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GIL KUJOVICH

EXIT INTERVIEW

MARIE ALLEN: This is an interview at 11:43 on February 22, 1980, with Gilbert Kujovich. The interviewer is Marie Allen. We are in Room 415 of the Old Executive Office Building.

First, I'd like to ask you about yourself. Where were you born and grew up? Secondly, how did you come to the White House?

GIL KUJOVICH: I was born in Chicago, Illinois, and lived there for eleven years. We subsequently moved to Gettysburg, Pennsylvania, where I lived until I went away to school. Just prior to working in the White House, I was at the Defense Department working for the general counsel as her special assistant. While there I dealt with some of the people in the Defense Department who were working on intelligence oversight. It was through them that I came to learn about the opportunity to work here and eventually came here.

ALLEN: Who were the people that you interviewed with in the White House?

KUJOVICH: Well, it started out...the Intelligence Oversight Board is a very small organization, three part-time members and a counsel. Initially I heard about the job through the inspector general for defense intelligence, who was Carl Feldbaum at that time. He was with the Watergate prosecution force before he got into intelligence oversight. After talking very preliminarily with him, I talked to the then current counsel of the IOB, Burton Wides, and had a series of discussions with him, and then sat down with the chairman of the Board and talked to him a couple of times and then finally met with the full Board.

ALLEN: And at that time the chairman of the Board was Tom Farmer?

KUJOVICH: Yes, Mr. Farmer's been chairman since...there have only been two Intelligence Oversight Boards. The first was appointed by President Ford and stayed on until June of '77, when President Carter appointed his three members, and they've stayed on since.

ALLEN: Before we go on for more information, one final background question. I assume that you went to law school and that you have a law degree and that's your academic background? Where did you go to law school?

KUJOVICH: We might as well go through the whole thing. I went to Middlebury College in Vermont. Then I went to the Harvard Law School, spent a year at the Kennedy School of Government while I was there, so it was four years. After that I clerked for Shirley

Hufstedler, which is why I am going to work for her again at the Education Department. Then I clerked one year on the Supreme Court with Byron White and Potter Stewart. Then after that to the Defense Department.

ALLEN: Quite a distinguished legal background before you got here. I understand that the IOB was established in 1976 by executive order. I've looked at the duties laid out in that executive order. Basically, it's my understanding that they are to receive reports from inspector generals and general counsels of the intelligence community, to receive the guidelines from the intelligence community, and report to the President. Was that a good summary of the duties of the Board, and how have those duties evolved as far as the importance and the time spent on the various ones?

KUJOVICH: It's sort of interesting that I've divided in my own mind the Board's duties into two broad categories. The first concerns the reports that not only the general counsels and inspector generals, but under President Carter's order also senior officials of the intelligence agencies are obligated to send to the Board about intelligence activities that raise questions of legality or propriety. For that reporting function the Board considers the reports and the activities that are included in them. If it's a question of legality, they have to report it also to the Attorney General, who is the chief legal officer in the government. If it is a serious question of legality or a serious question of propriety in the Board's judgment, they then report it to the President along with their recommendation. That part of the Board's duties is sort of working the system of oversight in the government to move information about problem areas to the President quickly so that they don't get out of hand without the President's knowledge and really create problems for the President and also infringe upon people's rights or whatever the problem may be.

The second function, the second category of functions, which I think is somewhat neglected, probably because of the limited staff on the Board, involves making that system better, making it work better, or insuring that it works well. That includes periodically evaluating the internal regulations of the agencies to determine whether or not they are adequate to implement the basic policies of the executive order, the basic protections. Are they adequate to protect Americans against unjustified intrusions into their lives? That kind of thing. Then also to evaluate the practices and procedures, I think are the words, of the general counsels and inspector generals for discovering and reporting. In other words, you can receive all the reports you want, but if the system isn't likely to bring up the problem areas, it isn't going to do any good. So it is sort of the systemic responsibility of the Board that's captured in those other two functions. I think it's the most important because what you have is an organization that has three part-time members dedicated, but still busy gentlemen, one full-time professional person. And you're talking about the Central Intelligence Agency, parts of the FBI, parts of

the Defense Department, State, Treasury, DEA [Drug Enforcement Agency], and Energy, parts of those. One person can't possibly oversee all of those organizations, so you have to depend on the system within each organization. It's really that within the past year, probably because I was so interested in doing it, the Board has directed more of its attention to the systemic duties, while at the same time continuing with the reporting function. But, in part, that's a passive function. You receive, evaluate, and pass on to the President or the Attorney General, whereas the systemic responsibility is a very active function where you go out and check and determine whether or not the system is adequate.

One other thing, which is really not a responsibility as much as a power that is granted to the Board by President Carter, that was not in the Ford order is conducting investigations. I see that really as a backstopping authority that if the Board feels that an incident that's been reported or one that hasn't but they have information about is not sufficiently or adequately investigated within the agency, then the Board itself through its counsel can undertake an investigation.

ALLEN: In the reports that you receive from the intelligence community, do you find that these reports bring problem areas to the IOB's attention for resolution or for approval, or are these reports primarily stating that there are no problems of legality or propriety in the agency involved?

KUJOVICH: It varies. There haven't been the kinds of problems that the [Senator Frank] Church Committee uncovered, the sort of really unauthorized programs. The drug testing program is the biggest example of that. By unauthorized I mean really unauthorized at the highest levels of government; they were [authorized] within the agencies. I think to a great extent there has been a substantial improvement since those days in accountability. There are still questions of legality or propriety that arise. It's important to emphasize that what we're talking about is questions, not illegal and improper activities as much as activities that raise some problem.

You mentioned whether or not they come to the Board for approval. The Board has no approval authority, no function of approving. It's not in the chain of approval for any activities. It's a staffing function in part to staff the President on that part of an intelligence activity that raises a problem. And also it's a vehicle for insuring that that kind of problem gets high-level attention. The Board does not approve activities. It's an important distinction. It's not an operational organization.

ALLEN: If, though, you do not pass on to the President and recommend his action or his active disapproval of a program that is going on in an agency, isn't that in effect an approval?

KUJOVICH: We might recommend that the President take some action. It may be just simply modifying a program to eliminate the problem.

Or it may be discontinuing it until it can be considered further by, say, the Attorney General if it's a legal problem. But normally, for example, recommendations that go into the President do not come back to the Board for implementation, even if the President approves them. He may refer them to the Special Assistant for National Security Affairs or refer them to the Attorney General or back to the agency with some instruction about what action to take. So it's not an action organization. It's really just a staffing function that the Board performs.

ALLEN: You prepare, I think you told me, quarterly reports to the President.

KUJOVICH: No, the order says report to the President at least quarterly on its findings. Generally, the Board has reported as necessary, and that comes out to be at least quarterly. The agencies, the general counsels and inspector generals in each of the agencies, report quarterly to the Board. That is not required by the order. It says submit timely reports, but it was required by 11905, President Ford's order, and it was maintained because it was believed that regular contact, even if it is a negative report, is important to keep the system working, to make the general counsels and inspector generals focus on the problem at least once every three months. Think about it, and file a report, and in some sense certify that the order is being complied with to the knowledge of the reporting official.

ALLEN: These reports would not be general reports of all intelligence activities, but be reports about those activities about which there may be questions of legality or propriety?

KUJOVICH: That's correct.

ALLEN: Now your quarterly reports or your periodic reports to the President, would you summarize all of these matters that had been reported by the intelligence community, or would you merely bring up those activities about which the IOB thought there was a legitimate question?

KUJOVICH: A serious question, you see, only those that raise a serious question. You don't want to waste the President's time with things that aren't worth his attention. So the function of the Board is to be aware of all the problems and decide which of those are really worthy of Presidential attention. It's very important to not flood the President with information that really he doesn't need, that just isn't important enough for him to make a decision about. It's just those that the Board believes are serious enough to refer to the President.

ALLEN: Have you found that to be a difficult judgment call? Do you ever have nightmares that something that you didn't report to the President would show up in the Post as a serious issue within

the intelligence community?

KUJOVICH: Well, not nightmares. I find the degree to which the press drives the governmental process to be appalling. I try to detach myself as much as I can from concerns about the press. There's another aspect of that, which is you don't want the President to be embarrassed by the press, and you certainly have an obligation to protect against that. But the sorts of things that appear in the paper are so often based on incorrect information, or incomplete information. It's really not worth, especially in an organization like this, determining your priorities according to the press. Generally, I don't think it is a difficult judgment. It's difficult in the sense that you don't want to waste the President's time. Your inclination is he really should have some sense of what's going on in this area. But you don't want to waste his time with things that are trivial. Most things that are not important can be resolved without the President's intervention anyway. I don't think that particular judgment is a hard one, although I'm not the one who makes it. It's the Board that makes it.

ALLEN: Is there a vote process usually, or is it a decision of the chairman?

KUJOVICH: It's a consensus. They sit down and talk about it. In the year that I've been there, it's never been a problem in terms of one or two members disagreeing strongly. They discuss it thoroughly and reach a consensus about it.

ALLEN: Let me ask you a quick question just out of curiosity because it was before your time on the Board, but the question of the [Jordan's King] Hussein payments came up. This was an issue, of course, that according to my reading had been duly reported to President Ford but had not perhaps gone through the channels after President Carter was in office, and there was some embarrassment with regard to a visit to the Middle East. Is there anything about that issue that speaks to the processes involved here, or was that just misinformation by the press?

KUJOVICH: I'm not completely familiar with that case, and it's more complicated, as is always true, than it comes out in the papers. I'm not sure I'm familiar enough to speak about it. The point one would make about that is that when you have a change of administration, there's always some discontinuity and things don't get followed through as well as they should. I think that would be in part the explanation of what happened there, but I just don't know enough about it to really talk about it.

ALLEN: As I understand it, you're operating for guidelines under two executive orders, a Ford one in 1976 and a Carter one in 1978.

KUJOVICH: The Carter one replaces the Ford order. The Ford order

remained in effect for the procedures issued under the Ford order. The implementing regulations remained in effect until the Attorney General had approved the implementing regulations under the Carter order. So the Ford order is just about now completely replaced.

ALLEN: So you're operating basically on the Carter executive order of 1978. Were there implementing regulations to carry out that executive order, or does the order stand pretty much as it is?

KUJOVICH: Oh, no. The order requires that for a certain listed number of areas, things like physical searches, electronic surveillance, undisclosed participation in domestic organizations, that each of the intelligence agencies issue regulations and that the regulations be approved by the Attorney General to implement the order. They [the intelligence agencies] can only undertake those enumerated activities pursuant to implementing regulations, so it [the order] does not stand by itself. There is really quite a large package of regulations that have been issued under the order.

ALLEN: And by this time all of the agencies have developed these regulations, and you're involved now in reviewing and improving them, or have some of the agencies not developed these regulations yet?

KUJOVICH: Nearly all of the regulations have been issued and approved by the Attorney General. There is one area that we're still operating under President Ford's executive order, which is an area of electronic surveillance, an extremely difficult area. They were just about approved when Attorney General [Griffin] Bell left office. There were some disagreements between the Attorney General and the intelligence agencies that couldn't be resolved before he left. Well, then you had a new Attorney General who really had to start from scratch to understand the types of operations that were regulated by that set of regulations. So that's created some delay. During the delay period, though, the Ford procedures still apply, and in fact, I think in some ways they are more strict than would be required. In addition, in that area it's not really a serious problem in terms of making sure the intelligence community is regulated because since the order was issued there has been passed the Foreign Intelligence Surveillance Act, which governs all electronic surveillance inside the United States. So that statute covers a good bit of that ground also. That's the only one of the restrictive provisions of the order that hasn't been implemented yet by new regulations issued since the Carter order.

ALLEN: You mentioned that you're interested and involved in improving the process within the agencies for getting good information and good reports out. Do you think there is a need or do you propose to improve over the years these regulations, or do they pretty much stand as they are, do you think?

KUJOVICH: I think there is a definite need to improve them in a number of ways. Often when people think about these regulations, they think about whether or not, and the public debate is conducted on the level of whether or not, they protect individual liberties on the one hand, which the civil libertarians argue they should and argue for stricter regulation. On the other hand the defenders of the intelligence community and people genuinely concerned about national security argue that they restrict or hamstring or leash the intelligence agencies. The current clamor is to unleash the CIA. Which is really, I think, the wrong argument. The problem is fine-tuning the regulations so that they limit the intelligence agencies specifically in those areas that you're concerned about, individual liberties, and yet permit them to go forward in those areas that are important to national security. Now there are situations where the two conflict, but there are really rather few of those as far as I can tell. So much of this whole thing could be done by reconciling the two different values, and then facing in a few instances in some difficult cases the hard choice of choosing between the two. But in most cases, you don't have to. The regulations right now don't reach an adequate compromise between the two. On the one hand, they probably are restricting some operations and make them more difficult and less efficient. On the other hand, they are probably not as protective as they could be. You could improve both sides of that scale at the same time if the regulations were more carefully drafted. Specifically, better targeted is the problem. They are written with a very broad stroke, and they should be much more finely tuned.

ALLEN: Are there separate regulations, for instance, on physical searches without warrants or with warrants? Are there separate ones for each of the agencies in the intelligence community?

KUJOVICH: Yes.

ALLEN: There's not one single one for one subject for all of them?

KUJOVICH: That's correct.

ALLEN: Is that practical?

KUJOVICH: It could be practical if the regulations were carefully tailored to actual operations, because agencies' operations would be different. The FBI does counterintelligence, which is close to a law enforcement function. It is detecting foreign intelligence activities by hostile countries in the United States. While the CIA does positive intelligence, primarily, which is collecting information about other countries. So there might be differences in what would justify a physical search for those two purposes. But the way the regulations are written now, they are so broad that you don't get the advantage of tailoring to an agency's operations, nor do you get the advantage of consistency that I think is implied

in your question if you had one government-wide regulation. They are very similar because the same principles are operating. The Justice Department wanted to issue what they called "umbrella regulations" that would cover the most significant points in each area, and then they would be further implemented inside the agencies. That was resisted strenuously by the agencies. I think it just a typical sort of bureaucratic protectionism about, "The Justice Department isn't going to tell us what to do." There was an attempt to do that, and it wasn't successful.

ALLEN: There has been a good deal of talk about charters for the intelligence agencies, and I'm not up-to-date on that. Has there ever been a legislative conclusion, an overall charter?

KUJOVICH: No. Part of the original charters package, which was an all-encompassing package, included what became the Foreign Intelligence Surveillance Act of 1978. So that part of it was enacted regulating electronic surveillance in the United States for foreign intelligence or counterintelligence purposes. That includes all electronic surveillance, all types of electronic monitoring. The rest of the charters, which included literally a charter for the National Security Agency and the CIA and FBI counterintelligence activities, has not been enacted. And in fact it was just three weeks ago that the bill was actually introduced. It had been discussed, debated for a couple of years, maybe three years. The bill that was introduced there has not been [the result of] agreement reached on between the administration and the Senate committee, so it is far from resolution.

ALLEN: Just in your own personal opinion, do you think the mood will change toward that charter now in Congress?

KUJOVICH: Well, the mood has certainly changed. Public opinion has swung from one extreme to the other, neither of which was very sensible. So I'm certain the mood has changed. What effect that will have on the legislation, I just don't know. Most of the mood is based on misconception, the idea that an unleashed CIA could have stopped the Russians from invading Afghanistan, and that kind of thing is really rather absurd.

ALLEN: I've been reading some of the newspaper accounts of the President's executive order back in 1978, and I'd like to ask you about a couple of the criticisms of the executive order, and how in your opinion they have worked out. One criticism was made of the role of the Attorney General in that executive order as being very powerful with relation to the IOB and the intelligence community. What has been the role of the Attorney General?

KUJOVICH: I don't understand the criticism. That he was too powerful?

ALLEN: That's a criticism I've seen in print. What is his role?

Not starting this from the critical aspect, but what has been the Attorney General's role with relation to the IOB?

KUJOVICH: Well, other than his authority to approve regulations, his role is the same as anywhere else in the government and what it ought to be. He is the chief legal officer of the government, and he makes decisions on what the law is insofar as those are made inside the executive branch and not by the courts. It's only recently that the Attorney General has performed that function concerning intelligence operations, because it's only recently, since the Church Committee, that people have become aware of the kinds of legal problems that are inherent in those operations. So I'm not sure that he's more powerful than he ought to be. He's really performing the function that the Attorney General is supposed to perform. Since the first Attorney General was appointed, that's been the Attorney General's role.

ALLEN: Do you report to the Attorney General at the same time as you report to the President? Is it a dual reporting process, or do you report only to the President?

KUJOVICH: On questions of legality raising issues of law, which are distinguished from propriety. Something may be perfectly legal, yet still be improper. The example that's always given, and it has to be understood that it's facetious, is a legal wiretap of the Pope. People think that would raise a question of propriety.

ALLEN: [Chuckle] I think it would, yes.

KUJOVICH: [Chuckle] No evidence that it's ever been done. But on questions of legality, the Board is obligated to report to the Attorney General and does even if the issue is reported to the President, although often it might be reported to the President and then referred to the Attorney General. In addition, some issues that are not reported to the President because they are not sufficiently serious would still be reported to the Attorney General as a question of law, and he would still resolve the legal question inherent in the activity. He would decide whether the activity was illegal or not, and his opinion would be made available to the agency, which would follow it.

ALLEN: Would the agency deal directly with the Attorney General to get a resolution of a legal question, or would the IOB refer a case to the Attorney General, or both?

KUJOVICH: Well, that's an interesting problem that hasn't been completely worked out. Assuming you're not talking about a criminal activity in most cases and nearly all you're not, the part of the Attorney General's office that does this, the part of the Justice Department, originally was the Office of Legal Counsel, the Assistant Attorney General of Legal Counsel, who really is the interpreter of the law for the Attorney General, which is sort of

a scholarly function. There was a small group of lawyers in there who did intelligence work. Then that group was later just recently formed into the Office of Intelligence Policy and Review. They do most of it now, although the attorneys in the Office of Legal Counsel still do some of it. They don't have any investigative authority or resources, so in terms of gathering the facts, other than letters and memoranda and maybe some telephone calls, they don't go out and investigate. So on a question of legality in order to resolve it, in order to understand it and then resolve it, you have to have some factual background. There was initially some question about the extent to which because the Board were presidential advisors, the extent to which they could give large quantities of information to the Attorney General, other than referring the question. I think that's been fairly resolved now that all factual matters would go to the Attorney General. There's no reason why the Attorney General should be denied the facts in any particular instance. So in summary, the Board's preliminary inquiry, when a question is reported to it to gather the facts, is in part servicing the Attorney General because those facts are then turned over to him and used in his consideration of what opinion he'll issue. His staff and the Office of Intelligence Policy and Review also talk to people to get the facts in the agencies, but they're not investigators and also in some instances not informed in detail about intelligence operations. They are dependent on the information that is given to them by others.

I forgot what the question was. I hope I answered it.

ALLEN: I asked and you were referring to the role of the Attorney General in this whole context, and I think you've covered it pretty well.

Let me ask you about the role of other important players in the IOB. Your role as general counsel, and the role of the chairman, and of the other members. How do you divide the responsibilities?

KUJOVICH: It's counsel, not general counsel. General counsel implies that there are others, and there are no others. Just the one. It is pretty much as one would expect it to be for the structure of the organization. The Board members, two of them do not live in Washington. The chairman does.

ALLEN: Are Governor Scranton and Senator Gore still continuing?

KUJOVICH: Yes, and neither of them lives in Washington. The chairman does. [Interruption to turn over tape.] At least during the time that I was there. Really conducted by the counsel in close consultation with the chairman. That's the way I've done it. I've conferred with Mr. Farmer on an almost daily basis. He's very good about that even though he has a law practice that he needs to tend to. He's very good about taking a lot of time. So really the two of us working together. I'm the sort of action person. I'm doing all the travelling, doing all the talking to people. But

it's done in consultation with him. The counsel has a significant amount of responsibility because the counsel is immersed in this whole problem and is in touch with the people in the agencies and has a sense of what's going on. So the chairman relies to a certain extent on the counsel's judgment based on his familiarity with what's going on. In that sense it's a little more than the usual staffing position, but it's done in very close consultation with the chairman. Major issues are always run by the other Board members before any action is taken via the secure telephone connections to each of the other Board members. And then the regular meetings which occur approximately once a month. All that happened at the prior meeting is reviewed and discussed as well as a fair amount of discussion about what action is going to be taken during the next month. So it's a fair amount of responsibility for the counsel, but still a lot of consultation and fairly close supervision.

ALLEN: You mentioned travel. What types of travel?

KUJOVICH: I meant to the agencies. Leaving the Old Executive Office Building and going to Langley.

ALLEN: Not out of Washington?

KUJOVICH: No. I think that would be useful, very useful because it's a way of getting familiar with what's going on. You understand better the operation. But there's so much to do still, basic, very basic work to be done working with the headquarters elements of the intelligence community, that it would be probably not the best use of one's time. Travel is very inefficient, you know. It's a lot of fun, but it's very inefficient. It wouldn't be the best use of one's time. If there were two staff people, it would be different. Then one could do some travelling while the other was continuing to move forward in Washington. But I didn't do any travel.

ALLEN: Were there one or two agencies such as the CIA that you spent most of your time with, ones with the larger intelligence activities?

KUJOVICH: I definitely spent most of my time with the CIA for a number of reasons. One is I come from the Defense Department, so I was more familiar with what they were doing, and I didn't need as much time to really get a sound understanding. The second is that the CIA is the only agency that the Board is responsible for that does nothing but intelligence. The CIA is the largest intelligence agency in the government, and it therefore deserves the most attention.

ALLEN: Were you involved both with the domestic and the international aspects of intelligence?

KUJOVICH: Yes. The Board is not limited. As you might expect, the problems are more likely to arise in the domestic because many of the problems relate to the relationship between intelligence gathering and domestic society. But it's not exclusively that way. There certainly are issues involved in international activities.

ALLEN: Who were the people at the CIA that you deal mostly with, the inspector general's office or the general counsel?

KUJOVICH: The preliminary point of contact in each agency is with the inspector general/general counsel. I've made a real effort to develop a working relationship with them, but also to get to know the operational people so that the inspector general/general counsel don't act as a screen or a flak catcher for the outside overseer. So that there is direct contact, and I can deal directly with the operational people.

ALLEN: Have you met any resistance to that?

KUJOVICH: No. I'm not sure that they were aware that was the approach I was taking. No, I didn't find resistance to it. In fact, I found the operational people were very amenable, especially in the CIA, a very talented collection of highly intelligent people. If you don't come in like some sort of wild-eyed sheriff who's going to [inaudible word] the agency, they're quite willing to engage in a dialogue about the whole process and also to be very helpful. I'm very impressed with the people in the CIA.

ALLEN: There's an element of protecting himself and getting good legal advice and good advice concerning propriety and a variety of things, too.

KUJOVICH: Oh, I think so. But they're also good citizens. They're not out to undermine American society. They're out to do their job, which is a difficult one, and [they] sometimes feel that they are unduly hindered in trying to do that. But there's no evil intent on their part. They can understand what the concerns are about people who are in the oversight business, and even if they think that the concerns are not well based, they understand them. So it's not a difficult process to talk with them and discuss these problems.

ALLEN: Did you find that you were going and spending most of your time in the agencies trying to understand the issues and the programs that had been reported to you or looking for additional information or programs that perhaps had not been reported?

KUJOVICH: Most of my time I found it fairly easy to handle that part of the thing that concerned reports because you have specific information. You go back, and you might get some background on it, but it isn't too hard once the thing has surfaced to sort of pull it all together. Most of my time was spent trying to establish a

base of knowledge about intelligence operations so that I could understand what the operational needs were so that I could work on the regulations so that they'd meet those operational needs and still provide the protections which I mentioned to you earlier. The people who wrote the regulations I don't think understood the operational needs very well, and in an abundance of caution to preserve the values that are inherent in the executive order [they] wrote very broad regulations. I was trying to see, "How do they operate?" When they're recruiting people, for example, how do they go about it? Once you understand that in detail, you can carve a path for them so that they can do what they're supposed to do but make sure they don't stray into problem areas. A lot of my time was spent doing that. I dare say I didn't come anywhere near finishing that project, and I hope my successor will carry on with it, and I think he will.

ALLEN: It would seem to me that part of the burden of regulation is to provide guidance to the less experienced and those with less natural judgment. You've been talking about the people in the CIA that you respected very highly and thought obviously they probably have got the experience and the judgment to make good decision calls on intelligence matters that someone in a smaller, less fully staffed, less experienced intelligence outfit would not.

KUJOVICH: Well, I'm not sure. I think you're right in part, but the analogy I think can be made to the area of criminal law enforcement, where one might recognize and respect the judgment of prosecution authorities, whether it be the U.S. Attorney, police, or whatever. At the same time, the whole system of criminal law, things like search warrants, is based on the notion that the person involved in the active day-to-day process of law enforcement is not in the best position to be making detached judgments about whether or not a search warrant should be issued. You go to the detached magistrate or the judge or an objective person not involved in that process. I think the analogy is good for the intelligence agencies. In part, why you have an IOB and why you involve the Attorney General is to get someone into it whose job isn't to gather intelligence and really focus on that. When you're doing a good job, you're doing it aggressively, but who can stand back from that process and make those more difficult judgments without being involved in the sort of rough-and-tumble of the intelligence operations. So even though the people who are involved in it are capable and certainly people worthy of respect, they're not in the best position to be making some of the more difficult judgments.

ALLEN: Too close to it perhaps?

KUJOVICH: Yes, exactly.

ALLEN: What's the most difficult aspect of your oversight business now?

KUJOVICH: I hate to focus only on one point, but I think the most difficult aspect is devising a sensible set of regulations, and it's going to be hard now because everyone sees regulations as unduly hindering intelligence operations. The Aristotelian mean has never been reached, and it may never be reached because the pendulum just sort of swings back and forth and never hits the point in between.

ALLEN: What do you think the biggest achievement in oversight has been in the last four or five years?

KUJOVICH: If you go back that far, the biggest achievement is the consciousness of the need for oversight and at least the preliminary establishment of the mechanism to conduct it. The creation of the IOB, however minor an accomplishment that might be, is still recognition that there's a need for that kind of organization within the executive branch, unlike congressional oversight. I think that's more important than any changes that have been made by increased involvement of congress in the oversight process. The problem is that we haven't yet realized the full potential of that mechanism of an internal system of oversight, independent internal to the system.

ALLEN: The very system of reporting on the subject of questionable activities. Is this a new thing that's tied to the IOB? Were there such reports separate from the reporting of normal intelligence activities, all activities?

KUJOVICH: The newness of it is the fact that the reports were being transmitted to somebody outside the community through a chain that did not involve the head of the agency. There always have been inspectors general who would perform a wide variety of functions. In some instances including guarding against abuse. In other instances inspecting to try to improve the management or whatever. But that's always been a wholly internal system. It went from the IG to the head of the agency. What the executive order did was create a new channel for that information that carried it outside the agency and at the same time created the possibility for a direct line to the President. It's the opening up of that line of communication, I think, that was the major change.

ALLEN: How do you think your personality in this job has had a particular impact because you're who you are? How has the job been done slightly differently?

KUJOVICH: Well, probably a lot of ways. One is that the fact that I am interested in governmental processes and systems more than I am in the sort of fire fighting that most of government is. Sort of dealing with the most immediate issue often created by press coverage. That may have been a factor in the Board's focusing more on the oversight system as a system. But in other ways my

personality has probably hindered the work of the Board in some ways in that I tend to be somewhat formal and sometimes cold and even pompous.

ALLEN: [Chuckle] I haven't notice that.

KUJOVICH: Well, but it's true. In my dealing with people, I've perhaps alienated some people. I think there were complaints, in fact, made to the Board about my style that were in part based on my style, in part based on the fact that I was trying to put some real meaning into the whole system. But certainly the complaints about my style were legitimate.

ALLEN: Isn't the role of an oversight person, though, inevitably a target for criticism?

KUJOVICH: Inevitably.

ALLEN: The fact that you are an oversight person is the type of thing that will engender criticism.

KUJOVICH: Yes, that's absolutely certain, but some of it was very valid criticism. In fact, I welcomed a lot of it because I thought it was valid, and I made efforts after that to change things. Part of it was also that my thinking about this business, and it's not clear whether or not I'm right, is that in the oversight business it's very important, and this relates to our discussions about history and archives and to keep records, the whole point is that you are not ashamed or concerned about making a record. That what you are doing is honorable, correct. You're trying your best. You may be wrong. But you don't want it off the record. You want it on the record. So I did a lot of letter writing. I did a lot of memoranda for the record. I just felt the whole process should be laid out so that it can be examined if it ever becomes necessary. The whole idea was that even though this was secret, even though it was inside the executive branch, it was a form of openness. That this is the oversight process, and it's all got to be laid out. There are no back room deals being made here. It's up front.

ALLEN: What do you think the effect has been of Chairman Farmer? Does he have particular interests in the oversight business that are reflected in the last two and one-half years, the last three years of the Carter administration?

KUJOVICH: Well, I think very much so. One of the effects is his basic integrity. I think he is a good and honest man who is concerned about the proper functioning of government. Also, I think one of his concerns that has influenced the Board is he was with the State Department in AID and he also worked for the CIA, so he's really seen both sides. It's his interest and concern about the balance between the Central Intelligence Agency and the State Department in terms of the development and implementation of

foreign policy. The Board has been involved in a number of occasions in the interagency decision-making process and the extent to which State and CIA participate or even control that process. I think that is in large part owing to Mr. Farmer's awareness of the importance of that process and familiarity with both sides of it. Also, he's a very well-informed person, and it's so easy to work with him. He picks up things quickly, and he also has thought a lot about these kinds of problems himself. You're not dealing with somebody, you're not trying to staff a person who is uninterested and uninformed. He is both interested and informed, which really makes him a joy to work with, I think.

ALLEN: Are there particular interests that Governor Scranton and Senator Gore have had that have come into play in their work for the IOB?

KUJOVICH: I'm not sure about particular interests. Certainly their abilities have impact. It's really a very good collection of people and ability, of dedicated and experienced people, and Governor Scranton being there makes it nonpartisan as well. Governor Scranton is someone who has been deeply involved in American foreign policy for many, many years. He's very familiar with the process, with the importance of intelligence and brings the same kind of balance that Mr. Farmer brings. Senator Gore is especially important because of his familiarity with the legislative process and how it relates to the executive branch, having seen it from the other side. His presence in those issues that involve congressional dealings, for example, he is especially important. But also his long experience and judgment about the process of governing has always been very useful.

ALLEN: Have you seen any major disagreements in approach on the part of the three members of the IOB?

KUJOVICH: No, as I say, the method of operation is consensus, which can be done. That's one of the advantages of the smallness of the organization. With three people and one staff person, you really can sit down and work out what is the best solution even though everyone doesn't start from the same point, and everyone doesn't have the same principles. You can reach a general agreement. No, I don't think there have been major disagreements at all.

ALLEN: [I am] interested in the role that other units and people in the White House have had with relation to the IOB. Have you had a particular relationship with the NSC?

KUJOVICH: No. It was fairly early on decided that the Board would be quite independent from the National Security Council, the reason being the National Security Council, although not as much as an intelligence agency, has some operation responsibility. The National Security Council is interested in getting good

intelligence. When we talk about the National Security Council, we're talking about the NSC staff and the Special Assistant for National Security Affairs. I mean statutorily the National Security Council is this sort of cumbersome collection of Cabinet people, but their interest is in getting good intelligence. Their interest is in protecting the national security, and you need intelligence to do that in foreign policy. They are not as likely to have the detachment that the Board would. So the decision was made quite early to maintain complete independence from the NSC, and I think that has been successfully done, although there have been attempts to change that relationship that were not successful.

ALLEN: Does the NSC have some kind of oversight responsibility for the documents and the security classifications which you hold?

KUJOVICH: No, none at all. That would be intolerable. It would compromise that principle of independence.

ALLEN: So the records officers have no control or oversight over the documents in your holdings?

KUJOVICH: No. No. Now we're subject to the ISOO. What is it called, the Information Security Oversight Office in GSA [General Services Administration] contends that we're subject to their jurisdiction.

ALLEN: [Chuckle] Not a consensus matter, I take it.

KUJOVICH: Well, no, it's a quirk of fate. The jurisdiction of that office in the executive order is defined according to the FOIA [Freedom of Information Act], and the office of the Attorney General has issued an opinion that the Board is not subject to the FOIA using the same language, so it looks as though the Board might not be. Though that certainly wasn't the intended result, and in fact although I've resisted a bit at the staff level agreeing to be subject to their jurisdiction solely to preserve our position with regard to the FOIA, I've been conscientiously complying with the executive order on classification. A, because it's a good idea, and B, because there was clearly no real intent to exclude the IOB. But with regard to the NSC, the answer is "No, they don't supervise our records or anything else."

ALLEN: What about the role of the [White House] Counsel's Office? Do you have any dealings with the Counsel's Office for legal matters?

KUJOVICH: Well, that's interesting. Historically, it started with the [Nelson] Rockefeller Commission. That was the first executive branch scrutiny, deep scrutiny of intelligence operations. [EO] 11905, President Ford's order, grew out of that. The people who wrote 11905 were in part those who had staffed the Rockefeller Commission and then came into the Counsel's Office, President

Ford's Counsel's Office. After the IOB was set up, some of them went and became the staff of the IOB. There's a man by the name of Tim Hardy who's had just really a wonderful opportunity in government with the Rockefeller Commission to investigate a problem and try to define it, with writing the executive order to try to develop a solution, and then finally he worked with the IOB to try to implement the solution he had developed.

ALLEN: Hardy?

KUJOVICH: Yes. It's a great opportunity. He's very fortunate. Because of that history, there was a natural involvement of the Counsel's Office with President Ford. That changed with the Carter administration for a variety of reasons. The Counsel changed. He had different interests. The Board changed. The people on it had different views. I think there probably should be a closer affinity with the Counsel's Office because it's a legal office and could be helpful in implementing the sort of responsibilities of the executive order. But at the same time, it's very important, and Mr. Farmer particularly feels this, to maintain the independence of the Board. That it's very important that the Board not get drawn into a lot of internal political matters or whatever. That the Board has preserved its objective advisory function to the President, and he's absolutely right. That's an important part of it.

ALLEN: One final person, organization and its relationship with the IOB. The Senate Committee on Intelligence Activities. Have you had to report to them? Have you had dealings with them? Were you involved in negotiations on the charter?

KUJOVICH: No, nothing. I had one conversation with one staff person about the section of the charter that created the Intelligence Oversight Board. The whole point about the Board is it's the executive branch oversight system. There's a lot of debate about the extent to which, not only in intelligence but in every other part of the government, congress should be involved in day-to-day overseeing of the executive branch operations. I have felt, probably more so than my predecessor and maybe more so than my successor, both of them were on the Church Committee, but I felt it was important to maintain a virtual wall between myself and the Senate staff to preserve the notion that this is an internal system. And the information that goes to congress is dependent on what the President decides he wants to do and also on the relationship between the intelligence agencies and the congressional committees. But not the Board, [which] has not during my time had much communication with congress at all.

My feeling is that the ideal resolution of that whole problem is not to have detailed congressional oversight, not to have the Board reporting to congress. That would create a real problem with its relationship to the President. But to have the Board once a year report to congress on the state of the oversight system. The

idea is to provide congress with an assurance, or if it's not there with recommendations for change, about how well the executive branch is doing overseeing its own operations. Because if that system is working, there shouldn't be that much of a need for congressional oversight. That would rule out a lot of the problems about executive privilege, with regard to actual operations, but still provide some sort of assurance and also again focus the whole thing on whether or not we've got a system that works inside the executive branch, where I think it ought to be focused.

ALLEN: Of course, there have been a good deal of discussions about the role of congress and the President with regard to Presidential papers, and declassification matters is something in which we've also been involved.

We've been talking around the subject of the activities that you actually regulate. We've been talking about the process and the people and the personalities and the systems involved. And I don't know to what extent we can talk about such things. Can you say what the areas are, the major areas in which you have been reporting to the President about questionable activities? Can you say that these are areas of, for instance, physical search, or areas of electronic surveillance?

KUJOVICH: Well, there's no, I mean I really wouldn't want to talk now about specific activities. They don't fall into any one particular area. There have been a number of different types of problems that have come up, many, but not all, dealing with the relationship between the intelligence operations and domestic society. Many, as I say, but not all of them.

ALLEN: More in the area of domestic activities than than foreign?

KUJOVICH: Yes, even foreign activities that have a domestic impact. But beyond that it would be hard to categorize them, I think. I'm not sure that there are any certain trends. An interesting question, though, maybe worth looking at.

ALLEN: And, of course, there will be paper left, so one of these days when the classifications are removed [there will be material] for a study of specific incidents.

KUJOVICH: Yes, everything's on paper.

ALLEN: You mentioned to me at one time that you had the papers of PFIAB. That's the President's Foreign Intelligence Advisory Board. As well as the records of the Intelligence Oversight Board from its inception that you're holding. What's going to happen to those records now?

KUJOVICH: That's an unfair question. [Chuckle]

ALLEN: [Chuckle] I have very great interest in what happens to

them.

KUJOVICH: As well you should. My hope is that the Board

[Interruption to turn over the tape.]

ALLEN: I had just asked you about the records of PFIAB and the IOB. Let me back up a little bit and ask you how you came to have those records. What's the history of records of the PFIAB? When did they come into the custody of the IOB? Do you know?

KUJOVICH: Well, in the custody of the IOB is a little misleading. What happened is...I'm not sure, my secretary would know more about this than I would. I think what happened is the IOB, when the PFIAB was closed, took over the physical space because of the fact that the security arrangements had already been made that the PFIAB used. And you had these six safes in there filled with PFIAB materials in a vault.

ALLEN: On the third floor of the EOB?

KUJOVICH: Yes, and so just in terms of physical custody. I think the IOB moved into physical custody. There was no other place where it would be.

ALLEN: Now, the two organizations existed side by side during the Ford administration?

KUJOVICH: No, well, yes, that's right. They existed side by side. In fact, there was some overlap in membership of the two. That might be a factor also. I think my secretary...she worked for the PFIAB and the IOB, so she really knows the history of the movement of records and all that.

ALLEN: What's her name?

KUJOVICH: Gwen Schroeder.

ALLEN: We'll ask her at some point. Early in the Carter administration PFIAB was abolished.

KUJOVICH: By the executive order.

ALLEN: January, 1978.

KUJOVICH: I think maybe earlier. It could have been earlier.

ALLEN: The PFIAB records, as I understand them, relate to general intelligence activities, reports of general quality.

KUJOVICH: The quality function, that's right.

ALLEN: Whereas the IOB looks into questions of legality and propriety?

KUJOVICH: Right.

ALLEN: Have you had cause to use the PFIAB records in the course of IOB business?

KUJOVICH: Very limited. On rare occasions I've used them to acquire background information about something that I'm, for example, a particular part of the community I might get some sense historically of its development of the organization, which is important. To regulate a bureaucracy, you have to understand how it arrived at the point that it is when you're regulating it. But it's not a day-to-day thing. Those records are not in that vault because the Board needs them on a day-to-day basis. In part they're in that vault because of, I'm not sure this is relevant and necessary, they're in there because the need for continuity in the PFIAB's function and also in the IOB's function is very clear and very strong. If you had to start over every four years or even every eight years, the start up costs would be enormous. You'd have a period where the organization was not really performing its function. That continuity kept the PFIAB files, I think, from being transferred out with each administration. Those files, the records go back as long as the PFIAB did, which was in the '50s, I think.

ALLEN: The Eisenhower administration?

KUJOVICH: Yes, I think that's when it first started. And year after year the Board, there was some continuity of membership and there was a complete continuity of records, and I think for the PFIAB it helped them a lot in their functioning. It's possible that another PFIAB will be created or a similar organization may happen. It may be, you know, the council of Wise Men who considered the Cuba question was not unlike the PFIAB, although it was ad hoc. It was the same kind of advisory group. If that happens, those records would be of value to that organization. That value diminishes over time, and if it doesn't happen, say, in the next four years, a lot of the significance of the PFIAB files will be purely historical, I think. This is my judgment, but on the other hand, the other people who have an interest or involvement in this may have a completely different point of view. On the other hand, the information in those files is very sensitive because it focused only on intelligence activities, unlike the NSC or the Department of State. It wasn't foreign policy that they were doing that has certain time sensitivities, but ultimately can be declassified. It was intelligence, intelligence methods, intelligence operations. And that stuff does not declassify quickly. It doesn't happen in five or ten or even fifteen years in some instances. So there's a security aspect, more so, I think, than most records. Certainly of the same and possibly even more

of the same sensitivity and security problems as Central Intelligence Agency records would have. More so because it's community-wide.

ALLEN: Getting into a personal agency interest here, which I probably shouldn't so much except that I do have a responsibility to safeguard records wherever they are, but I just want to find out from you the name of the person I should contact probably to talk to about the PFIAB records and how to safeguard them in the future. It may be, we have at the National Archives, of course, CIA records, NSA records, all kinds of...

KUJOVICH: But CIA has its own archives as well. Right?

ALLEN: I have not worked in CIA records, so I'm not sure what the process is but...

KUJOVICH: There is a separate archives for them.

ALLEN: The fact that something is highly security classified is not a reason why it can not be in the National Archives.

KUJOVICH: No. I'm not suggesting that it shouldn't be, but it seems to me the main interest in the, I don't know how much you want to debate this, the main interest is in preserving the records.

ALLEN: That's right.

KUJOVICH: And in terms of meeting that interest, I think the best way to do it would be for you to talk to each IOB counsel as it changes to make sure. James Dick is the new counsel. To make sure that if there's a move to change the status of those records that the archivists are notified. That they'll have an opportunity to become involved. There hasn't been a move to change the status of those records in the three and a half or whatever years that the Carter administration has been in, and certainly in the twenty years preceding that. It's unlikely that there'll be one in the future. I think as long as the people who are in charge of the Archives and the historical materials are aware of what the status is and have an opportunity that if it looks like that status is going to change to make the case for historical preservation, I think that all sides will be satisfied. Maybe after the second Carter administration or even maybe when whoever takes over after President Carter, after they've gotten established and there's a sense of whether or not there will be an organization like the PFIAB, at that time it might be worth approaching the three sort of tripartite regulators of those papers, the NSC, the IOB, and the Counsel's Office and saying, "Look, the stuff is now six, seven, depending on how long President Carter is here, eight years old. It hasn't been used, but what we'd like to do is take it intact, preserve it all, put it in the Archives." And that would be, I

think, an appropriate time to do that. I don't think there's any hurry, and I don't think there's any problem. There's nobody, you see the PFIAB was again, was also an independent organization, so there's nobody else who has an interest in disposing in any way of these files. So I think they're secure where they are, and I see no movement to change them. The only problem is there's been a flurry of FOIA requests, of late, for them.

ALLEN: I'll discuss this with you some more off the tape and perhaps talk to Mr. Dick.

KUJOVICH: Sure, maybe we could sit down and talk to him.

ALLEN: What is Mr. Dick's background? Does he come out of the intelligence community, or does he come from outside government?

KUJOVICH: He worked on the Church Committee, the committee that did the mid-'70s investigations, and subsequent to that worked briefly on the problem of FBI break-ins and then went into the Justice Department's anti-trust division, where he prosecuted anti-trust cases. I dug him out based on my talking to other people who had been on the Church Committee and tracked him down in San Francisco and brought him back to Washington.

ALLEN: I'm not sure that's an attractive change of climate to come back from San Francisco.

KUJOVICH: In recent weeks the weather in California hasn't been real good. [Chuckle]

ALLEN: That's true. That's true. One last question. I've asked you things that I had in mind to ask you. Are there comments that you'd like to make about the IOB or your experience with it that would be of interest, you think, to researchers or historians who are studying it, studying the period?

KUJOVICH: Well, there's probably more that could be expanded on, although I certainly talked on and on. I'm not sure that I could spontaneously come up with anything a historian or researcher would consider worthy for consideration, but maybe, as we've talked before, another time we can go in more depth into some of the kinds of things we talked about today.

ALLEN: Good, good. Thank you so much. I have not asked you formally about your coming job. You're going to the Department of Education, I understand.

KUJOVICH: Right.

ALLEN: You're going to be the general counsel over there?

KUJOVICH: No. I don't have the legal experience to be the general

counsel of a department like that. I'm going to be a special assistant or executive assistant to the Secretary. Really I'm going over to try to help her set up the new department. It's a difficult job. Based on the fact that I have worked for her, and I know her well, and I want to help her. After that, I'll be leaving government most likely.

ALLEN: Will you be working setting up systems and procedures at the Department of Education, or do you know what areas you will be involved in?

KUJOVICH: What I want to do and what I think I can help her most with is sort of basic organizational problems of creating...you've got to create that department. That's what I plan to do and not get too deeply involved in educational policy. There are people who are much more experienced and capable than I that will be doing that.

ALLEN: This ties into your interest in systems, studying systems and procedures.

KUJOVICH: Very much so, organizational problems in government.

ALLEN: If I or someone else on the Carter [Library] oral historian's staff were to be looking for you about ten years from now to do another series of oral history interviews, where could we find you? Would you belong to an alumni association that you'll always be updating your address with? How could we get an updated address for you at that time?

KUJOVICH: Ten years, it's so hard to say in ten years. I don't think there's anything that I keep, other than my sister, but who knows where she'll be in ten years, closely in touch enough with that one could be certain of finding me. I don't maintain a lot of ties with the past.

ALLEN: Not with the Harvard alumni or law school alumni?

KUJOVICH: The law school alumni association would certainly be a possibility. I'm not active in that organization, but I think generally I file a change of address with them. That would be probably the most likely. In ten years I expect to be back in Washington by my life plan, so maybe I'll be here anyway.

ALLEN: Can you speculate what your life plan calls you to be doing in ten years?

KUJOVICH: I want to teach. I want to take some time off to think and to do a little writing and a lot of reading. I find that the longer you spend in Washington, the more you begin to perceive it as the center of the world. The more you lose sight of sort of your broad ideals that at least brought me to Washington in the

first place. And become more involved in the sort of day-to-day problems, and I think reach more compromises. Which you have to. Government works that way. You have to reach compromises with your ideals, but I think you have to refresh them. And the only way to do it, I think, is to get out of Washington and to get into an environment where you have more time to reflect, and I want to do that by spending a little time in the academic community and then maybe coming back to Washington.

I once tried to trap Senator [Edward] Kennedy a couple of years ago when I was clerking. The clerks used to have distinguished speakers come and talk to them at lunch in a very informal way. And I sort of led him on by asking him about, "When you spend a lot of time in Washington, don't you find that your perceptions change and the way you look at things tends to be more Washington oriented and all that?" And he found that hard to disagree with and didn't, and then I asked him, "Wouldn't it be a good idea if we limited the number of years that an elected official could spend in Washington, like two terms to the Senate?" He didn't agree with that part of it. [Chuckle]

I think it's true. I think it's important that people get out for a while and sort of refresh themselves. It's a stifling environment in government in a lot of ways.

ALLEN: Thank you so much. I've enjoyed it, and I've enjoyed talking to you today and beforehand. Best of luck.

KUJOVICH: Thank you for giving me an opportunity to rattle on about all my theories.

ALLEN: You haven't. I've enjoyed it. Thank you. There was a question I was going to ask, and something you said reminded me of it. What has been the role of President Carter with the IOB to your knowledge in the last several years?

KUJOVICH: The whole organization is directed to the President to give him information. His role is to act on it in some sense, to make decisions about whether or not the kinds of questions raised are important enough to change or stop an activity. So in that sense his role is, as a President's ought to be, to make the decisions. But in addition, a very important role of the President with regard to the IOB is providing the IOB with support. Because the organization is not large in any sense, because it reports to the President, its effectiveness is determined by the perception of the intelligence agencies about the President's view. If the perception is the President doesn't care, no one is going to listen to the IOB. It doesn't matter that it's in the White House. It's been very clear to me during the time that I've been here that the President has supported the work of the Board, and I think it's unlikely that there'll be another President who will as clearly support the work of the IOB. I think he understands the importance of it. It doesn't mean he follows the recommendations all the time [interruption to turn over tape] the institution, and he has made

that clear, certainly to the Board, perhaps less certainly to the intelligence agencies. It's important that one have the feeling that if push comes to shove behind you, the President stands with his support for the Board's work. At least, I as the staff person and the Board members also have always had the feeling that that is true. Without it, the Board would be useless. It would be of no value at all.

ALLEN: Are there particular areas of questionable activities that you know the President is going to respond strongly to? Does he feel more strongly about one area or the other?

KUJOVICH: I don't have a sense of that. The Board members may, but I don't. I don't have a sense of those areas that the President is most concerned about. My impression of the President is based on...you know I'm not his confidant, and I don't meet with him at all, and I don't know him well, but my impression of the President both from publicly available information and from my work in the White House has been that he is a man of principle. It isn't like he has any pet peeves, like Joe Califano and smoking. It's that he is a person who is a firm believer in acting by principle, and that's in part what the Board is about in all areas. It's that feeling, that there's a principled man in the Oval Office, that is a source of great support, and I think that guides a lot of his actions on the Board's recommendations.

ALLEN: Your reports to the President, I assume, the original copies stay with him, stay with his papers.

KUJOVICH: It varies depending on the nature sometimes. If the report were informational only, he might put his initial on it and send it back to the Board. In many instances, Lord knows where they end up. If it is referred, for example, if it goes to Dr. Brzezinski, I suppose it ends up in the NSC files.

ALLEN: The Staff Secretary has a policy of keeping the originals of all the documents...

KUJOVICH: We don't go through the Staff Secretary.

ALLEN: But you don't go through the Staff Secretary at all?

KUJOVICH: No, no.

ALLEN: So you have some of the original copies back, and other originals have been referred to people for action?

KUJOVICH: Some. Yes. We have copies of everything that was sent. We have files that are simply reports to the President. It's crucial to maintain that. In some instances, we have at least a copy of how the President may have annotated. In most instances we have that. And in some cases we have the original back, but in

other cases the original was referred to someone else.

ALLEN: Who are the other parties that the originals would have been referred to?

KUJOVICH: Most likely the NSC, most likely Dr. Brzezinski. A lot of it goes out through him, whether it goes to somebody else or not. It's natural that that would be true.

ALLEN: So if we were looking for those files, the NSC would be the most logical place to go?

KUJOVICH: Yes, for those that we don't have, that would be the most logical. They won't be in central records [White House Central Files].

ALLEN: Thank you.