

~~Secret~~*Chapter 8***Charges Against Richard Helms**

It is firm and continuing policy that Allende be overthrown by a coup. It would be much preferable to have this transpire prior to 24 October [presidential runoff election], but efforts in this regard will continue vigorously beyond this date.

Thomas Karamessines, Deputy Director for Plans,
Cable 802, HQs to Chile Station, 16 October 1970¹

- Senator Symington:** Did you try in the Central Intelligence Agency to overthrow the government of Chile?
- Mr. Helms:** No, sir.
- Senator Symington:** Did you have money passed to the opponents of Allende?
- Mr. Helms:** No, sir.
- Senator Symington:** So the stories you were involved in that war are wrong?
- Mr. Helms:** Yes, sir. I said to Senator Fulbright many months ago that if the Agency had really got in behind the other candidates and spent a lot of money and so forth the election might have come out differently.

Senate Hearings for Richard Helms as Ambassador to Iran,²
7 February 1973

¹As quoted in US Congress, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Church committee), Interim Report, *Alleged Assassination Plots Involving Foreign Leaders*, 94th Cong., 1st sess., 20 November 1975 (hereafter cited as Church committee, *Alleged Assassination Plots*), p. 254.

²US Congress, Senate, Committee on Foreign Relations, Hearing, CIA Foreign and Domestic Activities, 94th Cong., 1st sess., 22 January 1975, secret hearing held 22 January 1975, sanitized and made public on 10 February 1975 (hereafter cited as Senate Committee on Foreign Relations, Helms testimony), p. 4. Note this comment on the issue by author John Ranelagh: "On February 7, 1973, Helms had publicly testified during the hearings for his nomination as Ambassador to Iran and on March 6, 1973, in executive session before the Senate Foreign Relations Subcommittee on Multinational Corporations that the CIA had not tried to overthrow the Chilean Government (true; Track II was against Allende and not the government as such), and had not given money to candidates opposing Allende (true; money had been given to parties and organizations, not to individual candidates), and had not cooperated with ITT [International Telephone and Telegraph Corporation] in either venture (again technically true; the effort had been to prevent Allende's being elected president)" (Ranelagh, *The Agency*, p. 611).

~~Secret~~
109

William E. Colby

~~Secret~~

Coincident with his troubles with Angleton and Hersh, Colby's Black December of 1974 brought still another thorny problem: how to respond to Congressional charges that former DCI Richard Helms had given misleading testimony about earlier US covert efforts to prevent Salvador Allende from becoming president of Chile. This would have been an unwelcome legacy for any new DCI; as it was, the problem of how to deal with possible perjury charges against a previous—and popular—Director of Central Intelligence nearly overwhelmed Colby. This issue starkly outlined Colby's and Helms's contrasting styles—Colby committed to a more forthright, open CIA, and Helms maintained that CIA's traditional reticence was the correct course.³

In general terms, the roots of the charges against Helms lay in the growing impatience in Congress with CIA's loose accountability and the consequent rising sentiment for more meaningful oversight of US intelligence. In specific terms, however, the roots of the charges against Helms date from 15 September 1970, when President Nixon had summoned Helms to the White House and directed him to undertake a super-secret covert operation (known later as Track II) to prevent the election of Dr. Salvador Allende Gossens as president of Chile in the forthcoming 24 October runoff election in the Chilean Congress. "[T]he President came down very hard that he wanted something done, and he didn't much care how," Helms later recalled. "If I ever carried a marshal's [sic] baton in my knapsack out of the Oval Office, it was that day."⁴ The next day, 16 September, Helms explained this commission to his principal covert operations officers. "President Nixon had decided that an Allende regime in Chile was unacceptable to the United States," Helms told his colleagues, according to a CIA memorandum of that meeting. The President, therefore, asked the Agency to "prevent Allende from coming to power or to unseat him."⁵ Helms reported that the President had ordered him to undertake this project "unilaterally, i.e., without the knowledge or consent of other agencies of the government, the 40 Committee, etc." To that end, Helms explained, the President had authorized the expenditure of up to \$10 million, with more available "if we needed it."⁶ This operation came to be called Track II, to distinguish it from Track I covert action, also aimed to prevent the election of Allende, which the 40 Committee had approved and which CIA carried out with the Department of State's knowledge and cooperation.

³See Thomas Powers's comparison of the styles of Colby and Helms (Thomas Powers, *The Man Who Kept the Secrets: Richard Helms and the CIA* [New York: Pocket Books, 1979], pp. 359-360).

⁴Church committee, *Alleged Assassination Plots*, pp. 227-228, quoting CIA Memorandum/Genesis of the Project, 16 September 1970.

⁵*Ibid.*, p. 228.

⁶Lawrence K. White, Executive Director-Comptroller, Memorandum for the Record, "Project NATIONAL," 18 September 1970, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive Eyes Only~~).

~~Secret~~

~~Secret~~*Charges Against Richard Helms*

In 1975, Secretary of State Kissinger told the Church committee that Track II was supposed to have ended, as far as he was concerned, on 15 October 1970, after he and Alexander Haig had met at the White House with CIA's Deputy Director for Plans, Thomas Karamessines. It was "formally terminated," Kissinger explained, "by a new Presidential marching order issued prior to the October 24 vote in the Chilean Congress." Kissinger disagreed "totally" with DDP Karamessines' testimony to the contrary.⁷ As indicated in the quotation at the beginning of this chapter, Karamessines on 16 October 1970 cabled CIA's Santiago Station that it remained "firm and continuing policy that Allende be overthrown by a coup."⁸ Five years later, Karamessines testified to the Church committee on 6 August 1975 that "As far as I was concerned, Track II was really never ended."⁹

Over a year later the question of CIA's role in the 1970 Chilean presidential elections arose again. In March of 1972, columnist Jack Anderson charged that CIA had worked closely with International Telephone and Telegraph Corporation to protect ITT's interests by creating "economic chaos" in Chile, in the belief that "this would cause the Chilean army to pull a coup that would block Allende from coming to power."¹⁰ In early 1973, Anderson's allegations became the subject of inquiry by the Multinational Corporations Subcommittee of the Senate's Foreign Relations Committee, chaired by Frank Church. Moreover, on 7 February 1973, in the Senate Foreign Relations Committee's confirmation hearings for Richard Helms's appointment as Ambassador to Iran, Senator Stuart Symington (D-MO) had asked the questions about CIA's role in Allende's election that are quoted at this chapter's opening. It was Helms's testimony at these two hearings that later produced major problems for him—and for Colby. Testifying to these groups on 7 February and 6 March 1973, Helms had denied that the CIA had had any role in trying to prevent Allende's election. Two years later, Chairman Sparkman of the Foreign Relations Committee reminded Helms that, in March 1973, Senator Church had asked Helms, "Now, following the [Chilean 1970 presidential] election, and up to the time that the Congress of Chile cast its vote installing Allende as the new President, did the CIA attempt in any way to influence that vote? . . . You answered, 'No sir.'"¹¹

Upon hearing testimony from Helms in February 1973, Senator Church's Multinational Corporations Subcommittee informed the CIA on 21 February 1973 that it had found "significant discrepancies" between

⁷Church Committee, *Alleged Assassination Plots*, p. 254.

⁸Church Committee, *Alleged Assassination Plots*, p. 251.

⁹Church Committee, *Alleged Assassination Plots*, p. 254.

¹⁰*The Washington Post*, 22 March 1972.

¹¹Senate Committee on Foreign Relations, Helms testimony, p. 4.

~~Secret~~

~~Secret~~

William E. Colby

Helms's testimony and data ITT had supplied.¹² On that same day, Theodore Shackley (Chief, Western Hemisphere Division, DP) took the first step to limit damage to the Agency. He recommended to DCI Schlesinger that the Agency should work toward having its testimony on 1970 events in Chile moved from Senator Church's Multinational Corporations Subcommittee to the Armed Services Special Subcommittee on Intelligence, where Senators Stennis or Symington "could be persuaded," as Shackley phrased it, to work out an arrangement for the Director to make a "controlled appearance" before the Multinational Corporations Subcommittee.¹³

Two days later, on 23 February 1973, Agency officers began quiet efforts with the help of Senator Henry "Scoop" Jackson, a close friend of the CIA, to blunt Senator Church's scrutiny of CIA, Chile, and Richard Helms. Jackson offered his protective assistance in a remarkable backstage meeting he had with Ted Shackley and CIA Congressional liaison chief John Maury the next day. According to Shackley's account, Jackson felt strongly "that the first order of business" should be for DCI Schlesinger to discuss these issues with the White House, where "he should talk with no one other than President Nixon and Mr. Halderman [sic]." Further, Jackson believed that the ultimate solution to the problem of how to deal with Church's subcommittee was to get Senator John L. McClellan (D-AR), chairman of the Appropriations Committee, to call a session of his CIA Oversight Subcommittee to look into CIA's earlier activities in Chile. According to Shackley, Jackson stated that, "once that was accomplished, the Oversight Committee would handle the Senate Foreign Relations Committee." Repeatedly commenting that Senator McClellan's Oversight Subcommittee had the responsibility for protecting the Agency "in the type of situation that was inherent in the Church Subcommittee Hearings," Jackson pledged to work with CIA "to see that we got this protection." Shackley noted that Senator Jackson, who had been "extremely helpful," believed that it was "essential" to prevent the establishing of any procedure that could call upon CIA to testify before a wide variety of Congressional committees. This, he concluded, would place CIA "in dire straits, both in terms of protecting intelligence sources and techniques as well as in dissipating its energies in dealing with capricious Congressional requests that would be never-ending."¹⁴ Following that meeting, Shackley

¹²Theodore G. Shackley, Chief, Western Hemisphere Division/DP, Memorandum for James Schlesinger, Director of Central Intelligence, "Proposed CIA Response to Request for Information Which Have Been Received [sic] From the Senate Foreign Relations Subcommittee on Multinational Corporations," 21 February 1973, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive Eyes Only~~).

¹³*Ibid.*

¹⁴Theodore G. Shackley, Chief, Western Hemisphere Division/DP, Memorandum for the Record, "Discussions with Senator Jackson Concerning the Senate Foreign Relations Subcommittee Hearings on Multinational Corporations," 24 February 1973, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive Eyes Only~~).

~~Secret~~

~~Secret~~*Charges Against Richard Helms*

and Maury at once briefed Colby, who was then CIA's Executive Director, and Tom Karamessines, the DDP. DCI Schlesinger then asked Senator Jackson to set the wheels in motion for Senator McClellan to call a special meeting of his Oversight Committee.

Three weeks later, on 13 March, CIA's senatorial friends arranged to shield the Agency from unwanted scrutiny. This took the form of two closed sessions of oversight groups on the same day—the first with Senator Church absent, and the second with him present. CIA officers gave quite different testimony on each occasion.

The first of these meetings, on the morning of 13 March 1973, was a joint session of the CIA subcommittees of the Senate Armed Services and Appropriations Committees. Senators present were McClellan, Symington, Jackson, John Pastore (D-RI), Strom Thurmond (R-SC), and Roman Hruska (R-NE). Colby, Shackley, and Maury accompanied DCI Schlesinger. The DCI and Shackley gave a briefing on CIA's earlier activities in Chile. They pointed out that, in over 10 years since 1962, CIA covert action expenditures in Chile had totaled \$11,293,000. Shackley described CIA's operations as based on "orders from higher authority" with the objective of preventing a Marxist-Communist takeover of Chile's Government. Senator Jackson explained that the meeting had been called to help Schlesinger protect intelligence sources and methods, "without getting into serious confrontation with Senator Church." During his own service on the Foreign Relations Committee, Senator Symington commented, he had often found that committee inadequately informed about what was going on in the world—and it now appeared that Senator Church was "poorly informed about ITT and the Chile operation."¹⁵

That afternoon the same oversight groups met again, this time with Senator Church as a guest. The other Senators present were McClellan, Symington, and Hruska, while Schlesinger, Colby, Maury, and Shackley again represented CIA. Senator Church opened by explaining that his subcommittee had become interested in CIA's involvement in Chile following columnist Jack Anderson's allegations "some months ago" and that he now wanted to get CIA's side of the story. DCI Schlesinger replied that at no time had any funds been exchanged between the Agency and ITT in Chile and that no joint activity had been agreed upon or undertaken. He further stated that the Agency's policy directives from the 40 Committee for the 1970 Chilean presidential election added up to only (1) some \$400,000 that the CIA had invested in a political "spoiling operation" calling attention to the dangers of an Allende victory; and (2) another \$335,000 in standby authority that had in fact never been spent.¹⁶ Schlesinger

¹⁵John Maury, Legislative Counsel, Memorandum for the Record, "Director's Briefing of Joint Session of CIA Subcommittees of Senate Armed Services and Senate Appropriations—13 March 1973," 13 March 1973, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive~~).

¹⁶John Maury, Legislative Counsel, Memorandum for the Record, "Senator Church's Participation in Joint Session of CIA Subcommittees on Senate Armed Services and Senate Appropriations—13 March 1973," 13 March 1973, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive~~).

~~Secret~~

~~Secret~~

William E. Colby

was reporting only on Track I expenditures because the 40 Committee had not been informed of the Track II operation, which was still a closely held secret at this time.

These two sessions, morning and afternoon, deserve highlighting. In the morning session, Senator Symington had commented that Senator Church was poorly informed about Chile, even though Church's subcommittee on Multinational Corporations had produced considerable testimony that contradicted Helms's statements. Although Church was told in the afternoon gathering that CIA's covert operations expenditures in Chile to prevent Allende's election in 1970 had amounted to only \$400,000, plus \$335,000 in standby authority, he was not given the larger figure of \$11,293,000, covering all CIA activities in Chile from 1962 to 1973, which the DCI had given to the morning gathering in Church's absence. Lastly, in neither session, morning or afternoon, did CIA officers say a word about Track II. These 13 March discussions were, of course, six months before the Chilean military coup of September 1973 in which Allende was deposed and lost his life.

Church's probings now blunted, the issue of CIA's involvement in Chile rested until April 1974, when DCI Colby testified in closed session to the House Foreign Affairs Committee. There he gave the committee a fuller account of CIA's past covert actions in Chile than previously given any Congressional committee. Later in April, Colby gave another detailed accounting to a closed session of Congressman Nedzi's Intelligence Subcommittee of the House Armed Services Committee. It was on that occasion (as discussed in chapter 5) that he described in detail CIA's covert Track I operations and privately informed Chairman Nedzi of Track II.

Colby's April 1974 testimony to these House groups was notable on two counts. First, his forthright account of Track I operations contradicted Helms's earlier testimony. Second, Colby's revelation to Nedzi about Track II was the first time any executive branch officer had told a Congressional figure about these earlier supersecret White House directives of 15 September 1970. The discrepancies between Helms's and Colby's testimonies became public knowledge on 13 September 1974, when a draft report by the staff of Senator Church's Multinational Corporations Subcommittee was leaked to *The Washington Star*. According to that report, Church's staff had recommended initiating a perjury investigation against former DCI Helms and others. According to the *Star*, the draft report also accused Secretary of State Kissinger of having deceived the Foreign Relations Committee in sworn testimony.¹⁷

The *Star* account provoked an immediate flurry of media criticism of CIA and the White House. In response, three days later, on 16 September, President Ford publicly declared his support for CIA's earlier covert operations in 1970, stating that they had been in the best interests of the Chilean people. The President also took the opportunity to deny that the CIA had been involved in the September 1973 military coup that had deposed

¹⁷ *The Washington Star*, 14 September 1974.

~~Secret~~

~~Secret~~*Charges Against Richard Helms*

Allende.¹⁸ The next day, *The New York Times* published a contrary account of those covert operations. In that account, a Seymour Hersh interview with Ray Cline, a retired senior CIA officer and former Director of the Department of State's Bureau of Intelligence and Research, quoted Cline as maintaining that CIA's program in Chile (Track I only—Track II had not yet become public) had been far broader than that just described by President Ford, having included the direct financing of a number of anti-Allende trade groups and labor unions. Charging that Cline's account "flatly contradicted" the descriptions of CIA's role that Kissinger and the President had given the Congress and the public, Hersh added that Cline told him that the Department of State and the CIA had both been dubious about the Chile operations, but "naturally went along because the White House—either Nixon or Dr. Kissinger, or both—decided to push the program."¹⁹

Colby Investigates Helms

Meanwhile, Colby directed CIA officers to begin studying the Helms case to determine whether or not the former DCI had committed perjury. After receiving a report from CIA's Office of General Counsel (OGC), Colby on 25 September 1974 noted for the record that OGC's study "has resulted in no finding that there is clear evidence of perjury or other crimes. Accordingly, I have decided not to refer any of the matters discussed in that memorandum to the Attorney General at this time." Colby added that the question would continue to be studied and that "a final decision as to whether referral of any of these matters to the Attorney General is necessary will be made whenever clear evidence is available of any criminal conduct."²⁰

This initial decision did not put the matter at rest, for Colby soon received contrary, more damaging findings. These were largely the work of CIA officer [redacted] whom Colby had commissioned to produce an independent study on the question. In reports of 5 September and 11 October 1974, [redacted] bluntly argued that there were discrepancies between the facts of CIA's covert involvement in Chile and certain CIA officials' later testimony. This testimony had impeded Congressional proceedings, [redacted] concluded, and therefore, "consultation with Department of Justice . . . seems

¹⁸*The Washington Post*, 17 September 1974.

¹⁹*The New York Times*, 18 September 1974.

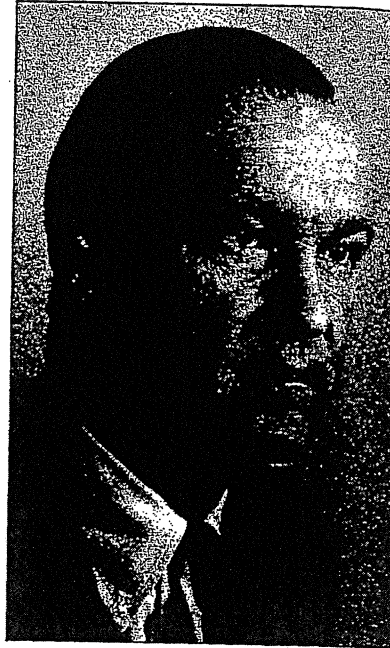
²⁰William Colby, DCI, Memorandum for the Record, "ITT/CIA/Chile Matter," 25 September 1974, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Administrative Internal Use Only~~).

~~Secret~~

William E. Colby

~~Secret~~

appropriate."²¹ An angry DP reaction to [redacted] findings quickly followed, which illustrated the sharp contrast between traditional CIA views and Colby's new look. Having reviewed [redacted] second (and final) report, DP officer [redacted] wrote that "this mongoloid baby should have been strangled in its cradle" rather than being allowed to grow into "an irresponsible, uncontrolled and uncontrollable monster that threatens the integrity of the Clandestine Service." [redacted] recommended that [redacted] study be filed and forgotten because it "has turned into a moralistic crusade to expiate our sins and exorcise the Satan from within the CIA corpus by sacrificing an as yet unknown number of officers."²²



Richard Helms

In any event [redacted] 11 October 1974 report had not yet caused Colby to repudiate his own earlier finding concerning the Helms case. According

[redacted] Memorandum for Donald Chamberlain, Inspector General, "Agency File review: The 111-CIA-Chile Question," 5 September 1974, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive~~); [redacted] study, "Testimony of Mr. William V. Broe Before the Subcommittee on Multinational Corporations, Senate Foreign Relations Committee on 27 March 1973," 11 October 1974, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive~~).

[redacted] Directorate of Operations, Memorandum for William Wells, Deputy Director for Operations, "Testimony of Mr. William V. Broe Before the Subcommittee on Multinational Corporations, Senate Foreign Relations Committee on 27 March 1973," 15 October 1974, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive~~). It is noteworthy that a number of CIA critics of Colby's handling of the Helms issue have held that he came to be unduly influenced by what they consider to have been an overly moralistic bias on the part of the "fellow devout Catholic," [redacted]. As later characterized by Ray Cline, [redacted] had a "Thomistic certainty about him" (Cline interview by Ford, 31 March 1988). CIA veteran Walter Pforzheimer shares [redacted] disdain for [redacted] and for Colby's receptiveness to [redacted] views [redacted] was more known for martinis than anything else. . . . It was preposterous that Colby should have been swayed by this and been trapped into going over to Justice and saying, 'Hey, we've got to do something about this'" (Walter Pforzheimer, interview by [redacted] tape recording, Washington, DC, 11 January 1988). [redacted] but also an expert on early church and patristic history and a regular contributor of highly technical articles to various scholarly religious journals at home and abroad (personal experience, Harold P. Ford).

~~Secret~~

~~Secret~~*Charges Against Richard Helms*

to CIA's Office of Legislative Counsel, on 21 November Colby told Senator McClellan's Oversight Subcommittee that he had personally gone over all the materials bearing on the question of Helms's possible perjury and that "there was nothing in our records to support a charge of perjury or of deliberate misleading of the Congress." Colby added that he "wanted to make it clear to the Committee that we had no secrets from our Committees and we stood ready to go into this or any other matter in the fullest detail."²³

Nevertheless, Colby was not at peace with this decision. As he later observed, [redacted] findings were "about as welcome on my desk as a cobra, and as hard to handle." In Colby's view, if he accepted [redacted] findings, "I repudiated the past; if I accepted the other, I compromised the future." Colby well knew that Helms had loyally protected traditional CIA responsibilities. At the same time, Colby realized that "if I took upon myself the decision that the matter should be dropped without further inquiry, I would be saying that . . . [our] directives and all my brave words about a new era of American intelligence contained the reservation that they would not apply if I thought they should not."²⁴

Colby spent several months, August-December 1974, casting about for help in how to handle the Helms issue and how he should strike a balance between the competing demands of loyalty to Helms, the legal obligations of the case, and the moral obligations. In this search, Colby not only sought guidance from [redacted] and CIA's Office of General Counsel (as we've seen above), but also asked the Agency's Inspector General (IG), Donald F. Chamberlain, to assign three officers to examine in detail the record of the Helms testimony and report their findings to him. The three IG officers, however, were unable to determine from a strictly legal point of view whether Colby was or was not obligated to bring the issue to the Attorney General for final determination. At this juncture, CIA's General Counsel, John Warner, came up with what he thought might be an escape for Colby. Warner noted his understanding that CIA and the Justice Department had agreed in 1954 that the Agency, because of the necessary secrecy of its operations, could decide alone and on its own whether CIA would report possible criminal charges to Justice.²⁵

²³OLC Memorandum for the Record, "DCI Briefing of the Intelligence Operations Subcommittee of Senate Appropriations Committee—21 November 1974," 27 November 1974, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (~~Secret/Sensitive~~).

²⁴Colby, *Honorable Men*, p. 383.

²⁵According to Colby, that earlier agreement dated from March 1954: "a letter from the Acting Director to the Deputy Attorney General which constitutes the so-called agreement." In Colby letter to Terry F. Lenzer, of Truitt, Fabrikat, Bucklen and Lenzer, 12 September 1975, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center (Unclassified).

~~Secret~~

~~Secret~~

William E. Colby

The three officers the IG had commissioned effectively wiped out this route, however, by reporting to Colby that this 1954 agreement between CIA and Justice no longer had any validity, if it ever had any. As Colby later explained,

I could see as I talked the matter out with them that if I insisted on my "solution" I could expect the matter to leak eventually to the press . . . with the implication that CIA in general and I in particular were "covering up." So I took a deep breath and made an appointment to see Acting Attorney General Laurence Silberman.²⁶

Colby emphasizes that, by 19 December 1974, the day he finally took the matter to the Justice Department, his earlier certainty that he need not report this matter had been undermined by several factors: the judgments of certain CIA officers [redacted] that the former DCI had misled the Congress, his own doubt that the 1954 CIA-Justice "agreements" had any validity, and fear that the matter would almost certainly leak in full to the press.²⁷ Former Secretary of State William Rogers, who had been Deputy Attorney General in 1954, later stated that he could not remember any such agreement between CIA and the Justice Department. Justice spokesmen had told him, he added, that they could find no evidence that such an agreement had ever existed.²⁸

And so Director Colby went to the Justice Department on 19 December "to have a chat," as he later reported, with the Acting Attorney General. Colby later recalled that even then he had not yet made up his own mind whether to turn over the Helms materials to Silberman. What he "really hoped to do" was to get a reading from him about the validity of the 1954 agreement between Justice and the Agency. According to Colby's account, Silberman's response was immediate—and sobering. "Come on, Bill," he said. "You're a lawyer. You know better than that. I don't care what the past arrangements might have been." Said Silberman, "There was no way in the world the CIA was going to be given the extra-legal privilege of unilaterally deciding which of its employees should or should not be prosecuted. That's just plain nonsense. . . . So, come on now, let's get down to cases."²⁹

Despite these bruising comments from Silberman, Colby did not reach a definitive decision about how to proceed on the Helms question until a week later. During that interval, while *The New York Times* was

²⁶Colby, *Honorable Men*, p. 384.

²⁷Colby interview by Ford, 9 August 1988.

²⁸*The New York Times*, 25 July 1975.

²⁹Colby, *Honorable Men*, p. 385; Colby interview by Ford, 9 August 1988. No memo of the Colby-Silberman conversation of 19 December 1974 has been found in CIA files.

~~Secret~~

~~Secret~~*Charges Against Richard Helms*

publishing Hersh's charges and Colby was busy firing Angleton, Silberman and Colby had a series of phone conversations, the highlights of which deserve noting in some detail:

- *On 21 December*, Silberman told Colby that Hersh had phoned to tell him in advance of Colby's meeting with Silberman on the 19th.

Colby: I am absolutely staggered that he knew that I was going to see you.

Silberman: The SOB has sources that are absolutely beyond comparison.

Colby: He knows more about this place than I do.

Silberman: [Hersh] put it to me in terms of Schlesinger and you coming out on white horses.

Colby: That doesn't help me a bit. And that is the old technique—get a good fight going in town between me and Helms, it's lots of fun.

- *On 23 December*, Silberman told Colby that, according to Hersh, former DCI Schlesinger had told someone at a party that the facts about previous CIA misconduct "are much worse than [Hersh's] article states."

Silberman: Are you so sure it is so bad to have a Congressional investigation?

Colby: I don't have any problem with it. I wouldn't be surprised if we end up with it.

- *On 26 December*, Silberman told Colby that he had had a conversation with Henry Ruth (Special Prosecutor, 1968-72) and that the two of them agreed to examine whether Helms had been involved in any violations of law (concerning CIA operations *within the USA*) during the time Ruth had been Special Prosecutor.³⁰

The Helms issue soon merged with Colby's other Black December troubles concerning Angleton and Hersh, when Hersh's sensational 22 December *The New York Times* charges against the CIA raised the question of whether Helms had also been guilty of conducting illegal CIA

[redacted] stenographic accounts of these Colby-Silberman telephone conversations, CIA History Staff records, job 90B00336R, box 2, folder 24, CIA Archives and Records Center.

~~Secret~~
119

William E. Colby

~~Secret~~

activities within the United States.³¹ This development seems to have reinforced Colby's earlier decision to take his Helms dilemma to the Justice Department.

This was the situation when, two days after Christmas, Colby made a fateful second visit to Silberman's office—this time at the latter's request. Here the subject was not CIA, Helms, and Chile, but Helms's *domestic* CIA misdeeds, and Colby's own possible criminal culpability in not having brought the "family jewels" to Justice's attention. As Colby later recalled, Silberman drew his attention to Hersh's sensational charges and asked, "What else have you [CIA] boys got tucked away up your sleeves? . . . What's this one all about, Bill?" Colby then told Silberman about the "family jewels" he had revealed to Congressional oversight and (belatedly, as we have seen) to President Ford. "That's very interesting," Silberman replied. "Tell me, did you turn that list over to the Justice Department?" Colby admitted that he had not. Silberman then reminded Colby that as DCI he had in his possession evidence of illegal actions and that as a public servant he was obliged to turn over such evidence to Justice. "In withholding that evidence for a year and a half, Bill, you may have committed a crime yourself."³²

Shocked, Colby decided to cooperate fully with the Justice Department, which instituted proceedings against Helms for perjury. Colby has since stoutly defended his action, denying that he thereby turned against his friend, benefactor, and former DCI. In Colby's view, times had changed so radically since 1954 that former cozy understandings between CIA and Justice now had to collapse, and no one, not even a President, could put himself above the law. In the post-Watergate climate (Nixon having resigned the Presidency the preceding August), Colby felt that he had no right to make sensitive legal decisions on his own or preempt rulings by the proper authorities. "Besides," Colby later stated, somewhat strangely, "I was convinced that no fair jury in the land would conclude that Helms had committed perjury, and that therefore he would not be indicted for it."³³

³¹The publication of Hersh's charges sparked immediate questions regarding Helms's possible role in past CIA domestic illegalities. For example, this comment by *The Washington Post*: "We do not target on American citizens," then CIA director Richard Helms said in a public speech on April 14, 1971. . . . the [domestic] surveillance program apparently was then in full swing: if that is in fact the case, then Mr. Helms not only violated the regulation governing CIA's action, but then lied about it as well" (*The Washington Post* editorial, 24 December 1974).

³²Colby, *Honorable Men*, pp. 395-396.

³³*Ibid.*, p. 386. In the end, all charges of perjury against Helms were dropped, but, on 7 November 1977, he was fined \$2,000 and given a two-year suspended prison sentence for having failed to testify "fully and accurately" to the Senate in 1973 about CIA's covert operations in Chile. Helms's lawyer termed this conviction a "badge of honor," and immediately thereafter Helms was given a tumultuous welcome by a CIA alumni group, which paid his fine.

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~~Secret~~*Charges Against Richard Helms*

A sharp contradiction marked this Colby-Helms affair. Colby's reading of the changed setting was an accurate one. By contrast, Helms's particular accounting to Congress had been molded by the traditional CIA wariness the former DCI had long personified: the less CIA said to Congress, the better. Accordingly, responsibility for the legal actions against Helms by no means rested wholly with Colby. It was Helms himself who chose to dissimulate before Congress in a situation where he could at least have quietly taken the committee chairmen aside—as Colby did with Mr. Nedzi concerning Track II—and confided to them the dilemma created by President Nixon's earlier supersecret instructions.

Moreover, as a result of DCI Schlesinger's testimony on 13 March 1973, certain Congressional figures had been aware for some 21 months before Colby went to Justice that CIA had indeed taken covert steps to spoil Allende's presidential candidacy. These developments had already undermined Helms's assurances to the Foreign Relations Committee, even if the members of Congress were as yet unaware of Track II in Chile or of the questionable CIA operations carried on within the United States during Helms's tenure as DCI. It was Colby's initiative in going to Silberman in December 1974, however, that brought the Helms affair out of the Congressional deep freeze and into the light of Justice Department—and public—scrutiny. Thanks to CIA's earlier success in getting influential Senators to dampen Frank Church's investigation of CIA and ITT in Chile, Helms's questionable assurances to the Congress had been quietly sat upon. The fact of possible perjury on Helms's part was known to McClellan, Jackson, and other friendly Senators, but Congress took no action on this issue until almost two years later when, coincident with sharply rising uneasiness about CIA, Colby brought the Helms issue to the Justice Department's attention.

This issue brought grief to both Helms and Colby. Colby's reporting of the matter to Justice helped damage Helms's reputation and provoked a lasting personal animosity between the two. Helms later stated that he had "always wondered" why Colby had gone to Justice and that it would have been better had Colby "gone first to the President, his boss, and said 'Mr. President, I am going to turn over this material on one of my predecessors and I just want you to know it is being turned over to the Attorney General.'"³⁴ Rather, Colby's action in unilaterally going to Justice sharply broke the perjury issue out of its hold position in Congress, contributed to Helms's later indictment, and seemed to confirm Hersh's charges that Helms had been chiefly responsible for CIA's domestic improprieties.

Colby, too, was a loser. His handling of the affair gained him the lasting resentment of a number of CIA officers fervently loyal to Helms—at the very time he was also being rebuked for the manner in which he had

³⁴Richard Helms, to journalist David Frost, as reprinted in "An Interview with Richard Helms," *Studies in Intelligence* 25 (fall 1981): p. 18 (Unclassified).

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/21

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William E. Colby

dumped James Angleton. In examining the record after the passing of years, one can understand why a former CIA General Counsel holds that "the bottom line was Helms lied, based on what we have examined."³³ Also in hindsight, one may question why Colby and his colleagues clung so long to legal technicalities in seeking to avoid a showdown on the issue. The answer seems to be: (1) that Colby understandably hesitated to injure his friend and benefactor, Dick Helms; (2) that Colby, too, for all his wish to open up CIA, was a product of traditional tendencies to evade embarrassing questions; and (3) that until fairly late in his search for a solution to his dilemma, lawyer Colby characteristically preferred legal interpretations to broader considerations and moral obligations.

In any event, Colby was now surrounded by a sea of troubles as Black December drew to a close. Ironically, this skilled manager had handled December's many fast-breaking crises in such a way that he not only damaged his own standing within CIA, but also appeared to confirm Seymour Hersh's allegations of Agency misconduct, exposed CIA to debilitating investigations, severely embarrassed the President of the United States, and grievously harmed his own position with the White House. In all, he had set back his own cherished goal of giving US intelligence a reformed image and had hastened his own fall from office.

³³This General Counsel asked not to be named. Interview by [redacted] tape recording, Washington, DC, 9 October 1987 (~~Secret~~). This same former General Counsel has told the author that he considers that Colby had no alternative but to proceed as he did with respect both to the Congress and the Justice Department. Interview by Harold P. Ford, summary notes, Washington, DC, 21 October 1988 (~~Secret~~).

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Part III

Confrontation and Exit, 1975-1976

It will be a long year.

John Blake
13 February 1975¹

Following the momentous month of December 1974, Colby lasted a year as DCI before President Ford finally relieved him of duty on 30 January 1976. These were very difficult months for Colby, a period he describes in his memoirs as "Survival." In addition to having to contend with difficult intelligence and policymaking problems around the world, including the precipitous collapse of South Vietnam, DCI Colby became the target of censure from all sides.

Criticisms hit him from both the political left and the political right. On the left, he was damned for having headed the "notorious" PHOENIX program in Vietnam and for now heading a CIA that was in disrepute, even though the Agency's questionable domestic operations had taken place before Colby's tenure as DCI and even though Colby had himself been instrumental in ending most of those programs some months before Hersh's allegations. On the right, Colby was criticized by arch traditionalists, who felt that he was going much too far in leveling with Congress and the Department of Justice—at the expense of such "patriots" as Helms and Angleton. In response, Colby demonstrated considerable steadfastness during these closing months of his DCI stewardship. Hit by flak from all sides, deserted by the White House, and caught between Congress's right

¹John Blake, Deputy Director for Administration, Outline Notes, "One Man's Way of Describing the 'Current Situation,'" 13 February 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (~~Administrative Internal Use Only~~).

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to know and the White House's preference that Congress not know, Colby soldiered on for this 13-month period, convinced that his efforts to bring about a more open CIA were not only just but would eventually bear fruit.

This period of *Sturm und Drang*—between Colby's Black December and his exit in January 1976—entailed four principal sets of challenges for Colby and the Central Intelligence Agency: President Ford's Rockefeller Commission, the mildest of Colby's investigative ordeals; the Senate's Church committee, the most far reaching of the investigations, the House's Pike committee, the most raucous yet best targeted of the various probes; and, simultaneously, a platterful of demanding intelligence problems of all kinds.

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124

~~Secret~~*Chapter 9***The Rockefeller Commission**

Had Seymour Hersh not written his CIA domestic surveillance stories for *The New York Times* in December 1974 (indeed, had not *The Times* seen fit to splash the first story across five columns of page one headlined "Massive Surveillance"), there seems little doubt that there never would have been a Rockefeller Commission, a Pike "Report," a Church committee, or an Executive Order 11905. . . . Hersh, and Hersh alone, caused the President, and then Congress . . . to make intelligence a major issue of 1975.

Rockefeller Commission Staffer
Timothy S. Hardy
1976²

On 4 January 1975, President Ford established the Rockefeller Commission to investigate CIA's activities within the United States. It was, by coincidence, Colby's 55th birthday.

Even before the White House received Colby's response to *The New York Times* allegations, Secretary of State Henry Kissinger and other administration figures had begun urging the President to appoint a citizens' commission to investigate Hersh's charges.³ As *The Washington Post* expressed it, citing "Administration sources," the Kissinger proposal sought to establish a forum that would stem public controversy and provide for a review of CIA activities in a "rational, unemotional and careful manner."⁴

In publicly fashioning a commission, Ford stressed that it was to ascertain and evaluate any facts relating to CIA activities *within* the United States that "give rise to questions of compliance with the provisions of 50 U.S.C. 403 [the National Security Act of 1947 as amended, CIA's founding authorization]." The President directed the Rockefeller Commission to determine whether existing safeguards were adequate to

²Timothy Hardy, "Intelligence Reform in the Mid-1970s," *Studies in Intelligence* 20 (summer 1976): 1 (Unclassified) (In fact, *The Times* four-column headline did not use the words "massive surveillance." See appendix C.)

³As discussed in chapter 7, Colby reported on 24 December 1974 to President Ford who was vacationing in Vail, Colorado.

⁴*The Washington Post*, 28 December 1974.

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William E. Colby

prevent any CIA activities that might violate the provisions of that act, as well as to make such recommendations to him and to the Director of Central Intelligence as it might deem appropriate. The President also directed the Commission to give the Attorney General any evidence it found relating to criminal offenses under the statutes of the United States and to present its final report within three months—that is, by 3 April 1975.⁵

The next day, 5 January, President Ford announced the Commission's membership. The panel was to be made up of eight distinguished citizens from various walks of life: Vice President Nelson Rockefeller, Chairman; former Secretary of the Treasury, C. Douglas Dillon; former Chairman of the Joint Chiefs of Staff, Gen. Lyman Lemnitzer; former US Solicitor-General, Erwin Griswold; Secretary and Treasurer of the AFL-CIO, Lane Kirkland; Chief Executive Officer of Allied Chemical Corporation and former Secretary of Commerce, John T. Connor; former President of the University of Virginia, Edgar F. Shannon, Jr.; and former Governor of California, Ronald W. Reagan.

Many in the press viewed the formation of this Commission with skepticism. They charged that its makeup was too "safe," its membership did not include any Congressional figures, and the whole enterprise was a sham, meant to cover up CIA's iniquities.⁶ Numerous Congressional leaders also insisted that the Presidential Rockefeller Commission would in no way obviate the need for parallel investigations of CIA by Congressional bodies. At the outset there was some interest in a joint body in the Congress, but this interest rapidly vanished in the face of individual committees' assertiveness.

Clearly, the Rockefeller Commission was the White House's response to a perceived crisis situation. As the President's Counselor, John Marsh, remarked, the situation was "grim."⁷ Because Colby had given the White House no warning, Hersh's charges had come as a bombshell. At the same time, the general public seemed willing to think the worst of the CIA. The Justice Department was now looking into possible criminal aspects of both the ITT/Chile matter and CIA's domestic activities. Further, these inquiries lent credence to earlier charges of Agency involvement in Watergate—a topic the new President clearly did not wish to reopen.

⁵Executive Order 11905, 4 January 1975, CIA History Staff records, job 90B00336R, box 2, CIA Archives and Records Center.

⁶*The Washington Star* (8 January 1975), for example, held that Governor Reagan had been added to the Commission because of "the extra advantage of putting him on the administration's side, at a time when the crazies want him to be an insurgent against Ford."

⁷John Marsh, as cited in George Cary, Legislative Counsel, Memorandum for the Record, "Meeting with John O. Marsh, Counselor to the President, Re the Commission on CIA Activities Within the U.S.," 6 January 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (~~Secret Eyes Only~~).

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The appointment of the Rockefeller Commission created major problems for Colby. Instead of concentrating his energies on the many issues facing US intelligence, he found himself spending a substantial part of his time, as he phrased it, "bouncing around with problems like Watergate, the Chile expose, the Marchetti thing [ex-CIA officer Victor Marchetti's book, which the CIA tried to censor]—and now this [the Rockefeller investigation]." With exaggerated accusations against CIA as well as disgruntled and publicity-seeking former employees gaining increasing public attention, the forthcoming investigations were certain to cloud



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Nelson Rockefeller

⁸Colby's aim to give the American public a more accurate understanding of what he considered to be the true nature and purpose of US intelligence.

The most immediate problem Colby had to solve was how he and CIA should go about sharing sensitive information with the Rockefeller and the subsequent Congressional investigations.⁹ Colby quickly set up mechanisms to deal with this. He appointed E. H. "Hank" Knoche as special assistant to the DCI, and made him responsible for coordinating all Agency responses to the investigating groups. An Associate Deputy Directors (ADD) group, headed by CIA Inspector General Donald Chamberlain, was to act as a senior review panel for all Agency materials destined for outside transmittal. Colby also appointed John Clarke, Associate Deputy to the DCI for the Intelligence Community, chairman of an ad hoc USIB group that, supported by the Intelligence Community Staff, had the job of overseeing the coordination of Community and CIA responses to questions and issues arising from the Rockefeller and Congressional investigations.¹⁰ In establishing these procedures, Colby

⁸William Colby, DCI, interview in *Newsweek*, 20 January 1975.

⁹This would be an especially touchy task in the House of Representatives because of that body's Rule XI—which granted access to the transcript of any committee hearing, including those held in Executive session, to all members of the House.

¹⁰William Colby, DCI, Memorandum for senior-level managers, "Organizing for External Reviews," 28 February 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (Administrative Internal Use Only).

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William E. Colby

characteristically provided for very specific routing and review arrangements, though many of these carefully crafted processes later fell by the wayside in the heat of actual practice.

Colby and his DDO, William Nelson, appreciated from the outset that particular care would have to be given to protecting CIA's Clandestine Services. They agreed that no DO personnel would be identified to the investigative bodies without the knowledge of the individuals concerned. In addition, Colby directed the CIA's General Counsel to employ a lawyer experienced in criminal and civil practice who could counsel any employee faced with questions of criminal liability. Colby and Nelson, mindful of the impact of the coming investigations upon liaison contacts abroad, sent the field an immediate book cable instructing all appropriate CIA stations to ensure their respective liaison services that CIA intended to protect not only information from, but also the fact of, liaison relationships.¹¹

As Colby and Nelson had feared, friendly services abroad immediately became nervous that the upcoming US investigations would reveal their relationships with CIA. Within days after President Ford had formed the Rockefeller Commission, officers from various liaison services were reporting that suspicions of the Agency had grown. Hostile questions had been voiced in their parliaments, and one foreign ministry had issued a directive forbidding any contact with known CIA officers, while another had decided to limit Americans' physical presence at sites of joint intelligence operations.¹² Although such uneasiness occurred throughout the Rockefeller as well as the Church and Pike investigations, evident in continuing concern on the part of agents and liaison services and in some loss of operational effectiveness, such uneasiness in the end did no crushing damage to CIA's clandestine collection capabilities.

The question of access to sensitive materials remained a central one for CIA's Directorate of Operations. As DO officer Donald Gregg (who served in a liaison capacity with the House's Pike committee), later observed:

DDO personnel suffered the trauma of having total strangers from Congressional staffs ask for some of the Directorate's innermost secrets with the full expectation of receiving comprehensive replies. This experience ran

¹¹William Nelson, Deputy Director for Operations, Memorandum for DO Division and Staff Chiefs, "Follow-up on Items Raised at the 22 January 1975 DDO Staff Meeting," 23 January 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (~~Secret - Eyes Only~~).

[redacted] Chief, DO Operations Staff, Memorandum for William Nelson, Deputy Director for Operations, "Liaison Service and Agent Reactions to Recent Publicity on the CIA," 11 February 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (~~Secret~~); [redacted] OPS/OSG, Memorandum for Chief, DO Operations Staff, "Additional Liaison Service and Agent Reactions to Publicity on the Agency," 25 February 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (~~Secret~~).

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counter to all that had been ingrained in Directorate personnel throughout their careers. . . . The years 1975 and 1976 thus formed the most difficult period for the Directorate as a kind of ex post facto morality was applied to past operations.¹³

Colby found it particularly difficult to decide how forthcoming he should be in making available sensitive data concerning Richard Helms. In CIA's initial negotiations with the Rockefeller panel, its staff chief, David Belin, complained that the materials Colby had initially provided it, including the Vail report, were inadequate. Belin insisted that the Commission's staff be able to see any CIA file and any Agency officer they wished, without having to obtain CIA approval.¹⁴ In practice, however, Colby sharply limited the documents available to Belin, whether concerning Helms or any other question. Under Colby's orders, Commission staffers had to study most of the Agency documents they requested at Agency Headquarters. Other materials were shipped to the panel's office, while still others were held by CIA's Inspector General, who then orally briefed the Commission's investigators. Certain particularly sensitive materials were withheld entirely on security grounds.¹⁵

In working out these procedures, Colby was caught between his statutory obligation to protect intelligence sources and methods and his long-held desire to create a more open CIA. His dilemma was complicated by several inherited situations. Of these, perhaps the most significant was that the law assigning the DCI responsibility for protecting sources and methods was vaguely worded and mute on authority. The language of CIA's enabling legislation was not precise, and over the years different DCIs had interpreted these injunctions differently. Colby struck a balance by strictly protecting sources and methods but at the same time making materials available when he felt that the requesting officer had a legitimate need to know. Even this degree of openness proved too much for Chairman Rockefeller's tastes. Early in the Commission's career, the Vice President drew Colby aside and said, "Bill do you really have to present all this material to us?" Colby recalls that he "quite unmistakably" got the message and did not like it: "The Vice President of the United States was letting me know that he didn't approve of my approach to CIA's troubles, that he would much prefer me to take the traditional stance of fending off investigators by drawing the cloak of secrecy around the Agency in the name of national security."¹⁶

¹³Donald Gregg, "Congress and the Directorate of Operations—An Odd Couple?," *Studies in Intelligence* 23 (spring 1979): pp. 31-32 (Unclassified). Donald Gregg later became a White House special assistant to Vice President Bush, and still later US Ambassador to Seoul.

Donald F. Chamberlain, Inspector General, Memorandum for the Record, "Access by the Staff of the Rockefeller Commission to the 'Helms' Files," 13 August 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (~~Secret~~).

¹⁶Colby, *Honorable Men*, p. 400.

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William E. Colby

An additional problem for Colby was deciding what guidance to give CIA employees who might be approached by the Rockefeller Commission. In a notice to all employees of 28 February 1975, Colby informed them that they were free to disclose any potentially illegal domestic activities carried out by the Agency; or they could, if they wished, adhere to their right to remain silent under questioning. If they wished to report any domestic CIA actions of uncertain legality, they could contact the Director or the IG, or they could report directly to the Rockefeller Commission.

More significant than procedural problems, however, were several sharp embarrassments affecting the Rockefeller group's work—and public perceptions of CIA—which occurred *outside* the Commission's arena. The first of these was Colby's 15 January 1975 testimony before a closed session of the Senate Appropriations Committee's subcommittee on intelligence. After Colby gave that group the same information he had included in his Vail report of 24 December 1974, the members pressed him to approve the release of his testimony to provide a necessary public response to Seymour Hersh's charges. Colby readily agreed. In fact, as he later recalled, he was "delighted" to do so: "Ever since I had prepared the Vail report I had been hoping to get it out—believing it the most effective way to counter the misconceptions fostered by Hersh's article."¹⁷ The impact of this release, however, was not what Colby had anticipated. Instead, *Newsweek*, *Time*, and *The New York Times* all depicted Colby's testimony as confirming the charges of massive CIA misconduct. Colby was astonished by these reactions. What he had thought would "quiet the storm whirling around the Agency" instead prompted many journalists "to believe that what I had revealed about the CIA's past misdeeds was just the tip of the iceberg."¹⁸ Colby's reaction seems naive, the product of his characteristic certainty that the truth as he saw it would be the truth that others perceived. To the contrary, as had been the case with his Vail report to the President, Colby's testimony clearly gave substance to Hersh's allegations. And, if this were not enough, once again he had forgotten to give the White House advance notice that possibly embarrassing news concerning the Agency was about to hit the front page.

Nor was this all. Inasmuch as Colby's testimony clearly implicated Richard Helms in CIA's illegal *domestic* activities, the entire operations of Helms's CIA now came into public question. The next day, Helms himself contributed further to the furor with his own testimony to Senator Stennis's intelligence oversight subcommittee of the Armed Services Committee. There, Helms admitted that CIA had indeed conducted clandestine operations within the United States, in particular monitoring certain activities by

¹⁷*Ibid.*, p. 402. Indicative of Congress's sharply rising concern with CIA, and of the burden this placed on Colby during the early part of 1975, is the fact that by 26 June, *prior* to his appearances before the Church and Pike investigative bodies, he had testified some 35 times to various officials on Capitol Hill since the start of the year.

¹⁸*Ibid.*

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~~Secret~~*The Rockefeller Commission*

American radicals and dissidents, to the degree that such conduct was inspired by, funded by, or coordinated with, "anti-American subversion mechanisms abroad." Not surprisingly, media reaction to Helms's admissions was uniformly hostile.¹⁹

Worst of all, President Ford aggravated Colby's woes by unintentionally opening up the issue of CIA assassinations. This slip occurred on 16 January, at a small elite gathering of journalists he had invited to a White House luncheon. There, Ford is reported to have confided to his guests—who included the publisher of *The New York Times*, Arthur Ochs Sulzberger, and some of that newspaper's principal editors—that there had been far more sensitive CIA activities than those Hersh had reported. "Like what?" he was asked. "Like assassination," he replied. Although the President's remarks were off the record, they quickly leaked to Daniel Schorr of CBS.²⁰

Now it was the White House that did not alert Colby. The DCI was unaware of this landmine until Schorr told him, in the course of a 27 February background interview, about the President's remarks. Colby thereupon compounded the error. As he later recalled, he was so stunned that he retreated to the traditional Agency practice of answering only the specific question asked—in this case, about assassination: "Not in this country," I replied to Schorr." Interpreting this ambiguous reply as indicating that assassination operations had been carried out elsewhere, Schorr broadcast the next night, on 28 February 1975, that "President Ford has reportedly warned associates that, if current investigations go too far, they could uncover several assassinations of foreign officials involving the CIA." The result, in Colby's view, was that "there was no stopping the press or Congress now." Indeed, as he later phrased it, "a hysteria seized Washington; sensation came to rule the day."²¹

By this time, the chances had become virtually nil that Colby could materially advance his goal of gaining greater public respect for CIA. Hersh's allegations had been fanned by embarrassing revelations from former DCI Helms, President Ford, and Colby himself. The DCI in particular had hurt his own cause by the way he had handled—or mishandled—his relations with a wide array of actors: Hersh, Angleton, Helms, Silberman of the Justice Department, Congress, and the President. The public could now see that the Director of Central Intelligence was out of step with the President and isolated from the White House. Colby had not only seemed to confirm charges that CIA had conducted illegal operations within the United States, but also charges that CIA operators had been involved with

¹⁹See, for example, the 17 January 1975 editions of *The New York Times* and *The Washington Post*.

²⁰Colby, *Honorable Men*, p. 409. See also Clifton Daniel in *The New York Times*, 16 June 1975.

²¹Colby, *Honorable Men*, p. 410.

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William E. Colby

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assassination. Furthermore, Colby's and Helms's testimonies about covert operations in Chile did not jibe. In the meantime, Helms had perhaps perjured himself in sworn testimony to the Congress in 1973 and, in any event, was stigmatized for having led the Agency when CIA was carrying out those domestic operations forbidden in its charter.

The Agency's possible complicity in assassination became one of the chief questions dogging the Rockefeller Commission's work. To investigate charges concerning the Agency's past domestic operations lay outside the Commission's charter. But, once Congress and the country learned that the President himself had linked CIA and assassination, pressure to include this issue in the Rockefeller Commission's inquiries grew rapidly. The panel did eventually look into this subject, and this added burden caused it to ask for, and to receive, two additional months in which to finish its report. In the end, however, the Commission did not cover the assassination question in its report but passed this hot potato on to the President and, subsequently, to the Senate's Church committee.

The Rockefeller Commission's Findings

After weeks of study, the Vice President on 2 June announced that his panel had found that CIA had broken the law but had not been guilty of large-scale illegal activity. Asked by a reporter if he was implying that there had been no "massive" illegal domestic spying by the CIA, as originally charged by Hersh, Rockefeller replied, "That would be a fair interpretation to draw from what I said, but that doesn't mean that there haven't been things done that were wrong and we recommend extensive steps to be taken to prevent it in the future." Rockefeller added that the Commission was "nearly unanimous" in its conclusions and that CIA had played no role in censoring the panel's final report—in fact, the Agency would not see a copy of the Commission's report until it was made public.²²

Subsequently, at a 9 June news conference, the President congratulated the Commission for having done a thorough, fair, frank, and balanced job. He added that, because the panel's investigation of the assassination allegations was incomplete and involved "extremely sensitive matters," he had decided that it was not in the national interest to make public any of the panel's data on this subject. Instead, he would give that information to the Department of Justice and to the Senate and House investigative groups.²³

The next day, President Ford released the Commission's report. As the Vice President had already indicated, the Rockefeller panel was "convinced" that, in the great majority of its domestic activities, the CIA had

²²UPI release, 2 June 1975.

²³*The New York Times*, 10 June 1975.

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complied with its statutory authority. The Commission nonetheless found that, over its 28-year lifespan, the CIA had engaged in some activities that should not be permitted to happen again. Some of these activities had been initiated or ordered by Presidents. Others had fallen between delegated responsibilities and specifically prohibited activities. Still others were "plainly unlawful" and constituted invasions of Americans' rights. Overall, however, the Commission concluded that the Agency's own remedial actions of 1973 and 1974 had "gone far to terminate the activities upon which the Commission's investigation has focused." As for Watergate, the Commission found that the CIA had neither participated in nor known in advance of the Watergate break-in or the burglary of the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. Although the Agency had provided certain materials to Watergate-related White House figures, it had done so without knowledge that the President's staff was engaged in illegal activities.

Criticizing CIA for not resisting these White House pressures more forcefully, the Commission recommended that in the future CIA should resist any Presidential directives to perform essentially internal security tasks and that Presidents should refrain from issuing any such orders. Furthermore, the Commission advised the Agency to guard against allowing any of its components to become so self-contained and isolated from top leadership that regular supervision and review are lost.²⁴

The Commission's report was especially critical of CIA's earlier domestic operation, project CHAOS—and of Richard Helms, who had been DCI when CHAOS was undertaken. The report charged that CHAOS had been run without any checks from CIA's General Counsel or Inspector General or any annual review and approval procedures. The Agency, according to the report, had intentionally not informed the Office of Management and Budget (OMB) of the operation. The panel also faulted Helms for having sent a memorandum to all CIA Deputy Directors, in September 1969, assuring them that CHAOS was within the Agency's statutory authority. Helms was also criticized for having issued another memorandum within CIA, in December 1972, asserting that operation CHAOS was "a legitimate counterintelligence function of the Agency and cannot be stopped simply because some members of the organization do not like this activity."²⁵

The Commission's findings evoked a mixed but nonetheless generally supportive reaction. Editorials in the *Wall Street Journal*, *The Washington Post*, and *The New York Times* all concluded that the

²⁴Commission on CIA Activities Within the United States, *Report to the President*, 6 June 1975 (hereafter cited as Rockefeller Commission Report), chapter 3, "Summary of Findings, Conclusions, and Recommendations," pp. 9-42.

²⁵*Ibid.*, pp. 145-147.

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William E. Colby

Commission's report was responsible and candid and that earlier charges of CIA illegalities had been overstated. Seymour Hersh, however, was not persuaded. "The Rockefeller report," he charged, "did not state . . . that the agency's internal reforms of the past two years came only after it was embarrassed by public exposure of its role in support of the White House plumbers and the Watergate coverup."²⁶ This charge was manifestly unfair. As the Rockefeller Commission pointed out, the CIA had not been involved in Watergate. Hersh also failed to give DCIs Schlesinger and Colby credit for the housecleaning they had done on their own—well before his "public exposure" of CIA's activities.

Overall, any concerns that the Commission's report would be a coverup did not materialize, thanks largely to that group's professionalism and candor, as well as to William Colby's readiness to cooperate. Former DCI John McCone added his own nudge to creating a credible report, telling Rockefeller early on that the Commission was getting the reputation of being a "whitewash committee; this is a star-studded committee that is going to whitewash CIA. You'd better bore in."²⁷

In the final analysis, the Commission served several White House interests. Its work helped contain the infection let loose by Hersh's charges and by Colby's failure to alert Ford. The Commission proved of sufficient stature to ensure both a credible report and a reasonably positive acceptance. It had supported US intelligence but without the White House having to stand too close to the CIA or to Colby. Not least, the Commission also served the White House's political interests. As Commission staffer Timothy Hardy later observed:

Politics . . . framed the issue for the President; the issue had become less one of what restrictions should be imposed and more one of whether any Executive actions were necessary to prevent more drastic, less appealing Congressionally imposed restrictions. There was at the time only a small constituency within the Executive Branch for unilaterally limiting its own activities. Unless forced to action, the Executive Branch was loath to act.²⁸

At the same time, the Commission's findings directly affected a number of CIA interests. From the outset, Colby and the Agency wanted to ensure that the Rockefeller inquiry would be kept contained. They wanted no precedent set for a wholesale admission of outsiders into the Agency's sensitive files, and no hemorrhaging of secrets that would scare off the continued cooperation of agents and liaison offices abroad. Such horrors did not occur.

²⁶The New York Times, 15 June 1975.

²⁷John McCone's account of statements he had made to Vice President Rockefeller, as he later related to then DCI Colby () stenographic account of Colby-McCone telephone conversation, 20 January 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center.

²⁸Hardy, *Studies in Intelligence* 20: p. 6.

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The Rockefeller Commission

In addition, the Rockefeller investigation strengthened Colby's belief that questionable CIA operations should never again be allowed to occur. After testifying to the Commission, John McCone told Colby, "The only question which I could not be very responsive to was the mail intercept business, which I never knew a damn thing about."²⁹ This caused Colby to tell CIA's Deputies that it had come as "a great shock" to him to learn that "a previous Director" had purposely been cut out of knowledge of certain CIA activities. Such conduct was "intolerable," said Colby, because it cast grave doubts on the integrity and discipline of the Agency. Consequently, Colby was now establishing an Agency management doctrine of "no surprises."³⁰

Colby felt vindicated when the Commission commended the remedial steps he and Schlesinger had taken long before Seymour Hersh leveled his charges against the CIA. As Rockefeller staffer Hardy later remarked:

It should not be taken as a criticism of the Rockefeller Commission to state that it served primarily as a blue-ribbon panel to edit and publish the CIA Family Jewels; rather, that fact should be seen first as a commentary on the useful role of outsiders invited in to counsel the government, and secondly as a tribute to the Agency—a tribute, not just because the Agency demonstrated an ability probably unmatched in the Government bureaucracy to learn what had been and still was going on throughout its organization, but also because as a result new regulations to end abuses were issued by Director Colby even before 1975 began.³¹

Followups to the Rockefeller Commission's Report

On 12 June 1975, two days after he released the panel's report, President Ford informed the Justice Department that he was handing over all the Rockefeller Commission's documents as a basis for possible prosecution. In a memorandum addressed to Attorney General Edward Levi, the President stated that the data would include "relevant materials" on domestic spying and alleged assassination plots, not only from the CIA but also from the files of the National Security Council, the Defense Department, and the State Department.³²

After studying comments from various of his principal lieutenants, the President on 16 August levied a wide range of followup tasks on the DCI, the Director of the FBI, and the Attorney General, as well as the

[redacted] stenographic account of Colby-McCone telephone conversation, 26 January 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center.

²⁹William Colby, Memorandum for senior-level managers, "No Surprises," 16 April 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center. (Administrative Information Only).

³¹Hardy, *Studies in Intelligence* 20: p. 4.

³²UPI release, 12 June 1975.

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William E. Colby

Director of OMB and the Assistant to the President for National Security Affairs.³³ These directives called for clarifying responsibilities, jurisdictions, and lines of authority in the field of US foreign and domestic intelligence—in particular establishing guidelines to prevent future illegalities and to handle criminal violations. These directives also restrained Presidents from ordering the CIA to perform essentially internal security tasks and required CIA to resist any attempts, whatever their origin, to involve it in improper activities. With an eye to past abuses, the President directed CIA to guard against allowing any of its components to become so isolated from top leadership that regular supervision and review are lost. Most important, the President forbade any US agency from involvement in assassination attempts.³⁴

Colby devoted much of his remaining time in office to carrying out these Presidential directives and the Rockefeller Commission's recommendations. He ordered the Agency's Office of General Counsel to broaden its role by reviewing ongoing projects and program budgets, in addition to participating in monthly Comptroller meetings with the Deputy Directors. Colby directed OGC to review all new projects and activities, unless their legality had already been clearly established, and to review *all* CIA regulatory issuances to ensure that they conformed to existing legislation and authority. Indicating OGC's expanding role, Colby almost doubled its size, [redacted] and asked the General Counsel to continue recruiting attorneys from both inside and outside the CIA.³⁵ In addition, Colby ordered the Agency's Office of Inspector General to serve as a focal point within CIA for investigating reports of improper activities. Such inspections were to be conducted quickly and presented concisely. In investigating improprieties, the IG was to have complete access to all relevant information within the CIA, subject only to specific written exemptions

³³Rockefeller staffers Hardy and Mason Cargill told CIA's Hank Knoche that the Agency's response to the President's request for comments on the Commission's Report was "the best one received in its clarity and its avoidance of parochialism" [redacted]

Presidential Memorandum for the Attorney General; the Assistant to the President for National Security Affairs; the Director, Office of Management and Budget; and the Director of Central Intelligence, untitled, 16 August 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (Unclassified).

³⁵John Warner, General Counsel, Memorandum for William Colby, Director of Central Intelligence, "The Office of General Counsel," 25 September 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (Unclassified); William Colby, DCI, Memorandum for John Warner, General Counsel, "Review of the Office of General Counsel," 3 November 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (Unclassified).

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136

~~Secret~~*The Rockefeller Commission*

from the DCI. Reflecting the IG's new prominence, Colby directed that its officers should be drawn widely from within CIA, and their grade levels raised substantially.³⁶

The most notable aspect of the Rockefeller episode is that the Commission's recommendations (later translated into Presidential directives) not only went to the heart of many of the Agency's weaknesses, but also specifically anticipated many of the findings that the Church and Pike committees later claimed had been products of Congressional discovery and imagination. Overall, however, the Commission's labors did not win the degree of respect they merited. In part, this was because many, in Congress and among the public, remained suspicious that the panel's main purpose all along had been to put the best face on CIA and sweep the "massive misconduct" allegations under the rug. Further, the Rockefeller group had conducted its work quietly and professionally, out of the glare of publicity, in contrast to the Church and Pike committees' emphases on spectacle and high-impact TV. Most important, new revelations arose during the course of the Commission's inquiries that alleged CIA complicity in additional illegalities—assassination, experimentation with toxins, and the use of LSD on unwitting personnel—which many observers considered even more reprehensible than the Hersh charges that had sparked the Rockefeller inquiry in the first place.

For Colby, it was clearly the assassination issue that spoiled much of the good the Rockefeller Commission had done. Initially, he had believed that he and the CIA could profit from a supportive report from such a distinguished panel: "I think it might have worked except for the President's mention of assassinations," he later remarked. "That blew the roof off."³⁷ Colby nonetheless weathered the Commission's investigation relatively well. That would not be his experience with the Church and Pike committees. It was Colby's handling of these Congressional investigations that drove White House patience to the limit and led President Ford to look for a new DCI—one less politically embarrassing to the White House.

³⁶Donald F. Chamberlain, Inspector General, Memorandum for William Colby, DCI, "Future Program and Organization of the Inspection Staff," 14 July 1975, CIA History Staff records, job 90B00336R, box 2, folder 29, CIA Archives and Records Center (~~Administrative Internal Use Only~~).

³⁷Colby interview by [redacted] 15 March 1988. On file in the CIA History Staff.

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137

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Chapter 10

The Church Committee

When the committee report is made public in the next few weeks, the senator [Frank Church] continued, "The people will recognize that the CIA was behaving like a rogue elephant rampaging out of control, and Congress was not watching."

The Baltimore Sun, 16 July 1975

We must avoid becoming a rogue committee.

Senator Charles McC. Mathias, Jr., 8 November 1975¹

Badly wounded by December's crises, already under scrutiny by the Rockefeller Commission, and more out of favor than ever at the White House, Colby now faced what was to be the most searching investigation of all, that of the Senate's Church committee.² This proved to be the event of most consequence for Colby for this experience, more than anything else of his last year as DCI frustrated his efforts to gain greater respect for CIA, and helped set in train his demise as DCI.

As we have seen, Congress had now—after years of looking the other way—busily set about making CIA more accountable. The lack of effective legislative oversight of US intelligence had largely been the fault of the Congress itself. Over the years, more than 200 oversight bills and resolutions had been introduced; all but two had died in committee, and those two had been soundly defeated.³ Times had now changed, however, for

¹Quoted in Loch K. Johnson, *A Season of Inquiry: The Senate Intelligence Investigation* (Lexington, KY: University Press of Kentucky, 1985), p. 109. (Johnson was a Church committee staffer.)

²The formal title for this body, chaired by Senator Frank Church (D-ID) was the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities.

³An important cause for this record was of course the desire of senior Congressional figures to hang on to their own personal oversight prerogatives. Moreover, in former DCI Richard Helms's view, the Church committee "would never have got started if at the time there had been a strong chairman of oversight in the Senate"; Helms considered the principal intelligence overseer on the Armed Services Committee at that time, Senator John Stennis (D-MS), "a weak sister" (Richard Helms, interview by [redacted] tape recording, Washington, DC, 2 February 1988).

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William E. Colby

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even before Colby's combat with the Angleton, Hersh, and Helms issues, there were numerous new initiatives on Capitol Hill to create fuller Congressional oversight of the Agency.⁴ As 1975 began, mounting uneasiness concerning CIA covert actions had just culminated in the Hughes-Ryan amendment, which required a formal Presidential "finding" and its report in a "timely fashion" to the appropriate Congressional committees before new covert operations could be set in motion. It was President Ford's 16 January revelation that CIA had been involved in assassinations, however, that galvanized Congress into action to investigate the Agency.

Capitol Hill's growing concerns reflected a profound change that had been developing in American public attitudes toward covert operations, whether CIA or White House. The chummy relationships that had long prevailed between the Agency and Congress's old guard were now a thing of the past. As Colby later reflected:

This was the post-Watergate Congress. . . . The old power structure of the Congress could no longer control their junior colleagues and hold off their curiosity about the secret world of intelligence. In this new era, CIA was going to have to fend for itself without that longtime special Congressional protection.⁵

Ray Cline put it more succinctly: "The fig leaf had fallen off and we were out of the Garden of Eden."⁶

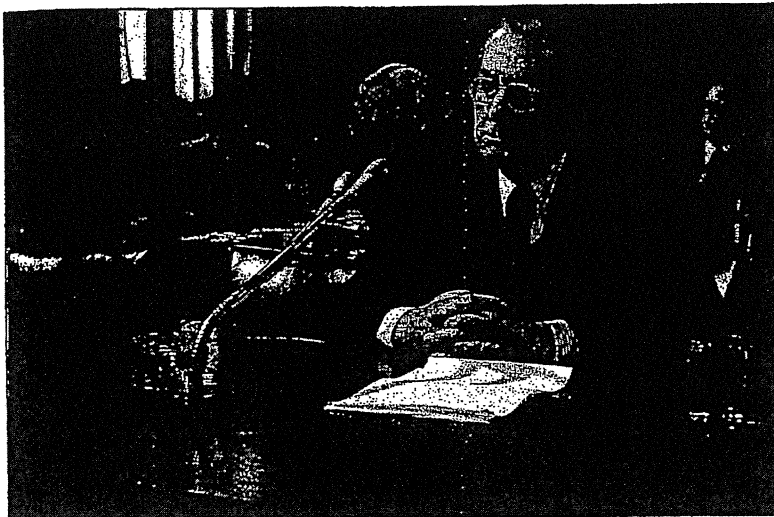
There was no question that times had changed. Numerous committees on Capitol Hill were now competing to investigate US intelligence. Congress's mandarins could no longer protect the Agency. Colby thus determined from the outset to play it straight, holding back only when Congressional assertiveness seemed likely to threaten executive privilege or when the DCI's responsibilities for protecting intelligence sources and methods forbade him from revealing names, identities, or sensitive detail. Determined to be tough in protecting intelligence sources and methods, yet believing that he realistically had no alternative but to be more open, Colby set out to do battle with the Congressional investigations, confronting first the Senate's Church committee.

⁴One of the principal efforts to provide oversight of the CIA came from Senator Edmund Muskie's (D-ME) Subcommittee on Intergovernmental Relations (of the Committee on Government Operations), which held hearings in early December 1974 on "Legislative Proposals to Strengthen Congressional Oversight of the Nation's Intelligence Agencies." Among this subcommittee's witnesses supporting more systematic Congressional oversight were two former CIA officers, Ray Cline and this author, Harold Ford.

⁵Colby, *Honorable Men*, pp. 402-403.

⁶Ray Cline, interview by [redacted] tape recording, Washington, DC, 5 January 1988 (hereafter cited as Cline interview by [redacted] 5 January 1988) (~~Secret~~).

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~~Secret~~*The Church Committee*

Colby testifying before Church committee, 1975

Colby's determination to be more candid with Congress immediately created opposition from both inside and outside the Agency. Even before 1975's investigations began, many CIA officers had voiced strong opposition to his stated intentions to open up the Agency. Such uneasiness manifested itself especially within the DO, where ingrained habits of secretiveness contrasted sharply with the new look championed by their DO alumnus, the DCI. As far back as March 1974, Colby's close friend and colleague, DDO William Nelson, had told him:

I have put this rather bluntly . . . it is almost impossible for the DCI to discuss operational matters . . . without inviting headlines and stories which seriously degrade the fabric of our security and, no matter what the original intent lead inevitably to a further exposure of intelligence sources and methods by persons inside and outside the Agency who take their cue from the man directly charged with this responsibility.

Thanking Nelson for his candor, Colby replied by spelling out his attitude toward protecting secrets:

There are some "bad secrets" which are properly revealed by an aggressive press . . . there are some older "non-secrets" which no longer need to be kept secret and which we should gradually surface, but there are some "good secrets" which deserve greater protection than we have been able to give them, in part by reason of their association with "secrets" of lesser

⁷William Nelson, Deputy Director for Operations, Memorandum for William Colby, DCI, "Statement to the Press," 4 March 1974, CIA History Staff records, job 90B00336R, box 3, CIA Archives and Records Center (~~Secret/Sensitive~~).

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William E. Colby

importance. There have been stumbles (some by me) in the process of delineating these categories and their precise content. I do believe, however, that the basic outline is appropriate and gives us a guideline to follow.⁸

Of even greater significance for Colby, however, was the hostility he now encountered, not least for his candor, from numerous senior Washington figures. President Ford, recently blindsided by Colby on two occasions, had distanced himself from his DCI. Vice President Nelson Rockefeller reportedly believed Colby to be weak,⁹ while, according to Mitchell Rogovin, Colby's Special Counsel, Henry Kissinger told Colby on one occasion that he was "a fool" for being so forthright with Congress.¹⁰ Many members of Washington's establishment were concerned about Colby's openness, as well as his treatment of former DCI Richard Helms. Such attitudes were captured by journalist William Greider's account of an intimate dinner party that establishment journalist (and former CIA officer) Tom Braden hosted on 1 February 1975. Those present included Averell Harriman, Stuart Symington, former Secretary of Defense Robert McNamara, Henry Kissinger, and Barbara Walters. According to Greider, Braden's guests had assembled "to cheer up an old friend, a comrade wounded by recent events." This comrade was Richard Helms, whom Kissinger called "an honorable man," then added "a word or two of private rebuke for the present CIA Director William E. Colby, for having made public disclosures of CIA domestic spying." Greider concluded with this comparison of Helms and Colby:

When old colleagues describe Helms, he emerges as a man of deeper intellect, more flexible, more cynical, quite skilled at crossing the sliding sands of Washington's bureaucratic struggles. Colby is more obvious, more straightforward and even moralistic, according to friends and non-friends. Helms is the urbanity of the Chevy Chase Club; Colby is the Boy Scouts in Springfield, Va., where he lives.¹¹

Frank Church and His Committee

Much as Colby set CIA's basic stance toward the Church committee, so Frank Church (D-ID) heavily influenced his committee's character and style. Church had been an intelligence officer in World War II's China-Burma-India theater, a Phi Beta Kappa scholar from Stanford, and

⁸William Colby, DCI, Memorandum for William Nelson, Deputy Director for Operations, "Relations with the Press," 12 March 1974, CIA History Staff records, job 90B00336R, box 3, CIA Archives and Records Center (~~Secret~~).

⁹According to CBS Evening News, 20 June 1975.

¹⁰Mitchell Rogovin, interview by [redacted] tape recording, Washington, DC, 21 December 1987 (hereafter cited as Rogovin interview by [redacted] 21 December 1987) (~~Secret~~).

¹¹William Greider, *The Washington Post*, 2 February 1975.

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one of the youngest men (at age 32) ever elected to the Senate. By early 1975, having been in the Senate for 19 years, he had gained substantial seniority, though not yet a committee chairmanship. Nor had he become a member of the Senate's inner circle. Regarded as rather a loner, Church was widely considered to be an ambitious and somewhat pompous lawmaker, complete with choirboy face and definite Presidential aspirations. Two years earlier, as chairman of the subcommittee examining ITT behavior in Chile, Church had doggedly pursued CIA and Richard Helms's questionable testimony, only to have been sidetracked in May 1973 by backstage collaboration between CIA officers and Senators Jackson and Symington.

By early 1975, considerable sentiment had developed within the Senate in favor of firmer Congressional oversight of intelligence. On 27 January, with only four dissenting votes, the Senate established a Select Committee To Study Governmental Operations With Respect to Intelligence Activities and authorized it to conduct a nine-month study. Choosing that committee's chairman, however, proved more difficult. The Senators' initial preference was for Philip Hart (D-MI), who commanded wide respect from both sides of the aisle. But Hart (for whom the Senate's newest office building is named) had to decline the chairmanship because of his advanced—indeed terminal—case of cancer.

The chairmanship thus fell, almost by default, to Frank Church. Church was the most senior Democratic Senator available—in fact senior to Philip Hart—and he wanted the job badly, having lobbied actively for it with the Senate's Democratic leader, Mike Mansfield of Oklahoma. Frank Church's colleagues were not enthusiastic when he finally got the chairmanship. Many felt that he had a penchant for stridency and partisanship, which would undercut their efforts to make the new committee nonpartisan and responsible. Indeed, once the Democratic leader had picked Church as chairman, the Republicans—in an attempt to counterbalance him—brought up some of their big guns to serve on the committee: Barry Goldwater, John Tower, and Howard Baker.¹²

In all, the Senate leadership did pick a committee that was broadly representative. In addition to Chairman Church and Vice Chairman Tower, its members were Democrats Philip Hart, Walter Mondale of Minnesota, Walter Huddleston of Kentucky, Robert Morgan of North Carolina, Gary Hart of Colorado, and Republicans Howard Baker of Tennessee, Barry

¹²William G. Miller, Church committee staff director, interview by Harold P. Ford, summary notes, Washington, DC, 3 April 1988 (hereafter cited as Miller interview by Ford, 3 April 1988) (~~Secret~~). The author is indebted to Miller for much of this chapter's treatment of how and why Church was chosen as the committee's chairman. Miller stayed on as staff chief when a permanent Senate Select Committee on Intelligence was formed in the spring of 1976. This chapter's characterization of Senator Church and the committee is also based on the author's own experience as a full-time consultant to the committee—which, among other things, led him to be critical of Chairman Church on various scores.

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William E. Colby

Goldwater of Arizona, Charles "Mac" Mathias of Maryland, and Richard Schweiker of Pennsylvania. In its formal procedure at least, this special committee was nonpartisan: in Church's absence, the committee was chaired by John Tower, not by the next ranking Democrat.

Upon being named chairman of the new committee, Church made several explicit pledges of good behavior. On 27 January 1975 he assured the press that he "would not see this inquiry as any type of television extravaganza. It's much too serious to be a sideshow."¹³ Shortly thereafter, on "Face the Nation," Church promised that he would not respond to friends' urgings that he run for President, now that he was chairman of the new committee: "There will be no further [such] activity on my behalf throughout the life of this investigation. I'm not going to mix Presidential politics with anything so important."¹⁴

In practice these pledges did not hold up. Restraint did not characterize the way Church conducted much of his group's 16-month existence. The committee did resort to TV spectaculars, emphasizing the titillating rather than the essential. And toward the close of his committee's life, Church declared himself a Presidential candidate.

Many CIA officers who dealt with the Church committee developed a high respect for several of its members, including such Senators as Philip Hart, Huddleston, Mondale, and Mathias, who on occasion bored in with tough questions. Virtually no Agency officer, however, gave Chairman Church high marks. To James Taylor (later CIA's Executive-Director), Church was "just another of those misguided people whose brain cells were rearranged wrong or something."¹⁵ Dick Helms held that "Church's political ambitions ran far ahead of his interest in really doing a thoughtful and serious job."¹⁶ To DO officer John Waller (later Inspector General), Church "was least liked by us because he was not interested in the issues. In our humble opinion, he was running for President. . . . Putting it bluntly, he was a political prostitute, not a seeker of truth."¹⁷ DI officer Richard Lehman (later Chairman of the National Intelligence Council) considered Church:

A sanctimonious son of a bitch. Hypocrite, thy name is Frank Church. . . . I'm convinced that he leapt for the job, hoping that it would turn out to be a chariot that would carry him to the Presidency, and then

¹³The Washington Post, 28 January 1975.

¹⁴Senator Frank Church, interview, "Face the Nation," CBS television, Washington, DC, 2 February 1975. Journalist Seymour Hersh, a panelist on this program, observed that Church's job with this new committee was a "kamikaze mission." (CBS's printed transcript, on file in CIA's Office of Public Affairs, reads "kahma kashi").

¹⁵James Taylor, interview by [redacted] tape recording, Washington, DC, 8 March 1988 (hereafter cited as Taylor interview by [redacted] 8 March 1988) (~~Secret~~).

¹⁶Richard Helms, interview by [redacted] tape recording, Washington, DC, 2 February 1988 (hereafter cited as Helms interview by [redacted] 2 February 1988) (~~Secret~~).

¹⁷John Waller, interview by [redacted] tape recording, Washington, DC, 1 December 1987 (hereafter cited as Waller interview by [redacted] 1 December 1987) (~~Secret~~).

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found himself sinking deeper and deeper into this morass in which you never did find the smoking gun or whatever, which you could wave. So that, he had a knapsack but there wasn't any baton.¹⁸

Despite Frank Church and his political ambitions, many members of the committee's professional staff were determined to pursue the investigation responsibly and to stick to legitimate intelligence issues. According to William Miller, the committee's staff director, various staffers "tried to talk Church out of his initial insistence that the CIA was a rogue elephant. . . . I told him it simply wasn't so." According to Miller, Senators Goldwater and Mathias tried to explain to Church that, since past Presidents had often ordered CIA to undertake this or that covert activity with nothing put on paper, the committee could not expect to be able to conclusively document a long series of abuses.¹⁹

In contrast to their dislike of Church, many CIA officers thought well of the committee's staff chief, Bill Miller. A typical view is that of DO officer Walter Elder, who served as Colby's liaison officer with the committee. According to Elder, while some Agency officials considered Miller somewhat "wooly-headed," a greater number respected him for his efforts to keep the investigation on track. In Elder's view, shared by many in CIA, the most difficult staff member to deal with was General Counsel F. A. O. Schwarz, Jr., New York lawyer and toy store heir. Schwarz was arrogant, combative, and largely responsible for the sharp split that developed within the committee staff, between those who thought the committee should proceed responsibly, and those who, as Elder terms it, were "hell bent on looking for headlines and thought they had a real juicy item in assassination."²⁰

Colby's Relationship With the Church Committee

Procedural relationships between the DCI and the committee did not fall into place easily and quickly, as they had with the Rockefeller panel. Rather, Colby and the committee struggled over many procedural questions throughout its lifetime. These issues included physical security; staff clearances; selection of documents to be sent to the committee, retained for use at CIA Headquarters only, or not shown to the committee at all; methods

¹⁸Miller interview by Ford, 3 April 1988.

²⁰Walter Elder, interview by [redacted] tape recording, Washington, DC, 17 September 1987 (hereafter cited as Elder interview by [redacted] 17 September 1987) (~~Secret~~). Elder adds that the CIA knew more about the Church committee's internal politics than its staff did, since competing groups within the staff talked to CIA but not to each other.

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William E. Colby

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for avoiding leaks; the committee's right to declassify documents unilaterally; decisions to be cleared with the White House; legal protection afforded CIA officers testifying on past Agency misconduct; proper handling of SIGINT and other highly classified materials in open hearings; and methods for best responding to the committee's deluge of demands. Relationships between the CIA and the committee went through changing hot and cold phases. At the outset, things were chilly for some months. The situation improved in midsummer, with the arrival of two new, extremely able and cooperative senior counsels: Mitchell Rogovin at the CIA and John Marsh at the White House. But in the last months of 1975, the committee's relationships with CIA and the White House again worsened.



Senators Frank Church and John Tower

AP ©

During the committee's lifetime, some central questions were resolved to mutual satisfaction, some were not, and some were never addressed at all. Many issues got lost in Chairman Church's penchant for the spectacular, while others were lost in the reams of paper that floated around among the committee, the White House, CIA, and the rest of the Intelligence Community. Countless briefings, meetings, depositions, and hearings added to the confusion.²¹ Nor was this frenzied activity the

²¹As an example of the Church committee's demands on the CIA, DO officer [redacted] reported to Colby in September 1975 that CIA had already devoted an estimated 80,800 man-hours to fielding the committee's requests, had sent 15 linear feet of file materials to the committee, and had made available another 54 linear feet of documents at CIA Headquarters for committee review [redacted] Memorandum for the Director, "Material for Intelligence Coordinating Group, 22 September 1975," CIA History Staff records, job 90B00336R, box 3, folder 33, CIA Archives and Records Center [Confidential].

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only burden Colby had to bear at the time: He and the Agency were also besieged by Rockefeller Commission inquiries, demands from the House of Representative's Pike committee, other Congressional demands, as well as a host of pressing worldwide intelligence issues including—not least—the fall of South Vietnam.

The two most difficult problems that the Church committee posed for Colby were its chairman's demands that CIA turn over great numbers of documents to him, usually on very short deadlines, and that the committee itself have the right to determine what should be made public, regardless of CIA and White House views. The first such demands came on 27 February: Church insisted that the Agency give the committee data on "all Covert Action activities; organization charts on CIA down to the branch level, with the names of employees who have filled these positions from 1947 to the present; full budgetary detail on the Agency from 1947 to the present; and all the the legal authority (classified and unclassified) given over the years to the Agency and the Intelligence Community."²² Soon thereafter, in a "chillingly polite" session at the White House, Senator Church levied requests the executive branch could not accept.²³

Questions of access remained a major point of contention in the Church committee's working relationships with Colby and the White House. As early as 23 April 1975, Church charged publicly that the committee's work was being hampered by "excessive delays" on the part of the White House and CIA in turning over requested materials.²⁴ On that same day, Church requested another avalanche of documents from CIA. Insisting that "all this material should be produced in 10 days," he complained that "too much material called for in our document request remains outstanding, and the system apparently being employed to clear material for us builds in excessive delays."²⁵ Colby and the White House were not in a good position to answer these particular demands, since they were then caught up with a crisis of far greater consequence—the sudden and rapid collapse of South Vietnam.

²²According to CIA's John Clarke, Memorandum for the Record, 27 February 1975, CIA History Staff records, job 90B00336R, box 3, CIA Archives and Records Center (~~Secret~~).

²³George Cary, Memorandum for the Record, "Meeting with Jack Marsh and Philip Buchen, of the White House Staff," 7 March 1975, CIA History Staff records, job 90B00336R, box 3, folder 33, CIA Archives and Records Center (~~Confidential~~). CIA Legislative Counsel George Cary concluded from the March 1975 conversation with White House Counsels Buchen and Marsh that the White House staff "and I gather the President" were becoming increasingly concerned that the committee's undertakings might have a "crippling effect" on national security mechanisms and Presidential authority. Marsh expressed concern that these investigations would result in the disclosure of links between the Glomar Explorer operation and the Hughes Corporation, and between covert US activities in Cuba and Robert Mahue of the Hughes Corporation, as well as Mahue's involvement in Watergate and several other developments.

²⁴*The New York Times* 24 April 1975.

²⁵Senator Frank Church, letter to William Colby, Director of Central Intelligence, 24 April 1975, CIA History Staff records, job 90B00336R, box 3, folder 33, CIA Archives and Records Center (Unclassified).

~~Secret~~
147

William E. Colby

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At its first hearing (which was closed) on 15 May, Colby gave the Church committee an overview of CIA covert operations over the past 30 years. He returned on the 21st, testifying in secret for three hours in a difficult session, which he believed got CIA's relationship with the committee off to a poor start:

Barely had I been sworn in than it looked as though all our preliminary talk about sweet reason was going right out the window. The committee's counsel, Frederick A. O. Schwarz set out to "clarify" just what the committee wanted to know. . . . It became clear that what Schwarz really was up to was to lay a basis for a great foray into PHOENIX again; the "definitions" read like a criminal indictment; all that was missing, it seemed, were the handcuffs on my wrists.²⁶

Nor was Schwarz's conduct the only difficulty, because after this closed session Church informed the press that Colby had testified that CIA had been involved in assassination plots. Although Church acknowledged that there was no reason to believe that any assassinations had actually been carried out, his remarks created a sensation.²⁷

The assassination issue at once produced icy relations between the committee and the White House. On 19 June, responding to Senator Church's request for a mass of data on assassination to be delivered within the week, Presidential Counsel Buchen wrote:

Your letter seems to assume that copies of these materials will be provided to the Committee for its custody. . . . We [have] made no such commitment.

With respect to that matter, I should point out that the President has expressed his hope that the Congress will handle the matter of assassination allegations with the utmost prudence. . . . Additional discussions and assurances are necessary before we can responsibly turn over to the Select Committee custody copies of materials which might ultimately, at your discretion, be publicly released in a manner so as to substantially affect the on-going diplomatic and foreign affairs interests of this country.²⁸

It was at this point that Colby recruited Mitchell Rogovin as Special Counsel to help him deal with the Church and Pike committees. Rogovin was a highly regarded Washington attorney who had been chief counsel for Common Cause. In his new CIA position he quickly won respect from all parties—the Congressional committees, the CIA, the Intelligence Community, and the White House. Hiring Rogovin, Colby later recalled, was "perhaps, the smartest move in the entire exercise."²⁹

²⁶Colby, *Honorable Men*, pp. 427-428.

²⁷*The New York Times*, 23 April 1975.

²⁸In Philip Buchen, letter to Senator Frank Church, 19 June 1975, CIA History Staff Records, job 90B00336R, box 3, folder 33, CIA Archives and Records Center (Unclassified).

²⁹Colby, *Honorable Men*, p. 427.

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~~Secret~~*The Church Committee*

Rogovin's arrival, however, did not arrest the steady deterioration of Colby's position. During the summer and autumn, numerous rumors emanated from the White House that Colby was finished as Director of Central Intelligence. One of the earliest occurred on 20 June, when CBS's evening TV news claimed that high administration figures, "including Vice President Rockefeller and Secretary of State Kissinger," now believed that Colby should be fired "as soon as possible." Rockefeller, reported CBS, considered Colby a "weak person who lacks strength of character and should not be in one of the most sensitive positions in the US Government." On CBS's 2 July Morning News, Daniel Schorr reported that, in the White House a coup attempt, which had begun with a split between Colby and Helms, had now been brought to the Cabinet level. According to Schorr, Henry Kissinger—"with the powerful support of Vice President Rockefeller"—had asked for Colby's resignation, on the grounds that he had damaged US intelligence and hurt Ambassador Helms's work in Iran. Similar news items undermining Colby continued over the next three months until 6 October, when the White House finally announced that President Ford had begun a search for a person "of commanding presence," with a background outside the Intelligence Community, to take over a restructured CIA.³⁰ And, on 19 October, journalist Nicholas Horrock reported that the Ford administration was reviewing a list of potential successors to Colby, but as yet had "found no one with the qualities . . . [the President] felt the job called for who would accept the post."³¹

During these months, Senator Church and his committee also contributed to Colby's woes by leaking sensitive information. One of the worst examples occurred on 10 July, when Church announced that he was investigating charges that the CIA had periodically "infiltrated" the White House and other agencies. This charge was wholly baseless, arising out of serious misunderstandings on the part of the House's Pike committee.³² Soon thereafter, on 15 July, Church publicly called CIA "a rogue elephant rampaging out of control."³³ A week later, *The New York Times*, citing "authoritative sources," charged that there had been a second track (Track II) in past US covert operations in Chile. Because there were "contradictions" in earlier testimony Helms had given Senate committees over "the depth and extent of CIA activities against Dr. Allende," the *Times* stated, this information had been forwarded to the Department of Justice

³⁰*The Washington Post*, 7 October 1975.

³¹*The New York Times*, 20 October 1975.

³²*The New York Times*, 11 July 1975. This issue is discussed in the next chapter.

³³*The Baltimore Sun*, 16 July 1975.

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William E. Colby

“for study of whether the contradictions may constitute perjury.”³⁴ A few days later, a Church committee staff member leaked a very sensitive memorandum about CIA’s backstage moves in May 1973, which with Senator Henry Jackson’s help had detoured Frank Church’s earlier probe of CIA, ITT, and Chile.³⁵ On 9 September, Church announced that for five years the CIA had kept on hand deadly poisons “enough to kill thousands of people” and that the decision not to destroy those poisons had been made in 1970—when Helms was DCI.³⁶ Church committee staffer Loch Johnson recalls that, in conducting the hearing on these issues, Senator Church “seemed to be unchaining the rogue elephant theory again, though without using that phrase.” By this time, many members of the committee had become critical of their chairman for seeking the spectacular and for thus losing sight of the committee’s original objective to conduct a calm and responsible investigation.³⁷

A week later, 16 September, at the committee’s first public hearing, Colby sealed his own fate. Church chose to begin his inquiry with the sensational topic of toxins. The TV public was treated to the picture of the Director of Central Intelligence handing the committee a small battery-powered dart weapon that—with deadly toxins developed by CIA—could kill in seconds and leave no trace.³⁸ Assuring the committee that these guns had never been used, Colby testified that a middle-level CIA officer had made the decision to preserve the toxins without his superiors’ knowledge. Unfortunately, Colby’s assurances made little impression. More than any other incident, this image of Colby and the dart gun accelerated his fall. That ghastly day when the committee and the media made a circus out of the poisons and the dart gun, Colby later recalled, constituted “the last straw for the White House.” That event “blew the roof off,” and from that day on, Colby acknowledges, “gossip and rumor spread like wild-fire throughout Washington that my days were numbered.”³⁹

³⁴*The New York Times*, 23 July 1975.

³⁵FBI Memorandum [redacted] History Staff records, job 90B00336R, box 3, CIA Archives and Records Center (~~Secret~~). See also [redacted] Deputy Legislative Counsel, Memorandum for [CIA] Messrs. Nelson, Blee, Warner, Rogovin, and [redacted] “Obligation Toward Senator Henry M. Jackson Regarding Leakage of Material From the Senate Select Committee,” 17 October 1975, CIA History Staff records, job 90B00336R, box 3, folder 33, CIA Archives and Records Center (~~Internal Use Only~~).

³⁶*The New York Times*, 10 September 1975.

³⁷Johnson, *A Season of Inquiry*, pp. 74-75.

³⁸Colby’s Special Counsel, Mitchell Rogovin, recalls that he tried without success to talk Church out of beginning the committee’s open hearings with this volatile subject (Rogovin, interview by [redacted] 21 December 1987). Colby later recalled that he had “unwittingly, handed the committee a corker on a silver platter” (Colby, *Honorable Men*, p. 440).

³⁹Colby, *Honorable Men*, pp. 443-444.

~~Secret~~
150

~~Secret~~

The Church Committee



Colby and Special Counsel Mitchell Rogovin, who inscribed this photograph: "To Bill Colby—A man who truly understands our Constitution"

By mid-October, Colby had faced off with the Church committee over its intention to publish a report on assassination in which the committee would make its own decisions on what should and should not become public. Scott Breckinridge, CIA's Deputy Inspector General, told F. A. O. Schwarz that the committee's draft report not only revealed the true names of certain CIA officers, but also applied a kind of ex post facto morality by condemning operational planning that, when originated, was an accepted part of broader US Cold War considerations.⁴⁰

On this issue the Ford administration finally swung to Colby's side, supporting his efforts to kill or water down the committee's assassination report. On 19 October, *The New York Times* reported that the White House was developing "a sense of growing fatigue and irritation" with the intelligence leaks coming out of Congress. The primary antagonists now became the Church committee versus President Ford, with Colby and the CIA playing a supporting role. At the end of the first week of November, President Ford sent a strongly worded letter to each of the committee's

⁴⁰Scott Breckinridge, Deputy Inspector General, Memorandum for the Record, "Contact with SSC Staff—16 October 1975," 17 October 1975, CIA History Staff records, job 90B00336R, box 3, folder 33, CIA Archives and Records Center (~~Secret Eyes Only~~).

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William E. Colby

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members, setting forth in great detail why he thought their impending assassination report would harm national security. Paralleling this action, the Justice Department filed affidavits opposing efforts to make public any government documents concerning past assassination planning. But the administration's efforts proved unavailing. Except for Senator Tower (who voted "Present"), the committee on 3 November chose to publish its assassination report, although agreeing to submit the draft report to a special secret session of the entire Senate before releasing it to the public.

The administration and CIA believed—inaccurately, as it proved—that their case was so strong that the Senate could not unilaterally publish its report. The Justice Department had found that Congress had no constitutional authority to release information classified by the Executive. CIA felt that its position was strong, legally and politically, and that there was "every likelihood" that the courts would rule that the committee did not have the legal right to declassify materials that the President had certified as classified.⁴¹

To support his efforts to block publication of the committee's assassination report, Colby invited a number of leading media figures to an unprecedented news conference in CIA's Headquarters auditorium on 19 November. There he tried to make the case that the committee's report should not include the names of CIA officers who were alleged to have been involved in past assassination planning. Although the White House was aware that he had called this conference, Colby told the group that the initiative for it had been solely his. Although there was a lot of give-and-take between the media and Colby at this session, there was little meeting of the minds.⁴²

The next day, 20 November, the full Senate met in secret session to consider the Church committee's draft assassination report. The session was a shambles, and the Senate took no action on the issue.⁴³ The Church committee released its assassination report later that same day. The report revealed that, although US Government officials had initiated plots to assassinate Fidel Castro of Cuba, and Patrice Lumumba in the Congo, no foreign leaders had actually been killed as a result of such plots. The report also stated, however, that American officers had encouraged or been privy to indigenous coup plots which had resulted in the deaths of Rafael Trujillo (Dominican Republic), Ngo Dinh Diem (Vietnam), and General Rene Schneider (Chile). The report also held that CIA officials had made use of known underworld figures in assassination planning.⁴⁴

⁴¹John Warner, General Counsel, Memorandum for William Colby, Director of Central Intelligence, "Arrangements with the Senate Select Committee," 6 November 1975, CIA History Staff records, job 90B00336R, box 3, folder 33, CIA Archives and Records Center.

⁴²Video of that auditorium session, on file in CIA's Office of Public Affairs.

⁴³*Congressional Record*, 20 November 1975, S-20623-20650.

⁴⁴Church committee, *Alleged Assassination Plots*, 255-279.

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~~Secret~~*The Church Committee*

Significantly, the committee's report could not identify a culprit. Instead, it discovered so little accountability in command and control systems, White House and CIA, that the assassination plots could have been undertaken without any express authorization. Subordinates had not disclosed their plans and operations to their superiors, nor had those superiors ruled out assassination as a tool of US foreign policy. The report did acknowledge, however, that all these plots had occurred in a Cold War atmosphere and that CIA officers involved in such planning had believed assassination to be a permissible course of action.⁴⁵

Public reaction to the assassination report was relatively restrained—neither as shocked at past conduct as Senator Church, nor as dismayed by the disclosures as President Ford, Colby, and CIA. A typical editorial reaction (in *The Washington Star*) held that the committee's report was "a remarkable demonstration of confidence in a free society's capacity to confront its own iniquities, to take them to heart, and to adjust national policy as a result." American participation in the assassination planning, the *Star* concluded, was "unquestionably the work of officials who thought not only that they were acting under proper authority but that they were acting in the nation's best interests."⁴⁶ A notable exception to such restraint was Secretary of State Kissinger's speech to the Economic Club of Detroit, where he called on the American people to end "the self-flagellation that has done so much harm to this nation's capacity to conduct foreign policy."⁴⁷ Kissinger, of course, had been critical of Colby's open approach from the outset.

Meanwhile, on 2 November, shortly before the committee published its report, President Ford announced that he intended to replace Colby as Director of Central Intelligence.⁴⁸ Within a few days, however, Ford had to ask Colby if he would remain in office a while longer, so that his successor as DCI, George Bush, would have time to disengage from his post as US Representative in Beijing and to receive Senate confirmation. Colby consented to soldier on for the interim.

Congressional and media reaction to Colby's dismissal was fairly supportive, emphasizing the contributions his candor had made. Support came from many points of the political compass, from Hubert Humphrey to John Tower. *The Washington Post* viewed Colby as having "engaged in a witting and honorable act of self-sacrifice which was price enough, it seems to us, for him to pay without being unceremoniously dumped." This editorial termed the Ford White House "a weak caretaker, presiding over a divided and unruly government, with a domineering Secretary of State . . . and a CIA Director whose compulsion to come clean was above

⁴⁵Despite Colby's insistence that the names of all CIA officers allegedly involved in assassination planning be deleted, the committee's report left in 10 of an original 30 such names.

⁴⁶*The Washington Star*, 21 November 1975.

⁴⁷*The Washington Post*, 25 November 1975.

⁴⁸*The New York Times*, 3 November 1975.

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William E. Colby

and beyond the call of a supposedly open administration."⁴⁹ A *New York Times* article similarly supported Colby, noting that he knew "his days were numbered" because the White House and the State Department thought that "he was not doing a good job containing the Congressional investigations."⁵⁰ Somewhat surprisingly, one of Colby's strongest defenders was Seymour Hersh, who had been chiefly responsible for provoking the investigations in the first place. In a front page *The New York Times* article, Hersh criticized Church and his committee for having "bogged down" on the question of assassination, and for having unearthed nothing that the CIA had not already discovered and stopped. Colby was receiving wide praise for having played it straight with the committee, Hersh reported, even though "his approach is known to have angered many friends and associates of Richard Helms." Hersh added that at a recent gathering of Agency employees in CIA's auditorium, Colby had received a standing ovation that lasted five minutes, and Hersh quoted a witness who said, "Now everyone inside the Agency is saying that Colby died for our sins."⁵¹

In fact, several developments worked to Colby's advantage during his last few weeks as DCI. In addition to a fairly restrained public reaction to the committee's assassination report, widespread dismay at the way the President was treating his DCI, and a growing respect for Colby's forthright approach to the committee, December 1975 brought a second committee report—on the CIA and Chile—which backed away from earlier sensationalism. While acknowledging that the Agency had spent \$13 million on anti-Allende operations, this document concluded that the CIA had no direct involvement in Chile's 1973 military coup or in Allende's death.⁵² Meanwhile, many had begun to point out that Church's charges of a CIA monster run amok had obscured the real purpose of Agency and US intelligence, and the CIA was now taking the heat for covert ventures formulated by higher authority. Finally, Church himself fed the growing support for Colby and the Agency when he indicated that he intended to run for President after all.

Still another development that helped Colby in these closing weeks as DCI was the terrorist murder of CIA's Athens Chief of Station, Richard Welch, on 23 December. This event, coming on top of weeks of growing public weariness with the irresponsibility of the Church and Pike committees, immediately swung more support behind CIA and Colby, aided by skillful steps that he and the White House took to exploit the Welch murder to US intelligence benefit.

⁴⁹*The Washington Post*, 5 November 1975.

⁵⁰Leslie Gelb, *The New York Times*, 10 November 1975.

⁵¹*Ibid.*

⁵²Reuter release, 4 December 1975; *The New York Times*, 5 December 1975.

~~Secret~~
154

~~Secret~~*The Church Committee*

Retrospect on the Church Committee

There is no question but that the Church committee's sensationalism was the prime mover of Colby's demise. Deserted by the White House and hemmed in on all sides, he was confronted by so many no-win situations that his good intentions never had a chance to bear fruit. Lost in the events surrounding the Church committee investigation was the fact that virtually all of the items Senator Church and his colleagues "exposed" had already been surfaced, denounced, and outlawed by Colby himself. Also lost was an appreciation that CIA had undertaken many of these misdeeds at the direction of successive Presidents, during years of Cold War fears that America was under siege from a relentless world foe. Missing, too, was any committee concern for the central purpose of intelligence: accurate guidance to US policymakers and a search for ways to improve that guidance.

For many in Congress and the public, what mattered was that all these revelations of past misbehavior simply did not square with America's image of itself as an innocent. It was psychologically uncongenial to learn that CIA had intervened in other countries, contributed to the deaths of certain foreign leaders, tried to assassinate others, done business with gangsters, developed deadly toxins, and interfered with the rights of Americans. Other countries' secret agencies might do these things, but never ours. Thus, to many, Colby was neither a reformer nor the whistle-blower who had corrected misbehavior, but rather the accused who sat in front of the committee's klieg lights and TV cameras. Someone had to take the fall, and there was no more available candidate than he.

As for Church's initial "rogue elephant" theme, this impression of CIA survived even though the committee's final report largely absolved the Agency of that charge and reminded the reader that the White House had usually given the orders. The final report, as the following passage reveals, presented the Agency not so much as a rogue elephant as a backstage instrument of US foreign policy making:

The current political climate and the mystique of secrecy surrounding the intelligence profession have created misperceptions about the Central Intelligence Agency. The CIA has come to be viewed as an unfettered monolith, defining and determining its activities independent of other elements of government and of the direction of American foreign policy. This is a distortion. . . . The CIA has not been free . . . to carry out covert action as it sees fit. The committee's investigation revealed that on the whole, the Agency has been responsive to internal and external review and authorization requirements. Most of the significant covert operations have been approved by the appropriate NSC committee. At the same time, the committee notes that approval outside the Agency does not solve all

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William E. Colby

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problems since the NSC committees have approved (and in some cases *initiated*) projects that involved highly improper practices or were inconsistent with declared foreign policies.⁵³

For Colby and the Agency, however, the problem was that only a small fraction of the public carefully absorbed the committee's final report in detail—even though, thanks to the committee staff's work, this document was more constructive than the committee itself had been.

The committee's inquiries did serve a useful purpose in bringing to light certain examples of CIA's earlier questionable behavior, demonstrating that the Agency had not always been simply a handmaiden for White House schemes. According to the committee's final report, some CIA officers had on occasion behaved like "cowboys",⁵⁴ and even DCIs had not always been completely informed as to what was going on.

Perhaps the most startling revelation of the Church committee's investigation was news that past Presidents and CIA officers had considered the idea of assassination. Although the committee's members could not agree among themselves on just what CIA's responsibilities had been, their report clearly brought out the ambiguities of authority and control. Helms and other former CIA operations officers testified that they "understood" that they should rid the world of certain especially bad characters, but the committee never found any such directives from higher authority, and former White House officials testified that no such efforts had ever been ordered or even intended. The following exchange between former DCI Richard Helms and Senator Charles Mathias illustrates these ambiguities:

Mathias: Let me draw an example from history. When Thomas Becket was proving to be an annoyance, as Castro, the King said who will rid me of this man. He didn't say to somebody, go out and murder him. He said who will rid me of this man, and let it go at that.

⁵³US Congress, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Church committee), *Final Report, Foreign and Military Intelligence*, 94th Cong., 2nd sess., Book 1, April 1976 (hereafter cited as Church committee, Book 1), pp. 97, 447 (emphasis in the original).

⁵⁴One of the clearest expositions of operational enthusiasm—and momentum—was voiced during the committee's hearings by the widely experienced Clark Clifford: "On a number of occasions, a plan for covert action has been presented to the NSC and authority is requested for the CIA to proceed from point A to point B. The authority will be given and the action will be launched. When point B is reached, the persons in charge feel that it is necessary to go to point C, and they assume that the original authorization gives them such a right. From point C, they go to D and possibly E, and even further. This has led to some bizarre results, and, when an investigation is started, the excuse is blandly presented that authority was obtained from the NSC before the project was launched. . . . The lack of proper controls has resulted in a freewheeling course of conduct on the part of persons within the Intelligence Community that has led to spectacular failures and much unfortunate publicity" (Clifford testimony, US Congress, Hearings Before the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities [Church committee], *Covert Action*, 94th Cong., 1st sess., 4 and 5 December 1975, pp. 51-52).

~~Secret~~
156

~~Secret~~*The Church Committee*

Helms: That is a warming reference to the problem.

Mathias: You feel that spans the generations and the centuries?

Helms: I think it does, sir.

Mathias: And that is typical of the kind of thing which might be said, which might be taken by the Director or by anybody else as Presidential authorization to go forward?

Helms: That is right. But in answer to that, I realize that one sort of grows up in [the] tradition of the time and I think that any of us would have found it very difficult to discuss assassination s with a President of the U.S. I just think we all had the feeling that we're hired out to keep those things out of the Oval Office.

Mathias: Yet at the same time you felt that some spark had been transmitted, that that was within the permissible limits?

Helms: Yes, and if he [Castro] had disappeared from the scene they would not have been unhappy.⁵⁵

The anger that President Ford and Secretary of State Kissinger felt toward Colby can be understood by appreciating that they, like former DCI John McCone, had been kept in the dark about some illicit CIA activities. In their case, the officer who had not informed them had been their DCI, Colby. He had not purposely held out on them, but the upshot was the same: White House ignorance of questionable, politically sensitive CIA activities that led to major White House embarrassment when news of them suddenly and unexpectedly broke.

As sensationalism about CIA grew during the course of the 1975 investigations, Colby understandably became an increasing embarrassment to the President. Mr. Ford's discomfort was all the greater since as an unelected President his own political base was less than fully secure. Consequently, in the hopes of strengthening his Presidential team, Ford proceeded to rid himself of officials who had become embarrassments to him. Colby had never been this President's man; Ford had simply inherited him from the previous administration. This was also true of Ford's assertive Secretary of Defense, James Schlesinger. In the event, the President moved both of them out at the same time and brought in his own men, two former colleagues from the House of Representatives, George Bush to replace Colby, and Donald Rumsfeld to replace Schlesinger.

To an important degree Colby was a victim of circumstance, who had inherited responsibility for the Agency's reprehensible past conduct at a time of rapidly changing public attitudes toward the role of intelligence in American life. The White House, angered by his openness, sought to stonewall the Congressional investigations while holding Colby at arm's length. Colby was thus squeezed between a hostile President and a Senate committee chairman who valued sensationalism over constructive criticism of American intelligence.

⁵⁵Church committee, *Alleged Assassination Plots*, p. 149.

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William E. Colby

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In his last months as DCI, Colby also had to contend with substantial criticism from many Agency officers. His candor with the Church committee (and the House's Pike committee) and his handling of the Helms issue proved anathema to CIA traditionalists. "The openness was Mr. Colby's idea," DO officer Eloise Page later observed, "I think you can say it almost destroyed the Agency."⁵⁶ In George Carver's view, for Colby to go to Justice about Helms was "utterly reprehensible." "I, myself, will never forgive Colby for what he did to Helms because it was utterly uncalled for."⁵⁷ Not surprisingly, James Angleton reportedly held vitriolic views of Colby's behavior, believing—according to one contemporary account—that Colby had "reacted too quickly to Congressional pressures and had disclosed too many secrets."⁵⁸ Helms was understandably also critical. In a 1982 interview he observed:

I can't believe that I would have sat there and turned over bales and bales of Secret reports to those Senate committees without a fight. . . . Therefore, when all this was regurgitated and shipped up to Capitol Hill, I, and I think others . . . regarded this as a betrayal of trust.⁵⁹

Many did not agree with such criticisms. Support for Colby's conduct came from many quarters in Congress, the media, the public, and from within CIA and the Intelligence Community. For example, John Blake (then the Agency's Deputy Director for Administration, who later became staff director of the Senate Select Committee on Intelligence) affirms that "I support what Bill Colby did 100 percent, 99 percent anyway."⁶⁰ DO officer David Phillips later wrote that "I am of the school that believes Colby's course was the correct one, even if he might have started too fast too soon. But there was no other way in the end."⁶¹ Carl Duckett, Colby's DDS&T, has stated that "I just don't have any real criticism of Bill . . . I personally believe the Agency was better served by revealing and that goes with no exceptions of which I am aware. I would say he rates a 12 or so [on a scale of 15]."⁶² On 15 January 1976, in awarding Colby a medal shortly before he retired, Lt. Gen. Sam Wilson (then Deputy DCI for the Intelligence Community) told USIB that:

Bill Colby has . . . displayed courage, forbearance and patience. . . . No one in modern history has contributed more to the leadership of the

⁵⁶Eloise Page, interview by [redacted] tape recording, Washington, DC, 10 December 1987 (hereafter cited as Page interview by [redacted] 10 December 1987) (~~Secret~~).

⁵⁷George Carver, interview by [redacted] tape recording, Washington, DC, 11 December 1987 (hereafter cited as Carver interview by [redacted] 11 December 1987) (~~Secret~~).

⁵⁸William Nelson, Deputy Director for Operations, Memorandum for the Record, "James Angleton," 19 November 1975, CIA History Staff records, job 90B00336R, box 3, CIA Archives and Records Center (~~Secret~~).

⁵⁹Helms interview by Bross, 14 December 1982.

⁶⁰John Blake, interview by [redacted] tape recording, Washington, DC, 10 November 1987 (hereafter cited as Blake interview by [redacted] 10 November 1987) (~~Secret~~).

⁶¹Phillips, *The Night Watch*, pp. 290-291.

⁶²Carl Duckett, interview by [redacted] tape recording, Washington, DC, 4 January 1988 (hereafter cited as Duckett interview by [redacted] 4 January 1988) (~~Secret~~).

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~~Secret~~*The Church Committee*

Intelligence Community . . . Mr. Colby is a legend in his own time; destiny had tapped him on the shoulder. He has made better people of us all just by being associated with him.⁶³

On balance, Colby, nonetheless, received more criticism than support for his candor with the Church committee. Of the many considerations working against him, one of the most significant was his earlier leading role in the PHOENIX program in Vietnam. Rightly or wrongly, the public widely believed PHOENIX to have been a killing field directed by Colby, and numerous voices in the media of the time questioned how the man responsible for such a reprehensible chapter in Vietnam's history could now be taken seriously as a progressive reformer.

Even Colby's personality worked against him. Selling his particular package—better public understanding of intelligence through greater CIA openness—would have been tough for the warmest and most persuasive of DCIs. As it was, Colby's all-business and seemingly emotionless manner complicated his sales problem. That he was not emotionless became increasingly evident as 1975 wore on and his patience frayed at those who could not or would not appreciate his rationale.

In the final analysis, however, Colby was not merely a victim of circumstance, but also contributed significantly to his own downfall. First, he lost any support he might have expected from President Ford and Secretary Kissinger by twice failing to warn them when political time bombs were about to explode. Second, it was in his power to resist Church's wishes—and style—more forcefully than he did. Finally, while his faith in an open course and his belief that reason would carry the day were admirable, many in his audience were preoccupied with their own agendas: to gain political advantage, to prove their own preconceptions, or just to keep things as they were.

Handling the Church committee would have been difficult enough, had it been Colby's sole antagonist. Doubly unfortunate, however, was the fact that a host of other challenges also beset him. The foremost of these was another Congressional investigation, the House's Pike committee. In its own way, that committee gave Colby nearly as much grief as had the politically ambitious Frank Church and his colleagues.

⁶³On the occasion of the USIB's awarding William Colby the National Intelligence Distinguished Service Medal, 15 January 1976, USIB-M-712 (~~Secret~~).

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