to the intelligence community.

Note: The FBI does not wish to change its present procedure of selective coverage on major internal security threats as it believes this coverage is adequate at this time. The FBI would not oppose other agencies seeking authority of the Attorney General for coverage required by them and thereafter instituting such coverage themselves.

As the Special Report stated: "NSA has been particularly hard-hit by this limitation."⁹⁵

The CIA had a strong interest in this option, too. In the mid-1960s, Helms had approached Hoover to increase the number of telephone

⁹¹ Special Report, p. 23.

⁹² Special Report, p. 23.

⁹³ General Lew Allen testimony, 10/28/75, Hearings, Vol. 5, p. 12. See also NSA Report, Sec. II: "NSA's Monitoring of International Communications."

⁹⁴ Allen, 10/28/75, hearings, p. 28.

⁹⁵ Special Report, p. 26.

taps to assist the CIA in its missions.⁹⁶ For similar reasons, the CIA now joined the NSA in its quest for increased electronic coverage. As a former high-level CIA counterintelligence officer has noted, "Thousands of man-hours would have been saved if the Bureau had been willing to place taps on [selected] telephones."⁹⁷

Among the arguments presented in the Special Report in favor of the increased use of this technique was that "every major intelligence service in the world, including those of the Communist bloc, use such techniques as an essential part of their operations; and it is believed the general public would support their use by the United States for the same purpose."⁹⁸ Yet, five years earlier, Hoover had cut back on these forms of surveillance in large part for the very reason that he believed the American public would no longer tolerate their broad use.⁹⁹

C. Category Three: Mail Coverage

—Restrictions on legal coverage should be removed.

—Present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.

Note: The FBI is opposed to implementing any covert mail coverage because it is clearly illegal and it is likely that, if done, information would leak out of the Post Office to the press and serious damage would be done to the intelligence community. The FBI has no objection to legal mail coverage providing it is done on a carefully controlled and selective basis in both criminal and security matters.¹⁰⁰

As the draft explained, two types of mail coverage exist: routine coverage, which involves recording information from the face of envelopes, and covert (or "sophisticated") coverage which entails the examination of contents within a sealed envelope. The former is legal, the latter is not. "*Covert coverage has been discontinued,*" the President was told in the Report, and one option placed before him read: "Present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest."¹⁰¹ [Emphasis added.]

In fact, "covert coverage" had *not* been discontinued. The CIA had used covert mail programs to examine mail sent between the United States and Communist countries since 1953. It was the judgment of some Agency officials that, although warrantless mail opening was illegal, the good that flowed from them in terms of anticipating threats to the United States made it worthwhile.¹⁰² The objective was "to try to uncover foreign involvement in this country,"¹⁰³ but, in the retro-

⁹⁶ Sullivan (staff summary), 6/10/75.

⁹⁷ Staff summary of James Angleton interview, 7/10/75.

⁹⁸ Special Report, p. 27.

⁹⁹ Sullivan (staff summary), 6/10/75.

¹⁰⁰ This represented a change in Hoover's position, though the Bureau would not actually engage in this legal coverage again until 1971. Earlier in the history of the Bureau (prior to 1964), it had been a common technique.

¹⁰¹ Special Report, p. 31.

¹⁰² See, for example, Angleton, 9/24/75, Hearings, p. 61. See also Mail Report.

¹⁰³ Angleton, 9/24/75, Hearings, p. 76.

spective view of the CIA officer in charge of the program, the covert mail programs were “very much an error.”¹⁰⁴ Since 1958, the FBI had also known of these programs and, in fact, had contributed names to the CIA’s “Watch List.”¹⁰⁵

D. Category Four: Surreptitious Entry

—Present restrictions should be modified to permit procurement of vitally needed foreign [classified] material.

—Present restrictions should also be modified to permit selective use of this technique against other urgent and high priority internal security targets.

Note: The FBI is opposed to surreptitious entry . . . [classified].

This option reflected the use of breaking and entering, and burglary, by Government agents. Of all the agencies involved in these meetings, NSA was the most interested in removing the restraints on surreptitious entries.¹⁰⁷ Millions of dollars could be saved by such operations, Buffham argued at the Langley meetings.¹⁰⁸

One option for the President proposed that “present restrictions should also be modified to permit selective use of this technique against other urgent and high-priority internal security targets.”¹⁰⁹ In short, entries were to be made against the “New Left” subversives discussed in the Special Report—if the President gave his approval to this option.

E. Category Five: Development of Campus Sources

—Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.

—CIA coverage of American students (and others) traveling abroad or living abroad should be increased.

Note: The FBI is opposed to removing any present controls and restrictions relating to the development of campus sources. To do so would severely jeopardize its investigations and could result in charges that investigative agencies are interfering with academic freedom.¹¹⁰

The intelligence professionals complained at the drafting sessions that it was difficult to gather data on student subversives when no secondary school students and no one below the legal age in colleges and universities were allowed to work for the intelligence agencies as sources.¹¹¹ Among other reasons for relaxing these restraints was the argument that campus violence occurs quickly and with little planning. To anticipate this kind of disorder, the intelligence community had to have youthful informants. Hoover had taken the position, however,

¹⁰⁴ Angleton, 9/24/75, Hearings, p. 64.

¹⁰⁵ Angleton, 9/24/75, pp. 77–78; Mail Report.

¹⁰⁷ Sullivan (staff summary), 6/10/75; see also memorandum from William Sullivan to Cartha DeLoach, 6/19/70. (Hearings, Vol. 2, Exhibit 15).

¹⁰⁸ Staff summary of Benson Buffham interview, 5/19/75.

¹⁰⁹ Special Report, p. 33.

¹¹⁰ In the fall of 1970, the FBI reduced the age limits on campus informants from 21 to 18.

¹¹¹ Sullivan (staff summary), 6/10/75.

that using informants below age twenty-one was too risky; they were less reliable, and legal complications could arise with their parents and the school administration.¹¹²

According to Huston, the FBI members of the ICI ad hoc staff hoped to reduce the age level of informants to eighteen through the Special Report; but, if they said so directly and explicitly, "it would make Mr. Hoover mad." Therefore, they "couched this recommendations in terms that 'campus informant coverage shall be expanded'"¹¹³ The Special Report noted that, in this area, "the military services have capabilities which could be of value to the FBI."¹¹⁴

F. Category Six: Use of Military Undercover Agents

—The counterintelligence mission of the military services should be expanded to include the active collection of intelligence concerning student-related dissident activities, with provisions for a close coordination with the FBI.

—No change should be made in the current mission of the military counterintelligence services; however, present restrictions should be relaxed to permit the use of trusted military personnel as FBI assets in the collection of intelligence regarding student-related activities.

Note: The FBI is opposed to the use of any military undercover agents to develop domestic intelligence information because this would be in violation of the Delimitations Agreement. The military services, joined by the FBI, oppose any modification of the Delimitations Agreement which would extend their jurisdiction beyond matters of interest to the Department of Defense.

The only specific views on intelligence operations which Huston's superiors at the White House discussed with him before the June meetings had to do with the military. Haldeman expressed to Huston the President's belief that "we should use the military services in collection of domestic intelligence."¹¹⁵ The vast resources of the military, it was felt, could effectively supplement the intelligence gathering capabilities of the other agencies.

At the third Langley meeting, Huston therefore told the group that the President wanted a list of options on the use of the military for domestic intelligence collection. The military voiced its opposition to the idea, however, and the FBI was also against it.¹¹⁶ The Committee wanted to eliminate the option from the report. Huston himself thought the proposal was inappropriate, but he insisted the option be included, since Haldeman and the President had explicitly requested it.¹¹⁷

The response of the Committee, in Huston's opinion, was to write a set of options in favor of using the military which were "very flimsy

¹¹² Sullivan (staff summary), 6/10/75.

¹¹³ Huston, 9/23/75, Hearings, p. 23-24.

¹¹⁴ Special Report, p. 35.

¹¹⁵ Tom Charles Huston deposition, 5/22/75, pp. 39-40; see also Huston, 9/23/75, Hearings, pp. 17, 35.

¹¹⁶ Huston, 9/23/75, Hearings, p. 35.

¹¹⁷ Huston, 9/23/75, Hearings, p. 35.

and they would not convince anyone." In the Report, six "Advantages of Maintaining Restrictions" were listed, compared to just three "Advantages of Relaxing Restrictions."¹¹⁸ The military representatives stressed, in their discussion of these options, that disclosure of military involvement in this kind of counterintelligence work "would certainly result in considerable adverse publicity."¹¹⁹

In fact, at that time Army officials were preparing for their appearance before the Senate Subcommittee on Constitutional Rights,¹²⁰ which was then investigating the question of military surveillance of civilians in the United States. This investigation serves as an important backdrop for understanding the marked caution of the military intelligence representatives during the sessions at Langley.

The Special Report included two more sets of options for the President's consideration:

G. Category Seven: Budget and Manpower

—Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.

—Each agency must operate within its current budgetary or manpower limitations, irrespective of action required as result of this report.

H. Category Eight: Permanent Interagency Committee

—An ad hoc group consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed and should serve as long as the President deems necessary, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives indicated above.

—A permanent committee consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives indicated above.

Note: The FBI is opposed to the creation of a permanent committee for the purpose of providing evaluations of domestic intelligence, however the FBI would approve of preparing periodic domestic intelligence estimates.

In the first draft of the Report, the following options were also included, though both were removed in the writing of the final draft:¹²¹

¹¹⁸ Special Report, pp. 37–38.

¹¹⁹ Special Report, p. 38.

¹²⁰ "Federal Data Banks, Computers, and the Bill of Rights," Part II, *Hearings before the Subcommittee on Constitutional Rights*, 2/31/71 through 3/17/71.

¹²¹ Sullivan memorandum, 6/24/70. Another option—to permit the use of truth serum—went into an early rough draft in the Bureau. It was devised by Bureau staffers in hopes that Hoover would remove it from the final report but, as a compromise, kept in all the other options. Sullivan, however, decided to remove this option before the first draft ever left the Bureau to be read by the ICI staff at Langley. [Cotter (staff summary), 9/15/75.]

I. Category Nine (Removed): Surreptitious Optical Surveillance

According to intelligence specialists, this phrase simply refers to taking photographs of people without their knowledge. The discussion of options under this heading was finally discarded from the report, evidently because the members knew it was already being done and saw no point in asking the President for his views on the subject.¹²²

J. Category Ten (Removed): Investigations of Diplomatic Personnel

When conducting "investigations" of foreign diplomats (often a euphemism for recruiting an agent) within the United States, the FBI traditionally clears the probe with the State Department before proceeding. This is done to make sure the Bureau is not entering into a case that, for some reason, might be peculiarly sensitive, and disclosure could have international repercussions detrimental to U.S. interests.

On occasion, some members of the Bureau have had investigations blocked or delayed by the State Department for reasons which they viewed as unsatisfactory. The question was consequently raised at the Langley meetings as to whether these clearances from State were really useful, or merely represented a further obstacle to intelligence work. This was a subject of great interest to many of the counterintelligence specialists who viewed the State Department skeptically. As one remarked candidly, "Our roles are often conflictual: they're always trying to 'build bridges'—detente and all that stuff—while we're trying to catch spies."¹²³ On balance, though, opinion within the group favored keeping the clearance procedure and avoiding a dispute with State.

These first eight categories of options, then, constituted the vital core of the special intelligence report for the President, from which the Huston Plan would be extracted. Behind them lay a variety of forces and pressures which had preceded and shaped the Report, but which were nowhere revealed in its formal language. (These hidden dimensions are explored in Section VII below.)

In the weeks that followed the official signing of the Special Report, Tom Charles Huston recommended to the President those options from the Report which promised to eliminate most thoroughly the existing restrictions on intelligence collection. These recommendations became known as the Huston Plan.

V. THE HUSTON PLAN

A. Huston Plan, Phase One: Advice for the President

For several weeks after the signing of the Special Report on June 25th, it appeared to the intelligence agencies that their efforts had come to nothing. No response had come from the White House, and Sullivan began to believe the whole idea had "died aborning."¹²⁴

Yet, in the White House, Huston was working toward the next step. He had succeeded in obtaining the four signatures from the chiefs of the intelligence community, even Hoover's. Now he wanted to get the

¹²² Staff summary of [FBI counterintelligence expert], 8/20/75.

¹²³ [FBI counterintelligence expert] (staff summary), 8/20/75.

¹²⁴ Sullivan (staff summary), 6/10/75.

President to approve the strongest options in the Special Report designed to remove the existing restrictions on intelligence collection. If he were successful here, the intelligence collectors would then have all the authority they desired.

Soon after the June 26th delivery of the Special Report to the White House, Huston began to prepare carefully a memorandum addressed to Haldeman on what the President ought to do with the Report. The memo, dated simply "July 1970" but written in the early days of July, was entitled "Domestic Intelligence Review." It was a synopsis of the Ad Hoc meetings held during the month of June. Huston began with a sharp diatribe against Hoover, the "only stumbling block" in the proceedings (in contrast, Helms had been "most cooperative and helpful").¹²⁵ The FBI Director "refused to go along with a single conclusion drawn or support a single recommendation made," until Huston successfully opposed Hoover's attempt to rewrite the Report. (In this description of the confrontation with Hoover, Sullivan was never mentioned.)

Hoover then "entered his objections as footnotes to the report," Huston wrote further. These objections were "generally inconsistent and frivolous."¹²⁶ To avoid "a nasty scene" between the military directors and Hoover over the footnotes, Huston assured Admiral Gayler and General Bennett that their objections "would be brought to the attention of the President." Turning to the substantive work of the Ad Hoc group, Huston emphasized to Haldeman that everyone who participated was dissatisfied with current intelligence collection procedures—except Hoover. Even the FBI participants, according to Huston, "believe that it is imperative that changes in operating procedures be initiated at once." Furthermore, all members felt it "imperative" to establish a permanent interagency committee for intelligence evaluation—again with the exception of the FBI Director.

Should the President decide to lift the current restrictions, Huston recommended a face-to-face "stroking session" with Hoover in which the President explained his decision and indicated "he is counting on Edgar's cooperation. . . ." In this way, Huston continued, "We can get what we want without putting Edgar's nose out of joint." Though the Director was "bullheaded as hell" and "getting old and worried about his legend," he would "not hesitate to accede to any decision the President makes," predicted Huston. Attached to this optimistic appraisal were Huston's specific recommendations on the decisions Nixon should make concerning the lifting of operational restraints.

The Recommendations

The recommendations in this first version of the so-called Huston Plan were written under the heading "Operational Restraints on Intelligence Collection."¹²⁷ Huston offered advice on each operational section of the Report, and each recommendation was buttressed by a one-to-several paragraph rationale. The recommendations comprising

¹²⁵ Memorandum from Tom Charles Huston to H. R. Haldeman, 7/70. (Hearings, Vol. 2, Exhibit 2). See footnote 3a.

¹²⁶ By "inconsistent," Huston is apparently referring to Hoover's willingness to permit the exercise of collection techniques in the past which he would not permit in 1970.

¹²⁷ Attachment to Huston memorandum, 7/70.

Huston's plan, as presented to the President, are outlined below with the exception of the rationales which concluded chiefly that (1) coverage was inadequate, and (2) all the methods had been used before with great productivity.

Communications Intelligence. Recommendation: ¹²⁸

Present interpretation should be broadened to permit and program for coverage by NSA of the communications of U.S. citizens using international facilities.

Electronic Surveillances and Penetrations. Recommendation:

Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.

ALSO, present procedures should be changed to permit intensification of coverage of foreign nationals [classified].

Mail Coverage. Recommendation:

Restrictions on legal coverage should be removed.

ALSO, present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.

Surreptitious Entry. Recommendation:

Present restrictions should be modified to permit procurement of vitally needed foreign [classified] material.

ALSO, present restrictions should be modified to permit selective use of this technique against other urgent and high priority internal security targets.

Development of Campus Sources. Recommendation:

Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.

ALSO, CIA coverage of American students (and others) traveling or living abroad should be increased.

Use of Military Undercover Agents. Recommendation:

Present restrictions should be retained.

Beyond the lowering of specific operational restraints, Huston made two further recommendations.

Manpower and Budget. Recommendation:

Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.

Measures to Improve Domestic Intelligence Operations.

Recommendation:

A permanent committee consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence,

¹²⁸ The "and" instead of "a" error from the Special Report is repeated in Huston's recommendation.

prepare periodic domestic intelligence estimates, and carry out the other objectives specified in the report.

In his discussion of these methods, Huston raised—and quickly dismissed—questions about the legality of two collection techniques in particular: covert mail cover and surreptitious entry. “Covert [mail] coverage is illegal, and there are serious risks involved,” he wrote. “However, the advantages to be derived from its use outweigh the risks.”¹²⁹

As for surreptitious entry, Huston advised: “Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However,” he concluded, “it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion.”¹³⁰

In brief, the President’s aid was asking the highest political figure in the nation to sanction lawlessness within the intelligence community. This attitude toward the law was not his alone; it was shared by certain representatives of the intelligence community as well. The recommendations made to the President, says Huston, “reflected what I understood to be the consensus of the working group.”¹³¹ Huston agreed with this consensus.

Sullivan has explained his view—not necessarily shared by others—that he and the rest of the intelligence officers attending the Langley meetings “had grown up ‘topsy-turvy’ during the War—a time when legal aspects were far less important than getting a job done against the enemy.” Moreover, they shared the belief that intelligence work is “something different,” somehow falling outside the normal realm of the law. The business required one to engage sometimes in activities that would not always be acceptable to others. That many of the men had served in the agencies operating overseas, unfettered by the legal system of the United States, may have contributed to a disregard for the “niceties of the law” in discussions of intelligence collection against alleged subversives. Besides, the KGB did not play by a legal rule-book.¹³²

For Huston, the only Ad Hoc Committee member too young to have grown up “topsy-turvy” during the War, the reasons for government lawlessness were different. Viewed as a conservative intellectual of sorts among his colleagues in the White House, he had spun a theory on the New Left which led him inexorably toward helping to unbridle the intelligence collectors. Huston believed that the real threat to internal security was repression. The New Left was capable of producing a climate of fear that would bring forth every repressive demagogue in the United States. These demagogues were not in the government, but out in the country; the intelligence professionals, if given

¹²⁹ Attachment to Huston memorandum, 7/70, p. 2.

¹³⁰ Attachment to Huston memorandum, 7/70, p. 3. In using the word “burglary,” Huston sought to “escalate the rhetoric . . . to make it as bold as possible.” He thought, that as a staff man, he should give the President “the worst possible interpretation of what the recommendation would result in.” (Huston deposition, 5/22/75, p. 69.)

¹³¹ Huston deposition, 5/22/75, p. 8.

¹³² Sullivan (staff summary), 6/10/75.

the chance, could protect the American people from these latent forces of repression by monitoring the New Left and providing information to stop the violence before it began. The Huston Plan would halt repression on the Right by stopping violence on the Left.

Huston saw his own role as the Administration's coordinator of all internal security matters. After writing his recommendations for the President, he sent a memorandum to Richard Helms, dated July 9. All future matters relating to domestic intelligence or internal security were to be sent to the "exclusive attention" of Tom Huston, since "the President is anxious to centralize the coordination at the White House of all information of this type. . . ." Huston ended: "Dr. Kissinger is aware of this new procedure."¹³⁴

Huston then waited expectantly for the decision of the President. It came via Haldeman on July 14: The President had approved the recommendations.¹³⁵ Former President Nixon has since stated, "My approval was based largely on the fact that the procedures were consistent with those employed by prior administrations and had been found to be effective by the intelligence agencies."¹³⁶

Huston was pleased. There was only one problem: President Nixon had told Haldeman he was too busy to meet again with Hoover and the other intelligence directors on this subject, as Huston had recommended. He preferred "that the thing simply be put into motion on the basis of this approval." Huston felt a certain uneasiness. He particularly wanted the President to invite Hoover in to give him the decision directly, "because it seemed to me it would be easier maybe to get him to accept it."¹³⁷ Nevertheless, Huston proceeded to draw up the official memorandum which would carry the news to the intelligence directors. The "Huston Plan" was now presidential policy.

B. Huston Plan, Phase Two: The President's Policy

Just over a week later, on July 23, 1970, Huston finished the official version of this presidentially-ratified plan and sent it on its way via courier to Hoover, Helms, Bennett and Gayler.¹³⁸ With only minor changes, this official intelligence plan repeated the recommendations made by Huston to the President earlier in the month. Now it began with the preface: "The President has carefully studied the special report of the Interagency Committee on Intelligence . . . and made the following decisions." Huston had selected the most extreme options posed by the counterintelligence experts and the President of the United States had agreed with those recommendations.

Henceforth, *with presidential authority*, the intelligence community could at will intercept and transcribe the communications of Americans using international communications facilities; eavesdrop

¹³⁴ Memorandum from Tom Charles Huston to Richard Helms, 7/9/70. (Hearings, Vol. 2, Exhibit 19).

¹³⁵ Memorandum from H. R. Haldeman to Tom Charles Huston, 7/14/70. (Hearings Vol. 2, Exhibit 3.) See also H. R. Haldeman testimony, Senate Select Committee on Presidential Campaign Activities, Hearings, 7/31/73, Vol. 8, p. 3030.

¹³⁶ Answer of Richard M. Nixon to Senate Select Committee Interrogatory 19, 3/19/76, p. 13.

¹³⁷ Huston, 9/23/75, pp. 23-24.

¹³⁸ Memorandum from Tom Charles Huston to Intelligence Directors, 7/23/70.

from near or afar on anyone deemed to be a "threat to the internal security;" read the mail of American citizens; break into the homes of anyone tagged as a security threat; and monitor in various ways the activities of suspicious student groups. Only the restraints on military intelligence collection were preserved, no doubt because the military was dead set against further involvement in the face of pending Congressional hearings on military surveillance of civilians.

The official memorandum to the intelligence directors further noted that on August 1, 1970, the permanent inter-agency committee on intelligence evaluation would be established, with the FBI Director as chairman (a palliative, according to Huston, to the defeated Hoover, meaning little, since he could easily be outvoted in the Committee). Huston would be the "personal representative to the President," with complete White House staff responsibility for domestic intelligence and internal security affairs. By September 1, 1970, just before the reconvening of students on campuses across the country, the agencies were expected to report on the steps they had taken to implement these decisions.

Reaction to the Huston Plan was mixed among the intelligence directors, ranging from surprise to shock and rage. Admiral Gayler was "surprised" that the President had selected the most extreme options.¹³⁹ General Bennett was pleased to hear about approval of a permanent committee for intelligence evaluation (he thought the FBI needed help in this area), but thought everything else in the memorandum was largely irrelevant to the mission of the Defense Intelligence Agency.¹⁴⁰ According to his assistant, James Stilwell, the two joked about Huston's signature on the plan. "They passed that one down about as low as it could go," they agreed, concluding that President Nixon and Haldeman "didn't have the guts" to sign it themselves. To them, the use of Huston as a possible scapegoat indicated "what a hot potato it was."¹⁴¹

The Director of the FBI "went through the ceiling," Sullivan recalls.¹⁴² Hoover and his assistant, Cartha DeLoach, walked immediately to Attorney General Mitchell's office nearby. Mitchell was totally surprised. It was the first time he had heard of the Ad Hoc Committee, let alone the Special Report or Huston's memorandum. His immediate reaction was to agree with Hoover: the illegalities spelled out in the memorandum could not be presidential policy. As Mitchell noted in Select Committee public hearings, individual items in the Huston Plan had been suggested to him before July 1970, and had been turned down. With the Huston Plan, "the aggregate was worse than the individual parts that had been suggested."¹⁴³ Moreover, he was "very much opposed to the thought of surreptitious entry, the mail covers, and all of the other aspects of it that were involved at the particular time."¹⁴⁴ Hoover later told Sullivan that the Attorney

¹³⁹ Gayler deposition, 6/19/75, p. 42.

¹⁴⁰ Bennett (staff summary), 6/5/75.

¹⁴¹ Staff summary of James Stilwell interview, 5/21/75.

¹⁴² Sullivan (staff summary), 6/10/75.

¹⁴³ John Mitchell testimony, 10/24/75, Hearings, Vol. 4, p. 123.

¹⁴⁴ John Mitchell testimony, Senate Select Committee on Presidential Campaign Activities, Hearings, 7/10/73, Vol. 4, pp. 1603-1604.

General was angry he had been by-passed by Huston and others in the White House on this whole affair.¹⁴⁵

Mitchell told the Director to "sit tight" until President Nixon returned from San Clemente; the Attorney General would then discuss the whole affair with the President.¹⁴⁶ Hoover returned to his office and wrote a memorandum to Mitchell, re-emphasizing his strong opposition to the recommendations in this Huston Plan. In the memo, the FBI Director said he would implement the Plan but only with the explicit approval of the Attorney General or the President.

Despite my clear-cut and specific opposition to the lifting of the various investigative restraints referred to above and to the creation of a permanent interagency committee on domestic intelligence, the FBI is prepared to implement the instructions of the White House at your direction. Of course, we would continue to seek your specific authorization, where appropriate, to utilize the various sensitive investigative techniques involved in individual cases.¹⁴⁷

Richard Helms eventually went to see the Attorney General about the matter on July 27, 1970. The Director of Central Intelligence was greatly surprised to discover the Attorney General had heard of the Special Report and the Huston Plan only in the last couple of days from Hoover. "We had put our backs into this exercise," Helms told Mitchell, "because we had thought [the Attorney General] knew all about it and was behind it."¹⁴⁸ As Mitchell had advised Hoover, so too he told Helms to sit tight.¹⁴⁹

VI. RECISION OF THE HUSTON PLAN: A TIME FOR RECONSIDERATION

A. *The President Takes a Second Look*

When President Nixon returned from the Western White House, one of his first conversations on July 27 was with the Attorney General. The message Mitchell delivered was, according to his testimony, that "the proposals contained in the [Huston] Plan, in toto, were inimical to the best interests of the country and certainly should not be something that the President of the United States should be approving."¹⁵⁰

As former President Nixon now recalls, "Mr. Mitchell informed me that Mr. Hoover, Director of the FBI and Chairman of the Interagency Committee on Intelligence, disagreed with my approval of the Committee's special report."¹⁵¹ President Nixon was surprised by Hoover's objections because he had not voiced any reservations to

¹⁴⁵ Sullivan (staff summary), 6/10/75.

¹⁴⁶ Memorandum for the record from Richard Helms, 7/28/70. (Hearings, Vol. 2, Exhibit 20.) See also Mitchell, 10/24/75, Hearings, p. 123, where he testified that he "made known to the President any disagreement with the concept of the plan and recommended that it be turned down."

¹⁴⁷ Memorandum from J. Edgar Hoover to John Mitchell, 7/25/70.

¹⁴⁸ Helms memorandum, 7/28/70.

¹⁴⁹ Richard Helms testimony, 10/22/75, Hearings, Vol. 4, p. 89.

¹⁵⁰ Mitchell, 10/24/75, Hearings, p. 123.

¹⁵¹ Answer of Richard M. Nixon to Senate Select Committee Interrogatory 17, 3/9/76, p. 11.

the President when the Committee met "a few days earlier."¹⁵² The Attorney General told the President that Hoover believed "initiating a program which would permit several government intelligence agencies to utilize the investigative techniques outlined in the Committee's report would significantly increase the possibility of their public disclosure," former President Nixon recalls. "Mr. Mitchell explained to me that Mr. Hoover believed that although each of the intelligence gathering methods outlined in the Committee's recommendations had been utilized by one or more previous administrations, their sensitivity would likely generate media criticism if they were employed."¹⁵³

Mitchell also indicated, according to the former President, it was his opinion that "the risk of disclosure of the possible illegal actions, such as unauthorized entry into foreign embassies to install a microphone transmitter, was greater than the possible benefit to be derived."¹⁵⁴ Based on his conversation with Mitchell, President Nixon decided to revoke his approval originally extended to the Committee's recommendations.

Warned by Sullivan of the chain of events between Hoover and Mitchell and the impending visit to the President by the Attorney General, Huston was expecting a call from Haldeman, which came later that day.¹⁵⁵ The Attorney General had come to the White House to talk about Huston's decision memorandum, Haldeman said. The President had decided to revoke the memorandum immediately, so that he, Haldeman, Mitchell, and Hoover could "reconsider" the recommendations.

The Attorney General did not take it upon himself to investigate the past illegalities referred to in the Huston Plan memorandum brought to his attention by Hoover. The following exchange ensued on this point during public hearings:

Q. You do agree, do you not, that looking at the document, dated June 1970, it does reveal that in the past, at least, mail had been opened, does it not?

Mr. Mitchell. I believe that is the implication, yes.

Q. And it does state in the document that the opening of mail is illegal, does it not?

Mr. Mitchell. I believe that with reference to a number of subjects were illegal and I think opening of mail was one of them.

Q. All right. Then based upon your knowledge from an examination of the document, that in the past at least illegal actions involving the opening of mail that had taken place, did

¹⁵² Apparently the former President is referring to the June 5, 1970 meeting with the intelligence directors in the White House; if so, his statement is puzzling, since the recommendation had not been drafted at the time. If he is referring to another meeting with Hoover, no other record of such a meeting after June 5 has been found. Most likely the former President had the June 5 meeting in mind where Hoover indeed made no objections, for there were no recommendations to object to at that time.

¹⁵³ Answer of Richard M. Nixon to Senate Select Committee Interrogatory 17, 3/9/76, p. 11.

¹⁵⁴ Answer of Richard M. Nixon to Senate Select Committee Interrogatory 17, 3/9/76, p. 12.

¹⁵⁵ Huston, 9/23/75, Hearings, p. 24.

you convene a grand jury to look into the admitted acts of illegality on behalf of some intelligence services?

Mr. Mitchell. I did not.

Q. And why not?

Mr. Mitchell. I had no consideration of that subject matter at the time. I did not focus on it and I was very happy that the plan was thrown out the window, without pursuing any of its provisions further.

Q. Are you now of the opinion that if you had had time to focus on the matter then it would have been wise to convene some investigation within the Department to determine what had happened in the past?

Mr. Mitchell. I believe that that would be one of the normal processes where you would give it initial consideration and see where it led to, what the statute of limitations might have been and all of the other factors you consider before you jump into a grand jury investigation.

Q. Excepting those point, do you agree that you should have at least considered the matter?

Mr. Mitchell. I think if I had focused on it I might have considered it more than I did.¹⁵⁶

Upset, angered, and embarrassed about having to recall his memorandum, Tom Huston walked to the White House Situation Room.¹⁵⁷ The Sit Room, "mailbox" of the White House, was the location where, among other things, couriers came and went. Huston went directly to the Chief of the White House Situation Room with the presidential order to rescind the decision memorandum of July 23, which had gone through there on its way to the intelligence directors. Huston was intense and agitated, the manager of the Sit Room recalls, and mentioned something about Hoover having "pulled the rug out" from under him.¹⁵⁸ The Sit Room Chief contacted the CIA, NSA, DIA, and the FBI to have the memoranda returned. By the close of business on the next day, July 28, each agency had complied. From markings on the memoranda, it was clear the agencies had removed the staples and photocopied the document for their records.¹⁵⁹

Though Huston had suffered a major setback, he was not going to yield easily. On August 3, he went to Haldeman's office and tried to persuade him to convince the President that the objections raised by Hoover had to be overridden. He urged a meeting between Haldeman, Mitchell, and Hoover.¹⁶⁰ Two days later in anticipation of this meeting, Huston put his views down on paper for Haldeman.

The memorandum, written under the title "Domestic Intelligence," ran five pages and was extremely critical of the FBI Director.¹⁶¹ Huston first reminded Haldeman that all the agencies and all of Hoover's own staff on the ICI (Ad Hoc) supported the options

¹⁵⁶ Mitchell, 10/24/75, Hearings, p. 145.

¹⁵⁷ Huston deposition, 5/23/75, p. 56.

¹⁵⁸ Staff summary of interview with the 1970 Chief of the White House Situation Room, 7/1/75.

¹⁵⁹ 1970 Chief of Situation Room (staff summary), 7/1/75.

¹⁶⁰ Huston deposition, 5/23/75, p. 62.

¹⁶¹ Memorandum from Tom Charles Huston to H. R. Haldeman, 8/5/70.

selected by the President. Only Hoover dissented. "At some point, Hoover has to be told who is President," Huston wrote. "He has become totally unreasonable and his conduct is detrimental to our domestic intelligence operations. . . . If he gets his way it is going to look like he is more powerful than the President."

Huston further warned that "all of us are going to look damn silly in the eyes of Helms, Gayler, Bennett, and the military chiefs if Hoover can unilaterally reverse a presidential decision based on a report that many people worked their asses off to prepare and which, on its merits, was a first-rate, objective job." Tom Charles Huston was "fighting mad," for "what Hoover is doing here is putting himself above the President."

Two more days elapsed and, on August 7, 1970, Huston sent a second, terser note to Haldeman.¹⁶² The FBI Director had left for the West Coast on vacation just as the new school year was about to open; across the country student violence loomed as a real possibility. Huston again urged Haldeman to act: "I recommend that you meet with the Attorney General and secure his support for the President's decision that the Director be informed that the decisions will stand, and that all intelligence agencies are to proceed to implement them at once." However, by this time, Huston recalls, "I was, for all intents and purposes, writing memos to myself."¹⁶³ Haldeman took no action. Hoover had won the battle.

The reasons for Hoover's victory were many but, Huston believes, having the support of the Attorney General was a large plus.¹⁶⁴ The President had a high regard for John Mitchell. When both Mitchell and Hoover agreed in their strong objections to the Plan, Nixon no doubt saw little point in continuing the effort.

Looking back, Sullivan sees other factors which worked in Hoover's favor as well. He believes the Chief Executive buckled under the pressure of the FBI Director partly because President Nixon and Hoover went back a long way, considered themselves old friends, and still socialized together frequently; and partly because the President owed his 1950s reputation as a staunch anti-Communist to Hoover. "Of course," Sullivan adds, "Hoover had his files, too."¹⁶⁵ The Director had another ace in the hole: he could always have had the Huston recommendations leaked, bringing the enterprise to a sudden halt.

Moreover, Huston notes that the opinions of Helms, Gayler, and Bennett were far less weighty than Hoover's.¹⁶⁶ Neither President Nixon nor Haldeman were well acquainted with Gayler or Bennett; and Helm's relationship with the White House tended to be precarious, Huston believes, "in view of the problems that he had with Mr. Kissinger on foreign intelligence estimates." Finally, Huston recalls, "neither the President nor Mr. Haldeman had, in my judgment, any sensitivity to the operational aspects of intelligence collection."¹⁶⁷

¹⁶² Huston memorandum, 8/5/70.

¹⁶³ Huston (staff summary), 5/22/75.

¹⁶⁴ Huston (staff summary), 5/22/75.

¹⁶⁵ Sullivan (staff summary), 6/10/75.

¹⁶⁶ Huston deposition, 5/23/75, p. 78.

¹⁶⁷ Huston deposition, 5/23/75, p. 77.

B. Huston Leaves the White House

The memoranda written by Huston went unanswered throughout the month of August. Shortly after writing his August 7th memorandum, Huston was informed by Haldeman that John Dean was taking over his responsibilities at the White House for domestic intelligence. Huston would be on Dean's staff. As Dean recalls, "Huston was livid."¹⁶⁸

John Dean had come to the White House on July 27th from the Justice Department, where he had worked with and impressed Mitchell for his skillful handling of negotiations with demonstrators for parade permits and other matters. He had no intelligence experience.

Dean realized that Huston was in an awkward situation. He asked Huston on August 10, 1970, what he wished to do while on Dean's staff. "Well, I'm a speechwriter," Huston replied.¹⁶⁹ In the following months, Huston would do practically whatever he felt like doing: ¹⁷⁰ sending an occasional memo to the President or Haldeman on intelligence matters; ¹⁷¹ writing speeches for Pat Buchanan; continuing to circulate the daily FBI intelligence reports in the White House; reviewing conflict-of-interest clearances; prodding the Internal Revenue Service to investigate New Left organizations and their supporters; ¹⁷² and writing a lengthy history of Vietnam bombing negotiations.

Huston often spoke to his counterintelligence associates on a special scrambler phone which he kept hidden in his office in a safe.¹⁷³ Not until February 2, 1971, did Dean inform the CIA that, henceforth, he would be the White House contact on domestic intelligence matters, rather than Huston.¹⁷⁴

Huston occasionally sent further memoranda to Haldeman, again urging him to encourage the President to relax intelligence collection restraints. On August 17, 1970, for example, Huston complained that Hoover "has made no effort to remove the restrictions on development of informant coverage which currently exist," despite the President's oral request to Hoover on August 16 ¹⁷⁵ to intensify the investigation of extremist organizations. "We need changes at the operating level, not merely at the FBI," concluded Huston, "but throughout the intelligence community."¹⁷⁶ Finally, Huston found time to relate briefly to his new supervisor the saga of the Huston Plan. Dean had the distinct impression that Huston wanted to become the domestic equivalent of Henry Kissinger.¹⁷⁷

Growing ever more disenchanted with his position and with Nixon's policies, Huston resigned from the White House staff on June 13, 1971,

¹⁶⁸ Staff summary of John Dean interview, 8/7/75.

¹⁶⁹ Dean (staff summary), 8/7/75.

¹⁷⁰ On Huston's activities during this period, see Huston deposition, 5/23/75.

¹⁷¹ For example, on Arab terrorism, see memorandum from Tom Charles Huston to President Richard Nixon, 8/12/70.

¹⁷² Memorandum from Tom Charles Huston to H. R. Haldeman, 9/21/70. (Hearings, vol. 2, Exhibit 62).

¹⁷³ Dean (staff summary), 8/7/75. See also John Dean testimony, Senate Watergate Hearings, June 28, 1973, Vol. 4, pp. 1446-1456.

¹⁷⁴ Richard Ober handwritten notes on Huston memorandum, 7/9/70.

¹⁷⁵ Memorandum from J. Edgar Hoover to President Richard Nixon, 8/17/70.

¹⁷⁶ Memorandum from Tom Charles Huston to H. R. Haldeman, 8/17/70.

¹⁷⁷ Dean (staff summary), 8/7/75.

and returned to Indiana to practice law.¹⁷⁸ He continued to serve as a consultant to the White House, finishing his study of Vietnam negotiations. On October 7, 1972, he was named a member of a Census Bureau Advisory Committee on privacy and confidentiality.

Huston's original ally, William Sullivan, managed to remain on good terms with J. Edgar Hoover, at least for a few months—he was reprimanded by the Director for letting the Ad Hoc staff get out of hand,¹⁷⁹ but nonetheless was promoted to Number 3 man in the FBI.

Sullivan's fall from power began several months after the Huston Plan, with his October 12, 1970 speech at Williamsburg, Virginia, where his answers to questions were critical of Hoover's ability to understand the changing nature of the U.S. internal security threat. Sullivan told his audience that the race riots and student upheaval had nothing to do with the Communist Party. Rather, they were attributable to problems within the American social order and to the Vietnam War. When he returned to Washington, Sullivan remembers, "all hell broke loose."¹⁸⁰ Hoover told him he had given "the wrong answers. . . . How do you expect me to get my appropriations," said the Director of the FBI, "if you keep downgrading the [Communist] Party." The breach widened, and finally, a year later on October 1, 1971, Hoover had Sullivan literally locked out of his office for good.

VII. THE HIDDEN DIMENSIONS OF THE HUSTON PLAN

A. *Duplicity*

Looking back on the summer of 1970, Tom Huston observes that the atmosphere of duplicity was the most astonishing aspect of the meetings at Langley. On June 5, the President had sat across the table from the directors of the major intelligence agencies and asked them for a comprehensive report on intelligence collection methods against domestic radicals. Instead, President Nixon and his representative were victims of deception. "I didn't know about the CIA mail openings, I didn't know about the COINTELPRO Program [an FBI internal security operation]," Huston says. "These people were conducting all of these things on their own that the President of the United States didn't know about. . . . In retrospect, we look like damned fools."¹⁸¹ In interrogatory answers, the former President stated that he had no knowledge the CIA mail-opening program was already in existence before June 1970; he was aware, however, that the intelligence community read the outside of envelopes of selected mail.¹⁸²

Huston believes that part of the problem was bureaucratic game-playing: ". . . the Bureau had its own game going over there. They didn't want us to know; they didn't want the [Justice] Department to know; they didn't want the CIA to know." And, across the Potomac, "the CIA had its own game going. They didn't want the Bureau to know."¹⁸³

¹⁷⁸ Huston deposition, 5/23/75, pp. 83-84.

¹⁷⁹ Sullivan (staff summary), 6/10/75.

¹⁸⁰ Sullivan deposition, 11/1/75, pp. 35-36.

¹⁸¹ Huston deposition 5/22/75, p. 50.

¹⁸² Answers of Richard M. Nixon to Senate Select Committee Interrogatories, 3/9/76, pp. 1, 4, 5 and 14.

¹⁸³ Huston deposition, 5/22/75, pp. 50-51.

Agencies concealed programs from one another partly out of "interagency jealousies and rivalries," Huston speculated.¹⁸⁴ They did not want to have revealed the fact that they were working on each other's "turf." For example, "Mr. Hoover would have had an absolute stroke if he had known that the CIA had an Operations CHAOS going on."¹⁸⁵ Huston has suggested another possible motivation for concealment:

I think the second thing is that if you have got a program going and you are perfectly happy with its results, why take the risks that it might be turned off if the President of the United States decides he does not want to do it; because they had no way of knowing in advance what decision the President might make. So, why should the CIA . . . the President may say hell no, I don't want you guys opening any mail. Then if they had admitted it, they would have had to close the thing down.¹⁸⁶

The unfortunate end result of these concealments between agencies was the fact that the President did not know what his intelligence services were doing either.

The language in the Special Report concerning the CIA covert mail project is a clear example of the concealment of an illegal intelligence collection operation from the President. The section of the Report dealing with mail plainly stated that "covert coverage has been discontinued."¹⁸⁷ In truth, however, the CIA program to read the international mail of selected American citizens and foreigners was continuing to operate at the time of the Langley meetings.

Director Helms thinks he told Attorney General Mitchell about the CIA mail program; and he is uncertain whether President Nixon knew about it—he personally never informed the President.¹⁸⁸ Mitchell has denied that Helms told him of a CIA mail-opening program,¹⁸⁹ and has testified further that the President had no knowledge of the program either, "at least not as of the time we discussed the Huston plan."¹⁹⁰

Helms' suggested that Huston may not have been told about the mail-opening program at any of the working group meetings because he was the White House contact man for "domestic intelligence. We thought we were in the foreign intelligence field." Whatever the explanation, however, it is clear that the President was given a misleading document.

James Angleton, who served as Chief of the CIA Counterintelligence Staff from 1954 to 1974 and was in charge of the CIA covert mail program from 1955 to its termination in 1973, had other explanations for the misleading language on the mail program in the Special Report.

Angleton testified: "It is still my impression . . . that this activity that is referred to as having been discontinued refers to the Bureau's activities in this field . . . it is certainly my impression that this was

¹⁸⁴ Huston 9/23/75, Hearings, p. 33.

¹⁸⁵ Huston, 9/23/75, Hearings, p. 33.

¹⁸⁶ Huston, 9/23/75, Hearings p. 33-34.

¹⁸⁷ Special Report, p. 29.

¹⁸⁸ Helms, 10/22/75, Hearings, pp. 89, 96.

¹⁸⁹ Mitchell, 10/24/75, Hearings, p. 137. See also pp. 120, 122.

¹⁹⁰ Mitchell, 10/24/75, Hearings, p. 138.

the gap which the Bureau was seeking to cure.”¹⁹³ The language of the Report itself, however, does not reflect such a distinction.

Angleton also stated that the CIA would never discuss such a sensitive topic as their mail program in large meetings like the ICI Ad Hoc sessions at Langley, “The possibilities for leaks were too great for one thing,” he observes.¹⁹⁴ One of Angleton’s assistants has referred to the Langley meetings as “a fish bowl.”¹⁹⁵ Delicate matters, if they required Presidential approval, “would have been raised either by the Director of the FBI or the Director of Central Intelligence,” Angleton stressed.¹⁹⁶ Yet, insofar as the record indicates, neither of the Directors did raise this topic with the President.

During public hearings, Angleton stated that the concealment from the President was not deliberate:

Mr. Angleton: Mr. Chairman, I don’t think anyone would have hesitated to inform the President if he had at any moment asked for a review of intelligence operations.

Senator Church: That is what he did do. That is the very thing he asked Huston to do. That is the very reason that these agencies got together to make recommendations to him, and when they made their recommendations, they misrepresented the facts.

Mr. Angleton: I was referring, sir, to a much more restricted forum.

Senator Church: I am referring to the mail, and what I have said is solidly based upon the evidence. The President wanted to be informed. He wanted recommendations. He wanted to decide what should be done, and he was misinformed.

Not only was he misinformed, but when he reconsidered authorizing the opening of the mail five days later and revoked it, the CIA did not pay the slightest bit of attention to him, did it, the Commander-in-Chief, as you say?

Mr. Angleton: I have no satisfactory answer for that.

Senator Church: You have no satisfactory answer?

Mr. Angleton: No, I do not.

Senator Church: I do not think there is a satisfactory answer because having revoked the authority the CIA went ahead with the program. So that the Commander-in-Chief is not the Commander-in-Chief at all. He is just a problem. You do not want to inform him in the first place because he might say no. That is the truth of it. And when he did say no you disregard it, and then you call him the Commander-in-Chief.¹⁹⁷

Questioning Tom Huston on the subject of mail openings, the Chairman of the Select Committee summarized the Huston Plan exercise as follows:

¹⁹³ Angleton, 9/24/75, Hearings, p. 54.

¹⁹⁴ Angleton, 9/24/75, Hearings, p. 56.

¹⁹⁵ Staff summary of [CIA counterintelligence specialist], 2/8/76.

¹⁹⁶ Angleton, 9/24/75, Hearings, p. 56.

¹⁹⁷ Angleton, 9/24/75, Hearings, p. 37.

Senator Church: So we have a case where the President is asked to authorize mail openings, even though they are illegal. And quite apart from whether he should have done it, and quite apart from whether or not the advice of the Attorney General should have been asked, he acceded to that request, thinking that he was authorizing these openings—not knowing that his authority was an idle gesture, since these practices had been going on for a long time prior to the request for his authority. And after he revoked that authority, the practices continued, even though he had revoked it.

That is the state of the record, based on your testimony?
Mr. Huston: Yes, I think it is.¹⁹⁸

In retrospect, Huston reasons that if he and others in the White House had known these intelligence options were being exercised already and had not produced results significant enough to curb domestic unrest, “it conceivably would have changed our entire attitude toward the confidence we were willing to place in the hands of the intelligence community in dealing with this problem.”¹⁹⁹

Huston now points to the irony in the fact that intelligence is supposed to provide policymakers with information upon which to make decisions, but in June 1970 the top policymaker in the government was kept unaware that certain sources of information were even available.²⁰⁰ Part of the problem seemed to be excessive compartmentation in the intelligence agencies.

The failure of the CIA participants to tell Tom Huston of their mail-opening program was not the only example of dissimulation during this episode. Sullivan attempted to give Hoover the impression that he was not a part of the efforts to relax the restraints on intelligence collection. He wrote in a memorandum to Cartha DeLoach—his immediate supervisor and the Number 3 man in the FBI in June 1970—that Benson Buffham (the NSA representative at the Langley meetings) was taking a particularly active role in the review of the “restraints” section of the draft. “Admiral Noel Gaylor (sic) of the National Security Agency,” wrote Sullivan, “*may* have been a moving force behind the creation of this committee.” [Emphasis added.]²⁰² Sullivan was indeed in a good position to know. He and Tordella of NSA (Gaylor’s deputy) had viewed these meetings since the beginning as, in Tordella’s words, “nothing less than a heaven-sent opportunity for NSA. . . .”²⁰³ Yet, Sullivan ended his memo for the FBI leadership with the admonition: “Contingent upon what the President decides, it is clear that there could be problems involved for the Bureau.”²⁰⁴

This was the first written example of Sullivan’s apparent strategy to impress upon Hoover, Tolson, and DeLoach his disassociation with attempts to relax restraints which Hoover wanted maintained. Two

¹⁹⁸ Huston, 9/23/75, Hearings, p. 16.

¹⁹⁹ Huston, 9/23/75, Hearings, p. 17.

²⁰⁰ Huston, 9/23/75, Hearings, p. 34.

²⁰² Sullivan memorandum, 6/19/70.

²⁰³ Tordella (staff summary), 6/16/75.

²⁰⁴ Sullivan memorandum, 6/19/70.

days later on June 20, Sullivan took a definitely pro-Hoover position in a memorandum for the Director. He recommended that the FBI oppose "the relaxation of investigative restraints which affect the Bureau"²⁰⁵ Everything he had been working for with Huston, Tordella, and the others was denied. For the Director's consumption, he portrayed himself as the arch-defender of the Bureau's image, protecting Hoover and the FBI against the excesses of Huston's committee. The memorandum was written on the same day Sullivan's rival, Cartha DeLoach, made a decision to leave the FBI to become a business executive, thereby clearing the pathway to higher office in the Bureau for Sullivan.

As for the proposed interagency committee—an idea for which both he and Huston had expressed strong commitment and lively interest²⁰⁶—Sullivan concluded on the eve of his promotion to the Number 3 spot in the FBI: "I do not agree with the scope of this proposed committee nor do I feel that an effort should be made at this time to engage in any combined preparations of intelligence estimates."²⁰⁷

Huston suspected that the opposition of the FBI's representatives was ambivalent. "I am sure that, tactically, the people in the Bureau probably were telling Hoover that 'the other fellows are pushing this stuff,'" Huston has testified. "If I had to gamble, that would be my bet. Probably 'Huston over there with a black snake whip,' or Helms or somebody else—which didn't bother me, I mean tactically, if that is the way the people figured that they had to push the Director to get done what they wanted to do."²⁰⁸

There is little doubt, however, that Huston and the Sullivan group of the FBI set the agenda and shaped the format of the Special Report. Huston, Sullivan, and Brennan had discussed the direction the Committee ought to take many times over.²⁰⁹ They worked closely together during the June meetings; and before formal meetings, Huston, Sullivan and the Bureau representatives were in frequent contact over the telephone or talking together directly. Members of the FBI contingent would pick up Huston at the White House on the way to Langley and bring him back after the ICI meetings. Often they lunched together.

Huston saw himself acting, in part, in the capacity of a sympathetic White House staffer passing on to the President what the professionals wanted. "And I agreed with them," he emphasizes. "I say 'agreed.' After you work with somebody and you are convinced that what they want to do is right, you agree with them."²¹⁰ There was no doubt in Huston's mind that FBI, CIA, and NSA professionals were pushing hard for expanded intelligence collection operations. They "clearly wanted me to recommend to the President that these operations be adopted," he remembers.²¹¹ To conclude that Huston dominated and

²⁰⁵ Memorandum from William Sullivan to Clyde Tolson, 6/20/70. (Hearings, Vol. 2, Exhibit 16).

²⁰⁶ Huston deposition, 5/23/75; Sullivan (staff summary), 6/10/75.

²⁰⁷ Sullivan memorandum, 6/20/70.

²⁰⁸ Huston deposition, 5/23/75, pp. 64–65.

²⁰⁹ Huston deposition, 5/23/75, pp. 62–63; Sullivan (staff summary), 6/20/70; FBI counterintelligence specialist (staff summary), 8/20/75.

²¹⁰ Huston deposition, 5/23/75, p. 63.

²¹¹ Huston deposition, 5/23/75, p. 63.

manipulated the intelligence community is an error. The relationship was symbiotic. As Huston has explained,

... the entire intelligence community, in the summer of 1970, thought we had a serious crisis in this country. I though we had a serious crisis in this country. My attitude was that we have got to do something about it. Who knows what to do about it. The professional intelligence community? The professional intelligence community tells me, "you give us these tools; we can solve the problem." I recommended those tools.²¹²

The duplicity went beyond the CIA mail program and Sullivan's dissembling. A subsequent section of this commentary reveals that the intelligence agencies greatly expanded their collection programs after President Nixon revoked his authority for the Huston plan, without obtaining presidential approval for their actions.

B. Lawlessness

Several of the techniques discussed in the drafting of the Special Report were of questionable legality. For example, covert mail cover and surreptitious entry were, in Huston's words, "clearly illegal."²¹³ And, the legitimacy of other intelligence collection methods, such as placement of American names on the NSA watch list, was highly questionable.²¹⁴ Yet, former President Nixon does not recall "any discussion concerning the possible illegality of any of the intelligence gathering techniques described in the report during my meeting with the [ICI] Committee [on June 5, 1970]."²¹⁵

During public hearings, Senator Walter Mondale asked Huston whether any one of the ICI staff members had objected "during the course of making up these options to these recommendations which involved illegal acts":

Mr. Huston: At the working group level, I do not recall any objection.

Senator Mondale: Do you recall any of them ever saying we cannot do this because it is illegal?

Mr. Huston: No.

Senator Mondale: Can you recall any discussion whatsoever concerning the illegality of these recommendations?

Mr. Huston: No.

Senator Mondale: Does that strike you as peculiar that top public officers in the most high level and sensitive positions of government would discuss recommending to the President actions which are clearly illegal and possibly unconstitutional without ever asking themselves whether that was a proper thing for them to be doing?

Mr. Huston: Yes, I think it is, except for the fact that I think that for many of those people we were talking about

²¹² Huston, 9/23/75, Hearings, p. 17.

²¹³ Attachment to Huston memorandum, 7/70, pp. 2, 3.

²¹⁴ See NSA Report, Sec. II B 2.

²¹⁵ Answer of Richard M. Nixon to Senate Select Committee Interrogatory 23, 3/9/76, p. 13.

something that they had been aware of, had been undertaking for a long period of time.

Senator Mondale: Is that an adequate justification?

Mr. Huston: Sir, I am not trying to justify, I am just trying to tell you what my impression is of what happened at the time.

Senator Mondale: Because if criminals could be excused on the grounds that someone had done it before, there would not be much of a population in any of the prisons today, would there?

Mr. Huston: No.²¹⁶

Legal advice was not sought, several important legal matters were involved in preparing the report for the President. The CIA General Counsel was not included or consulted, since, as Angleton had testified, "the custom and usage was not to deal with General Counsel, as a rule, until there were some troubles. He was not a part of the process of project approval."²¹⁷

Avoidance of legal and constitutional matters was, apparently, not uncommon throughout the intelligence community. William Sullivan has testified:

During the ten years that I was on the U.S. Intelligence Board, a Board that receives the cream of intelligence for this country from all over the world and inside the United States, never once did I hear any body, including myself, raise the question: "Is this course of action which we have agreed upon lawful, is it legal, is it ethical or moral?" We never gave any thought to this realm of reasoning, because we were just naturally pragmatists. The one thing we were concerned about was this: will this course of action work, will it get us what we want, will we reach the objective that we desire to reach?²¹⁸

Sullivan attributes much of this attitude concerning the law to the molding influence of World War II upon young FBI agents who have since risen to high position. In a deposition, Sullivan noted that during the 1940s there was "a war psychology. Legality was not questioned. Lawfulness was not a question; it was not an issue."

Senator Mondale: That carried on, unfortunately, after the war.

Mr. Sullivan: Senator, you are right. We could not seem to free ourselves either at the top or bottom, could not free ourselves from that psychology with which we had been imbued as young men, in particular, most all young men when we went into the Bureau.

Along came the Cold War. We pursued the same course in the Korean War, and the Cold War continued, then the Vietnam War. We never freed ourselves from that psychology that we were indoctrinated with, right after Pearl Harbor, you see. I think this accounts for the fact that nobody seemed to be concerned about raising the question, is this

²¹⁶ Huston, 9/23/75, Hearings, p. 21.

²¹⁷ Angleton, 9/24/75, Hearings, p. 77.

²¹⁸ Sullivan deposition, 11/1/75, pp. 92-93.

lawful, is this legal, is this ethical. It was just like a soldier in the battlefield. When he shot down an enemy he did not ask himself is this legal or lawful, is it ethical? It is what he was expected to do as a soldier.

We did what we were expected to do. It became a part of our thinking, a part of our personality.²¹⁹

Neither the Attorney General nor anyone in his office was invited to the sessions at Langley, or consulted during the proceedings. During public hearings on the Huston Plan, Huston was asked about the absence of consultations with the Attorney General.

Senator Church: And it never occurred to you, as the President's representative, in making recommendations to him that violated the law, that you or the White House should confer with the Attorney General before making those recommendations?

Mr. Huston: No, it didn't. I should have, but it didn't.²²⁰

The Attorney General knew nothing of the preparation of an intelligence report for the President until so informed by Hoover on July 27, 1970, several weeks after Hoover had signed the June "Special Report."²²¹ One reason for the absence of Attorney General John Mitchell, Huston explains, is that this was an intelligence matter to be handled by the intelligence agency directors.²²² Mitchell, the head of Justice, was not included, just as Laird, the head of Defense, was not included. Huston now claims, though, that he naturally thought Hoover would check with Mitchell or his Deputy before signing the Special Report, just as General Bennett cleared with his superior, Deputy Secretary of Defense David Packard, and informed the Secretary of Defense, Melvin Laird.²²³

Another reason for the exclusion of Mitchell might have been the institutional animosity which existed between the professional intelligence establishment and the Office of the Attorney General. The former was primarily interested in the collection of intelligence and the protection of sources; the latter suffered, in Huston's view, from "prosecutor's mentality"—an interest in the collection of evidence for its use in securing prosecution. Huston states that there are "two approaches" to handling the problem of violence-prone demonstrators:

One is the intelligence-collection approach where you try to keep tabs on what is going on and stop it before it happens. The other approach, which is perhaps the only tolerable one in a free society, from a perfectly legitimate point of view, is you have to pay the price of letting a thing happen, and then follow the law and hope you can apprehend the person responsible and prosecute him according to the law.²²⁴

²¹⁹ Sullivan deposition, 11/1/75, pp. 95-96.

²²⁰ Huston, 9/23/75, Hearings, p. 15. In the summer of 1970, Huston held the belief that "the Fourth Amendment did not apply to the President in the exercise of matters relating to internal security or national security." (Huston, 9/23/75, Hearings, p. 20.) See also Huston, 9/23/75, Hearings, p. 14.

²²¹ Helms memorandum for the record, 7/28/70; Sullivan (staff summary), 6/10/75; Mitchell testimony, Senate Watergate Hearings, July 10, 1973, Vol. 4, pp. 1603-04.

²²² Huston deposition, 5/23/75, p. 35.

²²³ Huston, 9/23/75, Hearings, p. 15; Bennett (staff summary), 6/5/75.

²²⁴ Huston deposition, 5/22/75, p. 167.

Considerable tension existed between these two approaches in 1970.

The enmity between some members of the White House staff (notably Huston) and the Justice Department stretched back to preparations for the antiwar demonstrations in Washington in 1969. The Justice Department, Huston believes, saw the violence which occurred as premeditated and leaned toward seeking indictments under the Federal Anti-riot Act. In contrast, Huston and Sullivan saw the problem from the perspective of an intelligence officer. The answer rested in mobilizing the intelligence agencies, not the law enforcement community.²²⁵ As Huston has testified: "I frankly did not have a whole lot of confidence in the Justice Department sensitivity with respect to distinguishing between types of protest activity."²²⁶ So the Justice Department continued to seek more stringent criminal sanctions to deal with the problem of subversives, and the intelligence collectors pursued the expansion of their methodology as a better solution.

In his March 1976 interrogatory answers, former President Nixon took the position that "there have been—and will be in the future—circumstances in which presidents may lawfully authorize actions in the interests of the security of this country, which if undertaken by other persons, or even by the president under different circumstances, would be illegal."²²⁷ As an example, the former President drew upon the example of mail opening. "The opening of mail sent to related priority targets of foreign intelligence, although impinging upon the individual," said the former President, "may nevertheless serve a salutary purpose when—as it has in the past—it results in preventing the disclosure of sensitive military and state secrets to the enemies of this country."²²⁸

The White House staffer who recommended the use of illegal and highly questionable intelligence gathering techniques in 1970 had decided five years later that, in the end, the growth and preservation of a free society depended upon a reliance on the law.²²⁹ For Huston, the sanctions of criminal law had replaced his earlier faith in unrestricted intelligence collection as the more appropriate response to the threat of violence in our society.²³⁰ The risk inherent in the latter approach was too great. In Huston's words:

The risk was that you would get people who would be susceptible to political considerations as opposed to national security considerations, or would construe political considerations to be national security considerations, to move from the kid with a bomb to the kid with a picket sign, and from the kid with the picket sign to the kid with the bumper sticker of the opposing candidate. And you just keep going down the line.²³¹

²²⁵ Huston deposition, 5/23/75, p. 24, Sullivan (staff summary), 6/10/75.

²²⁶ Huston, 9/23/75, Hearings, p. 15.

²²⁷ Answer of Richard M. Nixon to Senate Select Committee Interrogatory 34, 3/9/76, p. 17.

²²⁸ *Ibid.*

²²⁹ Huston, 9/23/75, Hearings, p. 45.

²³⁰ Huston, 9/23/75, Hearings, p. 47.

²³¹ Huston, 9/23/75, Hearings, p. 45.

C. Mixed Motives

Also hidden behind the events of June 1970 were the reasons for ardent participation—or lack thereof—in the writing of the intelligence report. Reaction to the first gathering of the ICI (Ad Hoc) work-group was mixed. Some participants were delighted by the turn of events. For years, a group of counterintelligence specialists within the FBI had favored reinstatement of collection procedures taken away from them by the Director and viewed the request from the White House for a Special Report as a unique opportunity. The CIA, NSA, and most of the FBI representatives shared an enthusiasm for the project, with varying degrees of optimism that the planning would actually be approved by Hoover.

Not everyone, however, was sanguine about the proceedings. "What a bucket of worms!" observed Richard Ober, Angleton's backup man from the CIA, to Col. Koller of the Air Force after the meeting.²³⁴ Koller thought it was worse than that. "I wouldn't have touched what they were talking about with a 10-foot pole," he noted recently. "The things they were talking about were illegal, and certainly beyond our interest and capability."²³⁵ Koller dropped out after the first meeting, warning his boss, General Triantafeller, not to get the Air Force involved. The Air Force kept a representative at the meeting, Col. Demelt "Gene" Walker, but only as an observer who had been cautioned to keep a safe distance from the planning and to protect the Air Force.²³⁶

This reaction was typical of all the military representatives. The Army member, Col. John Downie, was the most outspoken. At the first gathering he made it clear that "the Army would keep the hell out" of domestic intelligence collection, since it was already in deep trouble over the recent exposure of Army surveillance of civilians.²³⁷ Downie and others were at that moment preparing for hearings before the Senate's Constitutional Rights Subcommittee on that very subject. Downie now states that the Army would have been far less resistant to Sullivan's efforts to draw them in had they not been on the "hot seat" at the time.²³⁸

Stilwell of DIA was also told by Gen. Bennett to proceed with extreme caution; he was supposed to help out where he could, but Bennett felt the DIA had little to contribute to the effort. Huston recalls the DIA role as being minimal.²³⁹ "B." Willard, the Navy civilian observer, remembers that the dominant feeling of the military representatives was: "Don't try to draw us into this."²⁴⁰ The attitude

²³⁴ Staff summary of Col. Rudolph Koller interview, 8/11/75.

²³⁵ Koller (staff summary), 8/11/75. Col. Koller's protestations about "illegalities" to the contrary notwithstanding, no witness recalls anyone—including Koller—who discussed the legal aspects of intelligence collections during the Langley meetings.

²³⁶ Staff summary of Col. Demelt Walker interview, 7/23/75; Koller (staff summary), 8/11/75.

²³⁷ Downie (staff summary), 5/13/75.

²³⁸ Downie (staff summary), 5/13/75.

²³⁹ Stilwell (staff summary), 5/21/75; Bennett (staff summary), 6/5/75; Huston deposition, 5/23/75, p. 40.

²⁴⁰ Willard (staff summary), 5/16/75.

of the Air Force and the Navy, was, in Stilwell's opinion: "We haven't been involved in domestic intelligence collection, and we're not going to start now." And for the Army the attitude seemed to be: "We may have been stupid enough to stick our nose in once, but we're not going to get burned twice."²⁴¹

Among the FBI participants at Langley, Donald E. Moore was an exception. After Sullivan, he was the senior Bureau representative on the ICI staff. He had been involved in intelligence work for the Bureau since 1956, and in June 1970 was the Inspector-in-Charge, Espionage Research Branch. He was greatly troubled by the opening meeting at Langley. "I felt very uneasy about the direction the work group was taking," he remembers. "Their views were contrary to what Mr. Hoover would have liked. I wanted out."²⁴²

A Hoover "loyalist," Moore went to Sullivan after the meeting and asked to be excused from subsequent sessions. "Suit yourself," Sullivan replied, and Donald Moore faded from the scene, except for desultory comments made on the threat portions of a draft Sullivan asked him to review a week later.²⁴³

Even among the ICI enthusiasts, not all were pursuing the same goal. Ostensibly, the Ad Hoc Committee was established to provide better intelligence to the President, primarily, on New Left activities, and, secondarily, on foreign influence over the New Left. The radical protesters were clearly Tom Huston's main interest. Data collection on the New Left and black militancy was of great interest to others as well, such as George Moore, who was the Bureau Section Chief with responsibilities in this area. However, several of the participants saw the concern of the President over domestic intelligence chiefly as a way to ride piggyback through the White House approval process their own primary goal of knocking down obstacles to *foreign* intelligence collection. As one FBI observer at the Langley meetings has commented:

Hoover put us out of business in 1966 and 1967 when he placed sharp restrictions on intelligence collection. I was a Soviet specialist and I wanted a better coverage of the Soviets. I felt—and still feel—that we need technical coverage on every Soviet in the country. I didn't give a damn about the Black Panthers myself, but I did about the Russians. I saw these meetings as a perfect opportunity to get back the methods we needed . . . and so did Sullivan.²⁴⁴

Huston was aware that Gayler and others were in the venture for reasons other than strictly to improve domestic intelligence. "The whole question of surreptitious entry . . . was an issue going into this thing I didn't know anything about, and didn't understand really what it had to do with the subject underhand," Huston recalls. "It was really clear to me that it was a foreign intelligence matter. . . . It just seemed to me that if these people felt so strongly about it, why

²⁴¹ Downie (staff summary), 5/13/75.

²⁴² Staff summary of Donald E. Moore interview, 7/28/75.

²⁴³ Donald Moore (staff summary), 7/28/75.

²⁴⁴ [FBI counterintelligence expert] (staff summary), 8/20/75.

should I say no? And so it went in [to the report for the President].”²⁴⁵

Huston remembers another example of the approach used by NSA: the modification of its authority for the collection of communications intelligence. “For all I know that [directive] could have authorized people to have free lunch in the White House mess,” he says. “In other words, Admiral Gayler said, ‘This is what needs to be done’ and that’s what I did.”²⁴⁶

Those focusing on domestic intelligence objectives and those on foreign intelligence, those committed to relaxing collection restraints and those reluctant to be involved—these were the central cleavages in the staff of the Interagency Committee on Intelligence (Ad Hoc).

D. “Credit Card Revolutionaries”

Just as hidden from the President and Tom Huston as the CIA mail program—though more from reasons of their own selective perception than from duplicity—was the reality of the antiwar movement which helped spur the writing of the intelligence report in the first place. The threat assessment section of the Special Report was not too different from earlier assessment prepared for Ehrlichman and Huston in April and June of 1969. Though more thorough, it also failed to produce much concrete evidence of foreign influence over domestic unrest. During the public hearings on the Huston Plan, C. D. Brennan, the FBI witness, said that the Bureau was never able to find evidence indicating the antiwar protesters in the United States were financed by external sources. “I felt that the extremist groups and the others who were involved in antiwar activities and the like at that time were of the middle- and upper-level income,” stated Brennan, “and we characterized them generally as credit-card revolutionaries.”²⁴⁷

Despite the lack of any substantial evidence of foreign involvement, the White House under both Johnson and Nixon had persistently tasked the Bureau to discover evidence of foreign funding.²⁴⁸ As in earlier reports, however, the assessment section of the Special Report pointed to the danger of foreign connections developing in the *future*. Consensus here was high. Like those in the White House, the intelligence officers writing the Report walked a slippery slope when they began to speak of the need to expand intelligence collection more because of *potential* rather than actual findings.

These were among the main forces, not immediately visible, which were particularly important in shaping the Special Report and the Huston Plan. Those who had sought to obtain presidential authority to broaden intelligence collection methods had ultimately failed; but they remained committed to their objective of expansion nonetheless. The intelligence collectors were not to be dissuaded by the simple absence of presidential or congressional authority.

²⁴⁵ Huston deposition, 5/22/75, p. 41.

²⁴⁶ Huston deposition, 5/22/75, p. 46. Tordella has also alluded to an additional reason for high NSA interest in these proceedings. Intelligence budgets were sagging in 1970 and some saw chances here for expanded intelligence activities and increased funding. Tordella (staff summary), 6/16/75.

²⁴⁷ Brennan, 9/25/75, Hearings, p. 134.

²⁴⁸ Brennan, 9/25/75, Hearings, pp. 104, 107, 135.

VIII. AFTERMATH: THE END—OR THE BEGINNING?

Two events of particular significance followed in the close wake of the Huston Plan. One was the creation of the Interagency Evaluation Committee (IEC), and the other was a secret meeting involving Hoover, Helms, Gayler, and Mitchell.

The IEC has become controversial, since it was similar in some respects to the permanent interagency group recommended in the Huston Plan. Questions have thus been raised concerning whether the IEC became the instrument for carrying out the provisions of the Huston Plan, possibly even serving as the precursor of the "Plumbers" group which broke into the Democratic National Headquarters in the Watergate building in 1972.

A review of the IEC history by the Committee, summarized below, suggests that the Committee did resemble the interagency committee outlined in the Huston Plan; however, the IEC amounted to little more than a research group, with no operational dimension and no ties to the "Plumbers" unit. The IEC, however, did bring to fruition the Huston Plan concept of an interagency intelligence committee.

A. *The Intelligence Evaluation Committee*

Within a month of John Dean's arrival in the White House, he had learned—chiefly through conversations with Huston—the basic details about the work of the Ad Hoc Committee on Intelligence and the collision with Hoover. By late August, Haldeman had approached Dean on the Huston Plan, instructing him "to see what I could do to get the plan implemented."²⁵¹ Dean has testified that he had found the plan "totally uncalled for and unjustified."²⁵²

Eventually, on September 17, 1970, Dean went to see John Mitchell about the Huston Plan and Haldeman's request for its implementation. Mitchell explained to him some of the details of the Plan. As Dean now recalls, his reaction was to think: "You've got to be kidding. This sounds like something the people on Mission Impossible would dream up."²⁵³

The Attorney General reiterated his position against the Plan—with one exception. Unlike Hoover, Mitchell now thought that a permanent interagency committee for intelligence evaluation might be useful. As Dean testified in 1973: "After my conversations with Mitchell, I wrote a memorandum requesting that the evaluation committee be established, and *the restraints could be removed later*. I told Mr. Haldeman that the only way to proceed was one step at a time and this could be an important first step. He agreed." [Emphasis added.]²⁵⁴

This memo of September 18th from Dean to Mitchell read in part: "A key to the entire operation will be the creation of a (sic) interagency intelligence unit for both *operational* and evaluation purposes . . . and then to proceed to remove the restraints as necessary to obtain such intelligence." [Emphasis added.]²⁵⁵ Echoing Huston's

²⁵¹ Dean (staff summary), 8/7/75.

²⁵² Dean, Senate Watergate Hearings, 6/25/73, p. 916.

²⁵³ Dean (staff summary), 8/7/75.

²⁵⁴ Dean, Senate Watergate Hearings, 6/25/73, p. 916.

²⁵⁵ Memorandum from John Dean to John Mitchell, 9/18/70. (Hearings, Vol. 2, Exhibit 24.)

recommendation to Haldeman of a month before, the memo bore the postscript: "Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so."

Looking back on this memorandum, Dean pointed out that, although he was against the intelligence collection methods in the Huston Plan, he knew Haldeman supported them and would be reading the memo, too. Dean recalls that to keep his rapport with Haldeman—and his job—he included the operational language in the memorandum, actually believing, he claims, that the permanent evaluation committee would be as far as the undertaking would ever go. He and Mitchell were in agreement that "the enthusiasts" in the White House would require some kind of pacifier and this memorandum would give them at least a sense of action and commitment.²⁵⁶

Whatever the truth may be about the later intentions of Dean, Mitchell, or Haldeman, an interagency Intelligence Evaluation Committee was planned and set up by Dean and Robert Mardian (Assistant Attorney General in charge of Internal Security) during the waning weeks of 1970. The IEC held its first meeting in Dean's EOB office on December 3rd, with Mardian in charge.²⁵⁷ The meeting represented the fulfillment of one Huston Plan objective: the creation of a permanent interagency intelligence committee.

At this opening session of the IEC were several old hands from the earlier ICI Ad Hoc Committee: Angleton of CIA, George Moore of FBI, Bffman of NSA, and John Downie of DOD. At the subsequent meetings the group would be supplemented by staff aides, many of whom (like Richard Ober of CIA) had also seen duty at the Langley meetings in June. The focus of the IEC, it was decided at the meeting, would be on—

intelligence in the possession of the United States Government respecting revolutionary terrorist activities in the United States and to evaluate this intelligence to determine (a) the severity of the problem and (b) what form the Federal response to the problem identified should take.²⁵⁸

Though Dean had received a special security clearance at CIA on September 30th and had immersed himself, at Haldeman's request, into the details of the Special Report and the Huston Plan, his participation in IEC meetings soon came to an end. The IEC began meeting in the Justice Department under Mardian's tutelage, and by January of the new year Dean had stopped attending the sessions.²⁵⁹ Thereafter, the IEC was chiefly operated by Mardian and Bernard A. Wells, his deputy.

One of the military staffmen assigned to the Intelligence Evaluation Committee was Army counterintelligence specialist Col. Werner E. Michel. His views on the IEC are shared by virtually everyone familiar with its activities. Michel observes that (1) the IEC did very little—and nothing of an operational character; (2) what little it did do

²⁵⁶ Dean (staff summary), 8/7/75.

²⁵⁷ Memorandum from Robert Mardian to John Mitchell, 12/4/70. (Hearings, Vol. 2, Exhibit 25.)

²⁵⁸ Mardian memorandum, 12/4/70.

²⁵⁹ Dean (staff summary), 8/7/75.

(chiefly, prepare intelligence reports) was not done very well; and (3) its leadership—specifically, Mardian—was inexperienced when it came to intelligence work.²⁶¹

The principal representatives to the IEC, experts like Angleton, Buffham, Downie, and George Moore, dropped out of the proceedings by July 20, 1971, leaving behind subalterns to observe and participate. General Bennett has said, for example, that an enlisted man was assigned to the IEC staff “to make sure Mardian wasn’t trying to drag the military into something unwarranted.”²⁶²

The IEC prepared about thirty staff reports and fifty-five “intelligence calendars” on radical events which were distributed to Dean in the White House and to the heads of participating agencies (including Treasury and the Secret Service). These reports were considered to be of low quality by experienced intelligence specialists.²⁶³ The singularly most questionable document to emerge from the IEC files was a memorandum appearing on January 19, 1971. Typed on Justice Department stationery and addressed to Mitchell, Ehrlichman, and Haldeman, the unsigned memorandum purported to speak unanimously for the IEC participants. It asked for the implementation of the Special Report of June 1970; obviously, from the text, the memorandum actually sought the adoption of Tom Huston’s recommendations. “All those who have been involved in the project firmly believe,” read the memorandum, “that the starting point for an effective domestic intelligence operation should be the implementation of the Special Report of the Interagency Committee on Intelligence.” The anonymous author, or authors, added that “there is considerable doubt as to how significant a contribution the proposed committee [the IEC] would make to existing domestic intelligence *operations* without implementation of the Ad Hoc Committee Report. . . .” [Emphasis added.]²⁶⁴

Dean has stated that Mardian was responsible for this memorandum.²⁶⁵ Mardian, however, denies he made any attempt or suggestion to implement provisions of the Huston Plan or the Special Report of June 1970. In his view, the IEC was strictly an effort “to increase formal liaison among the intelligence agencies, since Hoover had broken it off the previous summer. . . . The IEC was only for analysis.”²⁶⁶

The Committee does not appear to have done anything more than try to evaluate raw intelligence data, over 90 per cent of which was generated by the FBI.²⁶⁷ Like the Huston Plan itself, this interagency effort also failed in large part because of Hoover’s truculence toward it. At one point, Hoover wrote to Mardian concerning a proposed

²⁶¹ Staff summary of Col. Werner E. Michel interview, 5/12/75. See also memorandum for the record, by Col. Werner E. Michel May 21, 1973.

²⁶² Bennett (staff summary), 6/5/75.

²⁶³ Michel (staff summary), 5/12/75; Stilwell (staff summary), 5/21/75; Downie (staff summary), 3/13/75; Buffham (staff summary), 7/19/75; Angleton (staff summary), 11/5/75.

²⁶⁴ Memorandum (unsigned) on Justice Department stationery to John Mitchell, John Ehrlichman, and H. R. Haldeman, 1/19/71. (Hearings, Vol. 2, Exhibit 29.)

²⁶⁵ Dean (staff summary), 8/7/75.

²⁶⁶ Staff summary of Robert Mardian telephone interview, 1/13/76.

²⁶⁷ Michel (staff summary), 5/12/75. The FBI did have, however, the benefit of NSA data, the CIA mail opening product, and information from the CIA/CHAOS project.

charter for the IEC: “. . . it is requested that an appropriate change be made in the wording of paragraph IV entitled ‘Staff’ to clearly show that the FBI will not provide personnel for the proposed permanent intelligence estimation staff.”²⁶⁸

Mardian later complained to the Attorney General on February 12, 1971 that the content of the intelligence estimates would be of insufficient quality “to warrant continuing without [FBI] cooperation.”²⁶⁹ Eventually, Hoover did send over two analysts; but they were considered to be less than satisfactory by most other participants.²⁷⁰ The Director of the FBI clearly was not interested in the success of the IEC, no more than he had cared for the concept of an interagency committee as outlined in the Huston Plan.

According to various sources, the secrecy of the IEC stemmed from its handling of secret documents; its desire to avoid publicity and criticism which might come to an interagency intelligence group, regardless of how innocuous its works; and, Mardian’s attempt to make the IEC appear to be more important than it really was.²⁷¹

In early June 1973, the IEC was finally abolished by Assistant Attorney General Henry E. Petersen. He concluded in a memorandum to participating agencies: “Now that the war in Vietnam has ended, demonstrations carrying a potential for violence have virtually ended; therefore, I feel that the IEC function is no longer necessary.”²⁷² Behind this smoke screen lay the real reason, according to IEC staff member, James Stilwell: IEC leaders feared the mounting criticism of the recently revealed Huston Plan (a copy of which appeared in the *New York Times*) would lead the “jackals of the press” to their door.²⁷³ It was time to close shop. Some members of the IEC staff argued that it would be a mistake to abolish the IEC at this time because people would conclude wrongly that it was in some way an extension of the Huston scheme. This viewpoint was overridden.²⁷⁴

B. Secret Meeting with Hoover

On March 25, 1971, an FBI counterintelligence officer wrote a memorandum for Hoover’s information regarding a request from Attorney General Mitchell which asked the Director to meet with him, Helms, and Gayler on March 31. The officer did not know the agenda for the meeting, but speculated that it would cover the subject of foreign intelligence as it related to domestic subversives.²⁷⁵

²⁶⁸ Memorandum from J. Edgar Hoover to Robert Mardian, 1/3/71.

²⁶⁹ Memorandum from Robert Mardian to John Mitchell, 2/12/71. (Hearings, Vol. 2, Exhibit 27).

²⁷⁰ For example, Michel (staff summary), 5/12/75; Stilwell, (staff summary), 5/21/75.

²⁷¹ For example, Downie (staff summary), 3/13/75; Stilwell (staff summary), 5/21/75.

²⁷² Memorandum from Henry E. Petersen to Col. Werner E. Michel, 6/11/73.

²⁷³ Stilwell (staff summary), 5/21/75.

²⁷⁴ Stilwell (staff summary), 5/21/75.

²⁷⁵ Memorandum from W. R. Wannall to C. D. Brennan, 3/23/75. (Though W. R. Wannall is the name on the memorandum, it may have been actually dictated by a subordinate in the FBI Intelligence Division.) In January 1971 the NSA Director had written a memorandum to the Secretary of Defense and the Attorney General on how his Agency could assist with “intelligence bearing on domestic problems.” See memorandum from Noel Gayler to Melvin Laird and John Mitchell, 1/26/71. Benson Buffham of NSA personally showed the memorandum to John Mitchell. (Memorandum for the record by Benson K. Buffham, 2/3/71).

The NSA, noted the memorandum, was already sending intelligence to the CIA and the FBI "on an extremely confidential basis" on the international communications of American citizens, but only as by-product from NSA's communications monitoring responsibilities. This information was not developed in any systematic way. The memorandum suggested that Helms and Gayler might have an interest in increasing intelligence output of this type.

The memorandum stated that the principal source of Bureau data on subversive activities was electronic surveillance and live informants. To supplement these collection techniques, Hoover was advised to "take advantage of any resources of NSA and CIA which can be tapped for the purpose of contributing to the solution of the problem." The memorandum sounded like a fragment of conversation from the Langley meetings the previous June.

The meeting in Mitchell's office actually occurred on March 29. Later, Hoover prepared a memorandum for the files which indicated that Helms was primarily responsible for the gathering. The purpose of the meeting was to discuss "a broadening of operations, particularly of the very confidential type in covering intelligence both domestic and foreign." Gayler was "most desirous" of having the Bureau reinstate certain intelligence collection programs; and Helms spoke of "further coverage of mail."

These approaches were rebuffed by Hoover, who told Helms and Gayler (according to his memorandum) that he "was not at all enthusiastic about such an extension of operations insofar as the FBI was concerned in view of the hazards involved." Mitchell then intervened, according to Hoover's memorandum, and asked Helms and Gayler to prepare "an in-depth examination" of exactly what collection methods they desired. After reading the report, Mitchell said he would convene the group again "and make the decision as to what could or could not be done." According to the Hoover memo, Helms agreed and said he would have the report prepared "very promptly."²⁷⁶

The Huston Plan battle had been fought again, this time with the inclusion of the major missing participant: Attorney General Mitchell. The results were similar to the earlier outcome: a victory for Hoover. Yet, clearly, the war was not over. While neither Helms nor Gayler nor Mitchell recall this meeting, or the outcome of the Helms-Gayler report, and while it is unclear whether such a report was ever actually prepared, one thing is certain: *efforts to implement provisions of the Huston Plan persisted. The unlawful CIA mail-opening program continued; the list of names of American citizens on the NSA Watch List expanded during the years 1970 to 1973; the age limit on FBI campus informants was lowered from 21 to 18; and the Bureau intensified its investigations in the internal security field.*²⁷⁷

²⁷⁶ Memorandum for the files by J. Edgar Hoover, 4/12/71. (Hearings, Vol. 2, Exhibit 31). Subsequent to the meeting with Mitchell, "the Attorney General reversed the FBI decision" against a proposed CIA electronic surveillance, according to Angleton, and in May 1971 "all the devices which had been installed . . . were tested and all were working." See Memorandum for the record by James Angleton, 5/18/73, p. 5. (Hearings, Vol. 2, Exhibit 61).

²⁷⁷ For the detailed documented evidence on these points, see the Select Committee Reports on the CIA mail program, the NSA, and the FBI internal security programs. Information on the incidents of surreptitious entry remains classified but the cases are limited to foreign targets. See also Brennan testimony, 9/25/75, Hearings, p. 100, on the extent of the FBI internal security investigation.

The intensified intelligence activities of the FBI included surveillance of "every Black Student Union and similar group, *regardless of their past or present involvement in disorders.*" [Emphasis added.]²⁷⁸ This involved the opening of 4,000 new cases. Also, members of the Students for a Democratic Society (SDS) were placed under investigation accounting for an additional 6,500 new cases.²⁷⁹

The FBI witness during the Huston Plan public hearings did not believe the President was ever told about this increased Bureau activity.²⁸⁰ Nor, according to other witnesses, was he told about the instances of expanded intelligence collection by other agencies. Speaking of the CIA mail program, former Attorney General John Mitchell suggested that "the old-school-tie boys, who had been doing it for 20 years, just decided they were going to continue to do it."²⁸¹

Looking back on the Huston Plan, President Nixon said in an official statement in 1973: "Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect."²⁸² It was not that simple, however. As a former CIA Chief of Counterintelligence, James Angleton, noted:

The Huston Plan, in effect, as far as we were concerned, was dead in five days and therefore all of the other matters of enlarging procurement within the intelligence community were the same concerns that existed prior to the Huston Plan, and subsequent to the Huston Plan. The Huston Plan had no impact whatsoever on the priorities within the intelligence community.²⁸³

"People are reading a lot into the Huston Plan," Angleton continued, "and, at the same time, are unaware that on several levels in the community identical bilateral discussions were going on."²⁸⁴ Angleton stated that, since the creation of the CIA in 1947, "there has been constant discussion of operations and improvement of collection, so there is nothing unusual in time. . . . There were a number of ongoing bilateral discussions every day with other elements within the intelligence community which may or may not have duplicated the broad, general plan that Huston brought about."²⁸⁵

The fact that the President approved the Huston Plan—if only briefly—is deeply troubling in itself, as some of its provisions contravened the law. That some of the intelligence agencies could continue these programs after the President revoked his authority—and, in fact, expand them—is cause for great alarm. These facts raise serious questions about the sensitivity of the White House and the intelligence agencies to the law and the Constitution.

²⁷⁸ Memorandum from Executives Conference to Clyde Tolson, 10/29/70. (Hearings, Vol. 2, 10/29/70). The Executives Conference was an occasional gathering of senior officials in the FBI.

²⁷⁹ Executives Conference memorandum, 10/29/70.

²⁸⁰ Brennan, 9/25/75, Hearings, pp. 138–139.

²⁸¹ Mitchell, 10/24/75, Hearings, p. 141. On the apparent lack of presidential awareness of the NSA watch list expansion, see Allen, 10/29/75, Hearings, pp. 28–29, and Nixon's answers to interrogatories, 3/9/76, p. 1.

²⁸² President Richard Nixon, *Presidential Documents*, 5/22/73, pp. 693–695.

²⁸³ Angleton, 9/24/75, Hearings, pp. 70–71.

²⁸⁴ Angleton, 9/24/75, Hearings, p. 82.

²⁸⁵ Angleton, 9/24/75, Hearings, p. 83.

IX. SUMMARY AND CONCLUSIONS

The Huston Plan episode is a story of lawlessness and impropriety at the highest levels of government. It is also a story of high-level deception, for some of the intelligence agencies concealed illegal programs from the President and his representatives, from the Congress, and from one another. The findings in this investigation are similar to those disclosed in other phases of the Select Committee inquiry into the American intelligence community, namely: a lack of accountability, unclear lines of authority, and frequent disregard for the law.

A. Accountability, Authority, and the Law

On June 5, 1970, the President ordered the intelligence community to provide the White House with a complete and factual review of selected intelligence collection procedures, restraints upon these procedures, and options for relaxing the restraints. Instead, his representative, Tom Charles Huston, was deceived. The intelligence report for the President failed to disclose an ongoing illegal mail-opening program conducted by the CIA (with the cooperation and knowledge of the FBI). It also failed to mention the improper domestic intelligence activities of the CIA and the FBI, now known respectively as "Operation CHAOS" and "COINTELPRO."²⁹⁰ In short, the authority of the President's order for a candid report carried little weight.

Later, on July 23, 1970, when the President revoked his authority to implement the Huston Plan provisions, his action again had little effect upon the intelligence services. The CIA mail-opening continued; Operation CHAOS and COINTELPRO went on; NSA selection of international communications involving Americans was expanded (apparently, largely as a result of names contributed to the NSA "Watch List" by the Bureau of Narcotics and Dangerous Drugs, BNDD); the FBI opened thousands of new cases on domestic dissenters and intensified its campus surveillance by lowering the age of informants to 18; the intelligence agencies formed a permanent interagency committee for intelligence, as envisaged in the Huston Plan; and, the intelligence directors from the CIA and the NSA continued to seek the full implementation of certain Huston Plan provisions.

The intelligence officers conducted illegal and questionable collection programs apparently partly because they concluded the good that flowed from them in terms of anticipating threats to the United States made the programs worthwhile, and partly because of the pressure for results from the White House. In addition, the threats of civil strife faced by the nation in 1970 seemed to justify to the intelligence collectors the use of extraordinary methods. Few of the counterintelligence experts who prepared the report leading to the Huston Plan objected to the inclusion of illegal options for the President. They did not consult the Attorney General; they did not consult the Congress; and they did not consult their own legal counsels.

²⁹⁰ Although these two programs were not strictly within the intelligence collection mandate of the ICI Ad Hoc Committee, they did deal with matters of internal security and, in the case of CHAOS, with the connection between domestic dissent and foreign powers; therefore, the CIA and FBI were being far from candid with one another—and with the President's representative—by concealing these programs at the Langley meetings.

B. The Quality and Coordination of Intelligence

The Huston Plan is a story not only of impropriety and duplicity in the nation's intelligence community, but also of frustration over the quality and coordination of intelligence. The frustration came from several sources and took many forms. The White House was dissatisfied with the information available on domestic dissenters and their foreign supporters, and was concerned about the disintegration of liaison ties between the FBI and the other intelligence agencies. Within the intelligence agencies themselves various degrees of dissatisfaction over the quality and coordination of intelligence were also expressed. In particular, J. Edgar Hoover was viewed widely as an obstacle to the expansion of intelligence collection methods, especially for the acquisition of foreign intelligence.

Most of the counterintelligence experts involved in the Huston Plan episode did not share the White House view that domestic dissenters were receiving substantial foreign funding. Despite considerable attention to this matter, at the request of the White House, the intelligence agencies were unable to discover evidence of such a link. Nonetheless, the President's men insisted upon still further investigation of possible foreign ties and complained about the poor quality of intelligence data in this area.

Reactions to the break-down of formal liaison coordination between the FBI and the other intelligence agencies was also viewed from different perspectives by various participants in 1970. William C. Sullivan of the FBI and Tom Huston saw the severing of formal ties by Hoover as another manifestation of paralysis in the conduct of Bureau intelligence affairs. Others viewed the development as an unfortunate inconvenience, but one that was soon surmounted by sundry informal methods of communication. Severing formal liaison, in other words, did not terminate cooperation between the intelligence agencies and the FBI; rather, it forced the establishment of different channels of communication, chiefly through increased telephone conversation and the exchange of memoranda. No one, however, thought the situation was as good as before formal ties were broken; and everyone looked upon the general lack of communication between Hoover and the other directors—especially Helms—as unfortunate.

C. Public Policy Implications

The case of the Huston Plan provides a tragic commentary on the state of American democracy in the summer of 1970. Tom Charles Huston, the top White House adviser for internal security affairs, advised the President of the United States, in effect, authorize the violation of to the Constitution and specific federal statutes protecting the rights of American citizens. The President, Richard M. Nixon, accepted the advice and gave his brief approval to the unlawful intelligence plan which now bears the name of his adviser. Throughout the episode, some of the intelligence agencies concealed projects from the White House and from one another; and, after the President took back his authority from the intelligence plan, certain agencies continued to implement the provisions anyway.

The conclusion to be drawn from this case is that: no longer can the intelligence agencies be exempted from the law or from lines of higher authority. The final report of the Senate Select Committee on

Intelligence sets forth a series of recommendations to help prevent this from happening again. Central to each of the issues of accountability, authority, lawlessness, and the quality and coordination of intelligence is the question of control. The provisions in the Final Report would tighten control over the intelligence community.

Yet to avoid the dangers of tyranny inherent in greater control in the government, the authority and responsibility for this increased supervision must be shared among the intelligence agencies themselves, the President, the Justice Department, the Congress, and the courts.

If shared and closer control is one answer emerging from this investigation into the Huston Plan, another is the need for more frequent dialogue on intelligence problems among responsible individuals in each branch of the Government. The Huston Plan arose because well-meaning and intelligent people wanted solutions to pressing questions of intelligence quality and coordination. The solutions arrived at in June 1970 were inappropriate and have been rightly criticized, but the original problems have not been completely unresolved. And they will not be until leaders in the Congress and the Executive Branch face them, discuss them, and decide upon appropriate courses of action. The objective of the Select Committee has been to contribute to this vital process.

APPENDIX

"CHRONOLOGY OF HUSTON PLAN AND INTELLIGENCE EVALUATION COMMITTEE" PREPARED BY SENATE SELECT COMMITTEE STAFF

Date	Central event	Related developments
1965.....		As a result of Senator Long's wiretap hearings, Hoover terminates "black bag" jobs.
December 1966.....	FBI terminates break-ins.	
1967-68.....	Capt. Thomas Charles Huston, U.S. Army, works at DIA in the area of covert aerial reconnaissance.	
1968.....	Huston works part time in the Nixon campaign.	
April 1968.....		Dr. Martin Luther King, Jr., is murdered; student riots at Columbia University.
May 1, 1968.....		Poor People's march heads for Washington from Memphis.
June 5, 1968.....		Robert F. Kennedy is murdered in Los Angeles.
Aug. 28, 1968.....		Chicago police and some 3,000 demonstrators confront outside the Chicago Hilton.
January 1969.....	Huston begins employment at the White House on the Speechwriting and Research staff.	
March 1969.....		Student riots at San Francisco State College.
April 1969.....		Rioting in Black neighborhoods of Chicago, student riots at Harvard and Cornell.
April 1969.....		Ehrlichman prepares a report for Nixon on foreign Communist support of campus disorders; the White House concludes that present intelligence collection capabilities were inadequate.
May 1969.....		Nixon places first of 17 taps on government officials.
June 1969.....	Huston is assigned by Ehrlichman (through Krogh) to investigate possible foreign support of campus disorders; receives briefings and reports from CIA and FBI; obtains little evidence to support the hypothesis, though is displeased with quality of data—especially from the Bureau; has first contact with the intelligence community since entering the White House.	
July 1, 1969.....		Huston advises IRS to move against leftist organizations.
July 22, 1969.....		Mitchell establishes the "Civil Disturbance Group" (CDG) to coordinate intelligence, policy and action within Justice concerning domestic civil disturbances—apparently because he doubted the adequacy of FBI efforts in this area.
October–November 1969.....	During the demonstrations, Huston monitors FBI intelligence estimates for the White House; Krogh, Haldeman, and Ehrlichman complain about quality of FBI data.	
December 1969.....	Huston asks Sullivan to have the Bureau prepare a report on the November moratorium, showing that the Weathermen were to blame for the violence not the New Mobilization (a conclusion agreed upon by Huston and Sullivan and contrary to the position of the Department of Justice).	
January 1970.....		Army domestic surveillance program is revealed; Ervin begins investigation; Huston continues responsibilities for monitoring and disseminating FBI intelligence to the White House; student riots at UC Santa Barbara.
March 1970.....		Explosion of Greenwich Village townhouse "bomb factory;" Weathermen bombings of corporation offices in New York; increase in bombing incidents throughout the United States.

"CHRONOLOGY OF HUSTON PLAN AND INTELLIGENCE EVALUATION COMMITTEE" PREPARED BY SENATE SELECT
COMMITTEE STAFF—Continued

Date	Central event	Related developments
March 19, 1970	-----	Executive Protection Service established,
Apr. 4, 1970	-----	placing a heavier guard around embassies. 40,000 march down Pennsylvania Ave. in Washington, D.C.
Apr. 22, 1970	Meeting in Haldeman's office: Huston is told to meet regularly with intelligence agencies on questions of domestic violence and report to the White House; decision that Nixon should meet with intelligence com- munity principals regarding intelligence gaps; Cambodian incursion prevents meet- ing from being held in May.	
May 1970	-----	Kent State and Jackson State shootings; anti- war demonstrations; Hoover terminates FBI liaison to CIA; Army phases out domestic surveillance program.
June 4, 1970	Huston recommends to Nixon that Sullivan be named chairman of work group for Special Report; earlier, Huston and Sullivan had met together to outline the restraints on intelligence collection which Huston could show to Nixon in order to persuade him to establish the Interagency Committee on Intelligence (ICI) (ad hoc).	
June 5, 1970	Nixon holds meeting in White House to create ICI (ad hoc); Hoover named chairman; present at the meeting with Nixon are: Hoover, Helms, Bennett, Gayler, Haldeman, Ehrlichman, Finch, and Huston.	
June 8, 1970	Hoover convenes meeting of intelligence principals to plan the writing of a Special Report for the President; names Sullivan work group chairman; meeting attended by Helms, Hoover, Gayler, Bennett, Huston, Sullivan, and G. Moore.	
June 9, 1970	First meeting of ICI (ad hoc) work group at Langley; discussion on the purpose of the assembled group; each agency assigned task of preparing a list of restraints hamper- ing intelligence collection.	
June 10, 1970	-----	Sullivan is promoted to No. 3 man in the Bureau, succeeding De Loach as Assistant to the Director; De Loach retires on July 20, 1970.
June 12, 1970	Second meeting of work group	-----
June 17, 1970	Third meeting of work group	-----
June 23, 1970	Fourth and final meeting of the work group	-----
June 23, 1970	-----	Hoover terminates all FBI formal liaison with NSA, DIA, Secret Service, and the military services.
June 25, 1970	Principals meet in Hoover's office to sign the Special Report.	-----
June 26, 1970	A copy of the Special Report delivered to Huston at the White House.	-----
July 1970	-----	John Dean transfers to the White House from Justice, where he had often represented the Government in discussions with protest leaders about demonstration permits for the Washington, D.C. area.
Early July 1970	In a memo to Haldeman entitled "Operational Restraints on Intelligence Collection," Huston recommends that Nixon select most of the options relaxing restraints on intel- ligence collection; his recommendation, he says, reflects the consensus of the ICI (ad hoc), not just his own viewpoint. Huston writes a separate memo encouraging Nixon to implement the Special Report options in a face-to-face meeting with the Agency chiefs; otherwise, thought Huston, Hoover might not accept the relaxations.	
July 9, 1970	In a memo, Huston proclaims himself the "exclusive" contact point at the White House on matters of domestic intelligence or internal security.	
July 14, 1970	Haldeman writes memo to Huston saying that Nixon had approved Huston's plan, though he did not agree to the face-to-face an- nouncement of the decision. Nixon tells Haldeman, who tells Huston, that he did not want to take the time to call the Agency Directors in.	

"CHRONOLOGY OF HUSTON PLAN AND INTELLIGENCE EVALUATION COMMITTEE" PREPARED BY SENATE SELECT COMMITTEE STAFF—Continued.

Date	Central event	Related developments
July 23, 1970.....	Huston prepares a memo on Nixon's approval of the extreme options, has the memo approved by Haldeman, and sends it to Helms, Hoover, Gayler, and Bennett. Sullivan calls Huston soon thereafter to say that Hoover was furious about the memo and intended to see Mitchell; Hoover calls and writes Mitchell to complain (the first time Mitchell hears about the Special Report). Hoover goes to Mitchell's office to object to the removal of restraints on intelligence collection methods; Mitchell supports Hoover's objectives.	
July 27, 1970.....	Mitchell confers with the President. Haldeman calls Huston to say that Mitchell has talked to Nixon about the Huston Plan, and the July 23, decision memo was being recalled so that Nixon, Hoover, Mitchell, and Haldeman could reconsider the plan. David McManus of the White House Situation Room telephones each agency to request the return of the decision memo and the Special Report.	
July 28, 1970.....	The agencies return the decision memorandums to the White House Situation Room.	
Aug. 3, 1970.....	Huston and Haldeman "hassle" verbally about whether Nixon should let Hoover's objections to the Huston Plan prevail.	
Aug. 5, 1970.....	Huston writes a memo to Haldeman urging implementation of the Presidential decision reflected in the July 23, memo.	
Aug. 7, 1970.....	In a memo to Haldeman, Huston advises (1) that Haldeman meet with Mitchell to secure his support for the President's decision; (2) that the FBI Director be informed the decision will stand; and (3) that all intelligence agencies are to proceed to implement them at once.	
Aug. 10, 1970.....	Huston is shifted to a subordinate position under John Dean, who is charged with assuming Huston's intelligence responsibilities in the White House. Henceforth, Huston's main responsibilities related to conflict of interest clearances and the review of Executive orders, though he occasionally prepared intelligence reports for Haldeman and continued to be the liaison in the White House for FBI information. Huston also worked on a White House history of Vietnam negotiations.	
Aug. 14, 1970.....		Huston asks IRS for a progress report on its review of the operations of ideological organizations.
Late August.....	Haldeman shows Dean the Huston Plan and asks him to implement it.	
Aug. 25, 1970.....		In a memo to Haldeman, Huston urges White House expansion of Subversive Activities Control Board via an Executive order.
Sept. 10, 1970.....		Huston writes a memo to Haldeman on the subject of air hijacking in which he states the need for improved intelligence community coordination, referring to Hoover as the chief obstacle.
Sept. 17, 1970.....	Mitchell has lunch at CIA to discuss possibility of improved interagency coordination; meets with Dean in the afternoon and says that he opposes Huston Plan but (unlike Hoover), approves of an interagency evaluation committee to improve intelligence coordination. In a memo to Haldeman, Dean recommends the establishment of such a committee as a first step toward implementing the Huston Plan. Haldeman concurs.	
Sept. 18, 1970.....	In a memo to Mitchell, Dean recommends the creation of an Intelligence Evaluation Committee (IEC) for the improved coordination and evaluation of domestic intelligence. The Interdivisional Information Unit in the Department of Justice would provide cover for IEC. (The IDIU monitored information on civil disturbances for the AG.)	

"CHRONOLOGY OF HUSTON PLAN AND INTELLIGENCE EVALUATION COMMITTEE" PREPARED BY SENATE SELECT
COMMITTEE STAFF—Continued

Date	Central event	Related developments
Sept. 21, 1970.....		In a memo to Haldeman, Huston complains that the IRS has failed to take any notable actions against ideological organizations. In a memo to IRS, Huston recommends that the Agency put together a small group of agents to use information gleaned from tax records "to harass or embarrass" certain individuals.
Dec. 3, 1970.....	IEC holds first meeting in Dean's office.....	
Jan. 19, 1971.....	An unsigned memo on Department of Justice stationery goes to Mitchell, Ehrlichman, and Haldeman, recommending implementation of the Huston Plan and supposedly reflecting unanimous IEC opinion.	
Feb. 3, 1971.....	Hoover refuses to provide FBI staff for IEC....	
Mar. 29, 31, 1971.....	Hoover, Helms, Gayler meet in Mitchell's office to discuss relaxation of restraints on intelligence collection.	
June 13, 1971.....	Pentagon Papers are published; Huston returns to law practice in Indiana soon thereafter, but continues to serve as a consultant to the White House throughout the year.	
July 2, 1971.....		Ehrlichman forms "Plumbers" group at Nixon's request.
Oct. 6, 1971.....		Sullivan resigns from the Bureau.
May 2, 1972.....		Hoover dies.
May 1-June 1972.....		Watergate break-ins.
Oct. 7, 1972.....		Huston is named a member of a Census Bureau Advisory Committee on privacy and confidentiality.
Apr. 30, 1973.....		John Dean is fired as White House Counsel.
June 1973.....	IEC abolished.....	