

## ADDITIONAL VIEWS OF SENATOR FRANK CHURCH CONCERNING COVERT ACTION

I believe this committee has produced a remarkably thorough report on the difficult subject of covert action. However, it is my own personal view that the covert action capability of the U.S. intelligence community ought to be circumscribed more sharply than a majority of the full committee was willing to recommend. I include these additional remarks to explain my point of view.

We live in a dangerous world. Soviet submarines silently traverse the ocean floors carrying trancontinental missiles with the capacity to strike at our heartland. The nuclear arms race threatens to continue its deadly spiral toward Armageddon.

In this perilous setting, it is imperative for the United States to maintain a strong and effective intelligence service. On this proposition we can ill afford to be of two minds. We have no choice other than to gather, analyze, and assess—to the best of our abilities—vital information on the intent and prowess of foreign adversaries, present or potential.

Without an adequate intelligence-gathering apparatus we would be unable to gauge with confidence our defense requirements; unable to conduct an informed foreign policy; unable to control, through satellite surveillance, a runaway nuclear arms race. "The winds and waves are always on the side of the ablest navigators," wrote Gibbon. Those nations without a skillful intelligence service must navigate beneath a clouded sky.

While one may debate the quality of the Agency's performance, there has never been any question about the propriety and necessity of its involvement in the process of gathering and evaluating foreign intelligence. Nor have serious questions been raised about the means used to acquire such information, whether from the overt sources, technical devices, or by clandestine methods.

What has become controversial is quite unrelated to intelligence, but has to do, instead, with the so-called covert operations of the CIA, those secret efforts to manipulate events within foreign countries in ways presumed to serve the interests of the United States. Nowhere are such activities vouchsafed in the statutory language which created the Agency in 1947. "No indication was given in the statute that the CIA would become a vehicle for foreign political action or clandestine political warfare," notes Harry Howe Ransome, a scholar who has written widely and thought deeply about the problems of intelligence in modern society. Mr. Ransome concludes that "probably no other organization of the Federal Government has taken such liberties in interpreting its legally assigned functions as has the CIA."

The legal basis for this political action arm of the CIA is very much open to question. Certainly the legislative history of the 1947 Act fails to indicate that Congress anticipated the CIA would ever engage in covert political warfare abroad.

The CIA points to a catch-all phrase contained in the 1947 Act as a rationalization for its operational prerogatives. A clause in the statute permits the Agency "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may, from time to time, direct." These vague and seemingly innocuous words have been seized upon as the green light for the CIA intervention around the world.

Moreover, these interventions into the political affairs of foreign countries soon came to overshadow the Agency's original purpose of gathering and evaluating information. The United States came to adopt the methods and accept the value system of the "enemy." In the secret world of covert action, we threw off all restraints. Not content merely to discreetly subsidize foreign political parties, labor unions, and newspapers, the Central Intelligence Agency soon began to directly manipulate the internal politics of other countries. Spending many millions of dollars annually, the CIA filled its bag with dirty tricks—ranging from bribery and false propaganda to schemes to "alter the health" of unfriendly foreign leaders and undermine their regimes.

The United States must acquire a longer view of history. We need not be so frightened by each Russian intervention. We need not feel so compelled to react in kind to each Russian move. We have gained little, and lost a great deal by our past policy of compulsive interventionism. Above all, we have lost—or grievously impaired—the good name and reputation of the United States from which we once drew a unique capacity to exercise matchless moral leadership. Where once we were admired, now we are resented. Where once we were welcome, now we are tolerated, at best. In the eyes of millions of once friendly foreign people, the United States is today regarded with grave suspicion and distrust.

I must lay the blame, in large measure, to the fantasy that it lay within our power to control other countries through the covert manipulation of their affairs. It formed part of a greater illusion that entrapped and enthralled our Presidents—the illusion of American omnipotence.

Nevertheless, I do not draw the conclusion of those who now argue that all American covert operations must be banned in the future. I can conceive of a dire emergency when timely clandestine action on our part might avert a nuclear holocaust and save an entire civilization.

But for such extraordinary events, certainly we do not need a regiment of cloak-and-dagger men, earning their campaign ribbons—and, indeed, their promotions—by planning new exploits throughout the world. There is a self-generating enterprise. Once the capability for covert activity is established, the pressures brought to bear on the President to use it are immense.

I, myself, believe that all covert activity unrelated to the gathering of essential intelligence should be severed entirely from the CIA. If some circumstance in the future should require a secret operation in a foreign land, let it be done under the direct aegis of the States Department.

And if the covert activity is not impelled by the imperative of survival, itself, then let it be directly connected with legitimate security interests of the United States in a way that conforms with our tradi-

tional belief in freedom. Then, if our hand were exposed, we could scorn the cynical doctrine of "plausible denial," and say openly, "Yes, we were there—and proud of it!"

We were there in Western Europe, helping to restore democratic governments in the aftermath of the Second World War. It was only after our faith gave way to fear that we began to act as a self-appointed sentinel of the status quo.

Then it was that all the dark arts of secret intervention—bribery, blackmail, abduction, assassination—were put to the service of reactionary and repressive regimes that can never, for long, escape or withstand the volcanic forces of change.

And the United States, as a result, became even more identified with the claims of the old order, instead of the aspirations of the new.

The remedy is clear. American foreign policy, must be made to conform once more to our historic ideals, the same fundamental belief in freedom and popular government that once made us a beacon of hope for the downtrodden and oppressed throughout the world.

FRANK CHURCH



## ADDITIONAL VIEWS OF SENATORS WALTER F. MONDALE, GARY HART, AND PHILIP HART

We fully support the analysis, findings, and recommendations of this Report. If implemented, the recommendations will go far toward providing our nation with an intelligence community that is more effective in protecting this country, more accountable to the American public, and more responsive to our Constitution and our laws. The key to effective implementation of these recommendations is a new intelligence oversight committee with legislative authority.

Committees of Congress have only two sources of power: control over the purse and public disclosure. The Select Committee had no authority of any kind over the purse strings of the intelligence community, only the power of disclosure. The preparation of this volume of the Final Report was a case study in the shortcomings of disclosure as the sole instrument of oversight. Our experience as a Committee graphically demonstrates why legislative authority—in particular the power to authorize appropriations—is essential if a new oversight committee is to handle classified intelligence matters securely and effectively.

In preparing the Report, the Select Committee bent over backwards to ensure that there were no intelligence sources, methods, or other classified material in the text. As a result, important portions of the Report have been excised or significantly abridged. In some cases the changes were clearly justified on security grounds. But in other cases, the CIA, in our view, used the classification stamp not for security, but to censor material that would be embarrassing, inconvenient, or likely to provoke an adverse public reaction to CIA activities.

Some of the so-called security objections of the CIA were so outlandish they were dismissed out of hand. The CIA wanted to delete reference to the Bay of Pigs as a paramilitary operation, they wanted to eliminate any reference to CIA activities in Laos, and they wanted the Committee to excise testimony given in public before the television cameras. But on other more complex issues, the Committee's necessary and proper concern for caution enabled the CIA to use the clearance process to alter the Report to the point where some of its most important implications are either lost, or obscured in vague language. We shall abide by the Committee's agreement on the facts which are to remain classified. We did what we had to do under the circumstances and the full texts are available to the Senate in classified form. Within those limits, however, we believe it is important to point out those areas in the Final Report which no longer fully reflect the work of the Committee.

For example:

—Because of editing for classification reasons, the italicized passages in the Findings and Recommendations obscure the

significant policy issues involved. The discussion of the role of U.S. academics in the CIA's clandestine activities has been so diluted that its scope and impact on the American academic institutions is no longer clear. The description of the CIA's clandestine activities within the United States, as well as the extent to which CIA uses its ostensibly overt Domestic Contact Division for such activities, has been modified to the point where the Committee's concern about the CIA's blurring of the line between overt and covert, foreign and domestic activities, has been lost.

—Important sections which deal with the problems of "cover" were eliminated. They made clear that for many years the CIA has known and been concerned about its poor cover abroad, and that the Agency's cover problems are not the result of recent congressional investigations of intelligence activities. The deletion of one important passage makes it impossible to explain why unwitting Senate collaboration may be necessary to make effective certain aspects of clandestine activities.

—The CIA insisted upon eliminating the actual name of the Vietnamese institute mentioned on page 454, thereby suppressing the extent to which the CIA was able to use that organization to manipulate public and congressional opinion in the United States to support the Viet Nam War.

—Although the Committee recommends a much higher standard for undertaking covert actions and a tighter control system, we are unable to report the facts from our in-depth covert action case studies in depth which paint a picture of the high political costs and generally meager benefits of covert programs. The final cost of these secret operations is the inability of the American people to debate and decide on the future scope of covert action in a fully informed way.

The fact that the Committee cannot present its complete case to the public on these specific policy issues illustrates the dilemma secrecy poses for our democratic system of checks and balances. If the Select Committee, after due consideration, decided to disclose more information on these issues by itself, the ensuing public debate might well focus on that disclosure rather than on the Committee's recommendations. If the Select Committee asked the full Senate to endorse such disclosure, we would be unfairly asking our colleagues to make judgments on matters unfamiliar to them and which are the Committee's responsibility.

In the field of intelligence, secrecy has eroded the system of checks and balances on which our Constitutional government rests. In our view, the only way this system can be restored is by creating a legislative intelligence oversight committee with the power to authorize appropriations. The experience of this Committee has been that such authority is crucial if the new committee is to be able to find out what the intelligence agencies are doing, and to take action to stop things when necessary without public disclosure. It is the only way to protect legitimate intelligence secrets, yet effectively represent the public and

the Congress in intelligence decisions affecting America's international reputation and basic values. A legislative oversight committee with the power to authorize appropriations for intelligence is essential if America is to govern its intelligence agencies with the system of checks and balances mandated by the Constitution.

PHILIP HART  
WALTER F. MONDALE  
GARY HART





INTRODUCTION TO SEPARATE VIEWS OF SENATORS  
JOHN G. TOWER, HOWARD H. BAKER, JR., AND BARRY  
M. GOLDWATER

Our mutual concern that certain remedial measures proposed by this Committee threaten to impose undue restrictions upon vital and legitimate intelligence functions prevents us, in varying degrees, from rendering an unqualified endorsement to this Committee's Findings and Recommendations in their entirety. We also perceive a need to emphasize areas of common agreement such as our unanimous endorsement of intelligence reforms heretofore outlined by the President.

Therefore, we have elected to articulate our common concerns and observations, as viewed from our individual perspectives, in separate views which follow.

JOHN TOWER, *Vice Chairman.*

HOWARD H. BAKER, Jr.

BARRY M. GOLDWATER.



## SEPARATE VIEWS OF SENATOR JOHN G. TOWER, VICE CHAIRMAN

When the Senate mandated this Committee to conduct an investigation and study of activities of our Nation's intelligence community, it recognized the need for congressional participation in decisions which impact virtually every aspect of American life. The gravamen of our charge was to examine the Nation's intelligence needs and the performance of agencies charged with intelligence responsibilities, and to make such assessments and recommendations as in our judgment are necessary to maintain the delicate balance between individual liberties and national security. I do not believe the Committee's reports and accompanying staff studies comply fully with the charge to maintain that balance. The Committee's recommendations make significant departures from an overriding lesson of the American experience—the right of American citizens to be free is inextricably bound to their right to be secure.

I do not question the existence of intelligence excesses—the abuses of power, both foreign and domestic, are well documented in the Committee's report.

Nor do I question the need for expanded legislative, executive, and judicial involvement in intelligence policy and practices—the “uncertainties as to the authority of United States intelligence and related agencies” were explicitly recognized by Senate Resolution 21.

Nevertheless, I question, and take exception to, the Committee's report to the extent that its recommendations are either unsupported by the factual record or unduly restrict attainment of valid intelligence objectives.

I believe that the 183 separate recommendations proposing new detailed statutes and reporting procedures not only exceed the number and scope of documented abuses, but represent over-reaction. If adopted in their totality, they would unnecessarily limit the effectiveness of the Nation's intelligence community.

In the area of foreign intelligence, the Committee was specifically mandated to prevent “. . . disclosure, outside the Select Committee, of any information which would adversely affect the intelligence activities . . . of the Federal Government.” In his separate view Senator Barry Goldwater clearly points up the damage to our efforts in Latin America occasioned by release of the “staff report” on covert action in Chile. I objected to releasing the Chile report and fully support Senator Goldwater's assessment of the adverse impact of this “ironic” and ill-advised disclosure.

Another unfortunate aspect of the Committee's foreign report is its response to incidents of lack of accountability and control by recommending the imposition of a layering of Executive Branch reviews at operational levels and needless bifurcation of the decisionmaking process. The President's reorganization which centralizes foreign in-

telligence operations and provides for constant review and oversight, is termed "ambiguous." Yet the Committee's recommended statutory changes would [in addition to duplication and multiplication of decisions], add little except to insure that the existing functions set up by the President's program were "explicitly empowered," "reaffirmed" or provided with "adequate staff." By concentration upon such details as which cabinet officer should chair the various review groups or speak for the President, the Committee's approach unnecessarily restricts Presidential discretion, without enhancing efficiency, control, or accountability. The President's reorganization is a thorough, comprehensive response to a long-standing problem. It should be supported, not pilloried with statutory amendments amounting to little more than alternative management techniques. It is far more appropriate for the Congress to place primary legislative emphasis on establishing a structure for Congressional Oversight which is compatible with the Executive reorganization while eliminating the present proliferation of committees and subcommittee's asserting jurisdiction over intelligence activities.

Another area in which I am unable to agree with the Committee's approach is covert action. It would be a mistake to attempt to require that the Congress receive prior notification of *all* covert activities. Senator Howard Baker repeatedly urged the Committee to adopt the more realistic approach of obligating the Executive to keep the Congress "fully and currently informed." I believe any attempt by the legislative branch to impose a strict prior notification requirement upon the Executive's foreign policy initiatives is neither feasible nor consistent with our constitutionally mandated separation of powers.

On the domestic front the Committee has documented flagrant abuses. Of particular concern were the political misuses of such agencies as the Federal Bureau of Investigation and the Internal Revenue Service. However, while thoroughly probing these reprehensible activities and recommending needed changes in accountability mechanisms, the Committee's "corrective" focus is almost exclusively on prohibitions or limitations of agency practices. I hope this approach to remedial action will not be read as broad criticism of the overall performance of the intelligence community or a minimization of the Committee's own finding that "... a fair assessment must place a major part of the blame upon the failures of senior executive officials and Congress." In fact, I am persuaded that the failure of high officials to investigate these abuses or to terminate them when they learned of them was almost as reprehensible as the abuses themselves.

A further objectionable aspect of the Committee's approach is the scope of the proposed limitations on the use of electronic surveillance and informants as investigative techniques. With respect to electronic surveillance of Americans suspected of intelligence activities inimical to the national interest, the Committee would limit authority for such probes to violations of specific criminal statutes. This proposal fails to address the real problem of utilizing electronic surveillance against myriad forms of espionage. A majority of the Committee recommended this narrow standard while acknowledging that existing statutes offer inadequate coverage of "modern forms of espionage." The Committee took no testimony on revision of the espionage laws and

simply proposed that another committee "explore the necessity for amendments." To prohibit electronic surveillance in these cases pending such revision is to sanction an unnecessary risk to the national security. In adopting this position the Committee not only ignores the fact that appellate courts in two federal circuits have upheld the Executives inherent authority to conduct such surveillance, but also fails to endorse the Attorney General's comprehensive proposal to remedy objection to current practices. The proposed safeguards, which include requirements for the Attorney General's certification of hostile foreign intelligence involvement and issuance of a judicial warrant as a condition precedent to electronic surveillance, represent a significant expansion of civil liberties protections. The proposal enjoys bi-partisan support in Congress and I join those members urging prompt enactment.

I am also opposed to the methods and means proposed by the Committee to regulate the use of informants. Informants have been in the past and will remain in the future a vital tool of law enforcement. To adopt the Committee's position and impose stringent, mechanical time limits on the use of informants—particularly regarding their use against terrorist or hostile foreign intelligence activities in the United States—would be to place our faith in standards which are not only illusory, but unworkable.

In its overly broad approach to eliminating intelligence abuses, the Committee report urges departure from the Congress' role as a partner in national security policy and comes dangerously close to being a blueprint for authorizing Congressional management of the day-to-day affairs of the intelligence community. Whether this management is attempted through prior notification or a shopping list of prohibitive statutes and regulations, it is a task for which the legislative branch of government is ill-suited. I believe the adverse impact which would be occasioned by enactment of all the Committee recommendations would be substantial.

Substantial segments of the Committee's work product will assist this Congress in proceeding with the task of insuring the conduct of necessary intelligence activities in a manner consistent with our obligation to safeguard the rights of American citizens. However, we must now step back from the klieg lights and abuse-dominated atmosphere, and balance our findings and recommendations with a recognition that our intelligence agencies and the men and women who serve therein have been and will always be essential to the existence of our nation. This Committee was asked to provide a constitutionally acceptable framework for Congress to assist in that mission. We were not mandated to render our intelligence systems so constrained as to be fit for employment only in an ideal world.

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In addition to the above remarks I generally endorse the positions set forth in Senator Baker's individual views.

I specifically endorse:

His views stating the need for legislation making it a criminal offense to publish the name of a United States intelligence officer stationed abroad under cover.

His position that there must be a system of greater accountability by our intelligence operations to the United States Congress and the American people.

His concern that the Congress exercise caution to insure that a proper predicate exists before any recommendations for permanent reforms are enacted into law.

His view that there be careful study before endorsing the Committee's far reaching recommendations calling for an alteration of the intelligence community structure. I also support the individual views of Senator Goldwater.

Further, I specifically endorse:

His assessment that only a small segment of the American public has ever doubted the integrity of our Nation's intelligence agencies.

His opinion that an intelligence system, however secret, does not place undue strain on our nation's constitutional government.

His excellent statement concerning covert action as an essential tool of the President's foreign policy arsenal.

His opposition to the publication of an annual aggregate figure for United States intelligence and his reasons therefor.

His views and comments on the Committee's recommendations regarding the National Security Council and the Office of the President. Specifically, comments number 12, 13 and 14.

His views challenging the proposed limitation concerning the recruitment of foreigners by the Central Intelligence Agency.

His views and general comments concerning the right of every American, including academics, clergymen, businessmen and others, to cooperate with his government in its lawful pursuits.

For the reasons stated above, I regret that I am unable to sign the final report of the Select Committee to Study Governmental Operations With Respect to Intelligence Activities.

JOHN G. TOWER,  
*Vice Chairman.*

## INDIVIDUAL VIEWS OF SENATOR BARRY GOLDWATER

This final report of the Select Committee on Intelligence Activities must be read with care. Historically, the work of the Committee and its report are an outgrowth of a period in which disillusionment, dismay, and disaffection were all too prevalent in America.

Failure in Vietnam and the Watergate scandals were prime contributors to the foregoing and helped produce a feeling that the ship of state was rudderless.

Under these circumstances of confusion, the basic premises of our foreign policy came into question, with some taking refuge in isolationism as the only way out. Others reacted as though some demon needed to be exorcized and launched a kind of guerilla attack upon our foreign policy.

Pressure from the new isolationists and the demonologists forced a skittish Congress into asserting a greater influence over the conduct of our foreign policy.

The results were mostly bad:

- Two good allies, Greece and Turkey, were alienated.
- Jewish emigration from Russia was reduced.
- The hands of our President were tied in the day-to-day conduct of foreign policy.
- U.S. intelligence was demoralized and its effectiveness greatly diminished.
- Our allies came to seriously question America's reliability, if not our collective sanity.
- Our adversaries took comfort in watching us tear ourselves apart.

In the field of intelligence activities, the worst of it all occurred in the Senate on October 2, 1974 when the Hughes Amendment (ultimately the Hughes-Ryan Amendment) was included in the foreign aid bill. Under its provisions, six committees of the Congress are required to be informed of any covert action conducted abroad. This means that approximately 50 Senators and over 120 Congressmen may receive highly sensitive information on a covert action program. It also means that public disclosure is almost inevitable, as proved to be the case in Angola.

As the Soviet Union moved decisively in Africa, pushing its Cuban mercenaries in the vanguard, and as the word "détente" came more and more to be understood as a game played under rules favorable to Moscow, a new appraisal seemed to be arising among our fellow citizens:

The pendulum had swung too far and much damage was being done to the Nation's foreign policy and the organizations necessary to its conduct.

The foregoing was largely in the past tense, because it is my hope and belief that the period of self-criticism, if not self-flagellation, is coming

to an end. If not, our once proud and strong Nation is headed for very hard times.

#### COVERT ACTION IN CHILE—1963–1973

Throughout the “Foreign and Military Intelligence” section of the Committee’s final report, there are references to covert action in Chile which are based on a staff report of the Committee entitled, “Covert Action in Chile—1963–1973.” Because the report was a “staff report,” Senators on the Committee were not entitled to submit opposing views. In my opinion, the staff report is a distortion of history and will not stand the test of time. The following is what I believe to be a fair representation of events in Chile from 1963 to 1973 and any U.S. involvement.

On December 4, 1973, the Senate Select Committee on Intelligence Activities held public hearings on covert action in Chile covering the years 1963 to 1973. In his opening statement, Chairman Church stated that, “The nature and extent of the American role in the overthrow of a democratically-elected Chilean government are matters for deep and continuing public concern.”

The Chairman then introduced the staff director, who with other members of the staff, summarized a staff report entitled, “*Covert Action in Chile 1963–1973*.” The staff conclusion was even more specific: “In the period 1970 through 1973, in order to prevent a Marxist leader from coming to power by democratic means, the U.S. worked through covert action to subvert democratic processes. . . . this interference in the internal affairs of another country served to weaken the party we sought to assist and created internal dissensions which, over time, led to the weakening and, for the present time at least, an end to constitutional government in Chile.”

These assertions, and the Committee report on which they are based, are misleading because they make it appear that the United States was responsible for the downfall of a respectable and truly democratic government. The real character of Allende and his coalition was ignored by excluding both public statements of philosophy and intent as well as the public record of highly illegal actions while in office.

Omitting publicly available information (not to mention the exclusion of voluminous classified intelligence dealing with Chilean support of Soviet and Cuban international subversion) makes it difficult for the American public to understand why anti-Allende operations were undertaken by three successive U.S. administrations. Moreover, the report concludes that “fears, often badly exaggerated or distorted, appear to have activated officials in Washington.”

Thus, *Covert Action in Chile 1963–1973* leaves the impression of U.S. bungling in Chilean affairs induced by a corrosive fear of communism and Marxism.

While there may have been some mistakes made in the conduct of our affairs in Chile, the threat of a communist dictatorship under Allende was very real. To set the record straight, here are facts that should be taken into account:

##### 1. *Salvador Allende and the Unidad Popular*

An avowed Marxist-Leninist, Allende participated in the creation of the Chilean Socialist Party in 1933, the year he graduated from medical school. He was elected a Federal Deputy in 1937, and was



named Secretary-General of the Socialist Party in 1943. Since its inception, the Chilean Socialist Party has been an extreme interpreter of Marxist-Leninist dogma, espousing violent revolution for Chile and the rest of Latin America.

Castro's Cuba became the Socialist model, and many young Socialists were trained in Cuba in guerilla warfare as well as in political action. Allende personally headed the Chilean delegation to the 1966 Tricontinental Conference in Havana and was a key figure in the creation of the Cuban-sponsored Latin America Solidarity Organization called LASO—created specifically to foment guerilla warfare in Latin America. It was the guiding force for the "Che" Guevara Guerrilla adventure in Bolivia in 1967.

In January 1970, Allende was listed as a director of the Chilean Committee of Support for the Bolivian People and the National Liberation Army, known as ELN.

Meanwhile the stronger, but less violent, Chilean Communist Party had joined the Socialist Party in a coalition which backed Allende as its presidential candidate in four presidential elections (1952, 1958, 1964 and 1970.) Allende was an active member of many Communist front organizations, particularly the World Peace Council, of which he was Vice-President during his first visit to the USSR in 1954.

Intelligence gathered over a period of many years has provided what Ambassador Korry calls "certain knowledge that the Soviet Union and other Communist governments and organizations provided substantial sums for covert political action to the Communist Party, to the Socialist Party, and to Allende himself."

The significance of Allende's election as President of Chile was thus readily apparent or should have been. Allende affirmed publicly in his 1970 campaign, as he had in previous campaigns for the presidency, that his intention was to bring about an irreversible Marxist revolution in Chile. He viewed himself as the man who would do what Castro failed to do: destroy America's leadership in Latin America. Allende minced no pre-election words. Prior to his election, he stated flat out that the United States was to be treated as "public enemy number one" in the western hemisphere.

Allende's tactics centered on using constitutional tools to fashion a socialist revolution, but he never pretended to expound traditional parliamentary democracy. A minority president who received only 36.5% of the popular vote, he declared three months after taking office:

I am the President of the Unidad Popular. I am not the President of all the Chileans.

He and Castro chose to follow different roads, but Allende's intentions were never really masked. To quote again from his 1970 presidential campaign:

Cuba in the Caribbean and a Socialist Chile in the Southern Cone will make the revolution in Latin America.

Was this empty campaign rhetoric?

Soon after the 1970 election, Allende met secretly with Latin American revolutionaries and pledged covert support to them. Ambassador Korry has written: "In 1970, as in 1963, we know beyond a shadow

of a reasonable doubt that an Allende government intended to use the processes and laws of what it called formal democracy to eliminate and replace it with what it called popular democracy. (From 1961 to 1970, the Embassy, like the majority of Congress, agreed that such a development would do serious harm to U.S. interests and influence-for-good in the world.)"

## *2. Efforts of the Allende Government to Destroy Democratic Institutions*

Communist Party leaders were largely in charge of the economic program of the Allende government. The communists intended gradually to replace private enterprise by State enterprise, thus enabling the government to assume complete social and economic power.

The government, therefore, drew up a list of all Chilean corporations whose capital reserves exceeded \$500,000. These companies, representing 82% of the capital holdings of all companies incorporated in Chile, were earmarked for nationalization. Congress attempted to block this government program by passing legislation defining the economic areas subject to government ownership, but the government continued to take over Chilean firms, using methods which became progressively more illegal.

These methods ranged from expropriations (declared unconstitutional by the Chilean Supreme Court), to requisitions (many of which were declared illegal by the Chilean Office of the Comptroller General), to "decrees of insistence" (a rarely used judicial tool created to resolve differences of legal interpretations between the judiciary and the executive).

In agriculture, all farms exceeding 80 hectares of irrigated land were made subject to legal expropriation. These "legal" expropriations were supplemented by those of roving armed bands who took possession of agricultural properties by force without any intervention by the Chilean police.

Similarly, a series of economic pressures was exerted to silence the independent media, including coercion, bribery, the manipulation of government control over credit, imports and prices, and the incitement of strikes.

As an adjunct to economic pressures, the Allende government began to develop the concept of "popular power", creating parallel revolutionary organizations which duplicated the functions of existing legal organizations. For example, special communal commands, known as JAPS, were established to control the distribution of essential articles, mainly food. Government supplies were channeled through these new organizations rather than through established retail outlets. Of Soviet origin, the communal commands had the dual function of displacing "bourgeois" organizations and of training their members for armed revolution.

Prior to the Allende regime, Chile had a strong democratic tradition and a firm commitment to constitutional processes. Under the Allende regime, its institutions fought long and tenaciously to save themselves from destruction by legal, constitutional means. When the government violated Chilean law, protests were filed with the courts and "contraloria."<sup>1</sup>

<sup>1</sup> (Comptroller-General of the Republic, who supervised the legality of the government's actions.)

When the courts and the Contraloria objected to these violations, however, the government either paid no heed to these decisions or overruled them through "decrees of insistence", which were themselves illegal.

The National Congress also tried to check these violations of the law by impeaching the ministers responsible for them, but Allende merely moved the ousted ministers from one post to another, thus thwarting the purpose of Congressional sanctions.

Finally, when all the protests of the Congress, the courts and the Contraloria had been repeatedly ignored, these bodies solemnly declared that the Allende government had placed itself outside both the law and the Constitution. These declarations were made by the Supreme Court on May 26, 1973, by the Contraloria on July 2, 1973, and by the Chamber of Deputies on August 22, 1973. The full text of the Chamber of Deputies resolution, and that of a subsequent August 29, 1973 Report of the Bar Association are appended in full, because they record many of the abuses and illegalities of the Allende government and also illustrate the inability of true democratic institutions to co-exist with a Marxist government. The Chamber's declaration was, in fact, a notice to the armed forces that the legal and constitutional order of the country had broken down.

The military coup of September 11, 1973 was the tragic climax of a long process of political polarization, exacerbated by the worst economic crisis in Chile's history:

- Inflation exceeded 300% in 1973;
- the trade balance deficit in the same year exceeded \$450 million;
- the foreign debt increased 60% in three years.

As the economic situation deteriorated, strikes proliferated, crippling the country. It was not U.S. "interference," but rather a minority's attempt to impose doctrinaire Marxism on a democratic framework, which led to the establishment of the present military government.

### *3. Chile: a Base for Soviet and Cuban Subversion*

Within the Allende government, the Communist Party was largely responsible for running the economic program, counting heavily on Soviet support. There were 1,300-odd Soviets in Chile as of March 1972. Soviet Bloc credits of some \$200 million had been extended. Moreover, the Soviets were dangling an offer of \$300 million to the Chilean military for the purchase of military equipment. The Soviets, however, left to the Cubans most of the revolutionary guidance and support provided to the Allende coalition.

Under Allende, Chile became the center for Cuban operations in the southern cone of Latin America. Juan Carretero Ibanez, alias "Ariel", former chief of the Cuban Liberation Directorate (LD) for Latin America (the Cuban intelligence and executive action agency) arrived in Chile in October 1970 just prior to Allende's inauguration. He was soon followed by Luis Fernandez Ona, a senior intelligence officer of the DGI who became Allende's son-in-law. Chile re-established diplomatic relations with Cuba and the Cuban Embassy rapidly reached a

strength of 54 (later nearly 100) officers. Cuban visitors to Chile averaged 100 per month.

Cuban support to the Chilean government was primarily in the security field. The Cubans trained and armed the Presidential security guard, and also helped to develop an intelligence organization which functioned independently of established government services. Chilean police were trained in repressive security tactics, such as setting up neighborhood informant systems. The Cubans also provided arms, funds, and guerrilla training to hundreds of members of the Socialist Party and other far leftist Chilean militia groups.

*Dozens of crates of arms, mostly of Soviet and Czech origin, were found stored in Allende's Santiago home and mountain retreat after he was overthrown.* These crates had been flown in as "gifts" by Cuban airlines.

The Cuban intelligence effort in Chile, concentrated on exporting revolution to other Latin American countries, primarily Bolivia but also Argentina, Brazil and Uruguay. Some ten to fifteen thousand foreign revolutionaries flocked into Chile, where the Cuban LD center conducted a thriving business. The Center had a unit for providing false documents and training, and its operatives met revolutionaries in exile and visitors from other countries to receive their reports, pass money, arrange travel to Cuba and direct their activities.

In November 1971 Bolivian exiles in Chile announced formation of the Anti-Imperialist Revolutionary Front, known as FRA, which included the ELN. Its mission was to replace the Banzer Government with a government of the "proletariat". A number of FRA leaders in Chile travelled to and from Cuba. A massing of FRA exiles on the Chilean border drew official protests from the Bolivian government in April 1972.

Chile also served as a support base for the Argentine terrorist organization PRT/ERP. (Subsequently the PRT/ERP was responsible for such actions as the abduction and shooting of a State Department official and for extracting ransom in excess of \$20,000,000 from U.S. firms in Argentina.)

#### *4. Actions of Allende's Coalition Subsequent to the March 1973 Elections*

Like the other Unidad Popular parties, the Communist Party, known as the PCCH, began almost immediately after Allende's election to arm and train its membership in paramilitary tactics. Prior to March 1973, however, the Communist Party publicly and privately advocated policies designed to lull the political opposition and military into believing that the government would not resort to flagrant violations of the Chilean constitution. The PCCH believed that time was on the side of the government, and that the political opposition would be effectively stifled by progressively increasing government control of the economy.

This posture changed with the March 1973 congressional elections, which showed that the Christian Democrats and other parties in the political opposition were gaining rather than losing ground. The Communists, realizing that force was the only way to guarantee the continuance of the Marxist government, then joined the Socialist Party in pressing Allende to take harsher measures against the opposition.

After the September 1, 1973 coup, the junta government charged that the Unidad Popular had been planning a terrorist action, which was known as "Plan Z" and called for the assassination of military and opposition leaders as part of a move to secure total control of the country. A reliable leftist military source, who was in Chile prior to and during the military rebellion, confirmed that the leftist forces had indeed planned a pre-emptive move against the military, to have taken place during the independence celebrations of September 17-18, 1973. The documents and large arms caches discovered by military authorities after the coup suggest that Plan Z may indeed have existed.

A complete and fair assessment of the U.S. role in Chile can only be made if the following are taken into account:

1. The character of the Allende regime as revealed by public statements and by the nature of the political parties from which he drew support;

2. Efforts of the Allende regime to manipulate and ultimately destroy constitutional democracy;

3. Soviet and Cuban use of Chile as a base for international subversion;

4. The possibility that the Marxists were planning a pre-emptive and bloody coup to seize power totally.

The Senate Select Committee Staff Report on Chile concludes that "fears, often badly exaggerated and distorted, appear to have activated officials in Washington." But even the National Intelligence Estimate cited as endorsing this conclusion was published on June 14, 1973 and was written before Allende's violations of civil liberties were intensified. In the months after the Estimate the country's democratic processes were reduced to chaos and provoked the solemn declarations by the Supreme Court, Comptroller-General and Chamber of Deputies mentioned earlier.

U.S. policy toward Chile from 1962 to 1970 was consistent in attempting to prevent the take-over of the Government of Chile by Allende and his totalitarian Communist and Socialist supporters. The actions of the Allende regime after 1970 proves the wisdom of that policy.

In Chile, the U.S. was acting within the broad mainstream of traditional U.S. policy in Latin America, which has been to resist encroachment by powers outside the Western Hemisphere. The USSR dealt with the Allende government (and with the Chilean Communist Party, before and after Allende's election) at the very highest level. For example, the Soviet Ambassador to Allende's Chile, Alexander Vasilyevich Basov, was one of only three members of the Central Committee of the Communist Party to be stationed in non-Communist capitals. The other two being in Washington and Paris.

The Allende experiment in Chile was seen by the Soviets as a model for other strategic countries. It is worth noting that both the Soviets and the Cubans considered the overthrow of the Allende government in Chile as a disaster to their interests. In their comments on Chile, the Soviets emphasize that Chile proves the thesis that "socialist revolution" should never be attempted without political control of the military forces.

There can be honest differences of opinion about the wisdom of American policy toward Chile over the last decade. What is missing

in the Staff report is the acknowledgement of a viewpoint contrary to its own conception: that Washington opinionmakers were activated by badly exaggerated and distorted fears. History has proved that minority Communist and radical Marxist parties ultimately destroy the elements of democracy and diversity which enable them to gain power. Allende clearly stated his intent to bring about an *irreversible* Marxist revolution in Chile.

Had the facts presented here been made available to the reader of the Staff Report, that reader might have concluded that U.S. Government fears were not "exaggerated or distorted", and might have concluded that the U.S. was essentially correct in its Chilean policy. This policy, prior to 1970, was to prevent a convinced Marxist from taking power and after 1970 strove to support and sustain until the 1976 elections a democratic opposition to a government which, by 1973, was clearly operating outside the laws and Constitution of Chile.

The results of the disclosures of sensitive classified data which were made during open hearings and in the published report on Chile will not be evident for some time to come, but two recent developments may be of interest.

First, the conclusion to the Staff Report states that "it would be the final irony of a decade of covert action in Chile if that action destroyed the credibility of the Chilean Christian Democrats."

According to an official report received by this Government, "Ex-President Frei feels completely shattered as a result of the release of the Senate report . . . and has confided to friends that it has brought his political career to a close . . . The source commented that it is ironic that U.S. congressional distaste for the role of the U.S. Government against the Allende Government may have succeeded in destroying the only viable alternative to the present Chilean government."

Second, data taken from the Report are being used to give credibility to false allegations about the Agency. An example is the *Washington Post* article of January 16, 1976 by Walter Pincus entitled "CIA Funding Journalistic Network Abroad." After quoting data taken from the Chile Report, the author quotes "a former intelligence agent" as claiming that the CIA subsidized the Latin American news service LATIN in much the same manner as it gave money to "El Mercurio." The true fact is that the CIA never gave any help, financial or otherwise, to LATIN, but this false allegation has been tied in with facts published in the Staff Report in such a way as to make it appear to have the Senate stamp of approval.

As of this writing Angola has fallen into the hands of a revolutionary group backed by the Soviet Union. The winning element was thousands of Cuban soldiers supplied with Russian weaponry. In other words, the Soviet Union used Cuban soldiers in Angola much the same way as Hessians were employed by the British during our own Revolutionary War.

To the world, the Soviet Union is boasting of its victory and the defeat of the U.S.

There is an ironical, if not tragic, postlude to the report *Covert Action in Chile 1963-1973*. On December 17, 1975 Fidel Castro made

a speech which quoted several paragraphs of the Report. Here is Fidel Castro's accolade:

. . . We consider the revelation of the report a positive move by the Senate committee despite the opposition of the President of the United States, even when much information was omitted because of pressure from the CIA itself and from the President's office. . . .

#### FOREIGN AND MILITARY FINDINGS AND RECOMMENDATIONS

Turning to the report entitled "Findings and Recommendations of the Committee: Foreign and Military," two general observations can be made:

1. Much of the supporting evidence or information for this section of the report is drawn from a series of staff studies which have not been considered by the full committee in their final form as of this writing. Moreover, the staff reports are wider in scope than the testimony taken by the full committee.

2. Recommendations for reorganization of the intelligence community are not backed up by sufficient testimony or analysis.

Below are some detailed comments on the report. They follow the heading given on the "Contents" page.

##### *1. Historical Note*

The Select Committee on Intelligence Activities spent nearly \$3 million and over 15 months investigating the intelligence community, and it had a peak staff of over 120 professionals, consultants, and clerical personnel. I believe these facts should be a matter of record, because no excuses can be made for the final report based on a lack of time, money, or personnel. In fact, the Senate was more than generous in providing repeated extensions of time and money to the Select Committee. The results speak for themselves.

The truth of the matter is that approximately 6 months was spent in a fruitless investigation into alleged assassination attempts. During the course of the investigation of assassination attempts, not one bona fide assassination ordered by the U.S. Government was discovered. What did emerge were attempts on the life of Fidel Castro during the early 60's when our relations with Cuba were very close to being a state of war. In any event, much time and effort was frittered away in this unproductive exercise.

#### A. INTRODUCTION AND GENERAL FINDINGS

##### *Committee Report:*

. . . Allegations of abuse, revelations in the press, and the results of the Committee's 15 month inquiry have underlined the necessity to restore confidence in the integrity of our Nation's intelligence agencies. . . . (See p. 423.)

*Comment:*

Only a small segment of American public opinion has ever had any doubts in the integrity of our Nation's intelligence agencies. In general, the American people fully support our intelligence services and recognize them as the Nation's front line of defense. Accordingly, the use of the word "restore" is misleading.

*Committee Report:*

. . . At the same time, the Committee finds that the operation of an extensive and necessarily secret intelligence system places severe strains on the nation's constitutional government. . . . (See p. 425.)

*Comment:*

It is not the operation of an intelligence system that strains our nation's constitutional government. Any strains that exist are the direct result of Presidential misuse, misunderstanding, or abuse of the nation's intelligence capabilities. It should be noted that the report correctly salutes the men and women of the intelligence community, and also correctly points out that the Soviet KGB and other hostile intelligence services conduct spying and covert operations—(not to mention assassinations).

*Committee Report:*

. . . The Committee finds that covert action operations have not been an exceptional instrument used only in rare instances when the vital interests of the United States have been at stake. On the contrary, presidents and administrations have made excessive, and at times self-defeating, use of covert action. In addition, covert action has become a routine program with a bureaucratic momentum of its own. The long-term impact, at home and abroad, of repeated disclosure of U.S. covert action never appears to have been assessed. The cumulative effect of covert actions has been increasingly costly to American interests and reputation. The Committee believes that covert action must be employed only in the most extraordinary circumstances.

*Comment:*

Covert action is intended to provide the President of the U.S. and the nation with a range of actions short of war to preserve the free world and to thwart the global ambitions of Communist imperialism. Covert operations can and should be used in circumstances which might not be described as "vital" but are nevertheless necessary to prevent a crisis from occurring. One of the purposes of covert action is to prevent the occurrence of "most extraordinary circumstances." Those who support the above-mentioned quotation are in effect saying: "Don't put out the fire while it is small; wait until it becomes a conflagration."

*Committee Report:*

. . . Although there is a question as to the extent to which the Constitution requires publication of intelligence expen-



ditures information, the Committee finds that the Constitution at least requires public disclosure and authorization of an annual aggregate figure for United States national intelligence activities. . . . (See p. 425.)

*Comment:*

Publication of an annual aggregate figure for U.S. intelligence may appear to be innocent especially because estimates, with varying degrees of accuracy, have appeared in the press. Whether or not the Constitution requires such a disclosure is open to question. Traditionally, nations have kept their intelligence budgets secret for at least two reasons: First, they did not want to officially acknowledge the fact of these activities. Second, the publication of a figure might give potential adversaries some indication of the magnitude of their intelligence efforts. Both of these arguments may be somewhat obsolete in a world where little, if anything, is considered private.

There is still another objection which I submit cannot be discounted: Disclosing an annual aggregate figure will inevitably lead to demands for a breakdown of that figure. If these demands cannot be resisted, ultimately we would hand our adversaries very important indicators concerning the magnitude and thrust of our intelligence activities. In addition, our allies would be inclined to view such a step as one more signal that America is unable to protect its secrets leading to a possible further erosion of cooperative intelligence efforts. In any event, this matter should be decided by a vote of the entire Senate.

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#### D. THE NATIONAL SECURITY COUNCIL AND THE OFFICE OF THE PRESIDENT

*Committee Report:*

. . . The Central Intelligence Agency, in broad terms, is not "out of control." . . . (See p. 27.)

*Comment:*

After having heard the CIA described as a "rogue elephant run rampant", it is gratifying that the Committee now finds the CIA is not "out of control."

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*Committee Report:*

. . . 12. By statute, the Secretary of State should be designated as the principal administration spokesman to the Congress on the policy and purpose underlying covert action projects. . . . (See p. 430.)

*Comment:*

Making the Secretary of State the spokesman for covert action could place him in a diplomatically untenable position. What is meant by "the Congress" in this context? This recommendation is vague and if enacted into the statutes could overburden the Secretary of State, who has more than enough work to do.

*Committee Report:*

... 13. By statute, the Director of Central Intelligence should be required to fully inform the intelligence oversight committee(s) of the Congress of each covert action prior to its initiation. No funds should be expended on any covert action unless and until the President certifies and provides to the congressional intelligence oversight committee(s) the reasons that a covert action is required by extraordinary circumstances to deal with grave threats to the national security of the United States. The congressional intelligence oversight committee(s) should be kept fully and currently informed of all covert action projects, and the DCI should submit a semi-annual report on all such projects to the committee (s). (See p. 430.)

*Comment:*

As mentioned in the introduction, the operation of the Hughes-Ryan Amendment requires 6 committees to be informed of any covert action. This recommendation would merely add another layer to the cake in the absence of a repeal of the Hughes-Ryan Amendment. If the Congress could agree that only a joint committee on intelligence or preferably the House and Senate Armed Services Committees were to be informed, I might be able to support the concept of prior notification. Prior notification raises an important point that should be carefully considered by the Congress: Does the Congress intend to share responsibility with the President for covert actions? In other words, will the Congress be content to accept our successes as well as our failures as secrets?

*Committee Report:*

... 14. The Committee recommends that when the Senate establishes an intelligence oversight committee with authority to authorize the national intelligence budget, the Hughes-Ryan Amendment (22 U.S.C., Section 2422) should be amended so that the foregoing notifications and Presidential certifications to the Senate are provided only to that committee. . . . (See p. 431.)

*Comment:*

This recommendation presupposes that the House of Representatives would be willing to accept the creation of a Senate committee as a sufficient reason to repeal the Hughes-Ryan Amendment. In the absence of an agreement with the House on repeal, this recommendation is meaningless.

## F. THE CENTRAL INTELLIGENCE AGENCY

*Committee Report:*

... The Committee also questions the recruiting, for foreign espionage purposes, of immigrants desiring American citizenship because it might be construed as coercive. . . . (See p. 439.)

*Comment:*

Why should any category of foreigner be excluded from recruitment by the CIA? Does the Committee have any valid reason why it "questions" that any such recruitments "might be construed as coercive?" I submit it doesn't. Finally, if the Committee believes that coercion should not be used in the handling of immigrants, then it should say so.

*Committee Report:*

... 27. The congressional intelligence oversight committee should consider whether:

—the Domestic Collection Service (overt collection operations) should be removed from the Directorate of Operations (the Clandestine Service), and returned to the Directorate of Intelligence;

—The CIA regulations should require that DCD's overt contacts be informed when they are to be used for operational support of clandestine activities;

—The CIA regulations should prohibit recruiting as agents immigrants who have applied for American citizenship. . . . (See p. 442.)

*Comment:*

Until 1973 the Domestic Contact Service was part of the Directorate of Intelligence. It was placed under the Directorate of Operations to enable the CIA to provide better support for the Foreign Resources Division. Because the Domestic Contact Service has contacts with leaders in all walks of life, it possesses a unique capability to open the door for the clandestine services. Requiring that the Domestic Contact Service inform overt contacts that they are to be used for operational support of clandestine activities violates the important rule of compartmentalization. As previously noted, there is no valid reason for excluding immigrants unless coercion is part of the process.

*Committee Report:*

... Some covert operations have passed retrospect public judgments, such as the support given Western European democratic parties facing strong communist opposition in the late 1940s and 1950s. Others have not. In the view of the Committee, the covert harassment of the democratically elected government of Salvador Allende in Chile did not command U.S. public approval. (See page 445.)

*Comment:*

Here as in other parts of the report the story of what happened in Chile under Salvador Allende is distorted. While the Allende regime may have been "democratically elected", it gradually evolved into an abusive left-wing dictatorship. (See the preceding part of these individual views entitled *Covert Action in Chile 1963-1973* as well as the comments of Senator James L. Buckley in the *Congressional Record* of February 26, 1976.)

*Committee Report:*

. . . 36. The Committee has already recommended, following its investigation of alleged assassination attempts directed at foreign leaders, a statute to forbid such activities. The Committee reaffirms its support for such a statute and further recommends prohibition by statute of the following covert activities:

- All political assassinations.
  - Efforts to subvert democratic governments.
  - Support for police or other internal security forces which engage in the systematic violation of human rights. . . .
- (See p. 448.)

*Comment:*

Prohibiting "efforts to subvert democratic governments" is a vague phrase, because there is no standard set as to what constitutes "democratic" governments. It also raises the problem of what the U.S. may do when a democratic government is headed inexorably towards dictatorship of the right or the left, and that this process may lead to a government which is hostile to America. Here again, we are confronted with the problem of putting out a fire while it is small as opposed to waiting until it becomes a conflagration. In some instances it is necessary for U.S. intelligence services to cooperate with the internal security forces of nations where there is systematic violation of human rights. The purpose of such cooperation is to gain foreign intelligence on vital targets. In order to gain the cooperation of the internal security forces in these countries, support is sometimes a condition for cooperation. In a world where the number of authoritarian regimes far outnumbers the number of democratic governments, such a prohibition limits the flexibility of our intelligence services in defending America.

*Committee Report:*

. . . 39. By statute, any covert use by the U.S. Government of American citizens as combatants should be preceded by notification required for all covert actions. The statute should provide that within 60 days of such notification such use shall be terminated unless the Congress has specifically authorized such use. The Congress should be empowered to terminate such use at any time. . . . (See p. 449.)

*Comment:*

If such a statute is enacted, the intelligence services will have to place greater reliance on foreign mercenaries for covert action. While I have no objection to the use of foreigners for this purpose, Americans are much more likely to serve loyally and courageously.

*Committee Report:*

. . . 42. The Committee is concerned about the integrity of American academic institutions for clandestine purposes. Accordingly, the Committee recommends that the CIA amend its internal directives to require that—individual academics

used for operational purposes by the CIA, together with the President or equivalent official of the relevant academic institutions, be informed of the clandestine CIA relationship. (See page 456.)

*Comment:*

While I believe that any institution or organization has the right to take positions on domestic or foreign policy issues, I also believe each individual American has the right to cooperate with his government in its lawful pursuits. I submit this right should apply to academics, clergymen, businessmen, union members, newsmen, etc. The more groups we exclude from assisting the intelligence community, the poorer our intelligence will be. Surely, our values have been turned upside down, when cooperating with the CIA is viewed as unseemly or degrading.

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*Committee Report:*

. . . 54. By statute, the CIA should be prohibited from causing, funding, or encouraging actions by liaison services which are forbidden to the CIA.

Furthermore, the fact that a particular project, action or activity of the CIA is carried out through or by a foreign liaison service should not relieve the Agency of its responsibilities for clearance within the Agency, within the executive branch, or with the Congress. . . . (See p. 459.)

*Comment:*

In order to gain foreign intelligence the CIA sometimes enters into liaison operations with foreign services who may engage in activities that would be unacceptable within the United States. Some of these services are creatures of governments whose policies both domestic and foreign are unpalatable to American public opinion. The problem with Recommendation 54 is the use of the word "funding." It may not always be possible for the CIA to fully determine how funds to foreign services have in fact been used.

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*Committee Report:*

. . . 55. The intelligence oversight committee(s) of Congress should be kept fully informed of agreements negotiated with other governments through intelligence channels. . . . (See p. 459.)

*Comment:*

If this requirement comes into effect, foreign intelligence services are going to be reluctant to enter into liaison arrangements with the CIA. Public disclosure of CIA activities over the past few years has already had a chilling effect on liaison operations. Let's not compound the felony.

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*Committee Report:*

. . . 64. By statute, the General Counsel should be nominated by the President and confirmed by the Senate. . . . (See p. 461.)

*Comment:*

It is contrary to precedent to have the General Counsels of agencies and bureaus nominated by the President and subject to Senate confirmation. The General Counsel of any agency should be the choice of its chief executive officer.

*Committee Report:*

. . . 68. B. The Director of the CIA should be appointed by the President and subject to confirmation by the United States Senate. Either the Director or Deputy Director should be a civilian. . . . (See p. 465.)

*Comment:*

Why should the Director or Deputy Director of the CIA be a civilian? First, this implies a lack of integrity or ability among our uniformed services. Second, the CIA was created to provide a civilian organization that, among other things, would offset any bias in the military intelligence services.

*Committee Report:*

. . . 69. By statute, a charter for the NSA should be established which, in addition to setting limitations on the operation of the Agency (see Domestic Subcommittee Recommendations), would provide that the Director of NSA would be nominated by the President and subject to confirmation by the Senate. The Director should serve at the pleasure of the President but for not more than ten years. Either the Director or Deputy Director should be a civilian. . . . (See p. 465.)

*Comment:*

I agree that a charter for the NSA is desirable. Because the NSA is a service organization under the Department of Defense, I fail to see why the Director should be nominated by the President and confirmed by the Senate. NSA has a large proportion of civilians, and I can see no valid reason for prohibiting one of them rising to Director or Deputy Director. Nevertheless, Recommendation 69 repeats the implied insult mentioned above in connection with the DIA.

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## L. THE DEPARTMENT OF STATE AND AMBASSADORS

*Committee Report:*

. . . 71. The National Security Council, the Department of State, and the Central Intelligence Agency should promptly issue instructions implementing Public Law 93-475 (22 U.S.C. 2680a). These instructions should make clear that Ambassadors are authorized recipients of sources and methods of information concerning all intelligence activities, including espionage and counterintelligence operations. Parallel instructions from other components of the intelligence community should be issued to their respective field organizations

and operatives. Copies of all these instructions should be made available to the intelligence oversight committee(s) of Congress. (See p. 468.)

72. In the exercise of their statutory responsibilities, Ambassadors should have the personal right, which may not be delegated, of access to the operational communications of the CIA's Clandestine Service in the country to which they are assigned. Any exceptions should have the approval of the President and be brought to the attention of the oversight committee. . . . (See p. 468.)

*Comment:*

As a general statement, I cannot take exception to the concept that Ambassadors should be privy to all of the activities within their missions. There may be instances where the Chief of Station believes that the identity of a particular intelligence source should not be made known to the Ambassador. Rather than giving the Ambassador the final say under these circumstances, I believe both the Ambassador and the Chief of Station should have the right to appeal to the Secretary of State and the DCI.

Recommendation 72 is closely related to Recommendation 71 in that it extends the Ambassador's authority over the CIA Chief of Station. Here again, I believe the general statement is correct but that provision should be made for exceptional cases as previously stated. I believe exceptions in some cases should be worked out between the Secretary of State and the DCI rather than having to be submitted directly to the President.

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I have refused to sign the final report of the Select Committee on Intelligence Activities in the belief that it will cause severe embarrassment, if not grave harm, to the Nation's foreign policy. A lengthy report of this nature, produced under heavy deadline pressure, further increases the possibility of embarrassment and unintentional security violations. Finally, the majority report tends to blacken the reputation of agencies and persons who have served America well. Senate Resolution 21 that created the Select Committee held the promise of a calm and deliberate investigation. That promise was not fulfilled, and this is a report that probably should never have been written.

BARRY GOLDWATER.

## SEPARATE VIEWS OF SENATOR HOWARD H. BAKER, JR.

At the close of the Senate Watergate Committee, I felt that there was a compelling need to conduct a thorough examination of our intelligence agencies, particularly the CIA and the FBI. Congress never had taken a close look at the structure or programs of either the CIA or the FBI, since their inception in 1947 and 1924, respectively.<sup>1</sup>

Moreover, there never had been a congressional review of the intelligence community as a whole. Therefore, I felt strongly that this Committee's investigation was necessary. Its time had come. Like the Watergate investigation, however, for me it was not a pleasant assignment. I say that because our investigation uncovered many actions by agents of the FBI and of the CIA that I would previously have not thought possible (*e.g.*, crude FBI letters to break up marriages or cause strife between Black groups and the CIA assassination plots) in our excellent intelligence and law enforcement institutions. Despite these unsavory actions, however, I do not view either the FBI or CIA as evil or even basically bad. Both agencies have a long and distinguished record of excellent service to our government. With the exception of the worst of the abuses, the agents involved truly believed they were acting in the best interest of the country. Nevertheless, the abuses uncovered can not be condoned and should have been investigated long ago.

I am hopeful, now that all these abuses have been fully aired to the American people through the Committee's Hearings and Report, that this investigation will have had a cathartic effect; that the FBI and CIA will now be able to grow rather than decline. Such growth with a healthy respect for the rule of law should be our goal; a goal which I am confident can be attained. It is important for the future of this country that the FBI and CIA not be cast as destroyers of our constitutional rights but rather as protectors of those rights. With the abuses behind us this can be accomplished.

### LONG-TERM IMPROVEMENT OF INTELLIGENCE COMMUNITY

On balance, I think the Committee carried out its task responsibly and thoroughly. The Committee's report on both the Foreign and Domestic areas are the result of extensive study and deliberation, as well as bipartisan cooperation in its drafting. The Report identifies many of the problems in the intelligence field and contains positive suggestions for reform. I support many of the proposed reforms, while differing, at times, with the means we should adopt to attain those reforms. In all candor, however, one must recognize that an investigation such as this one, of necessity, will cause some short-term damage to our intelligence apparatus. A responsible inquiry, as this has been, will in the long run result in a stronger and more efficient intelligence community. As my colleague Senator Morgan recently noted at a Committee meeting, such short-term injury will be outweighed by long-term benefits gained from the re-structuring of the intelligence com-

<sup>1</sup> Upon the expiration of the Watergate Committee in September 1974, I had the privilege to cosponsor with Senator Weicker, S. 4019, which would have created a joint committee on Congress to oversee all intelligence activities.



munity with more efficient utilization of our intelligence resources. Former Director William Colby captured this sentiment recently in a New York Times article:

Intelligence has traditionally existed in a shadowy field outside the law. This year's excitement has made clear that the rule of law applies to all parts of the American Government, including intelligence. In fact, this will strengthen American intelligence. Its secrets will be understood to be necessary ones for the protection of our democracy in tomorrow's world, not covers for mistake or misdeed. The guidelines within which it should and should not operate will be clarified for those in intelligence and those concerned about it. Improved supervision will ensure that the intelligence agencies will remain within the new guidelines.

The American people will understand and support their intelligence services and press their representatives to give intelligence and its officers better protection from irresponsible exposure and harassment. The costs of the past year were high, but they will be exceeded by the value of this strengthening of what was already the best intelligence service in the world.<sup>2</sup>

The Committee's investigation, as former Director Colby points out, has probed areas in which reforms are needed not to prevent abuses, but to better protect and strengthen the intelligence services. For example, it is now clear that legislation is needed to make it a criminal offense to publish the name of a United States intelligence officer stationed abroad.<sup>3</sup> Moreover, the Committee's investigation convinced me that the State Department should revise its publication of lists from which intelligence officers overseas predictably and often easily can be identified.

Yet we have not been able, in a year's time, to examine carefully all facets of the United States' incredibly important and complex intelligence community.<sup>4</sup> We have established that in some areas problems exist which need intensive long-term study. Often these most important and complex problems are not ones which lend themselves to quick or easy solutions. As Ambassador Helms noted in his testimony during the Committee's public hearings:

. . . I would certainly agree that in view of the statements made by all of you distinguished gentlemen, that some result from this has got to bring about a system of accountability that is going to be satisfactory to the U.S. Congress and to the American people.

<sup>2</sup> New York Times, Jan. 26, 1976.

<sup>3</sup> I intend to propose an amendment to S. 400 to make it a criminal offense to publish the name of a United States intelligence officer who is operating in a cover capacity overseas.

<sup>4</sup> For many months, the Committee thoroughly and exhaustively investigated the so-called "assassination plots" which culminated with the filing of our report on November 18, 1975. This investigation was vitally important in order to clear the air and set the record straight. And, it was instructive as to how "sensitive" operations are conducted within our intelligence structure. But, it necessarily shortened the time available to the Committee to investigate the intelligence community as a whole.

Now, exactly how you work out that accountability in a secret intelligence organization, I think, is obviously going to take a good deal of thought and a good deal of work and I do not have any easy ready answer to it because I assure you it is not an easy answer. In other words, there is no quick fix. (Hearings, Vol. I, 9/17/75, p. 124).

#### THOROUGH STUDY NECESSARY IN SEVERAL AREAS

The areas which concern me the most are those on which we as a Committee have been able to spend only a limited amount of time,<sup>5</sup> i.e., espionage, counterintelligence, covert action, use of informants, and electronic surveillance. It is in these areas that I am concerned that the Committee be extremely careful to ensure that the proper thorough investigatory predicate exist before any permanent reform recommendations be enacted into law.

Our investigation, however, has provided a solid base of evidence from which a permanent oversight committee can and should launch a lengthy and thorough inquiry into the best way to achieve permanent restructuring in these particularly sensitive areas. It is my view that such a study is necessary before I am able to endorse some of the Committee's recommendations which suggest a far reaching alteration of the structure of some of the most important facets of our intelligence system.

Therefore, while I support many of the Committee's major recommendations, I find myself unable to agree with all the Committee's findings and recommendations in both the foreign and domestic areas. Nor am I able to endorse every inference, suggestion, or nuance contained in the findings and supporting individual reports which together total in the thousands of pages. I do, however, fully support all of the factual revelations which our report contains concerning the many abuses in the intelligence field. It is important to disclose to the American people all of the instances of wrongdoing we discovered. With such full disclosure, it is my hope that we can turn the corner and devote our attention in the future to improving our intelligence gathering capability. We must have reform, but we must accomplish it by improving, not limiting, our intelligence productivity. I am confident this can be done.

#### CUMULATIVE EFFECT OF RECOMMENDATIONS

With regard to the totality of the Committee's recommendations, I am afraid that the cumulative effect of the numerous restrictions which the report proposes to place on our intelligence community may be damaging to our intelligence effort. I am troubled by the fact that some of the Committee's recommendations dip too deeply into many of the operational areas of our intelligence agencies. To do so, I am afraid, will cause practical problems. The totality of the proposals may decrease instead of increase our intelligence product. And, there

<sup>5</sup> The Committee's mandate from Congress dictated that the abuses at home and abroad be given detailed attention. And, there are only a finite number of important problems which can be examined and answered conclusively in a year's time.

may be serious ramifications of some proposals which will, I fear, spawn problems which are as yet unknown. I am unconvinced that the uncertain world of intelligence can be regulated with the use of rigid or inflexible standards.

Specifically, I am not convinced that the answers to all our problems are found by establishing myriad Executive Branch boards, committees, and subcommittees to manage the day-to-day operations of the intelligence community. We must take care to avoid creating a Rube Goldberg maze of review procedures which might result in a bureaucratic morass which would further increase the burden on our already heavily overburdened tax dollar.

We should not over-reform in response to the abuses uncovered. This is not to say that we do not need new controls, because we do. But, it is to say that the controls we impose should be well reasoned and add to, not detract from the efficiency of our intelligence gathering system.

Increased Executive Branch controls are only one-half of the solution. Congress for too long has neglected its role in monitoring the intelligence community. That role should be significant but not all-encompassing. Congress has a great many powers which in the past it has not exercised. We must now do our share but, at the same time, we must be careful, in reacting to the abuses uncovered, that we not swing the pendulum back too far in the direction of Congress. Both wisdom and the constitutional doctrine of separation of powers dictate that Congress not place itself in the position of trying to manage and control the day-to-day business of the intelligence operations of the Executive Branch. Vigorous oversight is needed, but should be carefully structured in a new powerful oversight committee. I believe this can be achieved if we work together to attain it.

In moving toward improving our intelligence capability, we must also streamline it. It is in this approach that my thoughts are somewhat conceptually different from the approach the Committee is recommending. I am concerned that we not overreact to the past by creating a plethora of rigid "thou shalt not" statutes, which, while prohibiting the specific hypothetical abuse postured in the Report, cast a wide net which will catch and eliminate many valuable intelligence programs as well.

The Committee Report recommends the passage of a large number of new statutes to define the functions of and further regulate the intelligence community. I am troubled by how much detail should be used in spelling out the functions and limitations of our intelligence agencies for all the world to see. Do we want to outline for our adversaries just how far our intelligence agencies can go? Do we want to define publicly down to the last detail what they can and cannot do? I am not sure we do. I rather think the answer is found in establishing carefully structured charters for the intelligence agencies with accountability and responsibility in the Executive Branch and vigilant oversight within the Legislative Branch.

## PRESIDENT'S PROGRAM

It is my view that we need to take both a moderate and efficient course in reforming our intelligence gathering system. In that regard, I think President Ford's recent restructuring of the intelligence community was an extraordinarily good response to the problems of the past. The President's program effected a massive reorganization of our entire intelligence community. It was a massive reaction to a massive problem which did not lend itself to easy solution. I am pleased that many of the Committee's recommendations for intelligence reform mirror the President's program in format. Centralizing the command and control of the intelligence community, as the President's program does, is the best way to ensure total accountability and yet not compromise our intelligence gathering capability.

Therefore, I endorse the basic framework of intelligence reform, outlined by President Ford, as embodying: (1) a single permanent oversight committee in Congress, with strong and aggressive staff, to oversee the intelligence community;<sup>6</sup> (2) the Committee on Foreign Intelligence to manage the day-to-day operation of the intelligence community; (3) the re-constituted Operations Advisory Group to review and pass upon all significant covert actions projects;<sup>7</sup> and (4) the Intelligence Oversight Board to monitor any possible abuses in the future, coordinating the activities and reports of what I am confident will be the considerably strengthened offices of General Counsel and Inspector General. This framework will accomplish the accountability and responsibility we seek in the intelligence community with both thoroughness and efficiency. Within this framework, Attorney General Levi's new guidelines in the Domestic Security area will drastically alter this previously sparsely supervised field. These guidelines will centralize responsibility for domestic intelligence within the Department of Justice and will preclude abuses such as COINTELPRO from ever reoccurring.<sup>8</sup>

## SPECIFIC REFORMS

Within this basic framework, we must look to how we are going to devise a system that can both effectively oversee the intelligence community and yet not impose strictures which will eliminate its productivity. It is to this end that I suggest we move in the following direction:

<sup>6</sup> My original support for a single joint committee of Congress has evolved, somewhat as affected by the events of this past year's House Intelligence Committee investigation, to support for a single Senate committee. However, I also favor the mandate of the new committee including, as does the present S. 400, a charge to consider the future option of merging into a permanent joint committee upon consultation with and action by the House of Representatives. The moment for meaningful reform is now and we must not lose it by waiting for a joint committee to be approved by both Houses of Congress.

<sup>7</sup> I think a rule of reason should apply here. All significant projects certainly should receive careful attention from the Group. On the other hand, I would not require a formal meeting with a written record to authorize the payment of 2 sources in X country at \$50 per month to be changed to the payment of 3 sources in X country at \$40 per month.

<sup>8</sup> I applaud the detailed guidelines issued by the Attorney General to reform the Department's entire domestic intelligence program. I think he is moving in the right direction by requiring the FBI to meet a specific and stringent standard for opening an intelligence investigation, i.e., the *Terry v. Ohio* standard.

(1) Demand responsibility and accountability from the Executive Branch by requiring all major policy decisions and all major intelligence action decisions be in writing, and therefore retrievable.<sup>9</sup>

(2) I recommend, as I have previously, that Congress enact a variation of S. 400, which I had the privilege to cosponsor. S. 400 is the Government Operations Committee bill which would create a permanent oversight committee to review the intelligence community. The existing Congressional oversight system has provided infrequent and ineffectual review. And, many of the abuses revealed might have been prevented had Congress been doing its job. The jurisdiction of the new committee should include both the CIA and the FBI, and the committee should be required to review and report periodically to the Senate on all aspects of the intelligence community's operations. In particular, I recommend that the Committee give specific careful attention to how we might improve as well as control our intelligence capability in the counterintelligence and espionage areas.

(3) Simultaneously with the creation of a permanent oversight committee, Congress should amend the Hughes-Ryan Amendment to the 1974 Foreign Assistance Act, § 662, which now requires the intelligence community to brief 6 committees of the Congress on each and every major intelligence action. Former Director Colby strikes a responsive chord when he complains that the present system will lead to leaking of vital intelligence information. We must put a stop to this. This can be done by allowing the intelligence community to report only to a single secure committee.

(4) Concomitantly with improved oversight, we in Congress must adopt stringent procedures to prevent leaks of intelligence information. In this regard, I recommend we create a regular remedy to prevent the extraordinary remedy of a single member of Congress disclosing the existence of a covert intelligence operation with which he does not agree. Such a remedy could take the form of an appeal procedure within the Congress so that a single member, not satisfied with a Committee's determination that a particular program is in the national interest, will be provided with an avenue of relief. This procedure, however, must be coupled with stringent penalties for any member of Congress who disregards it and discloses classified information anyway. I intend to offer an amendment to institute such a remedy when S. 400 reaches the Senate floor.<sup>10</sup>

(5) The positions of General Counsel and Inspector General in the intelligence agencies should be elevated in importance and given increased powers. I feel that it is extraordinarily important that these

<sup>9</sup> Never again should we be faced with the dilemma we faced in the assassination investigation. We climbed the ladder of authority only to reach a point where there were no more written rungs. Responsibility ceased; accountability ceased; and, in the end, we could not say whether some of the most drastic actions our intelligence community or certain components of it had ever taken against a foreign country or foreign leader were approved of or even known of by the President who was in office at the time.

<sup>10</sup> I would favor a procedure, within the Congress, which would in effect create an avenue of appeal for a member dissatisfied with a Committee determination on a classification issue. Perhaps an appeal committee made up of the Majority and Minority leaders and other appointed members would be appropriate. Leaving the mechanics aside, however, I believe the concept is important and can be implemented.

positions, particularly that of General Counsel, be upgraded. For that reason, I think that it is a good idea to have the General Counsel, to both the FBI and the CIA, subject to Senate confirmation. This adds another check and balance which will result in an overall improvement of the system.<sup>12</sup> Additionally, I feel that it is equally important to provide both the General Counsel and Inspector General with unrestricted access to all raw files within their respective agencies.<sup>12a</sup> This was not always done in the past and will be a healthy addition to the intra-agency system of checks and balances.

(6) I am in favor of making public the aggregate figure for the budget of the entire intelligence community. I believe the people of the United States have the right to know that figure.<sup>13</sup> The citizens of this country have a right to know how much of their money we are spending on intelligence production. But, they also want to get their money's worth out of that tax dollar. They do not want to spend that money for intelligence production which is going to be handicapped; which is going to produce poor or inaccurate intelligence. Therefore, I am opposed to any further specific delineation of the intelligence community budget. Specifically, I am opposed to the publication of the CIA's budget or the NSA's budget. It seems to me we are dealing with the world of the unknown in predicting what a foreign intelligence service can or cannot extrapolate from these budget figures. We received no testimony which guaranteed that, if Congress were to publish the budget figure for the CIA itself, a hostile intelligence organization could not extrapolate from that figure and determine much more accurately what the CIA capabilities are in any number of vital areas. Without such testimony, I am not prepared to go that far. The public's right to know must be balanced with the efficiency and integrity of our intelligence operations. I think we can accomplish both by taking the middle road; publishing the aggregate figure for the entire intelligence community. It is this proposal that I have voted in favor of.

There are a number of other specific findings and recommendations, supported by a majority of the Committee, which require additional brief comment.

<sup>12</sup> I differ with the Committee in that I would not have the General Counsel and Inspector General file reports and/or complaints concerning possible abuses with the Attorney General. Rather, I think the more appropriate interface in a new oversight system would be for both to take complaints to the Intelligence Oversight Board and the new congressional oversight committee. The Attorney General would remain the recipient of any and all complaints regarding possible violations of law.

<sup>12a</sup> I support the Committee's recommendation that agency employees report any irregularities directly to the Inspector General without going through the chain of command, i.e. through the particular division chief involved.

<sup>13</sup> I do not feel that, despite my personal view that the aggregate budget figure should be disclosed to the public, only six to eleven members of the Senate have the right to release unilaterally the actual budget figures. A majority of both Houses of Congress should be necessary to release such information. And, while I would cast my vote in favor of the release of the aggregate budget figure, I am troubled that there may be no such vote. I am not sure the "right" result, justifies the "wrong" procedures, because the next time the wrong procedure can just as easily be utilized to reach the wrong result.

## FOREIGN INTELLIGENCE RECOMMENDATIONS

## (1) COVERT ACTION

I believe the covert action capability of our intelligence community is vital to the United States. We must maintain our strength in this capacity, but, we must also control it. The key and difficult question, of course, is how we can control it without destroying or damaging its effectiveness. In my view, the best way to both maintain strength and yet insure accountability is to have strict control of the covert action programs through the Operations Advisory Group, with parallel control and supervision by the proposed permanent congressional oversight committee.

Covert action is a complex United States intelligence capability. Covert action provides the United States with the ability to react to changing situations. It is built up over a long period of time. Potential assets are painstakingly recruited all over the world. Having reviewed the history of covert action since its inception, I do not look upon the intelligence agents involved in covert action as a modern day group of bandits who travel the world murdering and kidnapping people. Rather, a vast majority of covert action programs are not only valuable but well thought approaches through media placement and agents of influence which produce positive results.

Covert action programs cannot be mounted instantly upon a crisis. It is naive to think that our intelligence community will be able to address a crisis without working years in advance to establish sources in the various countries in which a crisis might occur. These sources provide what is referred to as the "infrastructure," which must necessarily be in place throughout the world so that the United States can *predict* and *prevent* actions abroad which are inimical to our national interest.<sup>14</sup> I believe that, were we to completely abolish covert action or attempt to remove it from the CIA and place it in a new separate agency, these sources would dry up; and, when a crisis did come, our intelligence community would not be able to meet it effectively. Not only do I question the effectiveness a new separate agency for covert action would have, but such a re-structuring would unnecessarily increase our already burgeoning bureaucracy.

I think that it is important to realize that covert action cannot be conducted in public. We cannot take a Gallup Poll to determine whether we should secretly aid the democratic forces in a particular country. I do not defend some of the covert action which has taken place in Chile. But, the fact remains that we cannot discuss publicly the many successes, both major and minor, which the United States has achieved through the careful use of covert action programs. Many individuals occupy positions of power in the world today as a direct result of aid given through a covert action program. Unfortunately, we cannot boast of or even mention these significant achievements. In short, we cannot approach covert action from a public relations point of view. We should not forget that we must deal with the world as it is today—with our adversaries employing their equivalent of covert

<sup>14</sup> For example, testimony before the Committee established that the CIA's failure to act more positively in Portugal was a direct result of an absence of sufficient clandestine infrastructure. William E. Colby testimony, 10/23/75; William Nelson testimony, 11/7/75.

action. We must either say that the intelligence community should have the power to address world problems in this manner, under the strict control of the President and Congress, or we should take away that power completely. I cannot subscribe to the latter.

Finally, the issue remains as to how we can best control covert action through statutory reform. First, I believe the Executive Branch can and should carefully review each significant covert action proposal. This will be accomplished through the Operations Advisory Group under the program outlined by President Ford.

Second, Congress can control covert action by passing legislation requiring that the new oversight committee be kept "fully and currently informed." This, I believe, is the appropriate statutory language to apply to covert action. I do not agree with the Committee's recommendation that "prior notice" be given to Congress for each and every covert action project. As a matter of practice, the important and significant covert action programs will be discussed with the oversight committee in a form of partnership; and this is the way it should be. "Fully and currently informed" is language which has served us well in the atomic energy area. It has an already existing body of precedent that may be used as a guide for the future. It is flexible, like the Constitution, and provides a strong, broad base to work from. I am not prepared to say, however, that in the years ahead there may not be some vitally sensitive situation of which Congress and the oversight committee should not be told in advance. While the likelihood of this occurring is not great, we should never foreclose with rigid statutory language possibilities which cannot be foreseen today. Our statutory language must be flexible enough to encompass a variety of problems and potential problems, yet rigid enough to ensure total accountability. "Fully and currently informed" accomplishes both purposes.

## (2) CIA PUBLISHING RESTRICTIONS

In the area of restrictions on the CIA's publishing of various materials, I am in complete agreement that anything published in the United States by the CIA, or even sponsored indirectly by the CIA through a proprietary, front, or any other means, must be identified as coming from the CIA. Publications overseas are another matter. We should allow the Agency the flexibility, as we have in our recommendations, to publish whatever they want to overseas and to publish under whatever subterfuge is necessary and thought advisable.<sup>15</sup>

## DOMESTIC INTELLIGENCE RECOMMENDATIONS

While the Committee's Domestic Intelligence Report represents an excellent discussion of the problems attendant to that field of intelligence, I feel several of the recommendations may present practical problems. Although our objective of achieving domestic intelligence reforms is the same, I differ with the majority of the Committee in how best to approach the achievement of this goal.

<sup>15</sup> I do not view the "domestic fallout" as a real problem. To be sure, some publications by the CIA abroad will find their way back to the United States. However, to try to impose severe restrictions to prevent such fallout would cause unnecessary damage to the CIA's valid production of propaganda and other publications abroad.



## (1) INVESTIGATIVE STANDARDS

*Scope of Domestic Security Investigations*

At the outset, I note that most of my concern with the standards for investigations in the domestic security area stem from the fact that "domestic security" is defined by the Committee to include both the "terrorism" and "espionage" areas of investigation. Severe limitations, proscribing the investigation of student groups, are more readily acceptable when they do not also apply to terrorist groups and foreign and domestic agents involved in espionage against the United States. To include these disparate elements within the same "domestic security" rubric, it seems to me, will create unnecessary problems when it comes to the practical application of the theoretical principles enunciated in the Committee's recommendations.

(a) *Preventive intelligence investigations*—The Committee's recommendations limit the FBI's permissible investigations in these critical areas of terrorism and espionage under standards for what the Committee delineates as preventive intelligence investigations. Under these standards the FBI can only investigate where:

it has a specific allegation or specific or substantiated information that (an) American or foreigner *will soon engage* in terrorist activity or hostile foreign intelligence activity [emphasis added.] <sup>16</sup>

I am not convinced that this is the best way to approach the real problem of limiting domestic intelligence investigations. While in theoretical terms the standards of the recommendations may seem appropriate, I fear the inherent practical consequences of their application to the cold, real world of terrorism and espionage. The establishment of an imminency requirement by not permitting *any* investigation by the FBI unless the allegation or information received establishes that the person or group will "soon engage" in certain activity might prohibit any number of legitimate and necessary FBI investigations. For example, an allegation of an assassination attempt on a public figure at an unspecified date in the future could be precluded from investigation; or, vague information received by the FBI that there was a plan to obtain some nuclear components, but no indication of when or how, could also be prohibited from investigation. Surely, matters such as these should be the valid subjects of investigation—no matter how vague or piecemeal the information is.<sup>17</sup>

(b) *Time limits*—The Committee's recommendations would limit any preliminary FBI investigation of an allegation of wrongdoing in the Domestic Security area to 30 days from the receipt of the information, unless the Attorney General "finds" <sup>18</sup> that the investigation need be extended for an additional 60 days. The FBI investigation may continue beyond 90 days only if the investigatory efforts establish "reasonable suspicion" that the person or group "will soon engage in"

<sup>16</sup> Committee Domestic Report, p. 320.

<sup>17</sup> My experience dictates that many investigations are begun with very limited or sketchy information. FBI agents and investigators in general are not always or even often immediately presented with information which constitutes probable cause of a crime. Probable cause is often established only through painstaking investigation; putting bits and pieces together. I think we must take this into consideration when formulating threshold investigatory standards.

<sup>18</sup> It is unclear what standard is to be the predicate for any such finding.

terrorist or foreign espionage activities.<sup>19</sup> And, even a full preventive intelligence investigation is not permitted to continue beyond "one year," except upon a finding by the Attorney General of "compelling circumstances."<sup>20</sup>

While well-intentioned, I am not persuaded that these are workable standards. I just don't think we can categorize all investigations into these rigid time frames. Investigations just are not conducted that way. Thirty days, for example, is probably not even enough time to obtain a license check return from some states. Moreover, limiting an investigation to one year may not be realistic when it applies to investigating a violence prone group like the SLA or a Soviet Union espionage ring. These investigations are not easily or quickly accomplished. I do not believe that the creation of artificial time limits is the best way to approach the real concern of the Committee, which is that we establish institutional controls on domestic security investigations. I would prefer approaching the control and accountability problems by providing periodic Department of Justice reviews of *all* categories of domestic intelligence investigations; not by imposing specific time limits upon all investigations.

## (2) INFORMANTS

The Committee recommends broad new restrictions on the use of informants by the FBI. While our investigation has established that, in the domestic intelligence field, there have been numerous abuses in the use of informants, I do not think that the proposed recommendations are the best vehicles to achieve the needed reform. I cannot subscribe to recommendations limiting the use of informants to stringent time standards.<sup>21</sup> To limit use of informants to periods of "90 days"<sup>22</sup> unless the Attorney General finds "probable cause" that an American will "soon" engage in terrorist or hostile foreign intelligence activity is impractical and unworkable. When groups such as the SLA attempt to rob, kill, or blow up buildings, it is clearly necessary to cultivate informants who may provide some advance warning. I am concerned that the Committee's recommendations will preclude this vital function of the FBI. Moreover, specific time limits, it seems to me, will prove to be impractical. For example, at the end of the prescribed time, with not enough evidence for arrests, will informant X be terminated and replaced by informant Y who starts anew, or are informants thereafter banned from penetrating the particular group—even if violence prone or involved in espionage?

It should be remembered that informants are the single most important tool of the FBI, and local police for that matter, in the fight against terrorism and espionage, as well as organized crime, narcotics, and even the ever pervasive street crimes of murder, rape, and robbery. Indeed, they are the very lifeblood of such investigations. Moreover, informants are involved in a wide spectrum of activities

<sup>19</sup> Committee Domestic Report, pp. 320-323.

<sup>20</sup> Compelling circumstances is not further defined, so it is unclear what standards should be applied in making such a determination.

<sup>21</sup> My concerns here parallel those I have with respect to the general investigatory standards recommended.

<sup>22</sup> The Committee allows an additional 60 days if the Attorney General finds "compelling circumstances."

from attending public meetings to actual penetration attempts. I am concerned that theoretical and abstract restrictions designed only for "domestic intelligence", if enacted, would soon limit our legitimate law enforcement efforts in many other fields as well. People and actions do not always fit nicely in neat little boxes labeled "domestic intelligence," particularly in the terrorist and espionage areas to which the proposed restrictions on informants would apply. Congress should carefully consider the scope and ramifications of any recommendations with respect to informants.

It is my view that the better way to approach the problems encountered in the use of informants is to put their use under strict supervision of the Department of Justice. Creation of a special staff or committee for this purpose, centralized in the Department of Justice, would provide effective controls over the potential abuses in the use of informants, yet not hamstringing their legitimate and valuable use.<sup>23</sup>

### (3) ELECTRONIC SURVEILLANCE

I wholeheartedly support S. 3197, the new electronic surveillance bill sent to the Congress by President Ford.<sup>24</sup> It needs consolidated bipartisan support because it represents a significant advance from existing practice. For the first time, it will bring all governmental electronic surveillance under the scrutiny of judicial warrant procedures. I commend the efforts of President Ford in taking this extraordinary step forward in the regulation of electronic surveillance.

In supporting S. 3197, I do not regard the existing wiretaps presently maintained under the direction and control of Attorney General Levi as being in violation of the Constitution. The present practice of electronic surveillance authorization and implementation rests upon a long-standing body of precedent which provides a firm constitutional base for their continued maintenance. The President's approach is to move from the present practice toward better practices and procedures for authorization. The abuses of electronic surveillance of the past clearly dictate a need for a system of judicial warrant approval. Under the President's proposal the American people will be able to rest easy—assured that electronic surveillance will be employed carefully, yet when needed to combat serious criminal and espionage activity.

I differ with a majority of the Committee insofar as they recommend that before a judge can issue a warrant for electronic surveillance he must find *more* than that an American is a conscious agent of a foreign power engaged in clandestine intelligence activities. The Committee would require that probable cause be established for "criminal activity" before a wiretap can be authorized. I think this departure from the S. 3197 standard would be a dangerous one because it would eliminate certain areas of espionage, particularly industrial espionage,

<sup>23</sup> Attorney General Levi is in the process of establishing guidelines to regulate the use of informants. I recommend, however, that these guidelines be enforced through some appropriate form of Department of Justice review of the FBI's use of informants.

<sup>24</sup> The bill enjoyed a bipartisan co-sponsorship of Senators.

from electronic surveillance. Many areas of espionage do not involve clearly criminal activity. Indeed, forms of espionage may not constitute a criminal offense, but should be the valid target of an espionage investigation. For example, a situation such as American oil company executives providing unclassified but important oil reserve information to a Soviet agent might not be a permissible subject of electronic surveillance if "criminal activity," rather than hostile foreign intelligence, were the standard.<sup>25</sup> I think the Committee proposed standard would harm the FBI's espionage efforts and would therefore be a mistake.

#### (4) CIVIL REMEDIES STATUTE

I oppose any broad new civil remedies statute in the field of domestic intelligence as both dangerous and unnecessary. It is dangerous because it could easily open the flood gates for numerous lawsuits filed seeking injunctive relief in the courts to thwart legitimate investigations. It is unnecessary because any substantial actions are already permitted under present Supreme Court decisions, such as *Bivens v. United States*, for violation of constitutional rights. There is simply no valid reason to carve out a broad new category of lawsuits for those not only injured by domestic intelligence methods but "threatened with injury."<sup>26</sup> No such statutory provisions are available for "victims" in any other specific category of activity. The present avenues of relief provided by law today are clearly sufficient to address any future abuses in the domestic intelligence field. I note that we have not had the benefit of any sworn testimony from the many constitutional and criminal law experts in the country, either pro or con such a proposal. Without the benefit of an adequate record and with my concern about the practical results of such a statute, I cannot support its enactment.

#### (5) CIVIL DISORDERS

A final recommendation which requires brief comment in the Committee's proposed standards permitting the FBI to assist "federal, state, and local officials in connection with a civil disorder." The Committee's recommendation will not allow any investigation by the F.B.I., not even preliminary in nature, unless the Attorney General finds in writing that "there is a clear and immediate threat of domestic violence" which will require the use of Federal troops.

My reservation about this recommendation is that I think it deprives the Attorney General of the necessary flexibility in dealing with

<sup>25</sup> Those involved in the obtaining of information about our industrial processes, vital to our national security, for our adversaries should be the legitimate subject of electronic surveillance, notwithstanding that no criminal statute is violated. I do not think we can afford to wait for exhaustive reform of our espionage laws. I note that the section of the proposed S.1 dealing with espionage reform has presented great difficulty to the drafters. Indeed, drafting espionage into a criminal statute presents some of the same overbreadth problems that the Committee has been concerned with in the domestic intelligence area.

<sup>26</sup> For example, would a cause of action exist simply because X notices a federal agent following him in an automobile, notwithstanding the nature or status of the particular investigation?

these delicate matters (i.e., civil disturbances) and might tend to exacerbate a possibly explosive situation. If the Attorney General is not allowed to dispatch FBI agents to the scene of disorders it seems to me that we deprive him of the very means he needs to make the extraordinarily important decision as to whether Federal troops are likely to be used.

I believe the better practice would be to permit preliminary investigation by the FBI of potentially volatile situations so that the Attorney General might make the most reasoned decision possible with respect to what I consider the drastic step of deploying Federal troops to quell a civil disorder in one of our cities.

#### WATERGATE-RELATED INQUIRY

Finally, I wish to address briefly an area of the Committee's investigation which I pursued for the most part independently. At the close of the Senate Watergate investigation I filed a report as part of my individual views<sup>27</sup> which outlined remaining areas of investigation with respect to the relationships between the Central Intelligence Agency and the former CIA employees who participated in the Watergate break-in.<sup>28</sup> By virtue of my membership on this Select Committee, I have been able to pursue a further inquiry into these matters, and wish to thank the Chairman and the Vice Chairman for the staff assistance and latitude provided me to pursue this area of investigation.

Many of the concerns raised in the Watergate Committee investigation have been overtaken by time and events. For example, the reported references to illegal CIA domestic activities have now been confirmed, as described in detail in the Committee's Report. The reference to the CIA maintaining a file on Jack Anderson<sup>29</sup> proved to be part of a lengthy investigation and physical surveillance of Anderson by the CIA during a "leak" inquiry. Similarly, the detailing of Howard Hunt's post-retirement contacts with the CIA has been supplemented with still more such contacts.<sup>30</sup> Since July 1974, we have witnessed a variety of other disclosures relative to the CIA's domestic activities; indeed, the creation of our Senate Select Committee on Intelligence Activities was due in part to the continuing public concern about these matters.

Unlike the Watergate Committee investigation of CIA activities, which was terminated because of the refusal of the CIA to turn over documents,<sup>31</sup> this investigation was conducted in an atmosphere of cooperation. After some initial difficulties, which the Committee en-

<sup>27</sup> Senate Watergate Committee Final Report, S. Res. 93-981, pp. 1105-1165.

<sup>28</sup> The "Action Required" section of the report, at pages 1150-1157, enumerated unresolved matters and identified materials not provided to the Watergate Committee by the CIA.

<sup>29</sup> Senate Watergate Committee Final Report, p. 1128.

<sup>30</sup> For example this disclosure of personal correspondence (detailing certain of Hunt's activities in 1971 and 1972) between Hunt and the CIA secretary stationed in Paris whom Hunt sought to have reassigned to work for him at the White House.

<sup>31</sup> By letter of March 7, 1974, former Director Colby informed the Senate Watergate Committee that certain items of requested information would not be made available to that committee. Such a withholding of timely information, including that which was totally exculpatory, unnecessarily focused an aura of suspicion and guilt.

countered in a variety of areas, the cooperation afforded by the CIA was exemplary. In particular, I especially want to express my appreciation to former Director William Colby and present Director George Bush for cooperating to the fullest extent in this investigation. I also want to thank Ambassador Richard Helms and former Counter-intelligence Chief James Angleton for their patience and extensive assistance in numerous conferences, in trying to reconstruct the elusive details of this significant period.

In pursuing this area of inquiry, the Committee staff examined a great volume of highly sensitive material, much of which contained speculative matters and a multitude of information of marginal relevance. This information, which had not been made available in large part to the Separate Watergate Committee, was examined in raw form and without sanitization deletions. Because of the sensitivity of the material, it was reviewed on the Central Intelligence Agency premises. Thus, it was in a spirit of cooperation that this examination was accommodated; and, this experience indicates that the Congress and the intelligence community can cooperate in an investigation without incurring unauthorized disclosure of sensitive information.<sup>32</sup>

At the close of this Committee's examination of the available record, I wish to state my belief that the sum total of the evidence does not substantiate a conclusion that the CIA per se was involved in the range of events and circumstances known as Watergate.<sup>33</sup> However, there was considerable evidence that for much of the post-Watergate period the CIA itself was uncertain of the ramifications of the various involvements, witting or otherwise, between members of the Watergate burglary team and members of components of the Agency. Indeed, the CIA was apparently, at times as perplexed as Congressional investigators.<sup>34</sup> It should be noted that the Agency undertook an extensive internal inquiry in an effort to resolve these uncertainties. The investigation of Watergate and the possible relationship of the Central Intelligence Agency thereto, produced a panoply of puzzlement. While the available information leaves nagging questions and contains bits and pieces of intriguing evidence, fairness dictates that an assessment be rendered on the basis of the present record. An impartial evaluation of that record compels the conclusion that the CIA, as an institution, was not involved in the Watergate break-in.

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<sup>32</sup> For example, the staff was given access to the Martinez contact reports (to which access was refused during the Watergate Committee investigation) in their entirety. This review was accomplished in secure facilities at the CIA, and no notes were taken of sensitive information contained in the reports not related to Hunt or in some other way relevant to the Committee's inquiry. I cite this as an example of how a Congressional investigation can be thorough and yet not threaten the integrity of CIA secret documentation, containing names of officers and other highly classified information.

<sup>33</sup> I am filing with the Committee the detailed results of this investigation in the form of classified memoranda. These memoranda will be turned over to the successor permanent oversight committee to be kept in its secure files. No useful purpose would be served in further publicizing the contents, because much of it is fragmentary and its sum total reinforces the findings stated herein.

<sup>34</sup> Colby to Helms letter of 28 January, 1974, references seven to nine communications from Hunt while he was at the White House to Helms' secretary, with the query: "Can you give us some idea as to what they were about?"

## SUPPLEMENTAL VIEWS OF SENATOR CHARLES McC. MATHIAS, JR.

I fully support the Final Report and Findings and Recommendations of the Senate Select Committee on Intelligence Activities.

When the Majority Leader, Senator Mike Mansfield and I first proposed the creation of a Select Committee on Intelligence Activities on October 4, 1974, in the aftermath of Watergate and charges of domestic spying and the misuse of the CIA and the FBI, confidence of the people in our vital government intelligence system was severely strained. It was the Majority Leader's and my view that in order to restore confidence and legitimacy to the intelligence activities of the United States, there was a need to examine in depth to what extent secret activities are required by the United States. In December 1974, in testimony in support of my resolution to create a Senate Select Committee to Study the intelligence activities of the United States, I stated:

One of the most important tasks facing the United States and particularly the Congress is determining the proper role of intelligence agencies in our constitutional system of government and drawing new guidelines for the future intelligence activities of the executive branch. It is quite clear that our foreign and domestic intelligence agencies, including such valued agencies as the CIA, the FBI, and other departments and agencies, have in the course of their activities, violated the constitutional guarantees of citizens and have operated outside of normal constitutional processes. The instances of abuses of power by intelligence agencies and the abridgement of constitutional rights of individual citizens by these agencies revealed by Watergate are sufficient cause to warrant a thorough systematic examination of not only the present intelligence activities; but more importantly, in my view, there is an urgent need to determine what our intelligence needs now are and how they can most effectively function under firm constitutional guidelines, providing for rigorous oversight and accountability.

The Select Committee has just completed this task. Its recommendations represent an agenda of essential legislative and executive branch action.

The history of United States intelligence activities since the end of World War II is a record of remarkable intellectual and organizational achievement. It is also a record of the exercise of subtle violence and brutal warfare. The latter is not a pretty picture, but given the attitudes of major powers since the end of World War II, our national leadership regarded such measures as necessary and unavoidable. The history of the past three decades raises the important issue of whether the United States must adopt all the methods of our potential adver-

saries, or is able to exercise some restraints. I share the view of the Committee that if we become "more ruthless than the enemy," as one important policy document of the 1950's urged, the U.S. will lose those qualities which distinguish a free society from a totalitarian regime. It is my belief that restraints are possible and can be exercised in ways that are both consistent with the needs of national security and with our constitutional processes.

The information obtained through intelligence activities is important to government at all policy and operational levels. The U.S. spends many billions of dollars a year on this effort. After over a year of study and investigation, there remain, however, many unanswered questions as to the value of some intelligence collection activities. More work needs to be done by a fully empowered permanent oversight committee. For example, in neither the Committee's investigations, nor in internal executive branch studies, has it been possible to determine exactly how much and what kind of intelligence is needed. There are very few solid indicators of the usefulness of the massive amount of intelligence available to the U.S. Government. There are, however, many tangible positive benefits; the ABM Treaty, for example, would not have been possible without reliable intelligence to assure that its provisions were being adhered to.

The magnitude of the intelligence effort parallels the patterns of our military and diplomatic policies against potential enemies. In the early 1950's, the intent of United States policy was to counter and roll back Soviet activities worldwide. In recent years there has been a lessening of tensions between the United States and the Soviet Union. In the world of intelligence similar patterns can be observed.

The intelligence activities of the U.S. are largely shaped by the activities of our potential enemies. We do what they do. What is it that we both do?

*First*, we spy on one another. The legal term is espionage; the euphemism is "clandestine collection;" the direct word is spying.

*Second*, we make great efforts to know what it is they are doing in order to counter, stop, or destroy what they are doing against us. Response to potential enemies has tended to set the pace for our intelligence efforts.

*Third*, we both engage in covert action. Covert action, plainly stated, is the secret exercise of influence. The means used range the gamut of technique between waging war and peaceful intercourse among nations. This includes "little" wars—paramilitary activity, subversion of other governments through propaganda, the use of money, agents of influence, economic warfare, and other less directly hostile means. All this is done to support policy interests.

*Fourth*, we both collect vast amounts of information through open means, technological collection and spying. This information is analyzed and organized into finished intelligence available to the policy-makers of the country in making national decisions.

Upon systematic review, I share the view of the Committee that the U.S. must continue to undertake some secret intelligence activities. They are vital to our national security. Certain activities, however, should be prohibited. In the past, some intelligence activities have had the effect of eroding our processes of government, have violated our



principles, ideals and reputation, and have damaged our ability to exercise moral and ethical leadership throughout the world. The fundamental issue facing the Congress and the issue that particularly confronts the Committee is to decide how secret activities which are agreed to be necessary are to be *governed* by our democratic institutions. This issue has three aspects:

*First, how do we decide which activities should be undertaken?* The answer the Committee has come to and that I fully support is that it must be the executive and legislative branches jointly: The legislature through appropriate legislative intelligence oversight committee(s) and the executive through its NSC and other management and oversight structures.

*Second, what system of accountability is necessary in order to assure that intelligence activities are prudent and appropriate?* The Committee's decision is that there must be a rigorous recorded approval process within the executive branch and a searching oversight process within the legislative branch. All proposals and approvals for intelligence activities must be recorded in writing and placed in a central classified registry; the record of activities should be available to the legislative oversight committee(s) in accordance with their needs.

*Third, who can make use of intelligence information?* The Committee's view is that both the legislature and the executive should have full access to the intelligence analyses produced by the intelligence community. The availability of sound intelligence will enable the legislature to become a partner with the executive branch as intended by the Constitution in this vital area of national policy. A better informed legislature can only benefit the nation.

These three questions and their answers are at the heart of the Committee's recommended solutions to the problem of how secret intelligence activities can be governed within an open democratic society. These are solutions which I fully support. But for these solutions to work, a strong oversight committee must be created with power of the purse and full access to information. Without a strong oversight committee, the failures of the past will recur.

Inherent contradictions are created when secret activities are permitted within a democratic society. The U.S. is a government of laws, yet laws have not been passed which accurately describe the nature and extent of intelligence activities. This dilemma has raised a number of important questions for the Committee. Although the Committee has come to conclusions about these issues, they are problems that require constant reexamination.

In this regard, a key question before the Committee was whether the U.S. should be the first nation to say through its laws what it is in fact doing in the world of intelligence activities. Should it pass laws specifically authorizing and governing covert action, including the explicit right to make warfare, to practice subversion and propaganda?

Should these intelligence methods—which have never been publicly acknowledged by any other nation—be put into law? Should the United States Government do so directly and explicitly, rather than through euphemisms and vague imprecise language, and not disguise from its own people what it is actually doing? Is it naive or innocent to express what the U.S. and all other nations in fact are doing? Or

would there be advantages to expressing directly what we and all other nations do, expressing also the hope that through negotiation between nations many activities could be stopped on a mutually acceptable basis?

In response to the question of whether we should express openly what we now do secretly in the world of intelligence, many have answered that to reveal the missions of the intelligence agencies with any precision and to set limitations on them by law would, at a minimum have severe diplomatic repercussions. Further, it is argued, disclosure would, as a practical matter, result in effective countermeasures by the intelligence services of other nations, particularly those nations hostile to the United States.

In the past, all nations have disavowed acts of their intelligence agents abroad when they have been revealed. But as the scale of intelligence activities has grown, "plausible denial," once an accepted doctrine for the U.S. Government, has become implausible. It is my belief that the failure to assure accountability through constitutional processes has jeopardized the integrity of our democratic institutions. Many of the practices and techniques exercised by our nation's intelligence agencies have also become obsolete in this age of nuclear weapons and other advanced technology. For example, there is now recognition, at least for the present, among the great powers that so-called "national technical means," that is, satellite reconnaissance, should not be interfered with. There are a number of intelligence missions which, through tacit international acceptance and widespread press discussion, have, over time and through common usage, become "overt" in fact. In such cases, public discussion and approval of these kinds of intelligence missions, such as technical collection systems, is essential, even if the details are not revealed.

Shall the U.S. Government through laws exempt certain sectors of its society—such as the press, religious institutions, foundations, and the academic world—from any use by the intelligence agencies of the U.S.?

How can the executive and legislative branches of government control necessary but hazardous activities? How can the third branch, the judiciary, safeguard liberties without an adequate statutory foundation? The answers lie, the Committee has concluded in its report, and I fully share this conclusion, in a combination of precise statutory charters and an informed interaction between the oversight committees of the Congress and the appropriate policy groups within the executive branch. If the oversight committees of the Congress are to be effective they must reflect the full spectrum of views of the legislature, they require not only the power of the purse and full access to information, including presentation of proposals before the initiation of significant intelligence activities.

The requirement that the legislature through its oversight committees be fully informed, very quickly raises the question of how fully? What "advice" given to Presidents qualifies as "personal"—therefore privileged—communication as opposed to "decisions" or "facts and analysis" which all agree should be made available to the Congress? The experience of the Select Committee will be a good guide to the problems that oversight committees will face in the future. The execu-

tive branch made the entire record available in some cases. In only a few cases was adequate information not forthcoming. On the one hand, executive privilege was never formally asserted; on the other hand, the Committee insisted upon complete access only when absolutely necessary.

I continue to be deeply troubled by the dilemma created by the necessity for Congress to work through an oversight committee to exact adherence to standards through secret consultations. On the one hand, the agreed-upon needs for secrecy argues for regulation through oversight, rather than through explicit legislation; yet, such a process must be supported by statutes embodying the broad principles of declared policy.

Both the Committee and the executive branch agree that clearly defined statutory charters and a new strong and effective oversight committee for the intelligence agencies are necessary. If the proposed new legislative and executive branch oversight procedures prove insufficient, additional statutory controls can be instituted. But the first and present requirement is full executive and legislative support of the governance of intelligence activities through the newly-cast joint oversight mechanisms of the legislative and the executive branches.

This is a time of testing. After 200 years of open democratic government the U.S. now has the burden of a permanent secret intelligence system. If secret intelligence activities are to continue—and there is present agreement between the branches that they are necessary—then the secret procedures required must have built-in checks and especially stringent provisions for accountability. Intelligence agencies have expressed the concern that some of the Committee's proposals will create excessive layers of approval through which actions must be approved, and that such layering will introduce new elements of caution into the approval process which are inconsistent with the view, held by many in the intelligence agencies, that to be effective risks must be taken. But in view of the dangers involved, and the past record of instances of recklessness harmful to the nation there is clearly a need for more caution through more accountability and fixed responsibility in the decisionmaking process governing the initiation and carrying out of intelligence activities.

If such high-risk activities are to continue, and if the decisions concerning secret activities are to remain secret, a thorough and rigorous paper trail must be constructed so that accountability can be fixed among all those involved in any secret intelligence activity approved. The possible drawbacks of a monitoring system of extensive checks and balances are far outweighed by the dangers of unchecked secret activities. The record of abuses in the past is sufficient warning.

In time of peace a rigorously enforced system of checks and accountability is necessary for the preservation of a free society.

In my view, the purposes of our intelligence system are many. The major purpose, however, is the prevention of war. The recommendations made by the Committee for legislative charters and an informed interaction between the legislative and executive branches are designed to assure that our intelligence system operates effectively, accountably, and under the governance of constitutional processes.

CHARLES McC. MATHIAS, Jr.



## ADDITIONAL VIEWS OF SENATOR RICHARD S. SCHWEIKER

The Senate Select Committee has engaged in an extensive investigation of the intelligence activities of the United States. The investigation did not cover all alleged abuses or study in depth all the major issues. It was, however—and this is more a matter of concern than a matter of pride—the first thorough investigation of the United States intelligence community in almost thirty years.

The Committee discovered the real strengths of American intelligence activities—dedicated personnel, broad expertise, and impressive technological achievements. But we also found real weaknesses. Among these is the absence of statutory authority for many intelligence activities. Combined with this lack of explicit authorization were two noteworthy beliefs. First, that a claim of national security, however, defined or understood, could supersede the laws or regulations that govern other activities. Second, that if our enemies were engaging in certain activities we could, and should, do the same.

The coming to maturity of the American intelligence community will help eliminate these pernicious beliefs. The recommendations which the Committee made, which I strongly support, will help to bring intelligence activities under law. Crucial to the success of the Committee's recommendations—and here I join with my colleagues, Senators Philip Hart, Walter Mondale and Gary Hart—is the establishment of a new intelligence oversight committee with legislative authority.

Our Committee did not have such authority. As a select committee we have had a limited mandate and a limited life. Thus we have had only one tool with which to accomplish reform—public disclosure, leading to public concern.

The Committee has been in a constant dilemma. Should it use the one tool available—public disclosure of certain intelligence activities—even though it was claimed that almost any disclosure would damage the “national security”? For example, the Central Intelligence Agency argued that references to the invasion of the Bay of Pigs should be eliminated on such grounds. Or should it withhold information such as the fact that NSA was given access to millions of messages and risk well-deserved cover-up charges? I think, in general, the Committee chose the right balance.

But an oversight committee with power to bring legislation to the floor and power to authorize the budget for national intelligence will not have to face this dilemma. Such a committee could and should disclose enough information to enable the public to understand how the intelligence community works or fails to work. Such a committee can and will protect vital secrets. And it can, in executive session, continue the intensive scrutiny of intelligence activities which was absent in the past and which is necessary because these activities cannot be completely open to public examination.

RICHARD S. SCHWEIKER.



## GLOSSARY

- Ad Hoc Requirements Committee*: An interagency group established in 1955 by the Special Assistant to the DCI to coordinate collection requirements for the U-2 reconnaissance program.
- Agent*: An individual who acts under the direction of an intelligence agency or security service to obtain, or assist in obtaining, information for intelligence or counterintelligence purposes.
- Agent of Influence*: An individual who can be used to influence covertly foreign officials, opinion molders, organizations, or pressure groups in a way which will generally advance United States Government objectives, or to undertake specific action in support of United States Government objectives.
- Analysis*: A stage in the intelligence processing cycle whereby collected information is reviewed to identify significant facts; the information is compared with and collated with other data, and conclusions, which also incorporate the memory and judgment of the intelligence analyst, are derived from it.
- Armed Forces Security Agency (AFSA)*: The predecessor to NSA; it was created in 1949 to consolidate the cryptologic effort.
- Army Security Agency (ASA)*: One of the Service Cryptologic Agencies; its collection activities are under the authority of the Director of NSA (DIRNSA) in his dual role as Chief of the Central Security Service (CSS).
- Asset*: Any resource—a person, group, relationship, instrument, installation, or supply—at the disposition of an intelligence agency for use in an operational or support role. The term is normally applied to a person who is contributing to a CIA clandestine mission, but is not a fully controlled agent of CIA.
- Assessment*: Part of the intelligence process whereby an analyst determines the reliability or validity of a piece of information. An assessment could also be a statement resulting from this process.
- Backstopping*: A CIA term for providing appropriate verification and support of cover arrangements for an agent or asset in anticipation of inquiries or other actions which might test the credibility of his or its cover.
- Basic Intelligence*: Factual, fundamental, and generally permanent information about all aspects of a nation—physical, social, economic, political, biographical, and cultural—which is used as a base for intelligence products in support of planning, policymaking, and military operations.
- Bigot Lists*: Using the term bigot in the sense of “narrow,” this is a restrictive list of persons who have access to a particular, and highly sensitive class of information.
- Biological Agent*: A micro-organism which causes disease in humans, plants, or animals, or causes a deterioration of materiel.

*Biological Operations*: Employment of biological agents to produce casualties in humans or animals, and damage to plants or material; or a defense against such an attack.

*Biological Warfare*: Use of living organisms, toxic biological products, or plant growth regulators to cause death or injury to humans, animals, or plants; or a defense against such action.

*Biological Weapon*: A weapon which projects, disperses, or disseminates a biological agent.

*Black*: A term used to indicate reliance on illegal concealment of an activity rather than on cover.

*Black Bag Job*: Warrantless surreptitious entry, especially an entry conducted for purposes other than microphone installation, such as physical search and seizure or photographing of documents.

*Black List*: An official counterintelligence listing of actual or potential hostile collaborators, sympathizers, intelligence suspects, or other persons viewed as threatening to the security of friendly military forces.

*Black Propaganda*: Propaganda which purports to emanate from a source other than the true one.

*Blow*: To expose—often unintentionally—personnel, installations, or other elements of a clandestine activity or organization.

*Board of National Estimates (BNE)*: Established in 1950 by DCI Walter Bedell Smith. The Board was composed of individuals who had responsibility for receiving National Intelligence Estimates for the Director of Central Intelligence. The Board was dissolved in 1973.

*Bug*: A concealed listening device or microphone, or other audiosurveillance device; also, to install the means for audiosurveillance of a subject or target.

*Bugged*: A room or object which contains a concealed listening device.

*Case*: An intelligence operation in its entirety; the term also refers to a record of the development of an intelligence operation, how it will operate, and the objectives of the operation.

*Case Officer*: A staff employee of the CIA who is responsible for handling agents.

*Central Intelligence Group (CIG)*: The direct predecessor to CIA; President Truman established it by executive order on January 22, 1946. It operated under the National Intelligence Authority (NIA), which was created at the same time.

*Chemical Agent*: A chemical compound which, when disseminated, causes incapacitating, lethal, or damaging effects on humans, animals, plants, or materials.

*Chemical Operations*: Using chemical agents—excluding riot control agents—to kill, or incapacitate for a significant period, humans or animals, or to deny the use of facilities, materials, or areas.

*Cipher*: Any cryptographic system in which arbitrary symbols or groups of symbols represent units of plain text.

*Clandestine Intelligence*: Intelligence information collected by clandestine sources.

*Clandestine Operations*: Intelligence, counterintelligence, or other information collection activities and covert political, economic, propaganda and paramilitary activities, conducted so as to assure the secrecy of the operation.



- Code*: A system of communication in which arbitrary groups of symbols represent units of plain text. Codes may be used for brevity or for security.
- Code word*: A word which has been assigned a classification and a classified meaning to safeguard intentions and information regarding a planned operation.
- Collation*: The assembly of facts to determine the relationships among them in order to derive intelligence and facilitate further processing of intelligence information.
- Collection*: The acquisition of information by any means and its delivery to the proper intelligence processing unit for use in the production of intelligence.
- Committee on Imagery Requirements and Exploitation (COMIREX)*: One of three intelligence collection committees formerly under the United States Intelligence Board (USIB), dealing with photographic intelligence.
- Communications*: A method or means of conveying information from one person or place to another; this term does not include direct, unassisted conversion or correspondence through nonmilitary postal agencies.
- Communications Center*: A facility responsible for receiving transmitting and delivering messages; it normally contains a message center section, a cryptographic section, and a sending and receiving section, using electronic communications devices.
- Communications Intelligence (COMINT)*: Technical and intelligence information derived from foreign communications by someone other than the intended recipient. It does not include foreign press, propaganda, or public broadcasts. The term is sometimes used interchangeably with SIGINT.
- Communications Security (COMSEC)*: The protection of United States telecommunications and other communications from exploitation by foreign intelligence services and from unauthorized disclosure. COMSEC is one of the mission responsibilities of NSA. It includes cryptosecurity, transmission security, emission security, and physical security of classified equipment, material, and documents.
- Compartmentation*: The practice of establishing special channels for handling sensitive intelligence information. The channels are limited to individuals with a specific need for such information and who are therefore given special security clearances in order to have access to it.
- Compromise*: A known or suspected exposure of clandestine personnel, installations, or other assets, or of classified information or material, to an unauthorized person.
- Concealment*: The provision of protection from observation only.
- Confusion Agent*: An individual dispatched by his sponsor to confound the intelligence or counterintelligence apparatus of another country rather than to collect and transmit information.
- Consumer*: A person or agency that uses information or intelligence produced by either its own staff or other agencies.
- Continental United States (CONUS)*: A military term which refers to United States territory, including adjacent territorial waters,

located within the North American continent between Canada and Mexico.

*Control:* Physical or psychological pressure exerted on an agent or group to ensure that the agent or group responds to the direction from an intelligence agency or service.

*Counterespionage:* Those aspects of counterintelligence concerned with aggressive operations against another intelligence service to reduce its effectiveness, or to detect and neutralize foreign espionage. This is done by identification, penetration, manipulation, deception, and repression of individuals, groups, or organizations conducting or suspected of conducting espionage activities in order to destroy, neutralize, exploit, or prevent such espionage activities.

*Counterguerrilla Warfare:* Operations and activities conducted by armed forces, paramilitary forces, or nonmilitary agencies of a government against guerrillas.

*Counterinsurgency:* Military, paramilitary, political, economic, psychological, and civic actions taken by a government to defeat subversive insurgency within a country.

*Counterintelligence:* Activities conducted to destroy the effectiveness of foreign intelligence operations and to protect information against espionage, individuals against subversion, and installations against sabotage. The term also refers to information developed by or used in counterintelligence operations. See also counterespionage, countersabotage, and countersubversion.

*Counterreconnaissance:* Measures taken to prevent observation by a hostile foreign service of an area, place, or military force.

*Countersabotage:* That aspect of counterintelligence designed to detect, destroy, neutralize, or prevent sabotage activities through identification, penetration, manipulation, deception, and repression of individuals, groups, or organizations conducting or suspected of conducting sabotage activities.

*Countersubversion:* That part of counterintelligence designed to destroy the effectiveness of subversive activities through the detection, identification, exploitation, penetration, manipulation, deception, and repression of individuals, groups, or organizations conducting or capable of conducting such activities.

*Courier:* A messenger responsible for the secure physical transmission and delivery of documents and material.

*Cover:* A protective guise used by a person, organization, or installation to prevent identification with clandestine activities and to conceal the true affiliation of personnel and the true sponsorship of their activities.

*Covert Action:* Any clandestine activity designed to influence foreign governments, events, organizations, or persons in support of United States foreign policy. Covert action may include political and economic action, propaganda and paramilitary activities.

*Covert Operations:* Operations planned and executed against foreign governments, installations, and individuals so as to conceal the identity of the sponsor or else to permit the sponsor's plausible denial of the operation. The terms covert action, covert operation,

clandestine operation and clandestine activity are sometimes used interchangeably.

*Critical Intelligence*: Information or intelligence of such urgent importance to the security of the United States that it is transmitted at the highest priority to the President and other national decisionmaking officials before passing through regular evaluative channels.

*Cryptanalysis*: The breaking of codes and ciphers into plain text without initial knowledge of the key employed in the encryption.

*Cryptography*: The enciphering of plain text so that it will be unintelligible to an unauthorized recipient.

*Cryptology*: The science that includes cryptanalysis and cryptography, and embraces communications intelligence and communications security.

*Cryptomaterial*: All material—including documents, devices, equipment, and apparatus—essential to the encryption, decryption, or authentication of telecommunications.

*Cryptosecurity*: That component of communications security which results from the provision of technically sound cryptosystems and their proper use.

*Cryptosystems*: The associated items of cryptomaterial which are used as a unit and provide a single means of encryption and decryption.

*Current Intelligence*: Summaries and analyses of recent events.

*Cut-out*: A CIA term referring to a person who is used to conceal contact between members of a clandestine activity or organization.

*Deception*: Measures designed to mislead a hostile person or entity by manipulating, distorting, or falsifying evidence to induce a reaction prejudicial to his or its interests.

*Decrypt*: To convert encrypted text into plain text by use of a cryptosystem.

*Defector*: A person who, for political or other reasons, has repudiated his country and may be in possession of information of interest to the United States Government.

*Defense Intelligence Agency (DIA)*: Department of Defense agency for producing military intelligence, created by directive of the Secretary of Defense in 1961.

*Defense Intelligence Objectives and Priorities (DIOP)*: A single statement of intelligence requirements compiled by DIA for use by all DOD intelligence components.

*Departmental Intelligence*: The intelligence which government departments and agencies generate in support of their own activities.

*Directive*: Basically any executive branch communication which initiates or governs departmental or agency action, conduct, or procedure.

*Director of Central Intelligence Directive (DCID)*: A directive issued by the DCI which outlines general policies and procedures to be followed by intelligence agencies under his direction; it is generally more specific than an NSCID.

*Dissemination*: The distribution of information or intelligence products (in oral, written, or graphic form) to departmental and agency intelligence consumers.

*Domestic Emergencies:* Emergencies occurring within the United States, its territories, or possessions, which affect the public welfare. Such emergencies may arise from an enemy attack, insurrection, civil disturbances, natural disasters (earthquakes, floods), fire, or other comparable emergencies which endanger life and property or disrupt the normal processes of government.

*Domestic Intelligence:* Intelligence relating to activities or conditions within the United States which threaten internal security (in general or to a governmental department, agency, or official) and which might require the employment of troops.

*Double Agent:* A person engaging in clandestine activity for two or more intelligence or security services who provides information to one service about the other, or about each service to the other, and who is wittingly or unwittingly manipulated by one service against the other.

*Economic Intelligence:* Intelligence regarding foreign economic resources, activities, and policies.

*Electromagnetic Spectrum:* The frequencies (or wave lengths) present in a given electromagnetic radiation (radiation made up of oscillating electric and magnetic fields and propagated with the speed of light—such as radar or radio waves). A particular spectrum could include a single frequency, or a broad range of frequencies.

*Electronic Intelligence (ELINT):* Technical and intelligence information derived from the collection (or interception) and processing of foreign electromagnetic radiations (noncommunications) emanating from sources such as radar. ELINT is part of the NSA/CSS Signals Intelligence mission.

*Electronic Line of Sight:* The path traveled by electromagnetic waves which is not subject to reflection or refraction by the atmosphere.

*Electronics Security:* The detection, identification, evaluation, and location of foreign electromagnetic radiations.

*Electronic Surveillance:* Surveillance conducted on a person, group, or other entity by electronic equipment which is often highly sophisticated and extremely sensitive.

*Elicitation:* The acquisition of intelligence from a person or group which does not disclose the intent of the interview or conversation. This is a HUMINT collection technique, generally of an overt nature, unless the collector is other than what he or she purports to be.

*Emission Security:* That component of communications security which results from all measures taken to deny unauthorized persons any information of value which might be derived from the interception and analysis of compromising emanations from cryptoequipment or telecommunications systems.

*Encipher:* To convert a plain text message into unintelligible form by the use of a cipher system.

*Encrypt:* To convert a plain text message into unintelligible form by means of a cryptosystem; this term covers the meanings of encipher and encode.

*Entity*: A company, form, corporation, institution, bank, or foundation.

*Espionage*: Clandestine intelligence collection activity. This term is often interchanged with "clandestine collection."

*Estimating*: An effort to appraise and analyze the future possibilities or courses of action in a situation under study and the various results or consequences of foreign or United States actions relating to that situation. This analysis of such a foreign situation would consider its development and trends to identify its major elements, interpret the significance of the situation, and evaluate the future possibilities and prospective results of various actions which might be taken, including clandestine operations.

*Evaluation*: The process of determining the value, credibility, reliability, pertinency, accuracy, and use of an item of information, an intelligence product, or the performance of an intelligence system.

*Executive Action*: This term is generally an euphemism for assassination, and was used by the CIA to describe a program aimed at overthrowing certain foreign leaders, by assassinating them if necessary.

*Exploitation*: The process of getting information from any source and taking full advantage of it for strategic or tactical purposes.

*Foreign Intelligence*: Intelligence concerning areas outside the United States.

*Grey Propaganda*: Propaganda which does not specifically identify a source.

*Guerrilla*: A combat participant in guerrilla warfare.

*Guerrilla Warfare*: Military and paramilitary operations conducted in hostile or enemy-held territory by irregular, generally indigenous forces.

*Guidance*: The general direction of an intelligence effort, particularly in the area of collection.

*Imagery*: Representations of objects reproduced electronically or by optical means on film, electronic display devices, or other media.

*Indications Intelligence*: Intelligence in various degrees of evaluation which bears on foreign intentions regarding a course of action.

*Infiltration*: The placing of an agent or other person in a target area within hostile territory or within targeted groups or organizations.

*Informant*: A person who wittingly or unwittingly provides information to an agent, a clandestine service, or police. In reporting such information, this person will often be cited as the source.

*Information*: Raw, unevaluated data at all levels of reliability and from all kinds of sources, such as observation, rumors, reports, and photographs, which, when processed, may produce intelligence.

*Informers*: One who intentionally discloses information about other persons or activities to police or a security service (such as the FBI), usually for a financial reward.

*Insurgency*: A condition resulting from a revolt or insurrection against a constituted government which falls short of civil war.

*Intelligence:* The product resulting from the collection, collation, evaluation, analysis, integration, and interpretation of all collected information.

*Intelligence Collection Plan:* A plan for gathering information from all available sources to meet an intelligence requirement.

*Intelligence Contingency Funds:* Appropriated funds to be used for intelligence activities which are unforeseen at the time of the budget and when the use of other funds is not applicable or would jeopardize or impede the task of an intelligence unit. Such funds are almost invariably used for covert activities.

*Intelligence Cycle:* The steps by which information is assembled, converted into intelligence, and made available to consumers. The cycle is composed of four basic phases: (1) *direction:* the determination of intelligence requirements, preparation of a collection plan, tasking of collection agencies, and a continuous check on the productivity of these agencies; (2) *collection:* the exploitation of information sources and the delivery of the collected information to the proper intelligence processing unit for use in the production of intelligence; (3) *processing:* the steps whereby information becomes intelligence through evaluation, analysis, integration, and interpretation; and (4) *dissemination:* the distribution of information or intelligence products (in oral, written, or graphic form) to departmental and agency intelligence consumers.

*Intelligence Data Base:* All holdings of intelligence data and finished intelligence products at a given department or agency.

*Information Data Handling Systems:* Information systems that process and manipulate raw information and intelligence data. The systems are characterized by application of general-purpose computers, peripheral data processing equipment, and automated storage and retrieval equipment for documents and photographs.

*Intelligence Estimate:* An appraisal of intelligence elements relating to a specific situation or condition to determine the courses of action open to an enemy or potential enemy and the probable order of their adoption.

*Intelligence Process:* Those steps by which information is collected, converted into intelligence, and disseminated.

*Intelligence Requirement:* A consumer statement of information needed which is not already at hand.

*Intelligence Resources Advisory Committee (IRAC):* Established in 1971 to advise the DCI in preparing a consolidated intelligence program budget for the President. It was abolished by President Ford's Executive Order, No. 11905, 2/18/76.

*Interception:* This term generally refers to the collection of electromagnetic signals (such as radio communications) by sophisticated collection equipment without the knowledge of the communicants for the production of certain forms of signals intelligence.

*Interdepartmental Intelligence:* The synthesis of departmental intelligence which is required by departments and agencies of the United States Government for performance of their missions; such intelligence is viewed as transcending the exclusive production competence of a single department or agency.

*International Lines of Communication (ILC)*: Commercial telecommunications links.

*Interrogation*: A systematic effort to procure information by direct questioning of a person under the control of the questioner.

*Interview*: The gathering of information from a person who knows that he or she is giving information, although not often with awareness of the true connection or purposes of the interviewer. This is generally an overt collection technique, unless the interviewer is not what he or she purports to be.

*Joint Intelligence*: Intelligence produced by elements of more than one military service.

*Joint Intelligence Estimate for Planning (JIEP)*: A worldwide series of strategic estimates prepared annually by DIA for the Joint Chiefs of Staff; it is intended to be used as a base for developing intelligence annexes for JCS plans.

*Key Intelligence Question (KIQ)*: Topics of particular importance to national policymakers, as defined by the DCI.

*Link Encryption*: The application of on-line crypto-operations to a communications system link so that all information passing over it is totally encrypted.

*Links of Communication*: "Links" is a general term used to indicate the existence of a communications facility between two points.

*Microwave Relay*: A process for propagating telecommunications over long distances by using radio signals relayed by several stations within "line of sight" from one another.

*Monitoring*: The observing, listening to, or recording of foreign or domestic communications for intelligence collection or intelligence security (e.g., COMSEC) purposes.

*Multiplexing*: A technique which allows one signal to carry several communications (e.g., conversations, messages) simultaneously.

*National Intelligence*: Intelligence produced by the CIA which bears on the broad aspects of United States national policy and national security. It is of concern to more than one department or agency.

*National Intelligence Authority (NIA)*: An executive council created by President Truman's executive order of January 22, 1946, which had authority over the simultaneously created Central Intelligence Group (CIG). The NIA was a predecessor to the National Security Council.

*National Intelligence Estimate (NIE)*: An estimate authorized by the DCI of the capabilities, vulnerabilities, and probable courses of action of foreign nations. It represents the composite views of the intelligence community.

*National Security Agency (NSA)*: Established by President Truman, October 24, 1952, to replace the Armed Forces Security Agency (AFSA).

*National Security Council Intelligence Directive (NSCID)*: Intelligence guidelines issued by the NSC to intelligence agencies. NSCIDs are often augmented by more specific DCIDs and by internal departmental or agency regulations.

*Net Assessment Group*: The group within the NSC staff that was responsible for reviewing and evaluating all intelligence products and producing net assessments. It was abolished in June 1973.

*Notionals*: Fictional, private commercial entities which exist on paper only. They serve as the ostensible employer of intelligence personnel, or as the ostensible sponsor of certain activities in support of clandestine operations.

*Office of Policy Coordination (OPC)*: An office in CIA, established in 1948, to carry out covert action missions assigned to CIA by the National Security Council.

*Office of Special Operations (OSO)*: Prior to 1952, OSO was a CIA component responsible for espionage and counterespionage. It merged with CIA's Office of Policy Coordination to form the Directorate for Plans.

*Office of Strategic Services (OSS)*: The United States Intelligence service active during World War II. It was established by President Roosevelt in June 1942, and disbanded October 1, 1945.

*Operational Intelligence*: Intelligence produced to support the planning and execution of operations.

*Operational Use*: This term refers to using a person, group, organization, information, etc. in a clandestine operation or in support of a clandestine activity.

*Operations Coordinating Board (OCB)*: This replaced the Psychological Strategy Board of the NSC on September 2, 1953.

*Order of Battle*: This term refers to information regarding the identity, strength, command structure, and disposition of personnel, units, and equipment of any military force.

*Overt Intelligence*: Information collected openly from public or open sources.

*Paramilitary Forces*: Forces or groups which are distinct from the regular armed forces of a nation, although they may resemble regular forces in organization, equipment, training, or mission.

*Paramilitary Operation*: An operation undertaken by a paramilitary force.

*Penetration*: The recruitment of agents within, or the planting of agents or technical monitoring devices within, a target organization to gain access to its secrets or to influence its activities.

*Photographic Intelligence (PHOTINT)*: Information or intelligence derived from photography through photographic interpretation.

*Plain Text*: Unencrypted communications; specifically, the original message of a cryptogram, expressed in ordinary language.

*Planning and Coordination Group (PCG)*: A committee of the Operations Coordinating Board of the National Security Council. PCG became the normal channel for policy approval of covert operations under NSC directive 5412/1 in 1955.

*Plausible Denial*:

*Plumbing*: A term referring to the development of assets or services supporting the clandestine operations of CIA field stations—such as safehouses, unaccountable funds, investigative persons, surveillance teams.

*Political Intelligence*: Originally, arranging, coordinating and conducting covert operations so as to "plausibly" permit official denial of United States involvement, sponsorship or support. Later this concept evolved so that it was employed by high officials and their subordinates to communicate without using precise language



which would reveal authorization and involvement in certain activities and would be embarrassing and politically damaging if publicly revealed.

*Processing*: The manipulation of collected raw information to make it usable in analysis or to prepare it for data storage or retrieval.

*Product*: Finished intelligence reports disseminated by intelligence agencies to appropriate consumers.

*Production*: The preparation of reports based on an analysis of information to meet the needs of intelligence users (consumers) within and outside the intelligence community.

*Propaganda*: Any communication supporting national objectives which is designed to influence opinions, emotions, attitudes, or behavior of any group in order to benefit the sponsor, either directly or indirectly.

*Proprietaries*: A term used by CIA to designate ostensibly private commercial entities capable of doing business which are established and controlled by intelligence services to conceal governmental affiliation of intelligence personnel and/or governmental sponsorship of certain activities in support of clandestine operations.

*Psychological Strategy Board (PSB)*: An NSC subcommittee established in 1951 to determine the desirability of proposed covert action programs and major covert action projects.

*Psychological Warfare*: The planned use of propaganda and other psychological actions to influence the opinions, emotions, attitudes, and behavior of hostile foreign groups so as to support the achievement of national policy objectives.

*Reconnaissance*: A mission undertaken to obtain, by observation or other detection methods, information about the activities and resources of foreign states.

*Requirement*: A general or specific request for intelligence information made by a member of the intelligence community.

*Safe House*: An innocent-appearing house or premises established by an intelligence organization for conducting clandestine or covert activity in relative security.

*Sanitize*: The deletion or revision of a report or document so as to prevent identification of the intelligence sources and methods that contributed to or are dealt with in the report.

*Scan*: In electromagnetic or acoustical contexts, a scan is one complete rotation of an antenna. With regard to ELINT, it refers to the motion of an electronic beam through space which is searching for a target.

*Scientific and Technical Intelligence*: Information or intelligence concerning foreign progress in basic and applied scientific or technical research and development, including engineering R&D, new technology, and weapons systems.

*Security Measures*: taken by the government and intelligence departments and agencies, among others, for protection from espionage, observation, sabotage, annoyance, or surprise. With respect to classified materials, it is the condition which prevents unauthorized persons from having access to official information which is safeguarded in the interests of national defense.

*Sensitive*: Something which requires special protection from disclosure, which could cause embarrassment, compromise, or threat to the security of the sponsoring power.

*Service Cryptologic Agencies (SCAs)*: These are the Army Security Agency, Naval Security Group Command, and Air Force Security Service. Their signals intelligence-collection functions were brought under the operational control of the Director of NSA when the SCAs were confederated into the Central Security Service in 1971, and the Director of NSA was given extra responsibility as Chief of the CSS.

*Sheep Dipping*: The utilization of a military instrument (e.g., an airplane) or officer in clandestine operations, usually in a civilian capacity or under civilian cover, although the instrument or officer will covertly retain its or his military ownership or standing. The term is also applied to the placement of individuals in organizations or groups in which they can become active in order to establish credentials so that they can be used to collect information of intelligence interest on similar groups.

*Signal*: As applied to electronics, any transmitted electrical impulse.

*Signals Intelligence (SIGINT)*: The general term for the foreign intelligence mission of the NSA/CSS; SIGINT involves the interception, processing, analysis, and dissemination of information derived from foreign electrical communications and other signals. It is composed of three elements: Communications Intelligence (COMINT), Electronics Intelligence (ELINT), and Telemetry Intelligence (TELINT). Most SIGINT is collected by personnel of the Service Cryptologic Agencies.

*Source*: A person, thing, or activity which provides intelligence information. In clandestine activities, the term applies to an agent or asset, normally a foreign national, being used in an intelligence activity for intelligence purposes. In interrogations, it refers to a person who furnishes intelligence information with or without knowledge that the information is being used for intelligence purposes.

*Special Agent*: A United States military or civilian who is a specialist in military security or in the collection of intelligence or counter-intelligence information.

*Special Group (Augmented)*: A NSC subcommittee established in 1962 to oversee Operation MONGOOSE, a major CIA covert action program designed to overthrow Fidel Castro.

*Special Group (CI)*: The Special Group on Counter Insurgency, established by NSAM 124 on 1/18/63 to ensure the design of effective interagency programs to prevent and resist insurgency. Paramilitary operations were a prime focus.

*5412/Special Group*: An NSC subcommittee that was the predecessor to the 40 Committee.

*Special Operations Division (SOD)*: A facility at Fort Detrick, Maryland that was the site for research and some testing and storage of biological and chemical agents and toxins.

*Sterilize*: To remove from material to be used in covert and clandestine actions any marks or devices which can identify it as originating with the sponsoring organization or nation.

*Strategic Intelligence:* Intelligence required for the formation of policy and military plans and operations at the national and international levels.

*Subversion:* Actions designed to undermine the military, economic, political, psychological, or moral strength of a nation or entity. It can also apply to an undermining of a person's loyalty to a government or entity.

*Surreptitious Entry:*

*Surveillance:* Systematic observation of a target.

*Tactical Intelligence:* Intelligence supporting military plans and operations at the military unit level. Tactical intelligence and strategic intelligence differ only in scope, point of view, and level of employment.

*Target:* A person, agency, facility, area, or country against which intelligence operations are directed.

*Targeting:* In regard to COMINT, the intentional selection and/or collection of telecommunications for intelligence purpose.

*Target of Opportunity:* A term describing an entity (e.g., governmental entity, installation, political organization, or individual) that becomes available to an intelligence agency or service by chance, and provides the opportunity for the collection of needed information.

*Task:* A term connoting the assignment or direction of an intelligence unit to perform a specified function.

*Telecommunications:* Any transmission, emission, or reception of signals, signs, writing, images, and sounds or information of any nature by wire, radio, visual, or other electromagnetic systems.

*10/5 Panel:* A predecessor to the 40 Committee of the NSC.

*303 Committee:* A predecessor to the 40 Committee of the NSC.

*Toxin:* Chemicals which are not living organisms, but which are produced by living organisms and are lethal.

*Traffic:* Messages carried over a telecommunications network.

*United States Country Team:* The senior, in-country, United States coordinating and supervising body, headed by the Chief of the United States diplomatic mission (usually an ambassador) and composed of the senior member of each represented United States department or agency.

*United States Intelligence Board (USIB):* Until it was abolished by Executive Order No. 11905 2/18/76, USIB was the NSC's central coordinating committee for the intelligence community.

*Watch List:* A list of words—such as names, entities, or phrases—which can be employed by a computer to select out required information from a mass of data.



## LIST OF ABBREVIATIONS

### *Abbreviations*

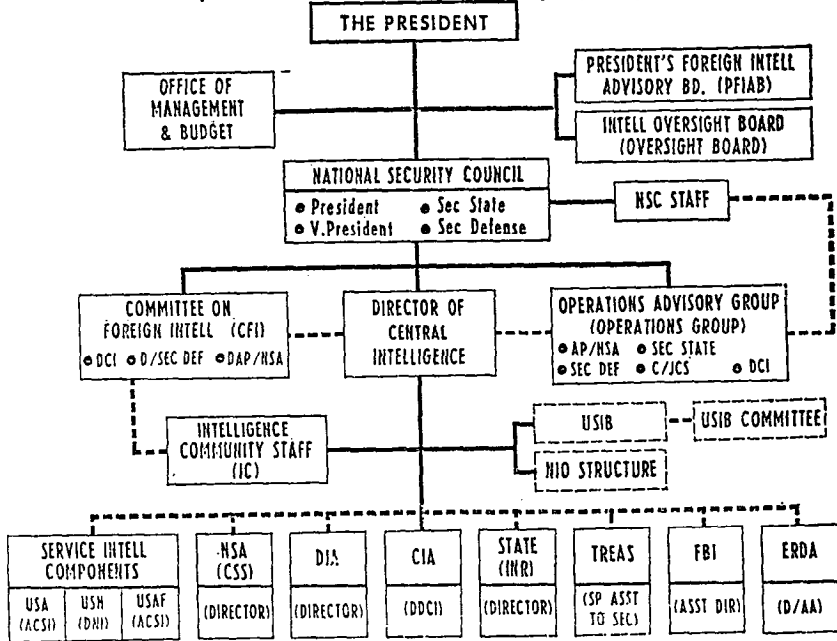
ACDA—Arms Control and Disarmament Agency.  
ACS(I)—Army Chief of Staff for Intelligence.  
AFOSI—Air Force Office of Special Investigations.  
AFSA—Armed Forces Security Agency.  
ARC—Ad Hoc Requirements Committee.  
ASA—Army Security Agency.  
ASD/I—Assistant Secretary of Defense for Intelligence.  
ASD/PA&E—Assistant Secretary of Defense for Program Analysis and Evaluation.  
ASW—Antisubmarine Investigation.  
BI—Background Investigation.  
BNDD—Bureau of Narcotics and Dangerous Drugs.  
BNE—Board of National Estimates.  
CDIB—Consolidated Defense Intelligence Budget.  
CDIP—Consolidated Defense Intelligence Program.  
CFI—Committee on Foreign Intelligence.  
CIA—Central Intelligence Agency.  
CI&IA—Counterintelligence and Investigative Activity.  
CIG—Central Intelligence Group.  
CIRL—Current Intelligence Reporting List.  
CJCS—Chairman, Joint Chiefs of Staff.  
COMINT—Communications Intelligence.  
COMIREX—Committee on Imagery Requirements and Exploitation.  
COMOR—Committee on Overhead Reconnaissance.  
COMSEC—Communications Security.  
CONUS—Continental United States.  
CSS—Central Security Service.  
DAS—Defense Attaché System.  
DCI—Director of Central Intelligence.  
DCID—Director of Central Intelligence Directive.  
DCII—Defense Central Index of Investigations.  
DDA—Deputy Director for Administration, CIA, or Directorate for Administration.  
DDCI—Deputy Director of Central Intelligence.  
DDI—Deputy Director for Intelligence, CIA, or Directorate for Intelligence.  
DDO—Deputy Director for Operations, CIA, or Directorate for Operations.  
DDP—Deputy Director for Plans, CIA, or Directorate for Plans.  
DDR—Deputy Director for Research, CIA.  
DDS&T—Deputy Director of Science and Technology, CIA, or Directorate for Science and Technology.  
DDS—Deputy Director for Support, CIA.

DIA—Defense Intelligence Agency.  
 DIOP—Defense Intelligence Objectives and Priorities.  
 DIPO—Defense Investigative Program Office.  
 DIRC—Defense Investigative Review Council.  
 DIRDIA—Director of the Defense Intelligence Agency.  
 DIRNSA—Director of the National Security Agency.  
 DIS—Defense Investigative Service.  
 KKIQs—Defense Key Intelligence Questions.  
 DMA—Defense Mapping Agency.  
 DOD—Department of Defense.  
 DOJ—Department of Justice.  
 ELINT—Electronic Intelligence.  
 ERDA—Energy Research and Development Administration.  
 EXCOM—Executive Committee.  
 FBI—Federal Bureau of Investigation.  
 FBIS—Foreign Broadcast Information Service.  
 FSO—Foreign Service Officer.  
 FYDP—Fiscal Year Defense Plan.  
 GDIP—General Defense Intelligence Program.  
 GRU—Soviet Military Intelligence Service.  
 HUMINT—Human Intelligence.  
 ICS—Intelligence Community Staff.  
 INR—State Department's Bureau of Intelligence and Research.  
 IRAC—Intelligence Resources Advisory Committee.  
 IR&DC—Intelligence Research and Development Council.  
 IRS—Internal Revenue Service.  
 ISA—International Security Affairs, DOD.  
 J-2—Joint Staff Director for Intelligence, DOD.  
 JCS—Joint Chiefs of Staff.  
 JRC—Joint Reconnaissance Center.  
 JSOP—Joint Strategic Objectives Plan.  
 KGB—Soviet National Intelligence Organization.  
 KIQ—Key Intelligence Question.  
 MBFR—Mutual and Balanced Force Reduction.  
 NFIP—National Foreign Intelligence Program.  
 NIA—National Intelligence Agency.  
 NIB—National Intelligence Bulletin.  
 NID—National Intelligence Daily.  
 NIE—National Intelligence Estimate.  
 NIO—National Intelligence Officer.  
 NIS—Naval Investigative Service.  
 NKVD—Predecessor to the the KGB.  
 NPIC—National Photographic Interpretation Center.  
 NSA—National Security Agency.  
 NSA/CSS—National Security Agency/Central Security Service.  
 NSAM—National Security Action Memorandum.  
 NSC—National Security Council.  
 NSCIC—National Security Council Intelligence Committee.  
 NSCID—National Security Council Intelligence Directive.  
 NSDM—National Security Decision Memorandum.  
 NSSM—National Security Study Memorandum.  
 OCB—Operations Coordinating Board.

OMB—Office of Management and Budget.  
 ONE—Office of National Estimates.  
 ONI—Office of Naval Intelligence.  
 OPC—Office of Policy Coordination.  
 OSD—Office of the Secretary of Defense.  
 OSO—Office of Special Operations, CIA.  
 OSO—Office of Special Operations, DOD.  
 OSS—Office of Strategic Services.  
 PCG—Planning and Coordination Group, NSC.  
 PFIAB—President's Foreign Intelligence Advisory Board.  
 PNIOs—Priority National Intelligence Objectives.  
 PSB—Psychological Strategy Board, NSC.  
 R.&D.—Research and Development.  
 R.D.T.&E.—Research, Development, Test & Evaluation.  
 SALT—Strategic Arms Limitation Talks.  
 SCAs—Service Cryptologic Agencies (collection)  
 SIGINT—Signals Intelligence.  
 SNIE—Special National Intelligence Estimate.  
 SOD—Special Operations Division, Fort Detrick, Maryland.  
 TELINT—Telemetry Intelligence.  
 TOA—Total Obligational Authority.  
 TSD—Technical Services Division, CIA.  
 USAINTA—United States Army Intelligence Agency.  
 USIB—United States Intelligence Board.  
 WSAG—Washington Special Action Group.

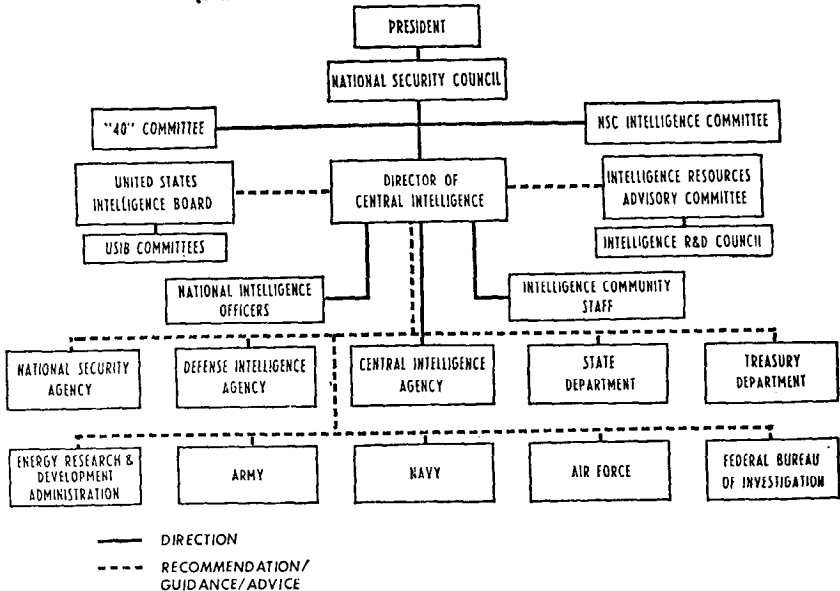
# Control and Direction of U.S. Foreign Intelligence within the NATIONAL SECURITY COUNCIL System

[After Executive Order 11905, February 18, 1976]



## NATIONAL INTELLIGENCE COMMUNITY STRUCTURE

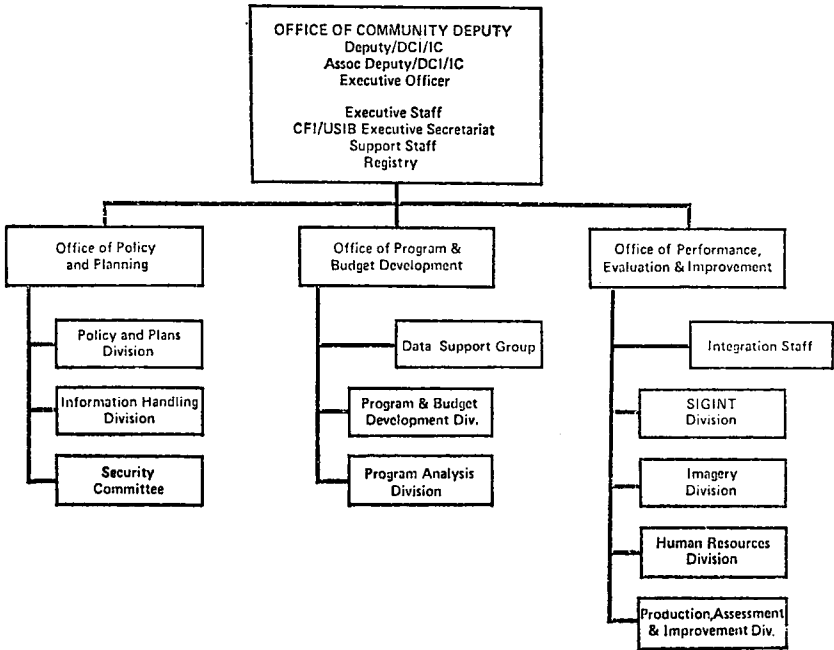
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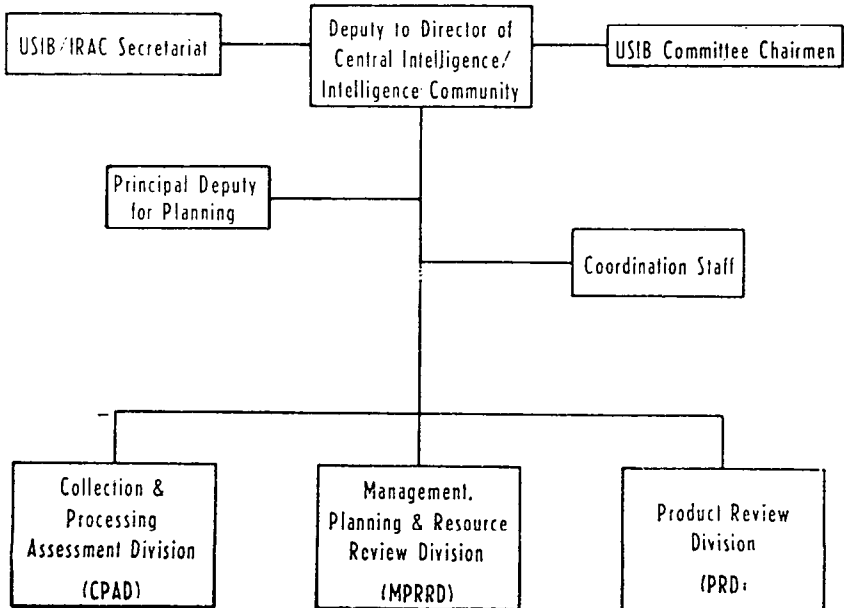
### Intelligence Community Staff Organization

[After Executive Order 11905, February 18, 1976]



### Intelligence Community Staff Organization

[Prior to Executive Order 11905, February 18, 1976]



94TH CONGRESS  
1ST SESSION

# S. RES. 21

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1975

Mr. PASTORE submitted the following resolution; which was ordered to be placed on the calendar (under general orders)

JANUARY 27, 1975

Considered, amended, and agreed to

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## RESOLUTION

To establish a select committee of the Senate to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government.

- 1       *Resolved*, To establish a select committee of the Senate  
2 to conduct an investigation and study of governmental op-  
3 erations with respect to intelligence activities and of the  
4 extent, if any, to which illegal, improper, or unethical activ-  
5 ities were engaged in by any agency of the Federal Govern-  
6 ment or by any persons, acting individually or in combination  
7 with others, with respect to any intelligence activity carried  
8 out by or on behalf of the Federal Government; be it further  
9       *Resolved*, That (a) there is hereby established a select  
10 committee of the Senate which may be called, for con-

1   venience of expression, the Select Committee To Study  
2   Governmental Operations With Respect to Intelligence Ac-  
3   tivities to conduct an investigation and study of the extent, if  
4   any, to which illegal, improper, or unethical activities were  
5   engaged in by any agency or by any persons, acting either  
6   individually or in combination with others, in carrying out  
7   any intelligence or surveillance activities by or on behalf  
8   of any agency of the Federal Government.

9       (b) The select committee created by this resolution  
10 shall consist of eleven Members of the Senate, six to be  
11 appointed by the President of the Senate from the majority  
12 Members of the Senate upon the recommendation of the  
13 majority leader of the Senate, and five minority Members of  
14 the Senate to be appointed by the President of the Senate  
15 upon the recommendation of the minority leader of the  
16 Senate. For the purposes of paragraph 6 of rule XXV of the  
17 Standing Rules of the Senate, service of a Senator as a  
18 member, chairman, or vice chairman of the select committee  
19 shall not be taken into account.

20       (c) The majority members of the committee shall select  
21 a chairman and the minority members shall select a vice  
22 chairman and the committee shall adopt rules and procedures  
23 to govern its proceedings. The vice chairman shall preside  
24 over meetings of the select committee during the absence  
25 of the chairman, and discharge such other responsibilities

1 as may be assigned to him by the select committee or the  
2 chairman. Vacancies in the membership of the select com-  
3 mittee shall not affect the authority of the remaining mem-  
4 bers to execute the functions of the select committee and  
5 shall be filled in the same manner as original appointments  
6 to it are made.

7 (d) A majority of the members of the select committee  
8 shall constitute a quorum for the transaction of business, but  
9 the select committee may affix a lesser number as a quorum  
10 for the purpose of taking testimony or depositions.

11 SEC. 2. The select committee is authorized and directed  
12 to do everything necessary or appropriate to make the in-  
13 vestigations and study specified in subsection (a) of the  
14 first section. Without abridging in any way the authority  
15 conferred upon the select committee by the preceding  
16 sentence, the Senate further expressly authorizes and directs  
17 the select committee to make a complete investigation and  
18 study of the activities of any agency or of any and all persons  
19 or groups of persons or organizations of any kind which  
20 have any tendency to reveal the full facts with respect to  
21 the following matters or questions:

22 (1) Whether the Central Intelligence Agency has  
23 conducted an illegal domestic intelligence operation in  
24 the United States.

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1           (2) The conduct of domestic intelligence or coun-  
2     terintelligence operations against United States citizens  
3     by the Federal Bureau of Investigation or any other  
4     Federal agency.

5           (3) The origin and disposition of the so-called Hus-  
6     ton Plan to apply United States intelligence agency  
7     capabilities against individuals or organizations within  
8     the United States.

9           (4) The extent to which the Federal Bureau of In-  
10    vestigation, the Central Intelligence Agency, and other  
11    Federal law enforcement or intelligence agencies coordi-  
12    nate their respective activities, any agreements which  
13    govern that coordination, and the extent to which a lack  
14    of coordination has contributed to activities or actions  
15    which are illegal, improper, inefficient, unethical, or con-  
16    trary to the intent of Congress.

17          (5) The extent to which the operation of domestic  
18    intelligence or counterintelligence activities and the  
19    operation of any other activities within the United States  
20    by the Central Intelligence Agency conforms to the leg-  
21    islative charter of that Agency and the intent of the  
22    Congress.

23          (6) The past and present interpretation by the  
24    Director of Central Intelligence of the responsibility to  
25    protect intelligence sources and methods as it relates to

## 5

1       the provision in section 102 (d) (3) of the National  
2       Security Act of 1947 (50 U.S.C. 403 (d) (3) ) that  
3       ". . . that the agency shall have no police, subpena, law  
4       enforcement powers, or internal security functions. . . ."

5               (7) Nature and extent of executive branch over-  
6       sight of all United States intelligence activities.

7               (8) The need for specific legislative authority to  
8       govern the operations of any intelligence agencies of  
9       the Federal Government now existing without that  
10      explicit statutory authority, including but not limited to  
11      agencies such as the Defense Intelligence Agency and  
12      the National Security Agency.

13              The nature and extent to which Federal agencies  
14      cooperate and exchange intelligence information and  
15      the adequacy of any regulations or statutes which  
16      govern such cooperation and exchange of intelligence  
17      information.

18              (9) The extent to which United States intelligence  
19      agencies are governed by Executive orders, rules, or  
20      regulations either published or secret and the extent  
21      to which those Executive orders, rules, or regulations  
22      interpret, expand, or are in conflict with specific legis-  
23      lative authority.

24              (10) The violation or suspected violation of any  
25      State or Federal statute by any intelligence agency or

## 6

1 by any person by or on behalf of any intelligence agency  
2 of the Federal Government including but not limited  
3 to surreptitious entries, surveillance, wiretaps, or eaves-  
4 dropping, illegal opening of the United States mail, or  
5 the monitoring of the United States mail.

6 (11) The need for improved, strengthened, or con-  
7 solidated oversight of United States intelligence ac-  
8 tivities by the Congress.

9 (12) Whether any of the existing laws of the  
10 United States are inadequate, either in their provisions  
11 or manner of enforcement, to safeguard the rights of  
12 American citizens, to improve executive and legislative  
13 control of intelligence and related activities, and to re-  
14 solve uncertainties as to the authority of United States  
15 intelligence and related agencies.

16 (13) Whether there is unnecessary duplication of  
17 expenditure and effort in the collection and processing  
18 of intelligence information by United States agencies.

19 (14) The extent and necessity of overt and covert  
20 intelligence activities in the United States and abroad.

21 (15) Such other related matters as the committee  
22 deems necessary in order to carry out its responsibilities  
23 under section (a).

24 SEC. 3. (a) To enable the select committee to make  
25 the investigation and study authorized and directed by this

1 resolution, the Senate hereby empowers the select committee  
2 as an agency of the Senate (1) to employ and fix the com-  
3 pensation of such clerical, investigatory, legal, technical,  
4 and other assistants as it deems necessary or appropriate,  
5 but it may not exceed the normal Senate salary schedules;  
6 (2) to sit and act at any time or place during sessions,  
7 recesses, and adjournment periods of the Senate; (3) to hold  
8 hearings for taking testimony on oath or to receive docu-  
9 mentary or physical evidence relating to the matters and  
10 questions it is authorized to investigate or study; (4) to  
11 require by subpoena or otherwise the attendance as witnesses  
12 of any persons who the select committee believes have  
13 knowledge or information concerning any of the matters  
14 or questions it is authorized to investigate and study; (5)  
15 to require by subpoena or order any department, agency,  
16 officer, or employee of the executive branch of the United  
17 States Government, or any private person, firm, or corpora-  
18 tion, to produce for its consideration or for use as evidence  
19 in its investigation and study any books, checks, canceled  
20 checks, correspondence, communications, document, papers,  
21 physical evidence, records, recordings, tapes, or materials re-  
22 lating to any of the matters or questions it is authorized to  
23 investigate and study which they or any of them may have  
24 in their custody or under their control; (6) to make to the  
25 Senate any recommendations it deems appropriate in respect



1 to the willful failure or refusal of any person to answer ques-  
2 tions or give testimony in his character as a witness during  
3 his appearance before it or in respect to the willful failure  
4 or refusal of any officer or employee of the executive branch  
5 of the United States Government or any person, firm, or  
6 corporation to produce before the committee any books,  
7 checks, canceled checks, correspondence, communications,  
8 document, financial records, papers, physical evidence,  
9 records, recordings, tapes, or materials in obedience to any  
10 subpoena or order; (7) to take depositions and other testi-  
11 mony on oath anywhere within the United States or in any  
12 other country; (8) to procure the temporary or intermittent  
13 services of individual consultants, or organizations there-  
14 of, in the same manner and under the same conditions as  
15 a standing committee of the Senate may procure such serv-  
16 ices under section 202 (i) of the Legislative Reorganiza-  
17 tion Act of 1946; (9) to use on a reimbursable basis, with  
18 the prior consent of the Committee on Rules and Adminis-  
19 tration, the services of personnel of any such department  
20 or agency; (10) to use on a reimbursable basis or other-  
21 wise with the prior consent of the chairman of any sub-  
22 committee of any committee of the Senate the facilities or  
23 services of any members of the staffs of such other Senate  
24 committees or any subcommittees of such other Senate com-  
25 mittees whenever the select committee or its chairman deems

1 that such action is necessary or appropriate to enable the  
2 select committee to make the investigation and study author-  
3 ized and directed by this resolution; (11) to have direct  
4 access through the agency of any members of the select  
5 committee or any of its investigatory or legal assistants  
6 designated by it or its chairman or the ranking minority  
7 member to any data, evidence, information, report, analysis,  
8 or document or papers, relating to any of the matters or  
9 questions which it is authorized and directed to investigate  
10 and study in the custody or under the control of any depart-  
11 ment, agency, officer, or employee of the executive branch  
12 of the United States Government, including any department,  
13 agency, officer, or employee of the United States Govern-  
14 ment having the power under the laws of the United States  
15 to investigate any alleged criminal activities or to prosecute  
16 persons charged with crimes against the United States and  
17 any department, agency, officer, or employee of the United  
18 States Government having the authority to conduct intelli-  
19 gence or surveillance within or outside the United States,  
20 without regard to the jurisdiction or authority of any other  
21 Senate committee, which will aid the select committee to  
22 prepare for or conduct the investigation and study authorized  
23 and directed by this resolution; and (12) to expend to the  
24 extent it determines necessary or appropriate any moneys

1 made available to it by the Senate to perform the duties  
2 and exercise the powers conferred upon it by this resolution  
3 and to make the investigation and study it is authorized by  
4 this resolution to make.

5 (b) Subpenas may be issued by the select committee  
6 acting through the chairman or any other member designated  
7 by him, and may be served by any person designated by  
8 such chairman or other member anywhere within the borders  
9 of the United States. The chairman of the select committee,  
10 or any other member thereof, is hereby authorized to admin-  
11 ister oaths to any witnesses appearing before the committee.

12 (c) In preparing for or conducting the investigation  
13 and study authorized and directed by this resolution, the  
14 select committee shall be empowered to exercise the powers  
15 conferred upon committees of the Senate by section 6002 of  
16 title 18, United States Code, or any other Act of Congress  
17 regulating the granting of immunity to witnesses.

18 SEC. 4. The select committee shall have authority to  
19 recommend the enactment of any new legislation or the  
20 amendment of any existing statute which it considers neces-  
21 sary or desirable to strengthen or clarify the national secu-  
22 rity, intelligence, or surveillance activities of the United  
23 States and to protect the rights of United States citizens  
24 with regard to those activities.

1        SEC. 5. The select committee shall make a final report  
2 of the results of the investigation and study conducted by  
3 it pursuant to this resolution, together with its findings and  
4 its recommendations as to new congressional legislation it  
5 deems necessary or desirable, to the Senate at the earliest  
6 practicable date, but no later than September 1, 1975. The  
7 select committee may also submit to the Senate such interim  
8 reports as it considers appropriate. After submission of its  
9 final report, the select committee shall have three calendar  
10 months to close its affairs, and on the expiration of such  
11 three calendar months shall cease to exist.

12        SEC. 6. The expenses of the select committee through  
13 September 1, 1975, under this resolution shall not exceed  
14 \$750,000 of which amount not to exceed \$100,000 shall be  
15 available for the procurement of the services of individual  
16 consultants or organizations thereof. Such expenses shall be  
17 paid from the contingent fund of the Senate upon vouchers  
18 approved by the chairman of the select committee.

19        SEC. 7. The select committee shall institute and carry  
20 out such rules and procedures as it may deem necessary to  
21 prevent (1) the disclosure, outside the select committee, of  
22 any information relating to the activities of the Central In-  
23 telligence Agency or any other department or agency of the  
24 Federal Government engaged in intelligence activities, ob-

1   tained by the select committee during the course of its study  
and investigation, not authorized by the select committee  
3   to be disclosed; and (2) the disclosure, outside the select  
4   committee, of any information which would adversely affect  
5   the intelligence activities of the Central Intelligence Agency  
6   in foreign countries or the intelligence activities in foreign  
7   countries of any other department or agency of the Federal  
8   Government.

9       SEC. 8. As a condition for employment as described in  
10   section 3 of this resolution, each person shall agree not to  
11   accept any honorarium, royalty or other payment for a  
12   speaking engagement, magazine article, book, or other en-  
13   deavor connected with the investigation and study under-  
14   taken by this committee.

15       SEC. 9. No employee of the select committee or any  
16   person engaged by contract or otherwise to perform services  
17   for the select committee shall be given access to any classi-  
18   fied information by the select committee unless such em-  
19   ployee or person has received an appropriate security clear-  
20   ance as determined by the select committee. The type of  
21   security clearance to be required in the case of any such  
22   employee or person shall, within the determination of the  
23   select committee, be commensurate with the sensitivity of  
24   the classified information to which such employee or person  
25   will be given access by the select committee.



## STAFF LIST

This Final Report is the result of a sustained effort by the entire Committee staff. The Committee wishes to express its appreciation to the members of the support, legal, research, and Task Force staffs, who made a substantial contribution to this Report and who have served the Committee and the Senate with integrity and loyalty:

David Aaron.....	Task Force Leader.
William Bader.....	Task Force Leader.
Barbara Banoff.....	Counsel.
Howard Barkey.....	Consultant.
Frederick Baron.....	Counsel.
Laurie Bartlet.....	Secretary.
Lawrence Baskir.....	Counsel.
John Bayly.....	Counsel.
Charity Benz.....	Office Manager.
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Sam Bouchard.....	Professional Staff Member.
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Belva Brissett.....	Secretary.
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Margaret Carpenter.....	Research Assistant.
Barry Carter.....	Counsel.
Barbara Chesnik.....	Research Assistant.
Lot Cooke.....	Clerk/Security.
Elizabeth Culbreth.....	Counsel.
Lynn Davis.....	Professional Staff Member.
Spencer Davis.....	Press Secretary.
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Tom Dawson.....	Research Assistant.
James De Marco.....	Counsel.
Joseph Dennin.....	Counsel.
Mary De Ore.....	Research Assistant.
Mary de Temple.....	Secretary.
James Dick.....	Counsel.
Joseph di Genova.....	Counsel.
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Patricia Doolittle.....	Secretary.
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Robert Edwards, Jr.....	Clerk/Security.
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Betty Ellison.....	Secretary.
Michael Epstein.....	Counsel.

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Richard Garwin	Consultant.
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Jan Orloff	Research Director.
Lynsey Oster	Clerk.



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John Peterson	Research Director.
Susan Pitts	Research Assistant.
Andrew Postal	Counsel.
Christopher Pyle	Consultant.
Alton Quanbeck	Task Force Leader.
Ted Ralston	Research Assistant.
Harry Ransom	Consultant.
Gordon Rhea	Counsel.
Eric Richard	Counsel.
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James Rowe	Research Assistant.
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Elizabeth Smith	Research Assistant.
Stephanie Smith	Clerk.
Curtis Smothers	Counsel for Minority.
Britt Snider	Counsel.
Martha Talley	Counsel.
Athan Theoharis	Consultant
Florence Thoben	Mail Clerk.
Sherry Towell	Office Manager.
Gregory Treverton	Professional Staff Member.
William Truehart	Consultant.
James Tschirgi	Professional Staff Member.
James Turner	Research Assistant.
Richard Ullman	Consultant.
Paul Wallach	Counsel.
William White	Professional Staff Member.
Burton Wides	Counsel.
Carol Wiik	Document Clerk.
Joan Wilson	Secretary.
Otis Wilson	Consultant.
Peter Zimmerman	Consultant.
Phebe Zimmerman	Research Assistant.