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MEMORANDUM FOR THE RECORD

SUBJECT: Charter Legislation Hearings

1. The Senate Select Committee on Intelligence held the second of two days of hearings on the news-media and intelligence agencies, in the context of S. 2525, the intelligence charter legislation. News media witnesses were: Mike Wallace (CBS), Philip Geyelin (Washington Post Editorial Page Editor), Richard Leonard (Milwaukee Journal Editor), and Edwin K. Fuller (Associated Press General Manager). The following SSCI members were present for all or part of the hearing: Senators Walter Huddleston, Birch Bayh, Charles Mathias, John Chafee, and William Hathaway.

2. The news media representatives stressed that there are problems of credibility whenever there is public awareness of relationships between intelligence agencies and the news media. There was, however, sharp disagreement--primarily between Mr. Geyelin on the one hand, and the other witnesses on the other hand--as to the extent to which the Government should or could solve this problem by law. Mr. Geyelin made the point strenuously that, in his view, the news media, in supporting statutory restrictions on media-CIA relationships, was improperly asking the Congress to "save it [the media] from itself." Mr. Geyelin also made the point, in opposition to the other witnesses, that S. 2525 should not include restrictions on CIA-media relations simply to "send a message" to the world that U.S. journalists are "untainted" (Mr. Geyelin expressed skepticism that such a "message" would convince the world of anything in the first place). In rebuttal to Mr. Geyelin's endorsement of news media "self-discipline," Mr. Wallace expressed the view that self-discipline was not enough.

3. There also was general agreement among the witnesses that some exchanges of information with the Government are beneficial; in other words, that legislation should not prohibit such contacts altogether. Here again, however, there was no consensus as to the extent to which these exchanges should be "permitted." Mr. Wallace conceded that, so long as exchanges of information between journalists are purely voluntary, such relationships should be permitted. Mr. Fuller said it was more important to have a completely "untainted" press. The witnesses agreed that the law should prohibit the use of the media for cover purposes. On the matter of CIA relationships with foreign journalists, Mr. Leonard expressed the view that the CIA should be prohibited from any such paid relationships.

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4. Mr. Wallace and Mr. Leonard opined that whatever restrictions are in the legislation vis-a-vis journalists should extend to other news media persons, such as editors, technicians, etc.

5. Senator Bayh questioned the witnesses on the matter of whether suspicions surrounding media contacts with intelligence agencies could be removed by virtue of a statutory prohibition, and on the question of whether foreign journalists should be "used" to combat misinformation by controlled foreign media. He expressed no specific opinions on these issues.

6. Senator Huddleston was particularly interested in whether the media had any form of "code" governing relationships with intelligence and other Government agencies.

7. Senator Mathias expressed skepticism that the Congress should legislate in this area; the Senator seemed to favor self-discipline by the media. Senator Mathias also wondered whether U.S. journalists are guilty of being "used" by foreign governments and media as some would allege U.S. journalists are being used by U.S. intelligence agencies.

8. Senator Chafee posed the question of why statutory restrictions should apply just to the CIA, when the alleged problem of the media being "tainted" or "used" by the U.S. Government was really a more basic issue with applicability to all Government entities. The Senator also expressed concern with any law that could be construed to prohibit the passage to the Government by the media of a vital piece of information.

9. Senator Hathaway spoke to the matter of singling out the CIA in terms of restricting relationships with the media. The Senator posed the question of whether there should be a law prohibiting relationships between journalists and any non-media entity, including Government agencies and private companies, so as to remove completely any fears that the media is "tainted" and not utterly independent.

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