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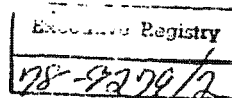
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OLC 78-2112/1

15 JUN 1978

HSCA *Completed*
MR

MEMORANDUM FOR: Director of Central Intelligence

FROM : S. D. Breckinridge
Principal Coordinator HSCA
Office of Legislative Counsel

SUBJECT : Letter from Chairman Stokes of HSCA on
Direct Access to Former Agent in Mexico

20 JUN 1978

1. Action Requested: That you approve the recommendation at paragraph 8, supporting the decision of the DDCI to not provide the HSCA with direct access to a former clandestine agent in Mexico, and that you renew to Chairman Stokes the DDCI's offer to obtain answers to written HSCA questions addressed to the man.

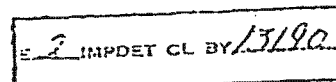
? why
2. Background: The letter from Mr. Stokes refers to two agents; we are aware of only one at issue. Prior to the visit of the HSCA investigators to Mexico City, they were advised at the Headquarters Building that CIA could not assist them in locating or contacting a former agent. The man had operated a photographic observation post covering the Cuban diplomatic installations at the time of Lee Harvey Oswald's visit there in 1963. This statement of the Agency's position was not protested at that time.

why then
3. When the HSCA investigators arrived in Mexico City they learned that while the Station had been instructed to assist in contacting former Agency employees there, and other persons with whom the Agency had no direct contact, it had been instructed to not assist in contacting the agent in question. When Mr. Blakey learned of this he asked for a meeting with the DDCI.

4. At the meeting, the DDCI stated the responsibility of the DCI and DDCI to protect intelligence sources and methods, and the need to maintain a viable intelligence collection organization. He expressed the view that making agents available for direct questioning by congressional

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investigators would be injurious to that responsibility. He offered to accept questions for the agent, and stated that he would personally vouch for the procedures by which the answers are obtained. He emphasized that as a Presidential appointee, confirmed by the Congress, he should be trusted in this action, especially given the nature of the problem. Mr. Blakey did not reject that offer at that time; the silence of Chairman Stokes' letter on the point may indicate that it may not have been reported to him.

5. The Chairman's letter discusses commitments by the Agency, citing its agreement to arrange access to current and former employees. There is no explicit commitment to make agents available to the Committee. The letter also emphasizes the Committee's solicitude for the Agency's sensitivities, citing its not interviewing the agent in Mexico City after our refusal to assist in making direct contact. In fact, the Committee has not adhered rigorously to its commitments in this very area. It failed to inform the Agency of its intention to interview a former agent in Caracas, as it has agreed to do; when the [redacted] learned of the plan to interview him, objections were registered and ignored. Further, the Committee failed to notify the Agency that it planned to interview a former Agency employee in Mexico, as it has agreed to do, and interviewed him with Station help. In any event, and contrary to Chairman Stokes' letter, the DDCI did not say that HSCA investigators could not interview CIA agents, but expressed his strong objections to their doing so, noting that we could not assist them in this respect. It may be that inability to locate the agent in Mexico was as much a consideration for his not being interviewed as concern for the Agency's sensitivities.

6. Conclusions: The basic problem of providing direct access to a clandestine agent goes to the heart of CIA's relationships with its agents. It involves the Agency's ability to ensure them of its readiness to protect them from risks of exposure. While the record of the HSCA, since its reorganization, has been one of good security, its duration is limited and continued discipline after the end of this year cannot be considered a sure thing. To expose this agent, however minor a figure, is to risk later publicity of the Agency's willingness to make such an exposure.

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7. The DDCI's act involved two considerations. It served to protect an intelligence source, and at the same time provided a procedure whereby the information desired by the Committee can be obtained. The matter should be presented to Chairman Stokes in these terms, seeking his agreement to a procedure based on trust of the personal commitment of Mr. Carlucci to ensure the integrity of the procedure by which the answers are obtained.

8. Recommendation: That you find the occasion to accept Chairman Stokes' invitation to visit him, and explain to him the basic issue involved in direct access to a clandestine agent, reassuring him of the Agency's readiness, under procedures that you and the DDCI will vouch for, to obtain answers to questions prepared by the HSCA.

S. D. Breckinridge
S. D. Breckinridge

7 Blakey - counts

APPROVAL:

Director of Central Intelligence

Date

DISAPPROVAL:

Director of Central Intelligence

Date

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