

Chapter 18

Indices and Files on American Citizens

The collection of information about people is a major function of the CIA. Biographical information is collected not only in response to specific requirements but also to accumulate background of likely relevance to be drawn on when needed. The collection of this information is incidental to the CIA's normal activities, and the inclusion of information about persons who may be American citizens is largely incidental to collecting information about people generally.

For these reasons, biographical information is stored by a number of components throughout the Agency. The nature of the indices and files varies with the missions and capabilities of those maintaining them.

The Operations Directorate maintains a central index of names and certain biographical and subject files in connection with the intelligence collection activities of its various divisions and staffs. In addition, separate project and case files are maintained by these divisions and staffs.

The other major source of biographical files is in the Administration Directorate, where files are maintained by the Office of Security and by other administrative branches such as the personnel and medical offices.

Biographical files also are maintained in the Intelligence Directorate, but few, if any, names of Americans are believed to be in them.

Finally, miscellaneous files on Americans may be found in the offices of the General Counsel and the Legislative Counsel and in other offices which handle dealings with Americans.

The following sections describe the types of files maintained by the CIA which are most likely to contain information on American citizens.

A. Indices and Files of the Operations Directorate

Biographical files are generated by the Directorate of Operations as a result of the indexing of names of persons appearing in documents and communications received by the Directorate. Generally, those documents and communications relate to persons who are of intelligence or counterintelligence interest to the Agency, either because of their actual or possible association with foreign intelligence activities, or because they are actual or potential sources or operatives.

The names of United States citizens have been indexed along with the names of others, based on these criteria. The fact that such names are included does not appear to reflect an effort to conduct surveillance or other investigations of Americans; rather it appears to be the normal result of the Agency's foreign intelligence activities. Names from Operation CHAOS files have not been included in the central index.

The first step in the process of keeping the biographical index and files involves the indexing of incoming documents.

The Operations Directorate maintains a central index and file of documents received, most of which are in the normal course routed through the central index and file. Certain sensitive documents, however, may not be indexed centrally. Each document received is reviewed and names of intelligence interest are entered into the biographical index.

The criteria for indexing a name have changed over the years. In the early years of the Agency, virtually every name in a document was indexed. Eventually the Agency accumulated some 15 million biographical references in its index.

Since the early 1960's, however, the criteria have limited indexing to persons of counterintelligence interest (i.e. those suspected of working on behalf of a hostile intelligence service) and persons of interest as actual or potential sources of information or assistance.

The number of references has since that time been progressively reduced to its present level of about 7,500,000 names (including an indeterminate number of duplicates). Of these, an estimated 115,000 names are of persons who are either known or believed to be United States citizens.

The fact that a name has been entered into the index does not mean that a file exists on that person. Files are opened only at the direction of a division or staff and only when it appears that the person will be of continuing intelligence interest. In that case, a so-called personality (or 201) file is opened; i.e., a manila folder is prepared to hold relevant documents accumulating on that person.

The Operations Directorate has a total of some 750,000 personality files. Of these, the Agency estimates that 57,000 files are of American citizens and an additional 15,000 are of persons who may be American citizens.

No file-by-file review has been made to determine how many of these files contain what might be regarded as derogatory information. However, an analysis by the Agency of a group of files opened on American citizens in 1974, as reported to the Commission's staff, showed that seventy percent of these files were opened on persons who were sources of information or assistance to the Agency, nineteen percent related to Americans of possible use to the Agency, and eleven percent related to Americans who were of foreign counterintelligence interest.

Until 1974, the indexing process made no distinction between United States citizens and others. At that time, regulations were issued restricting the indexing of United States citizens to those involved in "foreign activity detrimental to the national security interests of the United States" such as "espionage, counterintelligence, sabotage, subversion, covert propaganda, psychological or unconventional warfare or paramilitary operations," "terrorist activity and narcotics trafficking," participation in the "illegal apparatus of foreign communist parties," or "other international clandestine activity."

The indexing is done by clerks who determine whether to index a name on the basis of directions contained in the document, supplied by either its originator or its recipient. These persons are expected to comply with the indexing criteria.

In the past, a major source of index references to United States citizens was FBI reports. Whenever an FBI field office felt a report on an individual might be of counterintelligence interest, a copy was routinely furnished the Agency. Many of the names appearing in these raw reports were indexed with relatively little attempt to determine their potential relevance to the CIA. Thus a large number of generally unevaluated index references to Americans were placed in the system.

FBI reports are no longer indexed without a prior determination by an appropriate division or staff that indexing criteria are in fact met. In addition, efforts are being made to work out a procedure under which only reports meeting specified criteria will be sent by the FBI to the CIA.

Names of Americans are also contained in the communications traffic from overseas CIA stations to Headquarters which passes through the indexing process. The information developed by the Commission indicates that in large part these references are to Americans who are actual or potential sources of information or assistance to the Agency.

Of course, names of Americans might turn up in other documents as well. Frequently, the citizenship of a person is not known or disclosed

in the document, so that it is impossible to determine whether the name indexed is that of an American.

An index reference on a person contains a limited amount of biographical data along with references to the filed documents from which it was derived. It may also contain a very brief summary of some of these documents.

Four years ago, the entire index was computerized, and today the information contained in it is accessible by computer. Access is restricted, however, to those officers in the Operations Directorate who are specially authorized for that purpose.

Many of the Agency's files on Americans were opened because a security clearance was required or because the person was involved directly or indirectly in some Agency operation. For example, it is estimated that there are more than ten thousand files on American employees or contractors involved in the Agency's airline operations, which are now being phased out. The Agency believes that many more of these files on Americans are of persons who have had some tangential relationships with the Agency or whose utilization may at one time have been considered by the Operations Directorate but never became a fact.

Most of the files on Americans appear to be inactive. In 1974, only some 250 of these files were on loan to one or another of the divisions or staffs of the Directorate which hold files of active intelligence interest.

Under present regulations, no file may be opened on an American citizen without the written approval of one of the three top ranking officers of a division or staff. In addition, each division and staff is required to make a monthly report to the Deputy Director of Operations on all files opened on Americans.

All of the existing files on Americans are now undergoing review by the divisions and staff responsible for the particular file. Material which does not meet current criteria is placed in sealed envelopes with the announced intention that the envelopes are to be destroyed at the end of the current investigations.

The Directorate also maintains certain specialized indices and files which may contain the names of persons who happen to be American citizens. It has in its index references to documents of the CIA's predecessor agencies. It also has separate files on persons suspected of affiliation with Soviet and other foreign intelligence services, persons engaged in certain kinds of international travel, and persons who by reason of particular affiliations may be potential foreign intelligence sources.

Finally, other components of the Directorate maintain files on American citizens working with those components.

B. Indices and Files of the Administration Directorate

The Administration Directorate maintains biographical files on a large number of U.S. citizens and foreigners living within the United States who have knowingly entered into some type of relationship with the Agency.

The vast majority of these files concern employees, former employees and applicants for employment. Records on these persons must necessarily be maintained, as in any other government agency or private business.

In addition, because of the special nature of its activities, the CIA maintains contact with (and therefore records concerning) many other persons and business firms throughout the country who provide the Agency with needed assistance.

Due to the security restrictions under which the Agency operates, a wide variety of security files must also be maintained on all persons working with or for the Agency who may come into contact with classified information. Some of these persons are aware of the Agency's interest in them; others are not. All files relating to security matters are compiled and maintained by the Office of Security; the others are maintained elsewhere within the Administration Directorate.

The following is a description of the types and kinds of files maintained by the Administration Directorate on persons living within the United States:

1. Indices and Files Outside the Office of Security

Administration Directorate files on CIA employees, former employees and applicants for employment include applicant records (many of which contain considerable biographical data in the form of voluntary personal history statements); personnel files such as records of job assignments, performance assessments, insurance records, commendations and retirement records; financial files such as payroll and travel records; training files; medical files; and other miscellaneous files.

These files are generally maintained in the office primarily responsible for the function involved. In addition, master folders containing pertinent papers from all of the other offices needed to manage each employee properly are maintained by the particular component to which each employee is assigned.

In addition to its relationship with its own employees, the CIA maintains relationships with numerous other individuals who render assistance to the Agency. These include agents, informers, consultants, and persons temporarily assigned to duty with the Agency from other government agencies.

The Agency also maintains relationships with businesses and other governmental and educational institutions (and their representatives) who have contracts or other dealings with the Agency. Files and indices documenting these relationships are maintained by various components of the Administration Directorate for accounting and record-keeping purposes.

2. Indices and Files of the Office of Security

Office of Security files are maintained primarily to record actions taken by the Office in granting or denying security clearances to those persons whose relationship with the Agency gives them access to classified information. The files of the Office of Security are organized on the basis of "subjects." All individuals, organizations, businesses and projects are deemed "subjects" if security files exist on them.

The bulk of the files maintained by the Office of Security consist of approximately 900,000 security files, each relating to the security investigation of a specific "subject" of interest to the Agency.¹ About one-third of these files are retired. About 90 percent of the security files relate to individuals, a majority of whom are United States citizens. The remaining 10 percent relate to impersonal "subjects" such as business firms, organizations and projects.

Security files are maintained on applicants for employment, Agency employees, former Agency employees, independent contractors doing business with the Agency, persons supplying the Agency with positive intelligence information, consultants, non-Agency employees who work on Agency premises, and other individuals and business entities whose relationship with the Agency gives them access to classified information. Among the persons on whom such files are established are numerous past and present Senators, Congressmen, judges and other prominent public officials. For example, the Agency presently maintains security files on 75 sitting Members of Congress.

A few security files are maintained on persons unaware that they have any relationship to the Agency. For example, the employees of an independent contractor doing business with the Agency may know that they are working on a secret government contract (and, in fact, that they have been investigated for a security clearance), but not that they are of interest to the CIA. Records of security clearances on those employees would nonetheless be maintained by the Office of Security. Likewise, clearance information may be maintained by the Office of Security on persons whom the Agency is thinking of contacting, or foreign nationals of potential operational use, even if the Agency sub-

¹ A few security files are "multiple subject" files, containing information on two or more subjects in a single file folder. It was estimated by a responsible Agency official that less than five percent of all security file folders are "multiple subject" security files.

sequently decides not to contact the individual, or contacts him and he refuses to assist the Agency.

Security files are established upon the request of any of numerous officers within the Office of Security. As a practical matter, 95 percent of all requests to establish new files are routine and are undertaken at the request of the Clearance Division of the Office of Security, which ensures that a security clearance is approved before access is granted to classified Agency information. No centralized control exists for screening non-routine requests to determine their propriety.

A security file is most frequently created on an individual when, for any of a variety of reasons, it becomes desirable to give that individual access to classified Agency material. Security files on individuals ordinarily contain the following types of materials: (1) requests that an investigation be conducted; (2) biographical data on the subject, ranging from a few lines on one page to lengthy personal history statements filled out by certain applicants for employment; (3) authorizations for the release of high school and college transcripts and copies of those transcripts; (4) investigative coverage and reports of those investigations; (5) appraisal summaries reflecting the rationale for granting or refusing to grant a security clearance; (6) documentation of the final action taken by the Office of Security concerning any given investigation; (7) secrecy agreements and notices of termination of such agreements; (8) documentation of subsequent actions such as the granting or refusing of special clearances, approvals for assignment overseas, notations that polygraph or other special interviews were performed, notices of transfers and changes in cover assignments; memoranda concerning security violations, and notices of termination of affiliation with the Agency; and (9) miscellaneous documents which might bear on the question whether the individual should have a security clearance.

The reasons for creating security files on "impersonal" subjects such as business firms and organizations differ widely. Most of these files are created at a time when the CIA first contemplates developing with the business entity or organization a relationship which might give it access to classified or sensitive information. The files contain such items as (1) security surveys of a business's premises if it is contemplated that classified activities will be carried on there, or (2) lists of persons from a business or organization assisting the Agency who are cleared to receive classified information or have access to CIA installations.

Some security files have been compiled on organizations and individuals thought to pose a threat to Agency personnel, installations or operations. For example, during the peak of the racial and anti-war disturbances in Washington between 1965 and 1972, security files

were accumulated on many dissident groups and their leaders. Other "impersonal" files were maintained on communist publications and suspected communist front organizations.

A relatively small number of "impersonal" security files deal with specific Office of Security projects. These projects range from a project to provide security during the construction of CIA Headquarters at Langley, Virginia, to investigations conducted of Agency employees or operatives thought to have been security risks. Security files of this type include descriptions of the project or investigation involved, assignments to the field, information collected during the course of the project or investigation, and (some times) the end result of the project or investigation.

The security files maintained by the Office of Security serve a variety of purposes.

In order to protect classified information, the Agency must maintain a substantial body of knowledge about persons who might be assigned to sensitive positions.

The files are also used for periodic reviews of persons who occupy sensitive positions or hold special clearances.

Reports of investigations are occasionally furnished to other government agencies with a legitimate need for the information contained therein.

All pertinent subjects and references identified in security files have been card indexed. Approximately 900,000 of these indices are "subject" indices referencing the subject of a particular security folder bearing the name of the individual, business, organization or group on which the file is maintained.

An additional 950,000 indices are "reference" indices recording names which appear in documents stored in one of the folders indexed to a subject. An index reference is created when note-worthy information concerning the referenced individual is developed in connection with another case, or when it is learned that the referenced individual is connected with some company, organization or project which is of interest to the Agency.

Over the years, there have been changing criteria concerning the type of information which is placed in security files and indices. At one time, files were established simply to hold a collection of reference index cards when the total on a given individual had reached a certain number.

In about 1972, efforts were begun to purge the reference index and "impersonal" files of information which was of no current value. Many security files of dubious value or propriety were destroyed. These purging efforts have been suspended pending completion of the investigations by this Commission and the Congress.

The head of the division within the Office of Security responsible for maintaining all security files recently prepared a list of those materials which should properly be retained in active security files. All materials to be filed are now reviewed by a senior clerk for propriety. As of March, 1974, the head of that division has, for the first time, been given the authority to challenge any input into the index system of the Office of Security if he deems the material to be improper. The criteria for indexing names have also been drastically restricted.

Security files on employees and others are very tightly held within the Agency. Only a few Office of Security personnel have access to these files, and then only on a need-to-know basis. No employee—even the Director of Central Intelligence or the Director of Security—is ever permitted access to his own security file. This precaution is taken to protect confidential sources of information, who are assured at the time they are interviewed about a prospective employee that whatever they say will never be divulged to the subject of the investigation. Agency officials evidence a very high level of commitment to honoring those assurances.

Even more tightly held are the records of polygraph examinations of employees and prospective employees. While polygraph examinations are a routine part of every security investigation conducted by the Office of Security, the reports are separately and securely maintained because of their potential for embarrassment.

Other relatively voluminous Office of Security files which contain biographical data on American citizens include records of individuals holding special and compartmentalized access approvals to various CIA material, records of persons holding building badges and other credentials issued under Agency cognizance to employees and other individuals, and visitor records on approximately 500,000 persons who have visited Agency installations.

Miscellaneous files maintained by the Office of Security include lists of individuals with known or suspected foreign intelligence connections, files associated with the handling of defectors (some of whom may now be U.S. citizens), lists of individuals from whom crank calls have been received by the Agency, and lists of persons previously charged with security violations. The Office of Security formerly maintained extensive computer lists of approximately 300,000 persons who had been arrested for offenses related to homosexuality, but these lists were destroyed in 1973.

No effort was made by the Commission or its staff to personally review all of the thousands of security files and indices maintained on United States citizens; spot checking was undertaken, however, on a random basis.

C. Office of Legislative Counsel

The Office of Legislative Counsel maintains congressional files for use in its legislative liaison duties.

These files are reestablished at the beginning of each new session of Congress; files on retired or defeated members are transferred to the CIA record center. After five years, they are selectively purged.

Generally, the files contain the following types of documents: correspondence between the member and the CIA, excerpts from the *Congressional Record* dealing with the member, constituent employment or personnel requests forwarded to the Agency by the member, short biographies and political descriptions of the member, and copies of all foreign cables containing the name of the member.

Conclusions

Although maintenance of most of the indices, files, and records of the Agency has been necessary and proper, the standards applied by the Agency at some points during its history have permitted the accumulation and indexing of materials not needed for legitimate intelligence or security purposes. Included in this category are many of the files related to Operation CHAOS and the activities of the Office of Security concerning dissident groups.

Constant vigilance by the Agency is essential to prevent the collection of information on United States citizens which is not needed for proper intelligence activities. The Executive Order recommended by the Commission (Recommendation 2) will ensure purging of non-essential or improper materials from Agency files.

Further, the Office of Security should establish (i) centralized responsibility to control the opening of new security files not routine in nature and (ii) specific criteria controlling the nature of materials to be collected.