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REPORT
No. 94-345

AUTHORIZING SUPPLEMENTAL EXPENDITURES THROUGH FEBRUARY 1976 BY THE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES FOR AN INQUIRY AND INVESTIGATION RELATING TO THE INTELLIGENCE ACTIVITIES CARRIED OUT BY OR ON BEHALF OF THE FEDERAL GOVERNMENT

JULY 30 (legislative day, JULY 29), 1975.—Ordered to be printed

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

REPORT

[To accompany S. Res. 218]

The Committee on Rules and Administration, to which was referred the resolution (S. Res. 218) authorizing supplemental expenditures through February 1976 by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities for an inquiry and investigation relating to the intelligence activities carried out by or on behalf of the Federal Government, having considered the same, reports favorably thereon with an amendment and recommends that the resolution as amended be agreed to.

Senate Resolution 218 as referred would further amend Senate Resolution 21, Ninety-fourth Congress, agreed to January 27, 1975, by extending the Select Committee To Study Governmental Operations With Respect to Intelligence Activities from September 2, 1975, through February 29, 1976 (6-month period), and by authorizing it to expend not to exceed \$1,250,000 during that period, of which amount not to exceed \$300,000 could be expended for the procurement of consultants.

Senate Resolution 21, Ninety-fourth Congress, established the select committee and authorized it to expend not to exceed \$750,000 for inquiries and investigations from the date of approval through September 1, 1975. Of the \$750,000, not to exceed \$100,000 could have been expended for the procurement of consultants.

Senate Resolution 165, Ninety-fourth Congress, agreed to June 6, 1975, amended Senate Resolution 21 by increasing the expenditure authorization of the select committee by \$400,000—from \$750,000 to

\$1,150,000—and by increasing the portion of that total which could be expended for the procurement of consultants by \$200,000—from \$100,000 to \$300,000.

In its submitted form Senate Resolution 218 would provide a new and separate funding for the Select Committee from September 2, 1975, through February 29, 1976. The Select Committee, however, has agreed to a recommendation by the Committee on Rules and Administration that the funds requested be in the form of an increment to its existing funds, rather than in the form of a separate fund. The Rules Committee has amended the resolution accordingly, including therein a voluntary reduction by the Select Committee in requested funds from \$1,250,000 to \$1,100,000. This action would increase the expenditure authorization of the select committee through February 29, 1976, by \$1,100,000—from \$1,150,000 to \$2,250,000—and would increase the portion of that total which could be expended for the procurement of consultants by \$300,000—from \$300,000 to \$600,000.

An explanation of and justification for Senate Resolution 218 are expressed in a joint letter (with accompanying report presented on the Senate floor by Senator Church) addressed to Senator Howard W. Cannon, chairman of the Committee on Rules and Administration, by Senator Frank Church and Senator John Tower, chairman and vice chairman, respectively, of the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, which letter is as follows:

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C., July 25, 1975.

HON. HOWARD W. CANNON,
*Chairman, Senate Committee on Rules and Administration,
Washington, D.C.*

DEAR MR. CHAIRMAN: In order to fully meet its charge under S. Res. 21, the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities has found it necessary to request an extension of the life of the Committee for an additional six months.

The delays resulting from slow turnover by the Executive Branch of documents requested by the Committee, and the unexpected requirement to deal with the question of assassinations in depth has set back the Select Committee timetable by at least three months. The task given by the Senate to the Select Committee is a heavy burden, but what the Committee has learned thus far has convinced me and my colleagues that it is vitally important that this inquiry press forward so that the necessary remedial actions that need to be taken will be based on the fullest knowledge and careful judgment.

The funds requested by the Committee to carry on its work through the end of February are based on the present rate of expenditure. As you know, we have built up our staff to its present size gradually over a period of six months. The Committee expects that the staff level will remain approximately as it is now constituted. The hearing schedule will increase over the next few months. We also expect that the expenditures required for official reporters and other official documentary procedures will require increased expenditures in those areas.

On behalf of the Select Committee, we want to thank the Rules Committee and members of your very able staff for the assistance you have given to the Select Committee and its staff. That assistance has enabled us to proceed with this very difficult investigation efficiently and in accord with Senate procedures.

With kind regards,
Sincerely,

FRANK CHURCH,
Chairman.
JOHN TOWER,
Vice Chairman.

REPORT PRESENTED ON THE SENATE FLOOR BY SENATOR CHURCH, CHAIRMAN OF THE SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

I rise today to comment on the progress that the Senate Select Committee on Intelligence Activities has made since it was created on January 27, 1975, with the passage of S. Res. 21. This resolution called upon the Committee "to conduct an investigation and study of governmental operations with respect to intelligence activities, and of the extent, if any, to which illegal, and improper, or unethical activities were engaged in by any agency of the Federal Government or by any persons, acting individually or in combination with others, with respect to any intelligence activity carried out by or on behalf of the Federal Government."

To date, there have been thirty-five hearings of the full Committee. Over 275 persons have been interviewed, and some eighty studies on various aspects of intelligence operations are underway. These studies, when completed, will comprise the most thorough review ever made of the intelligence agencies of the United States Government. The purpose of this broad systematic study is to give Congress, for the first time, an authoritative basis for evaluating the past and present intelligence system of the United States. Most important, it will provide Congress with the factual background necessary to make the judgments required to give new statutory direction to the intelligence community in the future.

The Select Committee will soon finish its investigation of assassinations. It is our hope to report on this phase of the investigation as soon as possible.

Through a series of outside events, the burden of examining the charges that the United States Government has been involved in assassination attempts has fallen squarely upon the Select Committee. The President's Commission, chaired by Vice President Rockefeller, reported it was not able to complete its investigation on assassinations, and, at the President's direction, the White House turned over to the Committee the files of the Commission. The Committee has risen to its responsibility. Although political assassination is a grim subject, the inquiry is one that the Committee has had to conduct. To do otherwise would have ignored charges of extreme transgressions against civilized behaviour, which could only have further eroded confidence in the worthy purposes of the United States.

S. Res. 21 calls for a thorough investigation not only of alleged abuses and unethical conduct, as charged by the press in recent months,

but, more importantly, for the first in-depth review since the end of World War II of the intelligence activities of the U.S. Government. An earlier investigation, somewhat comparable in scope and importance to that given the Select Committee, comes to mind. That inquiry, the investigation of the Pearl Harbor attack, was conducted under the leadership of then Senator Alben Barkley in 1946. It serves as a useful precedent for the present investigation of the Select Committee. Senator Barkley's Pearl Harbor inquiry was successful because the members of the Committee and its staff were given access necessary to complete their inquiry into the files and records of the Executive Departments. There was full cooperation. The Barkley Pearl Harbor investigation could not have succeeded had there been resistance on the part of the Executive branch. Without question, President Truman's full support made the successful inquiry possible.

It is the hope of the Select Committee that it will be afforded similar access to information through the same kind of cooperation. Thus far, however, the response to requests for records and documentation has been slow and procedural delays have hampered the Committee's progress.

The work of the Select Committee has been planned with care, with a deep sense of the importance of the issues before it, and with an awareness of the fragility of the agencies under study. A staff of high quality has been assembled. It is composed of men and women with deep practical knowledge of the activities of the agencies under investigation and of the law. It includes a distinguished ambassador and noted scientists. It is complemented by consultants who are outstanding lawyers and experts of proven ability.

The members of the Committee have worked hard. The hearing schedule has been extensive and the time required for briefings and meetings has required sacrifices on the part of members of the Committee. It has been a pleasure for me to work with such a dedicated and able group of colleagues. Although the members of the Committee represent the entire spectrum of views within the Senate, every vote taken within the Committee has been unanimous. I have every expectation that this bi-partisan, harmonious and close working relationship will continue.

The support of the leadership has been most helpful to the work of the Committee. Further, the assistance the Select Committee has received from Standing Committees, the Foreign Relations Committee, the Armed Services Committee, the Appropriations Committee, the Rules Committee and the Joint Atomic Energy Committee, and their staffs is most appreciated by the Select Committee.

To date, there have been no leaks from the Committee. Such leaks as have occurred have come from other parts of the Government. The physical security precautions undertaken by the Committee have been acceptable to the intelligence agencies themselves. Further, every member of the staff has been cleared following the most intensive background investigation. The rules of the Committee, together with the conduct of the members and staff, are evidence of our intention to conduct a discreet, thorough, honest investigation, which will do credit to the Senate.

The initial work of the Committee has included determining the legal authorities under which the intelligence agencies of the U.S.

Government operate. This required submission to the Committee of a broad range of documents in the custody of the Executive branch. These include National Security Action Memoranda and National Security Council Decision Memoranda. In accord with the Committee's lawfully mandated right of inquiry into any matter pertaining to intelligence activities, the entire so-called secret charter of the CIA has been delivered to us.

In compliance with requests made by the Committee, the Executive branch has also supplied other documents from the National Security Council files and from the departments and agencies concerned, covering the details of many activities undertaken in the past in the intelligence area. The mandate of S. Res. 21 is all embracing. It is buttressed by the constitutional guarantee of the legislative right of inquiry, and explicitly provides the Committee with the authority to examine any and all intelligence activities of the U.S., both foreign and domestic.

I am able to report to the Senate that thus far, although there are serious and troubling delays in sending to the Committee documents that have been requested, and although some persistent denials for access to information remain, and procedural problems have been roadblocks to the work of the Committee, cooperation with the Executive branch continues. In this regard, despite these obstacles and delays on the part of some departments and agencies, President Ford is to be commended for his cooperation to date and for the respect he has shown for the right of the Committee to examine all matters mandated by S. Res. 21. It is my hope and expectation that we will not see a reversion to the pattern of previous Administrations that attempted to withhold information from lawful inquirers of the Congress.

There can be no action undertaken by the U.S. Government which lies outside of Constitutional processes. In the area of examining intelligence agencies under the mandate of S. Res. 21, there can be no secret undertakings beyond the Committee's reach. The adverse events of recent years have made it necessary to conduct a full and thorough inquiry into the actions of the Executive branch. The principle that all actions of the Executive branch should be subject to inquiry by the Legislature is fundamental to constitutional government. In fact, the abuses so evident in Watergate occurred because improper actions were taken and then concealed on the pretense of "national security". National security was invoked for the political and personal advantage of a few officials who had abused their trust. One of the few redeeming features of the Watergate era is the recognition that there must no longer be any areas of national policy excluded from congressional review. To permit any loopholes would be to endanger the very existence of constitutional government.

As Chairman, I recognize, as do the members of the Select Committee, that, with this constitutional power of inquiry, there lies a heavy responsibility. It is the duty to examine these sensitive matters in a manner that will not impair the legitimate work of the agencies under investigation. It is also the responsibility of the Select Committee to protect the rights of individuals who are under suspicion. It is the intention of the Committee, in the conduct of its investigation, to recognize the constitutional rights of all concerned, including those alleged

to have been involved in wrongdoing. The Select Committee has done its utmost to establish congressional procedures to protect the individual rights of every witness. This will continue to be the practice of the Committee throughout the course of its inquiry.

We are mindful of the congressional excesses of the McCarthy period, just as we are mindful of the Executive abuses of power of the Watergate era which ended less than a year ago. Neither should be permitted to stain our national honor again.

The Committee has embarked on its work in a systematic and orderly way. It is our intention to examine the intelligence community from top to bottom, look into its structure, costs, performance, and the problems that lie before it in the future, in order to recommend to the Senate the steps that need to be taken to assure that the United States shall have an efficient and effective intelligence system that operates within the law.

In order for the Select Committee to fully meet its charge under S. Res. 21, it is necessary to request the Senate for an extension of the life of the Committee for another six months. The delays resulting from slow turnover by the Executive Branch of documents requested by the Committee, and the unexpected requirement to deal with the question of assassinations in depth has set back the Select Committee timetable by at least three months. The task given by the Senate to the Select Committee is a heavy burden, but what the Committee has learned thus far has convinced me and my colleagues that it is vitally important that this inquiry press forward so that the necessary remedial actions that need to be taken will be based on the fullest knowledge and careful judgment.

A subsequent letter received from Chairman Church and Vice-Chairman Tower in respect to Senate Resolution 218 is as follows:

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C., July 29, 1975.

Hon. HOWARD W. CANNON,
*Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I have reviewed the format of suggested revisions of S. Res. 218, and in view of the recommendation of the Rules Committee, I am happy to concur with a request for one continuous fund for the Select Committee through the period of its existence.

As a result of this consolidation of funds, it will be possible to effect a reduction in our request from \$1,250,000 to \$1,100,000. However, we request that the allotment for consultants be kept at the rate expressed in the resolution.

With best regards,
Sincerely,

FRANK CHURCH,
Chairman.
JOHN TOWER,
Vice Chairman.

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