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1. The attached memorandum attempts in some detail to bring up to date the general situation regarding a Joint Congressional Committee on Foreign Intelligence. The basic references are the report to the National Security Council by the Director dated 6 January 1956 and transmitted to the National Security Council by memorandum dated 11 January 1956. That reference discusses in some detail the disadvantages of a Joint Committee. Subsequently, the National Security Council approved this report establishing an administration position of not favoring a Joint Committee.
2. The memorandum sets forth the action of the Senate in 1956 on the Mansfield resolution and then discusses similar resolutions in subsequent Congresses. The purposes of the reconstituted CIA Subcommittee of House Armed Services are mentioned.
3. As a matter of information, appearances of Agency representatives before congressional committees are listed for the last three years. In particular, Agency appearances before its four subcommittees are detailed.
4. The activities of the reconstituted CIA Subcommittee is discussed in some detail including the help received from Mr. Kilday, its Chairman.
5. Legislation in the Congress affecting the Agency is discussed pointing out that Armed Services Committees have only handled two items amending the National Security Act of 1947 and the CIA Act of 1949. Before other committees there have been a number of legislative items affecting the Agency directly, including amendments to the CIA Act of 1949. However, in most cases these were initiated elsewhere, and Agency interests have been protected by seeking amendments in the drafting stage, working with Bureau of the Budget and appropriate committees. In some cases the Agency has initiated legislation which of necessity was handled by committees other than Armed Services.
6. The memorandum then discusses additional considerations not covered in the original report to the National Security Council. Discussed are the unique security problems, the right of Congress to finished intelligence, the committee jurisdictional problem, and covert operations of the Agency. This discussion leads to the conclusion that most of the potential problems concerned with a Joint Committee could arise as well even with our subcommittee system. It is suggested that there might be some advantages with a Joint Committee over the present subcommittee. However, on balance it is concluded that probably a Joint Committee would emphasize and tend to raise some of the problems that are now simply potential.

SUBJECT: Congressional Action Relating to a Joint Committee on Foreign Intelligence

REFERENCE:

- A. Memo for NSC from Executive Secretary, same subject, dated January 11, 1956
- B. NSC Actions Nos. 1512 and 2215-c
- C. Memo for NSC from Executive Secretary, same subject, dated 10 November 1960

The purpose of this memorandum is to summarize congressional activity in regard to a Joint Committee on Foreign Intelligence in the last three Congresses and to review other possible considerations pertinent to the subject.

I. CONGRESSIONAL ACTION 1956 - 1960

1. Subsequent to the report to the National Security Council on the subject of joint committees for intelligence (Reference A), the Senate Rules Committee reported out favorably Senate Con. Res. 2, proposing a Joint Committee, with Senator Hayden filing a minority view. The Committee report is Attachment No. 1. There was considerable debate on the Senate floor concerning the resolution and ultimately it was defeated by a roll call vote of 59 to 27. Although the resolution had 35 co-sponsors, on the final vote ten of the co-sponsors voted against the creation of a Joint Committee. Senator Mansfield is reported to have said he was beaten on this by the professionals but that he would not make this mistake again. It is of interest that he did not introduce similar measures in the 85th or 86th Congress.

2. In the 85th Congress, 22 measures were introduced (one in the Senate and 21 in the House of Representatives) similar to Senate Con. Res. 2 of the 84th Congress. However, none of these measures was reported out of Committee and, consequently, no floor debate was held. A list of sponsors is attached as Attachment No. 2.

3. In the 86th Congress, 21 measures were introduced similar to Senate Con. Res. 2 of the 84th Congress, one in the Senate and 20 in the House of Representatives. A list of sponsors is attached as Attachment No. 3.

4. Early in the first session of the 86th Congress, considerable pressure developed on the House Rules Committee to report out favorably a measure for a Joint Committee on Intelligence. There were conferences between Mr. Howard Smith, Chairman of the House Rules Committee; the Speaker of the House, Mr. Sam Rayburn; Mr. Carl Vinson, Chairman of the House Armed Services Committee; and Mr. Kilday, ranking majority member of House Armed Services Committee. Clearly to relieve some of this pressure, it was decided to reconstitute the Kilday Subcommittee of House Armed Services with a membership of less seniority designed for the purpose of giving greater attention to CIA. Previously the Subcommittee was chaired by the chairman of the full committee and the subcommittee members were automatically chosen on the basis of ranking on the full committee. It was stated to be the purpose of the subcommittee that it would undertake a detailed and thorough review of the Agency and would meet with the Agency at least once a month. This new subcommittee was put under the chairmanship of Paul J. Kilday and included the following members:

Charles E. Bennett (D., Fla.)	James E. Van Zandt (R., Pa.)
George Huddleston, Jr. (D., Ala.)	Bob Wilson (R., Calif.)
A. Paul Kitchin (D., N. C.)	Frank C. Osmers, Jr. (R., N. J.)
Carl Vinson (D., Ga.) ex officio member	
Leslie C. Arends (R., Ill.) ex officio member	

5. There was no formal action taken in the first session of the 86th Congress on any of the measures for a Joint Committee. However, in the second session, it was reported in the press on May 13, 1960 that the House Rules Committee had considered action on the numerous resolutions pending before it for a Joint Committee on Intelligence but decided to take no action "because the time to consider them seemed inopportune."

6. Representative Clement J. Zablocki (D., Wis.) is one of the members who has pushed for the creation of a Joint Committee. He has stated that he would await the report of the Kilday Subcommittee to determine whether further action would be necessary. In reviewing the

Report of the Activities of the House Committee on Armed Services, 86th Congress, the CIA Subcommittee and its membership is listed. However, there is no mention in the text of any specific activities of that Subcommittee although there are brief summaries of activities of other subcommittees.

II. CIA APPEARANCES BEFORE CONGRESSIONAL COMMITTEES

1. There has been a marked increase over the years in the number of appearances that Agency representatives have made before congressional committees. The significant turning point appears to have been the advent of Sputnik I in November 1957. In prior years, Agency appearances have run 8-10 per year and for the last three years, the number of appearances are as indicated below:

1958	21
1959	28
1960	18

The specific committees before which Agency representatives appeared during these three years is attached as Attachment No. 4.

2. The above figures are inclusive of appearances before CIA subcommittees but it is believed pertinent to list these separately for closer examination.

	<u>1958</u>	<u>1959</u>	<u>1960</u>
CIA Subcommittee of Senate Armed Services	2	2	0
CIA Subcommittee of Senate Appropriations *	2	1	0
CIA Subcommittee of House Armed Services	2	5	2
CIA Subcommittee of House Appropriations	$\frac{2}{8}$	$\frac{1}{9}$	$\frac{2}{4}$

(* None of these appearances dealt with the Agency budget or justification of the budget request.)

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Subcommittee had not been briefed on this project. Mr. Vinson is reported to have said that the Agency was choosing to reveal only what it wanted to. Further, Mr. Vinson is said to have opined that the only real purpose being served by the CIA Subcommittee was to avoid a Joint Committee. (Mr. Vinson was vigorous in his opposition to the Joint Committee concept in 1956.) Also, it is reported that Mr. Kilday tends to regard the CIA Subcommittee as somewhat of a chore and that he had no strong feeling about retaining jurisdiction over CIA in Armed Services. However, very recently he indicated he was strongly opposed to a Joint Committee on Foreign Intelligence.

IV. LEGISLATION AFFECTING CIA

1. There has been little occasion for the Agency to seek amendments to the National Security Act of 1947 which established the Agency and the enabling Act, P. L. 110, of 1949. The National Security Act was amended in 1953 at our request in order to make statutory provision for the position of Deputy Director of Central Intelligence and also authorizing the President to appoint the Deputy Director from among commissioned officers of the armed services whether in an active or retired status. Also in 1953, P. L. 110 was amended to permit the Agency to employ not more than fifteen retired officers of the armed services. This gave the Agency only a limited exemption from the dual compensation statutes in that the retired officers so employed are required to elect to receive either the compensation of the Agency position or their retired pay, but not both. These two legislative items were considered by the Senate and House Armed Services Committees.

a. In 1954, section 9 of P. L. 110 was repealed. Section 9 had permitted the Director to fix compensation for three positions in the professional and scientific field at salaries then in excess of the classified schedules. The amounts the Director could fix were stated amounts and various pay increase legislation had overtaken these amounts. The section was no longer necessary and in fact was considered to be a limiting factor on compensation for these positions.

2. Other legislative needs of the Agency have been met through legislation considered by committees of the Congress other than Armed Services. In 1958 the Agency initiated efforts to have the Atomic Energy Act of 1954 amended to permit agencies other than the Atomic Energy

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Commission to transmit Restricted Data to foreign countries as otherwise authorized by law. This legislation, P. L. 85-479, was referred to the Joint Committee on Atomic Energy which held hearings on the matter.

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3. Other legislation where CIA was directly affected included items of Government-wide applicability. While these were still under consideration in Committee the Agency made representations to the committees for amendments to meet Agency requirements. An example would be the Government Employees Training Act of 1954 which provided training authorities for the Government generally and repealed the specific training authority contained in section 4 of P. L. 110. Exemptions for the Agency were included at our request. In similar fashion the Overseas Differentials and Allowances Act of 1960 attempted to make generally uniform the allowances available to civilian Government employees abroad. Extensive cooperation was achieved with the House Post Office and Civil Service Committee in amending various provisions of P. L. 110 to bring them into conformity with the general language and that of the Foreign Service Act. Other Acts in which we have been interested would include P. L. 85-217 which made permanent the temporary wartime Missing Persons Act; P. L. 86-382, the Government Employees Health Benefits Act which required some amendments in the drafting stage to permit the Agency to continue its own health benefits insurance plan; P. L. 83-763, the Government Employees Fringe Benefits bill of 1954 which initially established the Federal Employees Group Life Insurance program and among its miscellaneous provisions exempted CIA from the application of the Performance Rating Act of 1950. It was also the vehicle to repeal section 9 of P. L. 110, mentioned above, which dealt with three scientific and technical positions.

4. In summary since the original Acts of 1947 and 1949, only two items of legislation have been initiated by the Agency for handling by the Armed Services Committees. Most legislative items initiated by the Agency have been handled through other committees. The greater bulk

of legislation in the Congress which affects the Agency originates from other sources and is considered in committees other than Armed Services. Agency efforts in this regard are centered on working with the appropriate committees to which the various proposals are referred in order to safeguard security and to protect existing Agency authorities.

V. DISCUSSION OF GENERAL CONSIDERATIONS

1. In addition to the detailed considerations discussed in the report of 6 January 1956, attached to Reference A, it is believed there are additional factors worth consideration. There are four aspects of the problem of establishing proper relations with the Congress in order to inform them and obtain necessary funds which are believed peculiar to the Agency.

a. Security. CIA is the only agency where security applies to such basic matters as personnel, budget, organization, and expenditures. This tends to breed suspicion and distrust on the part of congressmen who are not informed. The security problem, therefore, is different in nature as well as degree from that of other Executive agencies.

b. Finished Intelligence. The end product of the agency is finished intelligence for the policymakers in the Executive Branch. Sound arguments can be made that such finished intelligence is the exclusive property of the President in view of his responsibility for the conduct of foreign affairs. A serious question is raised whether the Congress has a legitimate interest in finished intelligence except to determine whether a valuable return is received for the funds appropriated. Since intelligence is only one factor in policy decisions, providing Congress with finished intelligence alone could well lead to serious political difficulties in which the Agency would be caught in the middle between the Executive and Legislative Branches.

c. Jurisdiction. Most agencies can deal with the Congress representing their entire functional responsibilities whereas CIA is a focal point of the intelligence community comprised of components of other departments and agencies which have their own direct responsibility to the Congress.

A formidable jurisdictional problem is thus presented and while it is one for the Congress to resolve, it is pertinent to our consideration of relations with the Congress.

4. Covert Operations. In addition to the intelligence mission, the Agency is charged with the conduct of covert operations. Such operations are carried out in accordance with policy directives from appropriate Executive Branch elements. In possible congressional review of such activities there would be involved policy decisions for which CIA does not have responsibility.

2. It is believed desirable to attempt to appraise the relative merits of handling CIA congressional relations under the existing system and under a Joint Committee system utilizing the above factors.

a. Security. Under the existing system, security of the CIA subcommittees has been excellent, but it cannot be assumed that a Joint Committee would be less secure and under the Mansfield type resolution the membership would be comprised solely of members of our subcommittees. (The staff problem will be discussed later.) The establishment of a Joint Committee might have some adverse effect on relations with foreign intelligence services, but probably this would be of short duration as they could be brought to understand that fundamentally nothing had been changed from the security standpoint.

b. Finished intelligence. On the question of producing finished intelligence on demand from the Congress, there would seem to be little difference in the fundamental problem between our present subcommittee system and a Joint Committee. Our present subcommittees have not raised this issue although they could at any time. There is somewhat more likelihood that the Joint Committee would immediately raise the issue but the issue is the same under either system. In fact, a Joint Committee might lead to preclude other committees such as Foreign Relations from requesting the material which could happen under the present system.

c. Jurisdiction. There are two sides to the question of jurisdiction. On the one hand is the question of extent of jurisdiction over intelligence matters which could be claimed by the Joint Committee. The extent of asserted jurisdiction by a Joint Committee over the intelligence activities of other agencies which have responsibilities to other committees is a matter of conjecture and concern. On the other hand there is the question of how many committees properly can assert jurisdiction over the Agency at the present time. For example, a subcommittee of House Foreign Affairs on State Department Organization and Foreign Operations lists one of its responsibilities in the Legislative Calendar as ". . . liaison with Central Intelligence Agency . . ." The House Committee on Government Operations has indicated it could assert jurisdiction, specifically under its Subcommittee for Foreign Operations and Monetary Affairs, chaired by Representative Porter Hardy. Also, legislation affecting CIA personnel might well be claimed by the Post Office and Civil Service Committees, whereas a Joint Committee could probably assert exclusive jurisdiction over the Agency in all matters except appropriations. Generally we have not been subject to any serious jurisdictional difficulties under the present system, but it is likely that a Joint Committee would tend to cause jurisdictional questions to be raised.

d. Covert Operations. On the question of covert operations, again there seems to be little basic difference in dealing with our subcommittees or with a Joint Committee. However, the existence of a Joint Committee would tend to bring the issue into focus. So far the subcommittees have not seriously considered policies under which CIA conducts its covert activities. A Joint Committee could almost certainly be expected to study such problems more carefully and might well be critical of policies, instructions, or particularly limitations put on by State or Defense. The problem of such policy guidance is delicate enough without having a third party, particularly a congressional group, enter the debate. So, on balance, the subcommittee system may be preferable from this point of view, although there is nothing to prevent the problem from arising with them also.

3. The present subcommittees have not moved actively to dispel what many believe to be a growing distrust and suspicion of the Agency within the Congress. The level of lack of knowledge of the Agency, its activities and its relations with Congress is illustrated by the fact that certain senior congressmen on the Armed Services Committee were not aware that there was a CIA Subcommittee. The publicity attendant upon the establishment of a Joint Committee would tend to lessen some of the suspicions as would the reports which presumably would be forthcoming. It is also likely that the Joint Committee would be of some assistance in guiding through the congressional mill the relatively few items of needed legislation.

4. The most serious problem and the most difficult to assess concerns the fundamental constitutional question of the relationship between the President and the Congress, particularly with regard to the President's function in the conduct of foreign affairs. This point is discussed in more detail in the DCI memorandum of 6 January 1956 to the National Security Council. A Joint Committee in all likelihood would tend to bring these issues into sharper focus although it is impossible to predict the approach which would be taken by a Joint Committee. However, it is true that the existing subcommittees could raise the same issues. Since they have not, the constitutional question remains a distinct negative factor in assessing the desirability of a Joint Committee.

5. The membership of a Joint Committee raises many issues. The various measures proposing a Joint Committee have specified determination of membership in different ways. In some cases it is left open except for the usual relationship between majority and minority parties, and in all likelihood seniority rules would apply. Under this arrangement there would be increased dangers arising from the inflexible nature of selection. In the present system, the selection of membership on subcommittees is handled more informally and there have been no serious problems. Under the Mansfield type of resolution the membership includes only the members of the existing CIA subcommittees so no additional membership problem is raised. However, it does raise the question of responsibility to additional committees. The Mansfield type resolution does not eliminate supervision of the Armed Services Committee but simply imposes the Joint Committee on top of the existing system, thus increasing our burden.

6. Some of the above problems are further emphasized by the fact that a Joint Committee would have its own staff. Presently the staffs working with the subcommittees have as much as they can handle in the way of work for other defense activities and tend to leave CIA alone. A staff for a Joint Committee, however, even if it were one man, would have but a small portion of its time taken up with the few legislative problems this Agency has. There is little doubt that the staff's time would, therefore, be devoted to informing itself on intelligence activities and inquiring into substantive matters. The staff in turn would promote the interest of committee members, and we could expect a far more active give and take than exists between the Agency and the subcommittees. This would be time consuming and the probable detriments would tend to outweigh the benefits, as the increased security exposure and the tendency of the Joint Committee to interfere would probably have more effect than any support we might wish the Committee to lend. However, the problem of the staff is not insoluble and the selection thereof could probably be worked out by mutual agreement between the chairman and the Director. The staff problem is additionally unique in that to do their job properly they would gain access to the most sensitive of clandestine activities on an across-the-board basis, whereas even within the Agency these activities are compartmented and very few people in the Agency have full access. The normal turnover of staff people possessing such broad knowledge of Agency activities adds to the security problem.

7. Certain of the advantages claimed for a Joint Committee could be accomplished under our existing subcommittee system. A more careful review of Agency activities can be accomplished by our present subcommittees, whereas in the past there has not been a thorough review on an annual basis. Some of the members of our subcommittees have conceded that possibly they have not lived up to their responsibilities in this respect. A review of Agency activities (not simply a briefing on world affairs) accompanied by a statement or report issued to the membership of the Congress as a whole that a review has been conducted would go a long way to alleviate some of the pressures and meet the stated objectives of a Joint Committee.

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84TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1570

JOINT COMMITTEE ON CENTRAL
INTELLIGENCE AGENCY

REPORT

OF THE

COMMITTEE ON
RULES AND ADMINISTRATION

UNITED STATES SENATE
EIGHTY-FOURTH CONGRESS
SECOND SESSION

TO ACCOMPANY

S. Con. Res. 2

TOGETHER WITH THE
INDIVIDUAL VIEWS OF MR. HAYDEN



FEBRUARY 23 (legislative day, FEBRUARY 22), 1956.—Ordered to be printed

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84TH CONGRESS }
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SENATE

{ REPORT
{ No. 1570

JOINT COMMITTEE ON CENTRAL INTELLIGENCE AGENCY

FEBRUARY 23 (legislative day, FEBRUARY 22), 1956.—Ordered to be printed

Mr. GREEN, from the Committee on Rules and Administration, submitted the following

R E P O R T

together with the

INDIVIDUAL VIEWS OF MR. HAYDEN

[To accompany S. Con. Res. 2]

The Committee on Rules and Administration, to whom was referred the concurrent resolution (S. Con. Res. 2) to establish a Joint Committee on Central Intelligence, having considered same, report favorably thereon, with amendments, and recommend that the resolution, as amended, be adopted by the Senate.

EXPLANATION OF SENATE CONCURRENT RESOLUTION 2

This concurrent resolution, sponsored by 35 Senators, would establish a joint committee of Congress to have legislative oversight of the Central Intelligence Agency.

Such committee would be composed of six Members from the Senate, and six Members from the House of Representatives. Membership on the joint committee would be limited to Senators and Representatives already serving as members of Subcommittees on the Central Intelligence Agency of the Committees on Appropriations and Armed Services in both branches of Congress.

These Members would select their chairman and staff and have full cognizance and supervision over matters relating to the Central Intelligence Agency, with power to advise, inquire, and report. Staff and other committee expense for the first year was set at \$250,000 by the Rules and Administration Committee.

AMENDMENTS

Amendments to Senate Concurrent Resolution 2 proposed by the Committee on Rules and Administration are as follows:

1. On page 3, line 21, strike the word "public";
2. On page 3, lines 23 to 25, inclusive, strike out the last sentence;
3. On page 4, line 6, after the word "Government", strike out the period and insert—

on a reimbursable basis with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration.

4. On page 4, line 8, insert in the blank the figure "\$250,000";
5. On page 4, line 8, after the word "paid", strike out "one-half";
6. On page 4, line 9, after the word "Senate", strike out "and one-half";
7. On page 4, strike out line 10;
8. On page 4, line 11, after the word "chairman.", strike out "Disbursements to";
9. On page 4, strike out lines 12, 13, 14, 15, and 16.

The effect of the first two amendments would be to bring reporting fees for both public and executive hearings of the joint committee into conformity with regulations now controlling reporting costs of Senate committees. The effect of the third amendment would insure that prior consent of the heads of the departments or agencies concerned, and of the Senate Committee on Rules and Administration, must be obtained for the joint committee to utilize the reimbursable services of agency personnel detailed to it. The fourth amendment would limit the joint committee's expenditures for staff and other expenses during its first year to \$250,000. Amendments 5 to 9, inclusive, would provide that all the funds necessary to the operations of the joint committee be disbursed by the Senate without reimbursement from the House of Representatives. These amendments would thus eliminate duplication of accounts, prevent difficulties which might arise due to conflicts in some of the fiscal regulations governing the two Houses of Congress, and make the language of the present resolution conform to the current disbursement practices controlling practically all other joint congressional committees.

SUMMARY OF OBJECTIVES OF SENATE CONCURRENT RESOLUTION 2

A. This concurrent resolution, in creating a joint committee to oversee the Central Intelligence Agency, adopts the essence of a recommendation made to Congress by the Hoover Commission.

B. At the same time, it preserves the continuity of present congressional cognizance of CIA at committee level by limiting the membership on the joint committee to those Senators and Representatives now most privy to CIA's operations.

C. Approval of the resolution will give Congress a joint committee analogous to the Joint Committee on Atomic Energy, and like the latter, dedicated to the promotion of the public and legislative will in a sensitive agency imperative to our country's international survival.

D. It will also give Congress a specific group which can work hand in hand with a civilian group already appointed by the President to study intelligence activities, particularly the CIA. The civilian

group referred to was appointed after its organization had been suggested by the Hoover Commission.

E. It will provide the Central Intelligence Agency with a congressional committee acting for it as a unit in Congress, and one capable of furnishing CIA protection against unwarranted attack or inquiry.

F. The establishment of a Joint Committee on Central Intelligence will insure the existence of a trained, specialized, and dedicated staff to gather information and make independent checks and appraisals of CIA activities pursuant to the committee's directives and supervision. The effect should be to allay much of the suspicion already expressed in Congress concerning the activities and efficiency of CIA operations.

INTRODUCTION

The requirement of a centralized, responsible intelligence organization which can act as the collator and prophet of international intentions hostile to the United States is an imperative one. It would be difficult to phrase a more apt expression of its significance than was contained in the Hoover Commission's Report on Intelligence Activities:

The fate of the Nation well may rest on accurate and complete intelligence data which may serve as a trustworthy guide for top-level governmental decisions on policy and action in a troubled world, where so many forces and ideologies work at cross-purposes.

The Central Intelligence Agency was created to fill this need. Whether or not it has met that need has never been understood too clearly by the press or the public. Its very secrecy keeps its operations from justification or criticism. The suspicion grows, however, that some of its secrecy has been secrecy for its own sake. The efficiency of the CIA has been doubted, its results questioned.

BACKGROUND OF THE CENTRAL INTELLIGENCE AGENCY

I. HISTORICAL

The concept of a centralized intelligence agency with unit responsibility evolved slowly. In World War I, the United States had no intelligence service equal to the name. Between World War I and World War II, the Nation relied chiefly on the military services and the State Department for its foreign strategic and tactical information. With the outbreak of World War II, the need for centralized intelligence information became even more apparent. As a step toward meeting that need, the Office of the Coordinator of Information was set up in 1941 to collect and analyze information data, military or otherwise, which might bear upon national defense strategy. Later, in June 1942, the Office of Strategic Services emerged as the organization charged with the compilation of secret war information for the Joint Chiefs of Staff.

This OSS organization remained intact until the close of World War II. In the fall of 1944, its Director was asked by the President to recommend the concept for a postwar intelligence organization. In substance, his recommendations were followed out when the President, in January 1946, created the National Intelligence Authority consisting of the Secretaries of State, War, and Navy, and

the President's personal representative to coordinate Federal foreign intelligence activities. A Central Intelligence Group was also organized by directive, with a Director designated by the President to assist the National Intelligence Authority and to be responsible to it. In the period of 6 years the CIA has been examined 4 times—twice by task forces of 2 Hoover Commissions. The substance of the findings over the spread of these years were generally the same—that inadequacies and poor organization existed and had gone uncorrected.

II. NATIONAL SECURITY ACT OF 1947

Both the Authority (NIA) and the Central Intelligence Group (CIG) vanished with the enactment of the National Security Act of 1947 (Public Law 253, 80th Cong., 61 Stat. 495; 50 U. S. C. Supp. 403) by which Congress established a National Security Council (NSC) and created under it a Central Intelligence Agency (CIA) with a Director at its head.

The purposes of the CIA were defined by the act as follows:

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) 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.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

The Central Intelligence Agency is headed by a Director and a Deputy Director, both of whom are appointed by the President, by and with the advice and consent of the Senate. The Director or the Deputy Director of Central Intelligence may be chosen from the commissioned officers of the armed services in an active or retired status, but at no time shall more than one of the two positions be

occupied by such a commissioned officer. The Deputy Director of Central Intelligence shall act for, and exercise the powers of, the Director during his absence or disability.

The Director of Central Intelligence, in the performance of his responsibility, receives pertinent information from all branches of the Government engaged in the collection of intelligence, including the Atomic Energy Commission. He gives advice and recommendations to the National Security Council on such matters. The function of the National Security Council is to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The report "Intelligence Activities" (a report to Congress from the Commission on Organization of the Executive Branch of the Government, Washington, D. C., June 1955) prepared by a task force under the chairmanship of Gen. Mark W. Clark, The Citadel, S. C., comments on the establishment of CIA as follows:

The CIA well may attribute its existence to the surprise attack on Pearl Harbor and to the postwar investigation into the part intelligence or lack of intelligence played in the failure of our military forces to receive adequate and prompt warning of the impending Japanese attack.

That investigation of events leading up to the "day of infamy" impressed upon Congress the fact that information necessary to anticipate the attack actually was available to the Government: but that there was no system in existence to assure that the information, properly evaluated, would be brought to the attention of the President and his chief advisers so that appropriate decisions could be made and timely instructions transmitted to the interested military commanders.

It also demonstrated that in the prewar Government organization no single official was responsible for whatever failure of intelligence was involved; and the blame for the military surprise fell, justly or unjustly, on the military commanders present and immediately involved in the debacle.

Therefore, in 1947, when legislation for a national intelligence organization was being considered, there was a widespread feeling among Members of the Congress that responsibility for the coordination of the production of national intelligence, as distinguished from departmental intelligence, and for its dissemination, must be centered at one point.

Creation of the Central Intelligence Agency, with its Director charged with the coordination of the intelligence effort, was authorized to fill this need * * *.

III. THE CIA ACT OF 1949

The Central Intelligence Agency Act of 1949 (Public Law 110, 81st Cong., 1st sess., approved June 20, 1949; 63 Stat. 208) followed 2 years later to strengthen CIA administration. This act dealt with such matters as procurement, travel, allowances, and related expenses. It contained an alien-admission clause to aid the Nation's intelligence mission. The statute further gave protection to the confidential nature of the Agency's functions, and allowed special instruction of Agency personnel. Among other provisions were these:

Sec. 7. In the interests of the security of foreign intelligence activities of the United States and in order further to implement the proviso of section 102 (d) (3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from authorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U. S. C. 654), and the provisions of any other law which requires the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*,

That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 607, title VI, chapter 212 of the Act of June 30, 1945, as amended (5 U. S. C. 947 (b)).

* * * * *

SEC. 10. * * *

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

IV. OTHER PERTINENT LEGISLATION

Other acts applicable to the Central Intelligence Agency, since adopted, include:

Public Law 697 (81st Cong., 2d sess., approved August 16, 1950) relating to the compensation of certain professional and scientific positions in CIA; Public Law 53 (82d Cong., 1st sess., approved June 26, 1951) regarding employment of retired officers and warrant officers in CIA; Public Law 15 (83d Cong., 1st sess., approved April 4, 1953) providing for the appointment of a Deputy Director of CIA; and Public Law 161 (84th Cong., 1st sess., approved July 26, 1955) authorizing moneys for a CIA headquarters installation.

INVESTIGATIONS OF THE CIA

I. FOUR SURVEYS OF THE CIA

The CIA has been twice investigated, examined, and appraised by task forces of the Commission on Organization of the Executive Branch of the Government (the Hoover Commission), once in 1949 and again in 1955. The first Hoover Commission inquiry was completed in 1949 pursuant to Public Law 162, 80th Congress, 1st session, approved July 7, 1947. The second was finished in 1955 pursuant to Public Law 108, 83d Congress, 1st session, approved July 10, 1953. Both investigations covered CIA as part of the national intelligence function of the United States.

The CIA was surveyed for the White House by a group of four, under the chairmanship of Lt. Gen. James H. Doolittle, in 1954. A fourth investigation, by a special committee headed by Allen Dulles, its present Director, received press mention in 1951. Today, under a recent Executive order of the President, still another group, made up of private, public-spirited citizens, is also checking into CIA operations and results.

II. THE FIRST HOOVER COMMISSION REPORT (1949)

The first Hoover Commission survey of intelligence functions and of the Central Intelligence Agency, was made pursuant to Public Law 162 (80th Cong., approved July 7, 1947) and returned to Congress by the Hoover Commission in report form on February 15, 1949. This report attached appendix G as the findings of the F. Eberstadt Task Force. The Eberstadt Task Force gave passing mention to CIA, perhaps because of its general newness in the Government. It did, however, find:

The Central Intelligence Agency is sound in principle, but improvement is needed in practice. It is not now properly organized. A serious deficiency is

the lack of an adequate top-level evaluation board or section, whose duties are confined solely to the evaluation of intelligence, with no responsibilities for general policy or administrative matters.

The Eberstadt Task Force recommended:

* * * That vigorous efforts be made to improve the internal structure of the Central Intelligence Agency and the quality of its product * * *; that there be established within the Agency at the top echelon an evaluation board or section composed of competent and experienced personnel who would have no administrative responsibilities, and whose duties would be confined solely to intelligence evaluation.

Six years later another task force (the Clark Task Force) was also recommending efforts to improve the internal structure of the CIA and the quality of its product.

III. THE SPECIAL COMMITTEE

On this special committee the New York Times Magazine of May 27, 1951, reported, as follows:

A special committee of three civilians of extensive wartime experience in intelligence—Allan W. Dulles, William H. Jackson, and Mathias F. Correa, which was appointed to study CIA operations, found much cause for dissatisfaction. Continued demands for improvement led to the appointment in 1950 of Lt. Gen. W. Bedell Smith as Director. * * *

IV. GENERAL DOOLITTLE'S GROUP

Another comparable board of consultants was also set up by the White House later on in 1954. Announced publicly for the first time on October 14, 1954, as a group charged with investigating the secret operations of the CIA, this was a board of four men headed by Lt. Gen. James H. Doolittle and included, in addition, William D. Franke, Assistant Secretary of the Navy; Morris Hadley, New York attorney; and William D. Pauley, former Ambassador to Brazil.

Publication of the activities of the Doolittle group occurred 3 days before the first meeting of the Clark Task Force group, already named by act of Congress to conduct a similar study. The Doolittle studies had, however, been under way for some time. This apparent duplication of effort led to the following comment in the New York Times of October 14, 1954:

There was some feeling among intelligence circles yesterday that the two investigations represented some duplication and overlapping, and that some friction had developed, or might develop. This was said to be partly because one investigation, that of General Clark, stemmed from legislative, or congressional, authorization, whereas the other—that of General Doolittle—represented the executive branch of Government.

In any case informed circles agreed that the investigations probably meant that both Congress and the executive department were determined to improve the Government's intelligence operations and evaluations.

Experts believe much progress has been made in the development of global intelligence services but some "leaks" and failures—some of which are inevitable in any intelligence service—and several recent events have caused some anxiety.

They include the arrest of Mr. [Joseph S.] Petersen, who handled what was known in World War II as "Magic"—the information gathered by breaking the codes of foreign nations; the defection to the Communists of Dr. Otto John, head of Western Germany's secret service; the earlier but possibly not related defections of the British diplomats, Guy F. DeMoney Burgess and Donald D. MacLean; the case of British atomic physicist Dr. Klaus Fuchs now in prison as a traitor; and the amazing network of intrigue, espionage, and counterespionage recently revealed in high places in the French Government.

Some experts believe that all these events are somehow interrelated. There have been, moreover, some sharp recent criticisms of overlapping, duplicating and uncoordinated activities of various United States sponsored intelligence agencies in Germany.

Seven days after the first public announcement of this Doolittle study, the White House issued a statement in which the CIA won an accolade from the Doolittle Board for doing a "credible job." The Board, it was said, had been asked by the President to look into certain phases of the CIA. It denied that there was an overlap in the Clark Task Force report. Certain recommendations were made directly by the Board to the President without being made public, though General Doolittle, in a release said:

There are important areas in which the CIA organization, administration, and operations can and should be improved. The Agency is aware of these problems and, in many cases, steps are being taken toward their solution. * * *

Roughly 8 months later, the Clark Task Force was saying:

The task force is deeply concerned over the lack of adequate intelligence data from behind the Iron Curtain * * *. The task force feels that certain administrative flaws have developed in the CIA, which must be corrected * * * or, the same thing all over again.

V. THE SECOND HOOVER COMMISSION REPORT (1955)

The actual investigation into the intelligence activities of the Government, under the Hoover Commission, was performed by a task force chairmanned by Gen. Mark W. Clark. This task force was initially instructed by the Hoover Commission to study and make recommendations as to the structure and administration of the Central Intelligence Agency. Those instructions were later changed by the Commission to embrace studies of all intelligence operations of the Federal Government and recommendations for changes necessary to promote economy, efficiency, and approved services in this field.

The Clark Task Force found at least 12 major departments and agencies engaged in intelligence of one form or another. In addition, 10 or more agencies' activities were discovered that expend public funds directly or indirectly in behalf of the intelligence effort of the Government. In the descriptive words of the task force report:

The machinery for accomplishing our intelligence objectives, hereafter called the intelligence community when referred to as a whole, includes the Central Intelligence Agency, the National Security Council, the Federal Bureau of Investigation, and the intelligence sections of the Departments of State, of the Army, the Navy, and the Air Force, and of the Atomic Energy Commission. Some of these agencies approach or exceed the operations of the CIA in functions and in expenditures. However, since CIA is charged with the overall responsibility for coordinating the output of all intelligence forces, the task force gave special attention to the work of that Agency.

It is noteworthy that a review which was broadened from a study of the Central Intelligence Agency to all intelligence agencies of the Government ended finally by making its most cogent and critical remarks about the CIA.

A. THE CLARK TASK FORCE REPORT

The Clark Task Force report was submitted in two parts. One was public; the other, being related to the national security, bore the highest security classification. The latter report was sent directly to

the President and was not considered by the Commission because of its extremely sensitive content.

An extract from the unclassified Clark report says:

Recommendations covering overseas counterintelligence operations, carried out by the military services and the Central Intelligence Agency, are contained in our classified report.

From this it is apparent that many pertinent facts about CIA's overseas functionings were lost to the comment of the full Hoover Commission. More importantly, it would appear this was also true of the task force findings on overall CIA organization. A recommendation to the Commission by the task force that the CIA be reorganized internally carries this footnote:

Details and supporting factual matter relating to this recommendation are contained in the separate classified report of the task force. They cannot be incorporated in this report for security reasons.

The unclassified report of the Clark Task Force was published in the Commission's report to Congress. It makes pertinent recommendations about CIA that may be discussed and considered.

1. Recommendations

The Clark Task Force made nine principal recommendations. Succinctly stated, they are as follows:

1. That the Central Intelligence Agency be reorganized internally to produce greater emphasis on certain of its basic statutory functions, and that the Director of CIA employ an executive officer or "chief of staff" of that Agency.
2. That a small, permanent, bipartisan commission, composed of Members of both Houses of the Congress and other public-spirited citizens commanding the utmost national respect and confidence, be established by act of Congress to make periodic surveys of the organization, functions, policies, and results of the Government agencies handling foreign intelligence operations; and to report, under adequate security safeguards, its findings and recommendations to the Congress, and to the President, annually and at such other times as may be necessary or advisable. This "watchdog" commission would be empowered by law to demand and receive all information needed for its use and would be patterned after the Hoover Commission.
3. That increases be made in the salaries of the Director and other key employees of CIA, and that additional medical, hospital, and statutory leave benefits be accorded CIA employees on overseas duty.
4. That the CIA be authorized to employ other retired military personnel without regard to the laws limiting their compensation.
5. That all intelligence agencies recheck the security status of all personnel at intervals not to exceed 5 years.
6. That responsibility for procurement of foreign publications and for scientific intelligence be transferred from the State Department to CIA.
7. That Congress appropriate funds for adequate CIA headquarters in or near Washington, D. C.
8. That methods for selection of the coordinating committee members on atomic energy intelligence be made highly selective.
9. That a comprehensive coordinated program be developed to expand linguistic training in the overall intelligence effort.

2. Comments

The Clark task force made many comments in addition to its recommendations. Some of these are grouped under topical headings below:

(a) *Soviet bloc.*—

The task force is deeply concerned over the lack of adequate intelligence from behind the Iron Curtain. Proper directional emphasis, aggressive leadership, boldness and persistence are essential to achieve desired results. [Emphasis supplied.]

* * * * *

The aggressiveness of the Soviet bloc, their methods of infiltration, subversive activities and propaganda employed in the cold war now in progress, as well as the difficulty of penetration of their security barriers, point up the fact that our intelligence effort must be the best in our history. This, added to the advent of nuclear weapons, together with their advanced delivery system, has made adequate and timely intelligence imperative to our national security.

* * * * *

Security measures adopted by the Communists have been provokingly conceived and boldly employed. *They have been quite effective in comparison with our security measures, which have permitted the collection of vital secrets in this country with relative ease.* The information we need, particularly for our Armed Forces, is potentially available. Through concentration on the prime target we must exert every conceivable and practicable effort to get it. * * * [Emphasis supplied.]

* * * * *

The major aim would be greater concentration on the collection of intelligence information from our primary target—Russia and her satellites, and Communist China.

One inference from the last statement is that this Nation holds more intelligence on its friends (and neutrals) than on the Soviet and Chinese bloc.

(b) *Allen Dulles.*—Although the Clark Task Force found the Director of CIA to be “industrious, objective, selfless, enthusiastic, and imaginative,” suggestion was observed that he and others were now too much concerned about the operational side of CIA’s activities:

We are convinced, however, that in his enthusiasm he has taken upon himself too many burdensome duties and responsibilities on the operational side of CIA’s activities * * *.

(c) *Administrative flaws.*—The task force found that the legislative and organizational setup of the intelligence family was soundly conceived, but had administrative flaws.

* * * The task force feels that certain administrative flaws have developed in the CIA, which must be corrected to give proper emphasis and direction to its basic responsibilities.

* * * * *

Failure to produce certain elements of intelligence has been due in part to the restrictive effects of some of our national attitudes and policies toward the collection of intelligence so necessary for effective resistance to Soviet aggression. Also, among some of those responsible for implementation of our foreign policy by diplomacy and negotiation, there seems to exist an abhorrence to anything that might lead to diplomatic or even protocol complications.

* * * * *

The glamor and excitement of some angles of our intelligence effort must not be permitted to overshadow other vital phases of the work or to cause neglect of primary functions. A majority of the task force is convinced that an internal reorganization of the Central Intelligence Agency is necessary to give assurance that each of these functions gets adequate attention without diversionary interest.

(d) *Public relations.*—

The task force feels that the American people can and should give their full confidence and support to the intelligence program, and contribute in every possible way to the vital work in which these agencies are engaged.

* * * * *
One of the aims [should be] the creation of a compact commission * * * to keep the public assured of the essential and trustworthy accomplishments of our intelligence forces, and to enlist public support and participation in the intelligence effort.

* * * * *
Action of this sort is needed to promote a general awareness and appreciation among the people of the significance and objectives of the intelligence program. *There is a corollary demand* for clarification of misunderstandings which have arisen in the public mind, largely as a result of the misapplication of secrecy. [Emphasis supplied.]

(e) *Congressional affairs.*—

The task force further is concerned over the absence of satisfactory machinery for surveillance of the stewardship of the CIA. It is making recommendations which it believes will provide the proper type of "watchdog" commission as a means of reestablishing that relationship between the CIA and the Congress so essential to and characteristic of our democratic form of government, *but which was abrogated by the enactment of Public Law 110 and other statutes relating to the agency.* It would include representatives of both Houses of Congress and of the Chief Executive. Its duties would embrace a review of the operations and effectiveness, not only of the CIA, but also of all other intelligence agencies. [Emphasis supplied.]

The task force report adds:

The task force fully realizes that the Central Intelligence Agency, as a major fountain of intelligence for the Nation, must of necessity operate in an atmosphere of secrecy and with an unusual amount of freedom and independence. Obviously, it cannot achieve its full purpose if subjected to open scrutiny and the extensive checks and balances which apply to the average governmental agency.

Because of its peculiar position, the CIA has been freed by the Congress from outside surveillance of its operations and its fiscal accounts. There is always a danger that such freedom from restraints could inspire laxity and abuses which might prove costly to the American people.

Although the *task force* has discovered no indication of abuse of powers by the CIA or other Intelligence agencies, it nevertheless *is firmly convinced, as a matter of future insurance, that some reliable, systematic review of all the agencies and their operations should be provided by congressional action as a checkrein to assure both the Congress and the people that this hub of the Intelligence effort is functioning in an efficient, effective, and reasonably economical manner.* [Emphasis supplied.]

Within the Armed Services Committee, there is a liaison channel between the Congress and CIA which serves a worthy purpose, but which cannot include private citizens in its membership and has not attempted to encompass the wide scope of service and continuity which this task force considers essential for "watchdog" purposes.

The task force recognizes that secrecy is necessary for proper operation of our foreign intelligence activities but is concerned over the possibility of the growth of license and abuses of power where disclosure of costs, organization, personnel, and functions are precluded by law.

On the other hand, sporadic investigations in this field might inadvertently result in unauthorized disclosure of classified information to the detriment of the intelligence effort. Periodic audits or studies by some qualified, impartial agency would remove both of these dangers and would also allay any suspicions and distrust which have developed in the public mind by the complete secrecy of these operations. Such a procedure also might serve to shield our intelligence program from unjustifiable attacks upon the agencies concerned, and enhance public confidence and support of this vital work.

The Central Intelligence Agency Act of 1949 legalized the administrative procedures for the Agency. It was passed by the Congress on the unanimous recommendation of the Armed Services Committee.

(f) *Agency enjoys wide exemptions.*—

The act exempts the Agency from compliance with any provision of law limiting transfers of appropriations; any requirements for publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency; and any regulations relating to the expenditure of Government funds.

The widespread conviction among Members of Congress that this situation should be corrected is indicated by the fact that more than a score of resolutions have been introduced in the current session calling for a review or watch over our intelligence activities, usually by a large joint committee of the two Houses.

3. *Permanent "watchdog" commission*

The report indicated that the task force considered a small, permanent commission modeled on the Hoover Commission as the best group for "watchdog" purposes. (As will be seen, this mixed commission of private citizens and Members of Congress was not concurred in by the Hoover Commission.) In furtherance of its premise, however, the task force was of the opinion that this mixed commission should, *inter alia*:

- (1) Conduct comprehensive studies of foreign intelligence activities of the United States;
- (2) Look for overlapping and duplication;
- (3) Determine whether expenditures are within budget authorizations and in keeping with the expressed intent of the Congress;
- (4) Consider whether any of the activities are in conflict with the foreign policy aims and program of the United States; and
- (5) Employ a small permanent staff with power to inquire and examine.

This mixed commission would also stand in close relation to the foreign intelligence agencies of the Government and support their needs legislatively. Presumably, it would act in lieu of a congressional committee assigned to those and other tasks, though the report is silent on that point. An integral part of its duties would be reports of its findings and its recommendations to the President and to the Congress annually, and at such other times as might be appropriate or necessary.

B. THE RECOMMENDATION OF THE HOOVER COMMISSION

The report of the Hoover Commission on intelligence activities was transmitted to Congress on June 29, 1955. It was divided into two parts. Part II was the complete, unclassified report made by the Clark task force. The one recommendation made by the overall Hoover Commission was set forth in part I, which was limited to two pages. That recommendation, in two specific parts, was as follows:

Recommendation

- (a) That the President appoint a committee of experienced private citizens, who shall have the responsibility to examine and report to him periodically on the work of Government foreign intelligence activities. This committee should also give such information to the public as the President may direct. The Commission should function on a part-time and per diem basis.
- (b) That the Congress consider creating a joint congressional committee on foreign intelligence, similar to the Joint Committee on Atomic Energy. In such case, the two committees, one Presidential and the other congressional, could collaborate on matters of special importance to the national security.

The "first" recommendation did not carry out wholly the task force recommendation for a "watchdog" commission. The Hoover Commission comment on this was specifically to the point that—

while mixed congressional and citizens' committees for temporary service are useful and helpful to undertake specific problems and to investigate and make recommendations, such committees, if permanent, present difficulties.

The "second" recommendation of the Hoover Commission, concerning a joint committee on foreign intelligence, was wholly new and arrived at independently by the Commission after a survey of the task force findings. Its mention of the current Joint Committee on Atomic Energy is especially germane.

PRESIDENT'S BOARD OF CONSULTANTS ON FOREIGN INTELLIGENCE ACTIVITIES

I. ORIGIN OF BOARD

This Board was named at the White House, on January 13, 1956, pursuant to the above recommendation of the Commission on Organization of the Executive Branch of the Government (Hoover Commission), and after consultation with the Director of Central Intelligence. Although it is slated to look into the administration of all Government foreign intelligence activities, the Board's chief concern will be with the CIA. The eight-man board was named under the authority of Executive Order 10656, title 3, dated February 8, 1956.

II. COMPOSITION OF BOARD

The Board is comprised of the following members:

Dr. James R. Killian, Jr. (chairman), president, Massachusetts Institute of Technology;
Adm. Richard L. Conolly, retired, president, Long Island University;
Lt. Gen. James H. Doolittle, Air Force in Far East, in World War II;
Benjamin F. Fairless, director and member of finance committee, United States Steel Corp.;
Gen. John E. Hull, retired, former commander Air Force in Far East, and now president, Manufacturing Chemists Association;
Joseph P. Kennedy, former Ambassador to Great Britain;
Robert A. Lovett, former Secretary of Defense and Under Secretary of State;
Edward L. Ryerson, chairman of executive committee, Inland Steel Corp.

III. EXECUTIVE ORDER 10656

The Executive Order 10656, which established the President's Board of Consultants on Foreign Intelligence Activities, was issued by the President on February 6, 1956, and reads as follows:

By virtue of the authority vested in me as President of the United States, and in order to enhance the security of the United States and the conduct of its foreign affairs by furthering the availability of intelligence of the highest order, it is ordered as follows:

SECTION 1. There is hereby established the President's Board of Consultants on Foreign Intelligence Activities, hereinafter referred to as the President's Board. The members of the President's Board shall be appointed by the President from among persons outside the Government and on the basis of ability, experience, and knowledge of matters relating to the national defense and security, and shall

serve without compensation, but may receive transportation and per-diem allowances as authorized by law for persons serving without compensation.

SEC. 2. The President's Board shall conduct an objective review of the foreign intelligence activities of the Government and of the performance of the functions of the Central Intelligence Agency and shall report its findings to the President semi-annually or at more frequent intervals as the President's Board may deem appropriate. Such reports shall embrace the quality of the foreign intelligence provided to the Executive Branch of the Government, the performance by the Central Intelligence Agency of its functions, the performance of their respective intelligence functions by the principal intelligence elements of executive departments and other agencies, and any other related foreign intelligence matter which the President's Board deems appropriate.

SEC. 3. The members of the President's Board, individually and sitting as the President's Board, shall consult from time to time with the Director of Central Intelligence concerning the activities of the Central Intelligence Agency and with intelligence elements of other departments and agencies. The Director of Central Intelligence and the intelligence elements concerned are authorized to make available to the President's Board or to its individual members any information concerning foreign intelligence activities relating to the national interest which the President's Board or its members may require to fulfill their responsibilities to the President under this order.

SEC. 4. Each member of the President's Board shall execute an undertaking not to reveal any classified information obtained by virtue of his service on the President's Board except to the President or to such persons as the President may designate.

SEC. 5. The transportation and per-diem allowances referred to in section 1 of this order, and any other expenditures arising in connection with the activities of the President's Board, shall be paid from the appropriation appearing under the heading "Special Projects" in Title I of the General Government Matters Appropriation Act, 1956 (Public Law 110, approved June 29, 1955), without regard to the provisions of section 3681 of the Revised Statutes and section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 672 and 673).

SEC. 6. This order shall be effective as of January 13, 1956.

DWIGHT D. EISENHOWER.

The WHITE HOUSE,
February 6, 1956.

(21 Fed. Reg. 26, p. 859)

IV. WHITE HOUSE COMMENTS

According to the White House press release covering the Board's selection, the President, in his message to the members, commented as follows:

While the review by your group would be concerned with all Government foreign intelligence activities, I would expect particular detailed attention to be concentrated on the work of the Central Intelligence Agency and of those intelligence elements of key importance in other departments and agencies. I am particularly anxious to obtain your views as to the overall progress that is being made, the quality of training and personnel, security, progress in research, effectiveness of specific projects and of the handling of funds, and general competence in carrying out assigned intelligence tasks.

A letter then addressed by the President to the Director of Central Intelligence, after noting the Director's concurrence in the appointment of the Board, contained the following expression of the Board's contemplated scope:

While the review would concern itself with the sum total of these activities [foreign intelligence activities] it would be expected that major attention would be concentrated upon the work of the Central Intelligence Agency.

The letter continued:

The work of this Board together with the regular reviews conducted by the appropriate committees of the Congress will help to provide a method for assuring the Congress, the public, and the executive branch that this highly important and sensitive work is being efficiently conducted.

V. WHY THE BOARD, BY ITSELF, IS NOT ENOUGH

From the foregoing, several conclusions can be drawn in assessing the likely merit of the Presidential Board:

1. The Board will report its findings directly to the President. No provision is made to require the Board to maintain congressional liaison. This notwithstanding the fact that many of the findings which the President appears anxious to obtain, for example, those relating to the "handling of funds" and "general competence," fall squarely within the legislative cognizance.

2. The Board functions essentially on a schedule of semiannual meetings and operates on a per diem and travel allowance basis. There is no provision for a continuous staff, as envisioned by the Clark Task Force, capable of conducting comprehensive surveys. The Board is a part-time operation.

3. The Board will report its information, good or bad, to the President, thus strengthening the already tight control of the Executive over CIA. This, of course, would be the ultimate result only in the absence of a joint congressional committee such as is proposed in Senate Concurrent Resolution 2. The President, by creating the new Board, has given effect to the first phase of the Hoover Commission's recommendation. The second and equally imperative phase of that recommendation falls within the responsibility of Congress. That the Hoover Commission contemplated its recommendation be considered in pari materia is obvious from the language of the recommendation itself:

In such case, the two committees, one presidential and the other congressional could collaborate on matters of special importance to the national security.

Adoption of Senate Concurrent Resolution 2 would implement the Hoover Commission's "second" recommendation relating to the creation of a Joint Committee on Intelligence. It would complement the Executive Board, already appointed by the President, in conformity with the "first" recommendation of the Hoover Commission.

SELECTED COMMENTS ON THE ESTABLISHMENT OF A CONGRESSIONAL
COMMITTEE TO EXERCISE LEGISLATIVE SURVEILLANCE OVER CIA

I. BY THE DIRECTOR OF CIA

By Allen W. Dulles, Director of Central Intelligence, as extracted from a feature article entitled "We Tell Russia Too Much", which appeared in the March 19, 1954, issue of United States News and World Report (at p. 67):

Question. Has it ever been published how much appropriations you have?

Answer. No, but I have seen some speculation in the press with figures which were several times exaggerated.

Question. What committees of Congress do you have to deal with regularly?

Answer. We deal with the Armed Services Committees of the Senate and the House, and we deal with both Appropriations Committees. Also we make periodic reports to the Joint Committee on Atomic Energy.

Question. Don't they show in the budget some lump sum that you use?

Answer. No.

Question. Don't you have to appear before committees in executive session and explain your operations?

Answer. I appear before a subcommittee of the Appropriations Committee and talk with them and give them a picture of the nature of the work we are doing, tell about our personnel, and where the money goes.

Question. So that there is a check on the Agency—

Answer. Oh, yes, and not only by Congress. We work closely with the Bureau of the Budget and operate within policies established by the National Security Council. We consult on an almost daily basis with other agencies of the Government, particularly the State and Defense Departments. Further, we make periodic reports on our activities to the National Security Council, and I see that the President is kept informed of all important developments. CIA is not a policy-making agency; we furnish intelligence to assist in the formulation of policy.

Question. What can you tell us about the rumors that CIA is to be investigated by committees of Congress?

Answer. I have no way to judge about that, and, as I just mentioned, we are already in close touch with the Armed Services and Appropriations Committees. I would like to say this about investigations. Any investigation, whether by a congressional committee or any other body, which results in a disclosure of our secret activities and operations or uncovers our personnel would help a potential enemy just as if the enemy were able to infiltrate their agents right into our shop.

If it were necessary to go into the details of operations before any committees anywhere—the security of your operations would quickly be broken. You couldn't run an intelligence agency on that basis. No intelligence agency in the world is run on that basis.

In intelligence you have to take certain things on faith. You have to look to the man who is directing the organization and the result he achieves. If you haven't someone who can be trusted, or who doesn't get results, you'd better throw him out and get somebody else.

Question. I understand a bill has been introduced into Congress to set up a joint congressional committee on intelligence which would do in the intelligence field what the Joint Committee on Atomic Energy does in the atomic field. Can you tell us anything about this?

Answer. I have studied these bills. They have been put in, I believe, by good friends of the Agency who are interested in finding a way to reconcile the exercise of congressional authority with the special need for security in an operation like that of CIA.

However, I don't know whether it would add anything very much to the present system of congressional control exercised through the Armed Services and Appropriations Committees. I naturally wish to respect the prerogatives of Congress and recognize that their confidence is essential if the Agency is to receive appropriations necessary to carry on its work efficiently.

Certainly I shall cooperate with the Congress in every way compatible with the need for security. When the 80th Congress set up the CIA they recognized this problem and wrote into the law that as Director I should be responsible for protecting intelligence sources and methods from unauthorized disclosure. Any disclosure which leads to publicity and gets information into the hands of potential enemies would to my mind be "unauthorized."

Question. How do you get around the fact that the Accounting Office must have a list of your employees and vouchers of the money you have spent?

Answer. That is not the case. That is not required of our Agency. We couldn't operate with security if it were.

Question. So that it wouldn't be possible for a foreign government to get a list of your employees and their salaries—

Answer. No, by golly. It would be highly dangerous if they could.

Again quoting Mr. Dulles from a letter addressed by him to the Senate Committee on Rules and Administration, on April 30, 1954, in regard to Senate Concurrent Resolution 69 of the 83d Congress, a resolution similar to the measure discussed in this report:

In considering any proposal such as Senate Concurrent Resolution 69, due emphasis must be given to security factors. To obtain the cooperation of all those individuals and organizations whose assistance is essential to the proper performance of our duties, we must be in a position to assure them that the confidence inherent in their relationship with us is protected by every precaution and is known to the absolute minimum of those responsible persons who must have knowledge thereof. In addition, persons informed on United States intelligence activities are potential targets of hostile operations. Consequently, the security conditions under which any joint committee must necessarily operate cannot be overstressed.

The parenthetical observation can be made here that neither can the security conditions under which the Joint Committee on Atomic Energy must necessarily operate be overstressed. Yet that joint committee has operated successfully for years.

II. EDITORIAL COMMENT

Two samplings of editorial comment from the public press are especially cogent.

From the New York Times of January 26, 1956:

"WATCHDOG" FOR CIA

Creation by President Eisenhower of a so-called "watchdog" board of citizens to review the Government's foreign intelligence activities, particularly those of the Central Intelligence Agency, does carry out to the letter one recommendation made by the Hoover Commission last spring. But we doubt that such a committee—even though under the distinguished chairmanship of Dr. James R. Killian, Jr., president of the Massachusetts Institute of Technology—is enough to fill the need.

What is required is not so much a part-time board of private citizens, no matter how eminent, as a permanent committee with strong congressional representation to provide some guide to broad legislative supervision of the work of the Central Intelligence Agency. Senator Mansfield, of Montana, has long advocated a joint congressional committee which would have the same relationship to the Central Intelligence Agency as the present one on atomic energy now has to the work of the Atomic Energy Commission. Once again we endorse that proposal.

We are not advocating that Congress or anyone else should interfere with the day-to-day operation of the Central Intelligence Agency. That would obviously be nonsensical. But it is not nonsensical for a responsible body of congressional leaders to be in a position to understand and to evaluate the foreign intelligence work that is carried out on behalf of the United States Government. And if such a supervisory body were established we are confident that many of CIA's troubles with Congress, based on suspicion and misunderstanding, would evaporate.

Hearings on the plan for a joint congressional committee are scheduled to begin this week. We hope that Senator Mansfield will not be deflected from his purpose.

From the Washington Post and Times Herald, of January 21, 1956:

No doubt the creation of this board and the enlargement of the House Armed Services Subcommittee were in part intended to fend off passage of Senator Mansfield's bill for a Joint Congressional Committee on Central Intelligence. Some CIA officials have been skeptical of the Mansfield proposal bill because of the difficulty of insuring that members would not attempt to direct operations or blab secrets. Perhaps the new arrangements will serve somewhat the same purpose as a congressional committee, though in this newspaper's opinion a more specific legislative link would pay dividends if a satisfactory formula could be found. At any rate, the principle of a continuing outside check on intelligence is important, and the appointment of the new board is noteworthy on this account.

THE ARGUMENT FOR A JOINT CONGRESSIONAL COMMITTEE ON THE CENTRAL INTELLIGENCE AGENCY

I. ANALOGY TO THE JOINT COMMITTEE ON ATOMIC ENERGY

Congressional oversight has always existed over atomic energy. The Joint Committee on Atomic Energy functions in an area equally sensitive as foreign intelligence. It possesses a highly specialized and competent staff in which it has full confidence. Most of the work performed by this joint committee is of the highest security classifi-

cation. And yet the names, titles, and salaries of the staff publicly appear yearly in the report of the Secretary of the Senate.

The Joint Committee on Atomic Energy has cognizance of matters transcending or cross-cutting the military use of the atom. In this regard, it probably traverses jurisdictional lines of Armed Services Committees from time to time. Yet there is no dispute as to these interlocking jurisdictions whenever they occur.

The work of the Joint Committee on Atomic Energy has been of benefit to the country at large. It has maintained congressional liaison with, and congressional control of, much of the work of the Atomic Energy Commission. It has provided a forum where information can be solicited and exchanged to the mutual satisfaction of all parties. It has given to Congress, for its guidance and assistance, a trained staff especially concerned with atomic energy matters. It has, at the same time, provided the Atomic Energy Commission with a legislative group familiar with its problems and alert to its particular needs and objectives.

The members of the Atomic Energy Committee have the full confidence of the other Members of Congress. Their legislative actions are based on the knowledge that trusted Members of both Houses are fully cognizant of developments in atomic energy. They do not have to depend on the unilateral judgment of the executive branch as to what Members of Congress ought or ought not to know.

What is true of the Joint Committee on Atomic Energy can be true of a new joint committee organized to oversee the Central Intelligence Agency. The establishment of such a committee could carry forward the essence and the purpose of the second phase of the Hoover Commission recommendation. It need not be organized as a committee on foreign intelligence to go beyond the fields traversed by the CIA. A joint committee on the CIA would direct itself to the activities of that agency and, thus, to the core of the Nation's intelligence function.

II. TO PROVIDE ADEQUATE CONGRESSIONAL LIAISON WITH CIA

A new joint committee staff would be able to maintain an effective check on the operations of the CIA. It would insure that the Congress was currently advised of central intelligence on a need-to-know basis. The creation of a specialized joint committee would promote new confidence between Congress and the CIA, and establish a congressional outlet through which the general public could be appropriately advised of pertinent intelligence information. It would also be an amenable forum for the registering of congressional doubts and complaints and the initiation of advisory and corrective action with respect to any errors which might be apparent. There would be a private scrutiny at high level for both public and democratic ends. No classified or ill-advised revelations would be made. At the same time, any suspicions could be resolved as they arise.

The joint committee would replace interim briefing and interim visits by CIA representatives to the Hill with more constant liaison between the Congress and the Agency, especially with the Agency's legislative needs. The staff selected by the joint committee could pursue independent investigations on a confidential or nonconfidential basis as required. When it is considered that the joint committee would be composed of those members of the Armed Services and

Appropriations Committees who are now cognizant of CIA affairs, and that they in turn shall select the staff, any objection predicated on control or security grounds is quickly dissipated.

III. STUDIES OF CIA BY TEMPORARY GROUPS ARE NOT SUFFICIENT

The record on CIA should now be so complete that further ad hoc boards to inquire into its functions are no longer necessary. Each survey has found inadequacies; each survey has found an Agency well aware of its shortcomings but always taking steps to correct them. The findings in the past, for the most part, were secret and were conveyed to the White House because of their security classification. If the substances of the findings were laid before Congress afterward, there was no permanent congressional staff ready to give them independent evaluation.

It is not enough that CIA be responsible alone to the White House or the National Security Council. Such responsibility should be shared with Congress in a more complete manner. Until a committee of the kind Senate Concurrent Resolution 2 proposes is established, there will be no way of knowing what serious flaws in the Central Intelligence Agency may be covered by the curtain of secrecy in which it is shrouded. As Hanson Baldwin has commented in the New York Times:

[CIA] engages in activities that, unless carefully balanced and well executed, could lead to political, psychological, and even military defeats, and even to changes to our form of government.

A congressional auditing of the CIA is compatible with the legitimate purposes of the Government. It is true that intelligence services of other major countries operate without direct control of the legislatures. This is understandable in a totalitarian government, such as the Soviet Union. It is even understandable in a parliamentary democracy, such as Great Britain, where the entire administration is part of its responsibility to the Parliament. Our form of government, however, is based on a system of checks and balances. If this system gets seriously out of balance at any point, the whole system is jeopardized and the way is open for the growth of tyranny.

IV. SECRECY, FOR SECRECY'S SAKE, INVITES ABUSE

It is agreed that an intelligence agency must maintain secrecy to be effective. If sources of information were inadvertently revealed, they would quickly dry up. Not only would the flow of information be cut off, but the lives of many would be seriously endangered. In addition, much of the value of the intelligence product would be lost if it were known that we possessed it. Secrecy for these purposes is obviously necessary.

There is, however, a profound difference between an essential degree of secrecy to achieve a specific purpose, and secrecy for the mere sake of secrecy. Once secrecy becomes sacrosanct, it invites abuse. If we accept this idea of secrecy for secrecy's sake, we will have no way of knowing whether we have a fine intelligence service or a very poor one.

Secrecy now beclouds everything about CIA, its cost, its personnel, its efficiency, its failures, its successes. An aura of superiority has been built around it. It is freed from practically every ordinary form

of congressional review. The CIA has unquestionably placed itself above other Government agencies. There has been no regular, methodical view of this Agency, other than a briefing which is supplied to a few members of selected subcommittees. It is difficult to legislate intelligently if there is a dearth of the information upon which Congress must rely in its deliberations to protect the public welfare in any governmental concern.

CONCLUSION

Senate Concurrent Resolution 2 has 35 recorded sponsors, more than one-third of the Senate. There are some 25 concurrent resolutions of like nature pending in the House of Representatives. The Committee on Rules and Administration believes that these two facts show the conviction of a large segment of the Congress that action should be taken on the matter in both Houses without further delay. The representatives of the people should be given, through a joint committee of Congress, the right to act vis-a-vis the CIA. To that end, the Committee on Rules and Administration recommends that Senate Concurrent Resolution 2, as amended, be approved.

APPENDIX

REFERENCES

- Federal Register, volume 21, No. 26, February 9, 1956, page 859 (Title 3, Executive Order 10656).
- Press release, White House, January 13, 1956, Board of Consultants for Foreign Intelligence Activities.
- Intelligence Activities: A Report on Intelligence Activities pursuant to Public Law 108, 83d Congress, report of the Commission on the Organization of the Executive Branch of the Government, June 29, 1955, Washington, D. C. (Clark Task Force Report).
- National Security Organization: A Report With Recommendations, report of the Commission on Organization of the Executive Branch of the Government, January 13, 1949, Washington, D. C. (appendix G).
- Editorial Research Reports, volume 1, 1949, No. 19, May 18, 1949.
- U. S. News and World Report, March 19, 1954.
- New York Times, N. Y., October 14, 1954.
- Washington Post and Times-Herald, Washington, D. C., October 2, 1952.

INDIVIDUAL VIEWS OF MR. HAYDEN

STATEMENT

Senate Concurrent Resolution 2 is based upon the mistaken and erroneous assumption that the Congress has maintained little or no control over the expenditures of the Central Intelligence Agency (CIA) and that Senators and Members of Congress who should be informed have been kept in the dark as to its activities because of a veil of secrecy imposed by the executive branch. The truth is that the Armed Services Committees of the Senate and the House of Representatives have continuously and do now maintain supervision over the operations of that Agency to an entirely adequate degree. This is made clear by quoting a paragraph from a letter addressed on January 26, 1956, to the chairman of the Senate Committee on Rules and Administration by the Senator from Georgia, Mr. Russell, who is the chairman of the Senate Committee on Armed Services:

The responsible officials in the Central Intelligence Agency have demonstrated their willingness to keep the Armed Services and Appropriations Subcommittee fully informed on the subject of the Agency's activities and operations. Although I cannot speak with authority on the extent to which all the existing subcommittees on Central Intelligence Agency carry out their functions, I do know that the subcommittee of the Senate Armed Services Committee has had periodic contact with the appropriate Central Intelligence Agency officials. At these meetings the Central Intelligence Agency representatives have candidly furnished the desired information and have responded to the specific complaints and criticisms that have been voiced in Congress and in the press. It is entirely coincidental but it happens that the Senate Armed Services Subcommittee is holding its first meeting of 1956 with Central Intelligence Agency officials on the same date that your committee has scheduled for the consideration of Senate Concurrent Resolution 2.

ARMED SERVICES COMMITTEE JURISDICTION

While no definite rule has been adopted by either body conferring jurisdiction over legislation relating to the Central Intelligence Agency upon the Armed Services Committees of the Senate and the House of Representatives, there is a clear precedent which establishes that jurisdiction. The National Security Act of 1947 created the Central Intelligence Agency and since then the 3 subsequent amendments to that act affecting the Agency have all been considered by and reported from those 2 committees.

The functions of the Central Intelligence Agency are essentially functions of an executive character in assisting the President of the United States, the National Security Council, the State Department, and the Department of Defense to carry out their responsibilities. If a joint committee of the Congress is established to supervise the work of this executive Agency, it might very well be argued that due to some failure of the standing committees of both branches of Congress properly to perform their duties, a joint committee should

be set up for each of the Departments of Interior, Agriculture, Commerce, and other executive agencies. If the CIA must have a "watch-dog" joint committee why not have one for the FBI?

THE APPROPRIATIONS COMMITTEES

Owing to the active interest taken by the ranking members of the Senate and House Armed Services Committees in the operations of the Central Intelligence Agency, it has not been necessary for like members of the Senate and House Appropriations Committees to devote as much attention to what the Agency is doing as would otherwise be required. When submitting requests for funds to carry on its activities, responsible officials of the Agency have demonstrated each year their willingness to keep the designated members of the Appropriations Committees fully informed as to its operations.

There has been open and free exchange of all necessary information required for an adequate liaison between the Congress and the Central Intelligence Agency. No information has been denied and all desired information has been candidly supplied.

I can also personally certify that committee members have, from time to time, refused proffered information because such information has no relation to the normal legislative procedures of Congress. How far to go in seeking detailed information is well stated in this further quotation from Senator Russell's letter:

Throughout my tenure in the Senate I have consistently advocated the right of Members of Congress to information that was required for the formulation of legislation. In this instance, the legislation affecting the Central Intelligence Agency is not of sufficient magnitude to be burdensome. On the other hand, the importance of the results of Central Intelligence Agency activities to our national safety can hardly be exaggerated. If there is one Agency of the Government in which we must take some matters on faith without a constant examination of its methods and sources, I believe this Agency is the Central Intelligence Agency.

The concurrent resolution leaves little or no room to "take some matters in faith" by specifically directing that—

The Central Intelligence Agency shall keep the joint committee fully and currently informed with respect to *all* of its activities.

INVESTIGATIONS OF THE CENTRAL INTELLIGENCE AGENCY

As the history in the majority report indicates the Central Intelligence Agency has been intensely and repeatedly investigated by various special commissions during the past 5 years. Reference is made to a number of recommendations by these commissions and the report implies that there is little or no evidence of any action by the Central Intelligence Agency as a result of these recommendations. It is not alleged that the Central Intelligence Agency has failed to cooperate fully with commissions, sponsored both by the Congress and by the Executive, which have investigated its activities, or that it has failed to take positive action on their recommendations and to report such action to the appropriate congressional committees.

For example, the majority report refers to recommendations in the 1949 Hoover Commission report that a top-level evaluation board be set up within the Agency and that the internal structure of the Agency be reorganized and improved. In 1950, such an evaluation board was set up, and the internal structure of the Agency has been

reorganized so as to improve its effectiveness. It is a fact that successive commissions which have investigated the Central Intelligence Agency have disagreed with the recommendations of their predecessors. It is also a fact that the Agency has adopted legitimate recommendations made in such reports without disrupting the continuity of its organization and activities.

The majority report also shows that, as recommended in the 1955 Hoover Commission report, the President by an Executive order issued on February 6, 1956, has established a board of consultants consisting of eight distinguished citizens, outside of the Government, to keep him regularly advised on the conduct of activities in the foreign intelligence field and to report its findings at least twice a year. The imposition of another supervisory committee with jurisdiction over the Agency would only serve to complicate matters.

The Congress and the President have given the Central Intelligence Agency a most important job to do. Subcommittees of standing committees of the Congress have been created to provide for the appropriate jurisdiction of the Congress over this activity. The greatest service we can do now is to facilitate the important work of the Agency and to let it get its job done without being watchdogged to death.

THERE IS NO SECRECY FOR THE SAKE OF SECRECY

It should be emphasized, most strongly, that secrecy for secrecy's sake does not exist in, nor is it an objective of, the Central Intelligence Agency.

Such confidential and secret procedures and operations as necessarily characterize its activity are designed wholly for the security of this Nation, the saving of men's lives and the obtaining of essential information which will achieve these vital ends. There is no present evidence of any policy of secrecy having become sacrosanct. Upon the contrary, such secrecy as is being observed is appropriate and necessary.

Furthermore, I repeat that the Central Intelligence Agency is subject to congressional review by four established and fully authorized subcommittees. The first 2 of these are the subcommittees on the Central Intelligence Agency of the Senate and House Armed Services Committees; the second 2 of these are subcommittees of the Senate and House Appropriations Committees. These subcommittees seem clearly to be adequate for such a supervisory purpose and function. If they are not doing their job fully and properly, it should be brought promptly and emphatically to their attention as a more appropriate and effective means of achieving the end desired than the creation of a new joint congressional committee for such a purpose.

THE JOINT COMMITTEE STAFF

It would be almost impossible for the staff of such a joint legislative committee to function helpfully because of the high security demanded in the work of the Central Intelligence Agency. The information given to Members of Congress by officials of the Central Intelligence Agency is given to them personally and their judgment as to what may be properly reported is final.

Senate Concurrent Resolution 2 empowers the joint committee—
to appoint such experts, consultants, technicians, and clerical and stenographic
assistants as it deems necessary
and the majority report states that—

The establishment of a Joint Committee on Central Intelligence will insure the
existence of a trained, specialized, and dedicated staff to gather information and
make independent checks and appraisals of CIA activities pursuant to the com-
mittee's directives and supervision.

This statement appears to contemplate that the staff will do the
work and reach conclusions as to how effectively the Central Intelli-
gence Agency is operating.

A new and separate staff of some magnitude must be contemplated
since an annual expenditure of \$250,000 is authorized. This is
almost as much as the \$258,000 now available to the Joint Committee
on Atomic Energy, which at present maintains a professional and
clerical staff of 21 individuals.

There is actually no real need for such a staff either large or small.
Despite the flexibility which the Congress has granted to the Central
Intelligence Agency in carrying out its unique functions, the Agency
has administratively taken measures to control its expenditures in at
least as strict a manner as other Government agencies and to require
a complete accounting for the use of all of its funds, vouchered or
unvouchered. This system, and the actual use of the funds are
described each year to the appropriations subcommittees.

The Central Intelligence Agency is essentially an executive Agency.
It is not an arm of the Congress to carry into effect legislative policies:
as are the Interstate Commerce, the Federal Trade or other like
Commissions. The act of July 26, 1947, after first creating a National
Security Council to advise the President on national security matters:
then established the Central Intelligence Agency under the National
Security Council. The principal functions of the Agency were to
correlate and evaluate for the Council information obtained from
other departments and agencies of the Government and to keep the
Chief Executive informed from day to day as to the activities of
foreign governments with whom the Constitution gives the President
the sole right to conduct foreign relations and to negotiate treaties.

It is obvious that there is no possible way for the joint committee
to keep "fully and currently informed" with respect to all of the
activities of the Central Intelligence Agency except to have a member
of its staff sit in as a "watchdog" at all meetings of the National
Security Council, and after each meeting make a report to the joint
committee of what he has learned.

THE LEGISLATIVE BRANCH CANNOT TAKE OVER AN EXECUTIVE
FUNCTION

The creation of a Joint Committee on Central Intelligence, with
the functions and powers provided for in Senate Concurrent Resolu-
tion 2 would be certain to raise a constitutional issue on the separation
of powers between the executive and legislative branches of the
Government. Activities are undertaken by the Central Intelligence
Agency only in accordance with directives of the National Security
Council. The availability of intelligence of the highest order to the
President and to the National Security Council is an essential element

in the formulation of the foreign policy of the United States, and in the conduct of foreign relations by the President in carrying out that policy. Any congressional action which seeks to alter the legally established relationship between the Central Intelligence Agency and the National Security Council would tend to impinge upon the constitutional authority and responsibility of the President in the conduct of foreign affairs.

The provisions of the National Security Act are a recognition by the Congress of the highly sensitive nature of Government intelligence activities. Senate Concurrent Resolution 2, if adopted, will not be submitted to the President for approval or disapproval. Consequently, any of its provisions which contravene existing law will have no mandatory effect. The existence of such provisions in a resolution agreed to by both Houses, however, would lead inevitably to continuing difficulties of construction and interpretation which would impair the continuity of sound and proper relationships between the executive and legislative branches in intelligence matters.

THE CENTRAL INTELLIGENCE AGENCY AND THE ATOMIC ENERGY COMMISSION

The Central Intelligence Agency and the Atomic Energy Commission have nothing in common except the secrecy which is required because both deal with highly classified matters of the greatest importance to the national security. Beyond that, their functions are not comparable. Through the Commission as its operator, the Government is in the manufacturing business—the business of making nuclear energy. Consequently, the Congress has a very different relationship with that Commission than any other governmental agency.

The cost of this business operation is enormous. Beginning in 1941 with the Manhattan project, financed first from the emergency fund for the President and later in various hidden amounts in appropriation bills, and continuing with the Atomic Energy Commission since 1947, appropriations have totaled \$15,202,600,000, of which \$6,806,200,000 has been expended for operations and \$8,396,400,000 has been expended for facilities. The total amount made available to the Central Intelligence Agency since it was created in 1947, is only a minor fraction of even the smallest of those vast sums.

There has been need to make only minor changes in the act creating the Central Intelligence Agency, but the problems of Atomic Energy are constantly changing. Legislation concerning the activities of the Atomic Energy Commission must be frequently brought up to date to permit it to function adequately.

The dynamics of the program for developing peacetime aspects of atomic energy have tremendous potential consequences for major aspects of national policy. The future production of electric power from coal, oil, or natural gas may be vitally affected. Atomic Energy Commission policies can give rise to conflicts of interest between various groups and individuals and the resulting issues must be subjected to legislative scrutiny. For example, bills before the Joint Committee have such subjects as construction of industrial facilities, housing at Oak Ridge and self-government at Hanford, taxation, patents, contract awards, and guaranty of uranium ore prices. No such factors relate to the conduct of foreign intelligence.

CONCLUSIONS AND RECOMMENDATION

A Joint Committee on Atomic Energy was established because of the particular nature of the nuclear problem and the fact that the Federal Government was forced to go into private business on a massive scale. This had important domestic implications in a broad range of fields. The intelligence activities, which it is proposed be subject to a joint committee's scrutiny, are peculiarly the prerogative of the Executive and intimately associated with the conduct of the foreign relations of the country.

I am firmly convinced that Congress now, through its regular committees on Armed Services and on Appropriations has the opportunity to get the necessary information from the Central Intelligence Agency and the designated members of those committees are doing so without in any way endangering the security of the information given them. We must also remember that the Central Intelligence Agency carries on its work outside the United States boundaries. Many of its agents are in constant physical danger. We, as Members of Congress, must do our part to see that the work is carried on wisely, efficiently, and with due security to the persons who are working in the interests of our Government.

The contacts between the Central Intelligence Agency and the Congress should never be allowed to prejudice or compromise the highly secret work of that Agency. What the Congress has needed to know in the past it has been told. What the Congress will require to know in the future it can obtain through means already in existence. A new joint committee will only complicate the process.

For the above stated reasons I voted against reporting Senate concurrent resolution 2 to the Senate and urgently recommend that it be not agreed to.

CARL HAYDEN.

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JOINT COMMITTEE BILLS

Eighty - Fifth Congress

First Session

<u>Bill No.</u>	<u>Sponsor</u>	<u>Date of Introduction</u>
H. E. 211	Marguerite Stitt Church, R., Ill.	Jan. 3, 1957
H. E. 680	Edgar W. Miestand, R., Calif.	Jan. 3, 1957
H. Con. Res. 3	Edna F. Kelly, D., N. Y.	Jan. 3, 1957
H. Con. Res. 7	Edward P. Boland, D., Mass.	Jan. 3, 1957
H. Con. Res. 44	A. S. J. Carnahan, D., Mo.	Jan. 5, 1957
H. Con. Res. 45	Elizabeth Kee, D., W. Va.	Jan. 5, 1957
H. Con. Res. 46	George P. Miller, D., Calif.	Jan. 5, 1957
H. Con. Res. 47	Melvin Price, D., Ill.	Jan. 5, 1957
H. Con. Res. 48	Robert L. F. Simms, D., Fla.	Jan. 5, 1957
H. Con. Res. 49	Clement J. Zablocki, D., Wisc.	Jan. 5, 1957
H. Con. Res. 51	Thomas S. Gordon, D., Ill.	Jan. 7, 1957
H. Con. Res. 53	Henry S. Reuss, D., Wisc.	Jan. 7, 1957
H. Con. Res. 54	John F. Shelly, D., Calif.	Jan. 7, 1957
H. Con. Res. 66	Walter H. Judd, R., Minn.	Jan. 14, 1957
H. Con. Res. 67	John E. Moss, D., Calif.	Jan. 14, 1957
H. Con. Res. 77	Timothy P. Sheaehan, R., Ill.	Jan. 17, 1957

Second Session

H. R. 12534	Peter Freilinghuysen, Jr., R., N. J.	May 15, 1958
H. R. 12999	Alvin M. Bentley, R., Mich.	June 18, 1958
S. Con. Res. 101	Mike Mansfield, D., Mont.	July 15, 1958
H. Con. Res. 363	Charles B. Brownson, R., Ind.	July 16, 1958
H. Con. Res. 364	James G. Fulton, R., Penna.	July 17, 1958
H. Con. Res. 367	Alfred E. Santangelo, D., N. Y.	July 24, 1958

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86th Congress

JOINT COMMITTEE BILLS

<u>Number</u>	<u>Title</u>	<u>Committee Composition</u>
H. Con. Res. 3 (Kelly)	Joint Committee on Intelligence Matters	9 Senate Members, appointed by Pres. of Senate; 9 House Members, appointed by Speaker of House. (In each instance not more than 5 members shall be members of the same political party.)
H. Con. Res. 41 (Santangelo)	Same	
H. Con. Res. 72 (Farbstein)	Same	The committee composition is the same for H. Con. Res. 41, 72, 77, 78, 84
H. Con. Res. 77 (McDowell)	Same	
H. Con. Res. 78 (Saund)	Same	
H. Con. Res. 84 (Gallagher)	Same	
H. Con. Res. 4 (Smith - Miss.)	Joint Committee on Intelligence Matters	Same as the above except no limitation on number of members from same political party.
H. Con. Res. 8 (Judd)	Joint Committee on Intelligence Matters	7 Senate members, appointed by Pres. of Senate; 7 House members, appointed by Speaker of House. (In each instance not more than 4 members shall be members of the same political party.)
H. Con. Res. 5 (Boland)	Joint Committee on Central Intelligence	6 Senate members, appointed by Pres. of Senate; 6 House members, appointed by Speaker of House. Of the 6 Senate members 3 shall be members of the CIA Subcom- mittee of the Senate Appropriations Com- mittee of the CIA

Number	Title	Committee Composition
H. Con. Res. 5	(Continued)	Subcommittee of the Senate Committee on Armed Services. Of the 5 House members, 3 shall be members of the CIA Subcommittee of the House Appropriations Committee, and 3 shall be members of the CIA Subcommittee of the House Armed Services Committee.
H. Con. Res. 10 (Price)	Joint Committee on Central Intelligence	7 Senate members, appointed by Pres. of Senate; 7 House members, appointed by Speaker of House. (In each instance not more than 4 members shall be members of the same political party.)
H. Con. Res. 11 (Zablocki)	Same	
H. J. Res. 31 (Zablocki)	Same	The committee composition is the same for H. Con. Res. 11, H. J. Res. 31, H. J. Res. 709, H. J. Res. 763, and H. Con. Res. 701
H. J. Res. 709 (Cobelan)	Same	
H. J. Res. 763	Same	
H. Con. Res. 701 (Kowalski)	Same	
H. R. 380 (Miestand)	Joint Committee on Foreign Intelligence	5 Senate members, appointed by Pres. of Senate; 5 House members, appointed by Speaker of House. (In each instance not more than 3 members shall be members of the same political party.)
H. R. 738 (Church)	Joint Committee on Foreign Intelligence	9 Senate members appointed by Pres. of Senate; 9 House members, appointed by Speaker of House. (In each instance not more than 5 members shall be members of the same political party.)
H. R. 1226 (Bentley)	Same	The committee composition is the same for H. R. 1226

Number	Title	Committee Composition
S. J. Res. 34 (McCarthy)	Joint Committee on Foreign Information and Intelligence	7 Senate members, appointed by Pres. of Senate; 7 House members, appointed by Speaker of House. (In each instance not more than 4 members shall be members of the same political party.)
H. Con. Res. 689 (Sikes)	Joint Committee on National Security Intelligence	7 Senate members, appointed by Pres. of Senate; 7 House members, appointed by Speaker of House. (In each instance not more than 4 members shall be members of the same political party.)

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APPEARANCES BEFORE CONGRESSIONAL COMMITTEES

1958

1. **6 January 1958** **CIA Subcommittee of House Armed Services Committee**
2. **15, 17 January 1958** **Joint Committee on Atomic Energy**
3. **28, 29 January 1958** **Defense Subcommittee of House Appropriations Committee**
4. **5 February 1958** **Joint Committee on Atomic Energy**
5. **7 February 1958** **Senate Foreign Relations Committee**
6. **26 February 1958** **Senate Appropriations Committee**
7. **19, 20 March 1958** **Senate Disarmament Subcommittee of Senate Foreign Relations Committee**
8. **26 March 1958** **House Select Committee on Astronautics and Space Exploration**
9. **28 April 1958** **Commerce Subcommittee of House Appropriations Committee**
10. **1 May 1958** **CIA Subcommittee of House Appropriations Committee**
11. **19 May 1958** **Senate Foreign Relations Committee**
12. **21 May 1958** **CIA Subcommittee of Senate Armed Services and Senate Appropriations Committee**
13. **18 June 1958** **Inter-American Affairs Subcommittee of House Foreign Affairs Committee**
14. **19 June 1958** **Senate Disarmament Subcommittee of Senate Foreign Relations Committee**
15. **26 June 1958** **Subcommittee on Reorganization of Senate Government Operations Committee**

APPEARANCES BEFORE CONGRESSIONAL COMMITTEES

1958

- 16. 28 July 1958 Joint Committee on Atomic Energy**
- 17. 29 July 1958 Senate Foreign Relations Committee**
- 18. 30 July 1958 CIA Subcommittee of House Armed Services Committee**
- 19. 1 August 1958 CIA Subcommittee of House Appropriations Committee**
- 20. 5 August 1958 Subcommittee on State Department Organization and Foreign Operations of House Foreign Affairs Committee**
- 21. 8 August 1958 CIA Subcommittee of Senate Armed Services**
- 22. 22 October 1958 Far East Subcommittee of House Foreign Affairs Committee**

APPEARANCES BEFORE CONGRESSIONAL COMMITTEES

1959

1. **8 January 1959** **Research and Development Subcommittee of the Joint Committee on Atomic Energy**
2. **16 January 1959** **CIA Subcommittee of Senate Armed Services Committee**
3. **26 January 1959** **Senate Foreign Relations Committee**
4. **27 January 1959** **Military Operations Subcommittee of House Government Operations Committee**
5. **28 January 1959** **Disarmament Subcommittee of Senate Foreign Relations Committee**
6. **29 January 1959** **House Foreign Affairs Committee**
7. **2 February 1959** **Defense Subcommittee of House Appropriations Committee**
8. **3 February 1959** **Defense Subcommittee of House Appropriations Committee**
9. **3 February 1959** **House Foreign Affairs Committee**
10. **4 February 1959** **Senate Preparedness Investigating Subcommittee and Senate Committee on Aeronautical and Space Sciences**
11. **17 February 1959** **CIA Subcommittee of House Armed Services Committee**
12. **19 February 1959** **CIA Subcommittee of House Armed Services Committee**
13. **20 February 1959** **CIA Subcommittee of House Armed Services Committee**
14. **24 February 1959** **House Committee on Science and Astronautics**
15. **25 February 1959** **CIA Subcommittee of House Armed Services Committee**

APPEARANCES BEFORE CONGRESSIONAL COMMITTEES

1959

- 16. 18 March 1959 Senate Preparedness Investigating Subcommittee of Armed Services Committee**
- 17. 13 April 1959 Subcommittee on Legislation of the Joint Committee on Atomic Energy**
- 18. 28 April 1959 Senate Foreign Relations Committee**
- 19. 29 April 1959 CIA Subcommittee of House Appropriations Committee**
- 20. 5 May 1959 Defense Subcommittee of House Appropriations Committee**
- 21. 5 June 1959 House Sciences and Astronautics Committee**
- 22. 10 June 1959 House Post Office and Civil Service Committee**
- 23. 16 June 1959 CIA Subcommittees of Senate Armed Services Committee and Senate Appropriations Committee**
- 24. 30 June 1959 CIA Subcommittee of House Armed Services Committee**
- 25. 28 July 1959 Joint Committee on Atomic Energy**
- 26. 25 August 1959 House Foreign Affairs Committee**
- 27. 5 November 1959 Senate Internal Security Subcommittee**
- 28. 13 November 1959 Joint Economic Committee - Subcommittee on Economic Statistics**

APPEARANCES BEFORE CONGRESSIONAL COMMITTEES

1960

1. 11-12 January 1960
Defense Subcommittee of House Appropriations Committee
2. 18 January 1960
Senate Foreign Relations Committee
3. 21 January 1960
House Astronautics and Space Sciences Committee
4. 28 January 1960
Joint Committee on Atomic Energy
5. 29 January 1960
Senate Aeronautical and Space Sciences Committee and Subcommittee on Preparedness Investigating of Senate Armed Services Committee
6. 3 February 1960
CIA Subcommittee of House Armed Services Committee
7. 17 February 1960
Subcommittee on National Policy Machinery of Senate Government Operations Committee
8. 24 February 1960
Senate Aeronautical and Space Sciences Committee and Subcommittee on Preparedness Investigating of Senate Armed Services Committee
9. 28 March 1960
CIA Subcommittee of House Appropriations Committee
10. 28 April 1960
Military Construction Subcommittee of Senate Armed Services Committee
11. 9 May 1960
Special Meeting for Leaders in Congress
12. 11 May 1960
CIA Subcommittee of House Armed Services Committee
13. 26 May 1960
CIA Subcommittee of House Appropriations Committee
14. 31 May 1960
Senate Foreign Relations Committee
15. 1 June 1960
House Foreign Affairs Committee

APPEARANCES BEFORE CONGRESSIONAL COMMITTEES

1960

- 16. 19 August 1960**
Joint Committee on Atomic Energy
- 17. 19 September 1960**
**Special Subcommittee on Investigation of
Intelligence Agencies of House Armed Services
Committee**
- 18. 9 December 1960**
Joint Committee on Atomic Energy

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<p>Just as a matter of information, attached is a copy of the summary.</p> <p>John S. Warner</p>			
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