

# CIA and the Congress

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## **CONFIDENTIAL**

*To be a politician is but to feign ignorance of what you know well, pretend knowledge of what you are totally ignorant, decline to listen to what you hear, attempt what is beyond your capacity, hide what ought to be exposed, appear profound when you are dull-wined, and to justify ignoble means by claiming admirable ends. Pierre Augustin Caron de Beaumarchais, Marriage of Figaro (1778 )*

### **John M. Maury**

Beaumarchais' appraisal of politicians is widely shared these days, and perhaps nowhere more than among members of Executive Agencies who have come to look upon Congressmen and their endless investigations and criticisms as irreconcilable enemies of the bureaucratic establishment. In the case of agencies involved in sensitive questions of national security, the problem is intensified by concern among the bureaucrats that Congress will, perhaps inadvertently, lack proper discretion in the handling of highly classified material to which it demands access. On the other hand, the Congress instinctively suspects that whenever an Executive Agency pleads national security as an excuse for withholding information, the purpose is merely to cover up mischief or inefficiency.

In the case of an agency involved in foreign intelligence, the problem is further complicated by traditional American squeamishness about the morality of spying in peacetime — reading other people's mail, or subverting other people's loyalties. And sometimes our own poor judgment or clumsy tradecraft have contributed to Congressional suspicions that many of our activities are counterproductive or create unnecessary irritants in the nation's foreign relations.

Our problem then is whether an organization like CIA can operate in American society without being so open as to be professionally ineffective, or so secret as to be politically unacceptable.

In the early days of the Agency this problem rarely arose. The Agency was created at a time when the nation was haunted by the disastrous lack of warning of the Pearl Harbor attack, when we were becoming dimly aware of the nature and scope of the post-war Soviet threat and implications of the Cold War, and when, for the first time in our history, we found ourselves with no staunch and strong ally standing between us and a possible major adversary. All of this, coupled with our worldwide security commitments — military, economic, and political — made it obvious that if we were to bear our newly acquired responsibilities in the world and defend our national interests, we would need a far more sophisticated set of eyes and ears abroad than anything we had enjoyed in the past.

In the view of the general public, and of the Congress which in the main reflected the public attitude, a national intelligence service in those days was more or less a part and parcel of our overall defense establishment. Therefore, as our defense budget went sailing through Congress under the impact of the extension of Soviet power into Eastern Europe, Soviet probes into Iran and Greece, the Berlin blockade, and eventually the Korean War, the relatively modest CIA budget in effect got a free ride, buried as it was in the Defense and other budgets. When Directors appeared before the Congress, which they did only rarely, the main concern of the members was often to make sure we had what we needed to do our job.

All of this now seems long ago. In recent years the intelligence community, and particularly CIA, have, along with the Defense and State Departments, borne the brunt of Congressional suspicion and frustration resulting from unpopular and burdensome foreign involvements. In the old days we lived in a black and white world. We knew we were the good guys, and we knew who the bad guys were. And it was widely recognized that we needed a good intelligence service to take care of ourselves. It was also widely assumed that, in addition to intelligence, we needed a covert arm to fight Communist subversion and give the Communists some of their own medicine in the area of political and psychological warfare. In the early Fifties there was much talk about how something called the "international Communist conspiracy" had been the main instrument for spreading Soviet influence throughout

Eastern Europe and paving the way for Communist takeovers in other parts of the world. Accordingly, it was suggested by eminent Washington statesmen that we should fight fire with fire and develop a subversive capability of our own which would roll back the Iron Curtain to pre-war Soviet frontiers, and perhaps stimulate nationalist uprisings among the peoples of the Baltic States, Byelorussia, and the Ukraine. The late Chip Bohlen has noted the fallacy in this thesis by pointing out that the Kremlin has not gained effective control of a foot of territory since 1917 without the use of threat of superior force, and that covert action, while a useful supplement to overt military and diplomatic measures, can never be a substitute for them. In the early days of the Agency, however, a general failure to appreciate this point led to a certain amount of excessive and romantic zeal, and a corresponding amount of concern and suspicion among those who feared that ill-considered political action ventures might get out of hand.

More recently the pendulum has swung the other way. We no longer see the world as black and white, but in numerous shades of gray. It is no longer clear that we are good guys or that any others in particular are especially bad guys. We have learned that neither military might, economic aid, earnest diplomacy, nor political or psychological gimmicks can make the world behave as we would like it to behave. In the resulting popular disillusionment, scapegoats must be found. Americans have been brought up to believe that they are not supposed to suffer setbacks, and if they do there must be a scoundrel amongst them, or perhaps several scoundrels. In Joe McCarthy's day, the chief scoundrels included General Marshall, a few hapless Foreign Service officers, and an Army dentist. More recently, the scoundrels have been the people that got us into the "illegal" war in Indochina, or who have somehow been vaguely associated with one or another aspect of the Watergate affair. But whatever the immediate popular frustration may be, whether directed at the generals in the Pentagon, or the diplomats in the State Department, or the architects of the Watergate in the administration, chances are someone will find a way to implicate CIA. We are an easy target, first, because nearly everyone is prepared to believe wild stories about "spy agencies"; second, because the media can't tolerate an organization that refuses to share with them all of its secrets; and, third, because we cannot refute the allegations against us without revealing sensitive details about our organization, our activities, and especially our "sources and methods" which the Director is enjoined by law to protect.

Therefore, the Agency still operates under something of a cloud of

suspicion. Unless we can publicly prove our innocence of the charges leveled against us, doubts persist. But it now is clear that we are here to stay. We are no longer viewed by the public and politicians as an intriguing Cold War innovation which would soon go the way of other committees, boards, administrative organizations, and so forth, that temporarily prospered in times of crises, but eventually were gobbled up or pushed aside by the entrenched bureaucracies of the old-line departments. In the past several years, CIA has indeed acquired a clear identity on the national scene. For better or worse, we are in the news almost daily. In the public eye we are no longer obscure, and indeed hardly mysterious, although we do apparently remain somewhat sinister. But in any event we are very much a part of the national establishment and, as such, we must sink or swim in the same political currents as the other elements of the Executive Branch.

I see no reason why we should shrink from this prospect. Both Dick Helms and Bill Colby have made the point before Congressional committees that we are in every sense a part of the American scene, and as such must be guided by American traditions, mores, and morals. And in spite of the doubts and suspicions about some of our real or alleged activities which have been voiced on the Hill, the fact is that to date we have fared quite well at the hands of the Congress. Indeed, it is difficult to recall a case in which the Congress has passed legislation seriously opposed by the Agency, or failed to pass legislation which the Agency judged necessary for its effective discharge of responsibilities. The reason, I think, is that all of our Directors have subscribed to the view that the Congress was entitled to know as much about the Agency and its activities as it thought necessary to carry out its responsibilities. The extent of the information which Congress felt it needed, and the procedures through which it has obtained this information, have varied over the years with changing world conditions and domestic political attitudes. But I know of no case where a Director has attempted to mislead or withhold information from a Congressional committee on any matter within the Agency's competence and within the committee's jurisdiction.

In talking to various Agency groups about our Congressional relations in recent years, I have found that even many old hands are startled, and often disturbed, to learn of the extent of our current involvements with the Congress. Few seem to know that over the past several years we've received an average of over a thousand written communications annually from individual members or committees. Perhaps half of these

are routine letters endorsing an applicant for employment. Probably the bulk of the remainder are also more or less routine, involving letters from constituents inquiring about why Congress does not exercise tighter oversight over the Agency, why our budget cannot be made public, whether some of the press stories about assassination and derring-do are accurate, and so forth. But a week rarely passes that we don't have a couple of real lulus — perhaps a request from the Foreign Relations Committee for copies of certain National Estimates; a demand for a detailed reply to allegations by Jack Anderson implying Agency involvement in the narcotics traffic; queries about whether some Foreign Service officer mentioned in the press was actually an Agency employee; questionnaires covering any and all relations we might have with various universities and educational institutions or foundations; and sometimes rather moving appeals for Agency assistance in locating missing persons who may have fallen victim to foul play abroad, or interceding with local authorities to arrange the release of American citizens incarcerated for one or another offense in foreign countries.

Many requests from individual members of the Congress are quite straightforward intelligence requests — they simply want to be brought up to date on a problem in which the Agency has some competence. It may concern the political situation in a certain foreign country, or how certain Soviet weapons performed during the recent Mid-East fighting, or the prospects for the spring wheat crop in Eastern Europe. Their questions may arise as a result of something that's come up before their respective committees, or it may be connected with a forthcoming trip which they are planning to make to certain foreign areas. On the average, Agency officers give perhaps a hundred individual briefings a year in response to such specific requests.

Our most important business on the Hill, however, is conducted with the several committees. In recent years the Director or Deputy Director has averaged some 30 to 35 committee appearances annually. Most of these have been before the Agency Oversight Committees — or rather Subcommittees — of the Appropriations and Armed Services Committees of the House and Senate. However, increasingly the Director is being called on to give world round-up intelligence briefings to the full Armed Services Committees of each House and to the Defense Subcommittees of the Appropriations Committees of each House, all of which are considerably larger than the Intelligence Subcommittee alone.

The Agency also makes several appearances each year before other

committees, such as Foreign Relations in the Senate, Foreign Affairs in the House, and the Joint Committee on Atomic Energy. In the case of Foreign Relations and Foreign Affairs, there are usually a couple of general world round-up briefings each year before the full Committee and, in addition, there are often more specialized briefings, sometimes for only subcommittees. For example, in the Senate Foreign Relations Committee, Senator Muskie might request a special briefing on Soviet weapons developments for his subcommittee on arms control, or in the House, Representative Fascell may want a briefing on developments in Latin America for his Subcommittee on Inter-American Affairs.

In addition to committee briefings, the Agency is frequently called upon to brief individual members on various intelligence and related subjects. During calendar year 1973, for example, we responded to 175 such requests.

Now a few words about the ground rules for dealing with these committees, subcommittees, and individuals. For some years, and in fact ever since we became involved in routine Congressional briefings of the kind I've described, it has been Agency policy to respond to the request of any Congressional committee on any matter within the Agency's competence and within the committee's jurisdiction. So far as the Agency's Subcommittees of the Appropriations and Armed Services Committees of the two Houses are concerned, no holds are barred. These small subcommittees are generally made up of the senior members of the full committees and have free access to any information they wish, not only of an intelligence nature, but about the inner workings of the Agency, including specific operations, budgets, personnel strength and so forth. Also, one or two key staff members of these subcommittees have all of the clearances necessary for similar access. The members themselves are not formally cleared, their access to various categories of classified information being based on their membership on the committee rather than formal clearance procedures by the Executive Branch.

Thus there are no problems with regard to what material to provide to our Oversight Subcommittees. The problems arise in dealing with other committees, especially where things that we consider internal Agency matters impinge on problems which the committees feel legitimately concern them. For example, the Foreign Relations Committee, in its overview of the State Department and the Foreign Service, may feel that it should know what embassy slots abroad are occupied by Agency

officers. The Inter-American Affairs Subcommittee of the House Foreign Affairs Committee may call for an Agency explanation of allegations of Agency involvement with certain multi-national corporations. Or Senator Fulbright may want to know whether the Agency has contact with Soviet emigre groups to an extent that might jeopardize detente.

Where operational details are involved — especially those relating to sensitive sources and methods — the Agency has followed guidelines laid down by the Chairmen of our Oversight Subcommittees, and generally no exceptions are made to the strict rule against passing operational information except with the approval of the Chairmen of these Subcommittees. However, like everything else in the real world of politics in a democratic society, there are no absolutes. Rules are usually flexible, and where disagreements occur, compromise is always considered preferable to confrontation. Thus, should a particular Senator express special concern over an allegation that a diplomatic incident in some foreign capital was the result of the misfire of an Agency operation, it is entirely possible that the Chairman of one of our Oversight Subcommittees might call him aside and, relying on his honor as a Senator to be discreet, explain to him the facts. Or the Subcommittee Chairman might arrange, on the basis of his colleague's assurances to respect confidences, for an Agency officer to brief him in full detail on the matter in question. There have, of course, been cases where such confidences have been broken, probably more often by inadvertence than design, but perhaps this is not too high a price to pay to avoid the kind of confrontation that would help nobody, and least of all the Agency. For, as the late Senator Russell once cautioned an Agency official, "There isn't a single member of this Senate that's so lowly that he can't make life unbearable for you fellows if he decides he wants to do it."

There are, of course, occasions when activities which start out as strictly clandestine operations end up as subjects of legitimate concern to other than members of the Intelligence Oversight Subcommittees. For example, when covert Agency assistance to the Meo tribes in Laos was first initiated, it appeared both necessary and feasible to maintain a posture of plausible denial. But, as often happens, what started out as a strictly covert program had more and more requirements heaped upon it by higher authority. As more and more people became involved, the U.S. media and other curious bystanders became more and more interested in what was going on, and gradually uncovered virtually the whole story. In these circumstances it would have been quite unrealistic for the

Agency to insist that this was only a normal clandestine operation of no concern to the Senate Foreign Relations Committee.

In fact, the Foreign Relations Committee's interest was recognized at an early stage, and Committee members were briefed on the operation as early as 1962. During the ensuing years, the Foreign Relations and Armed Services Committees of the Senate were briefed on the matter on a total of 28 occasions, and some 57 members were, at one time or another, informed of what the Agency was doing in Laos. This didn't entirely solve the problem, however, because all of these briefings were in Executive Session, and what the members really wanted was something they could use in public debate about the "endless escalation of the illegal war in Indo-China." As the story of the Agency role in Laos gradually seeped out through the media, some members developed the line that they had never known anything about it, and if they had, they would have put a stop to it long ago. This was for public consumption, however, and some of these same members privately congratulated the Agency for having done such an effective job in helping the Meo tribes to tie down such a large number of Communist troops on a budget that, in terms of the costs of the overall U.S. involvement in Southeast Asia, was infinitesimal.

Our most serious problems with Congress generally revolve around major action programs such as the Laos operation. There is a widely held feeling, shared not only by members of the Foreign Relations and Foreign Affairs Committees, but also by our friends on the Agency Oversight Committees, that such operations should not properly be the responsibility of a covert intelligence organization. The charge has been in recent years that the Agency's special legal authorities and clandestine capabilities have been misused by one after another administration to circumvent the will of Congress, and that such operations have often done more harm than good in serving the national interests.

This Congressional concern about covert political action and paramilitary operations is not limited to programs of a strategic nature such as the one in Laos. Even relatively minor covert action efforts are viewed with suspicion — for example, the training of foreign police or security services has raised questions about whether we can guarantee that the recipients of such assistance will scrupulously observe due process of law, American-style. And there is a particular Congressional sensitivity to any sort of effort to influence the outcome of foreign

elections — even in situations where there is a real and imminent threat that manipulation by Communist nations may lead to a Communist take-over. Meddling with the media — even in unfriendly countries — also creates Congressional uneasiness.

It's hard to generalize about the basis for this persistent Congressional sensitivity. Perhaps it springs in part from a gut feeling that any attempt to influence the course of events abroad should be under close and continuing Congressional scrutiny, and that the President and his immediate staff should not have at their disposal politically potent instruments which they can use without Congressional knowledge and approval, and the misuse of which might produce serious consequences or embarrass the national image.

This Congressional concern about the morality of covert action, and about whether it is compatible with our professed desire to maintain friendly relations abroad, is shared generally by the more liberal members of Congress. They are quick to suspect, for example, that any Agency contact with private American corporations operating abroad, or any Agency assistance to foreign police or security forces is a reflection of imperialistic purpose. The basic attitude among the liberal membership seems to be that any legitimate interest the U.S. has abroad can best be served by the State Department or other overt agencies, and that any resort to clandestine means is proof of sinister purposes.

The more conservative members, on the other hand, usually have no quarrel in principle with covert action, recognizing that chiefs of state even in the most democratic countries have for centuries felt the need of a covert capability of some kind in the conduct of their foreign relations. But many of these more conservative members, and particularly those on the Agency Oversight Subcommittees, often question whether covert action should be the responsibility of an agency whose primary purpose, in their view, is the collection and analysis of intelligence. Several of these members have, in subcommittee hearings, expressed a strong view that Agency involvement in such activities as the war in Laos, the Cuban invasion, the National Students' Association, or Radio Liberty and Radio Free Europe are far too unwieldy and inherently insecure to be properly made the responsibility of an organization which depends for its effectiveness on its secrecy and anonymity. These members feel that the Agency was created primarily to provide reliable national intelligence for the guidance

of our policymakers in dealing with critical problems of foreign policy and national security. And they feel that the undertaking of additional burdens in the covert action field diverts us from this objective and erodes and corrupts the discipline and commitment which the successful accomplishment of our intelligence mission requires.

Various arguments have been advanced on the Hill in support of legislation to restrict our covert action authority or to require that Congress be kept more fully informed regarding covert action programs. Along with these have been proposals that the Agency's budget be made public. Such proposals vary in the extent to which they would require a detailed breakdown of the budget, but doubtless one purpose is to give to the Congress as a whole some sort of a handle on the funding of the more ambitious and expensive political and paramilitary programs. In addition there have been legislative proposals restricting, or making us more fully accountable to the Congress for, programs supporting foreign police and security forces, and any Agency association with American commercial enterprises operating overseas.

Another area of Congressional concern, which has reached acute proportions within the past year or so, involves Agency domestic activities. This all started as a tempest in a teapot when a certain political figure discovered that the Agency had provided some quite innocuous briefings to a metropolitan police force in a large American city. From the press accounts that emerged from this discovery, one would assume that the Agency was training local police forces in the more sophisticated techniques of brutality, torture, and terror. In fact, all we were doing was giving them the benefit of our experience with the handling of information, and passing on to them a few tips about how to identify and deal with the foreign weapons and explosives that were being used by alien terrorists. But even the more rational members of Congress have recently been expressing some concern about how carefully the Agency observes its statutory restriction against any sort of police, subpoena, law enforcement, or internal security functions. They apparently feel there is something essentially unhealthy about any agency involved in foreign intelligence carrying on operational activity within the United States.

While critical or suspicious regarding the Agency's covert action and paramilitary activities, uneasy about suspected domestic involvements of the Agency, and increasingly frustrated over the secrecy which protects the Agency's budget, the Congress generally seems to respect

the Agency's record in the collection and analysis of intelligence information. They have noted increasingly in recent years the candor and professionalism of the Agency's intelligence briefings, and the scrupulous care exercised by the Agency in maintaining its objectivity in handling highly controversial subjects of major political significance.

It therefore seems clear that where collection and production of intelligence is concerned, the Congressional concern is not so much to clip the Agency's wings, but rather to get access to the Agency's intelligence product, and several legislative proposals have recently been introduced to serve this purpose. Some of these have gone so far as to propose that all intelligence produced by the Agency be made freely available to the full membership of the Congress through the facilities of the Armed Services and Foreign Relations Committees. Others have simply sought to impose upon the Agency a statutory obligation to keep certain committees fully informed on matters within the committees' purview. But the fact that more and more concern is being expressed on the Hill to get the benefit of the Agency's intelligence output is proof of the Agency's growing reputation for competence and credibility.

When such controversial issues as the ABM program, the world oil situation, SALT, and Mutual Balanced Force Reductions are at issue, it is only natural that a number of members of Congress other than those who are members of the Agency's Oversight Subcommittees should want up-to-date intelligence. In general it has been our policy to provide this information as freely as security considerations permit. There is, of course, the ever-present hazard that in doing so a member with strong partisan interests will use information obtained from the Agency out of context in support of one or another side of the argument. There is also, of course, the hazard that in the heat of debate a participant will reveal too much of the details of the information which we have provided. On the other hand, it can be argued that the Congress certainly is now exercising, for better or worse, a vital and frequently decisive role in decisions of the utmost importance to national security, and if its membership is denied access to the best available intelligence the national interest is being poorly served. The denial of relevant intelligence to the Congress, it is argued, may not only lead the Congress into blind alleys or costly and unwise decisions, but for the Executive Branch to have full access to vital information which is denied to the Congress gives the Executive an undue advantage over the Congress, and may have the additional effect of aggravating differences between the Congress and the Executive Branch in their appreciation of the

problem at issue.

Certainly many of us have been troubled by the inherent security risks involved in sharing highly sensitive information with the Congress. The problem is how to impress upon the members whom we brief the reason for our concern over security. Often they take the attitude that nearly everything that we tell them comes out sooner or later anyhow, so why be so squeamish? Why shouldn't we let them get up and make a speech about it on the floor, rather than wait to be scooped by the newspapers?

In trying to cope with this attitude, it may be useful to point out the difference between a revelation by a Jack Anderson on the one hand, and a revelation by a responsible member of the Armed Services Committee who is known to have just attended an Agency briefing on the other. If I thought the KGB spent its time trying to analyze and evaluate every story put out by Jack Anderson, I wouldn't worry too much. But when a senior member of the Armed Services or Foreign Relations Committee appears on "Meet the Press" and talks about how much we know about Soviet missiles or submarines, odds are that the KGB assumes he's basing his comments on the best available intelligence information.

We have also found it useful sometimes to remind the members of the Director's statutory responsibility for the protection of intelligence sources and methods from unauthorized disclosure. It's worth pointing out that not only do we have this responsibility by law, but we are in a business which essentially involves a number of fiduciary relationships. We are already the most open major intelligence service in the world. Even in some of the oldest democracies, such as the U.K. and the Scandinavian countries, neither the public, the press nor the politicians are supposed to know the identities of the chiefs of the local service or the location of its headquarters. References to its activities rarely appear in public. Because we are determined to play the game according to American standards, we are already so overt that we have two strikes against us before we start. Therefore it is extremely difficult for us to live up to the obligations implicit in our delicate fiduciary relationships with our sources and collaborators — be they individual agents, friendly liaison services, cover organizations or indeed friendly governments — which might be placed in gravest jeopardy if certain of our special relationships with them, or activities which they permit us to carry out on their soil, ever became known.

Another point sometimes worth making in trying to impress upon Congressional members the value of our contribution to their tasks, and the importance of protecting our security, is to remind them that the U.S. Senate would never have ratified the first SALT agreement had it not been confident that we had a national intelligence capability of detecting significant violations. It can be persuasively argued that, in this sense, good intelligence is vital to the achievement of a meaningful peace. It can be contended that the greatest danger of major hostilities lies not in the deliberate attack of one great power upon another, but rather in the area of miscalculation which can only be avoided by an alert, competent, and credible intelligence service.

Most members seem to accept this point. They also accept, in theory, that for an intelligence service to be credible it must be scrupulously objective and non-partisan. However, in the heat of political controversy, it is inevitable that evidence attributable to the Agency is introduced, sometimes in distorted form, in order to support one or the other side of the debate. During the ABM controversy we were frequently called on to brief committees and individual members of the Senate, and in nearly every case the recipients of these briefings found something to support their position, whatever it might be. Moreover, some of the more vigorous partisans used various devices to try to put words into the mouth of the Director or other Agency witnesses tailored to support their cause. It wasn't always easy to resist these pressures, but I know of no case in which they were not effectively resisted. And I am sure that if we had once started down the road of shaving our language, ever so slightly, to accommodate one or the other side in such partisan debates, it would be quickly detected and long remembered.

In fact, I think we can all be proud of the Agency's record in this regard. This record was eloquently attested to by Chairman Mahon of the House Appropriations Committee on January 16, 1973, when, in paying a tribute to Mr. Helms, he said,

"I must say I have not encountered a man in government who in my judgment has been more objective, more fiercely non-partisan, more absolutely inclined to be perfectly frank with the Congress than you have been. You have just called it as you have seen it, and we have complete and utter confidence in you. I am just glad that we live in a country which produces men who have the sense of loyalty and dedication that you have."

We can be justly proud of this reputation, but it carries with it a heavy burden. Inevitably, we will make mistakes in intelligence assessments, and when we err on matters of sharp political conflict, one side or the other is bound to accuse us of partisan bias rather than professional error.

If we overestimate any aspect of the Soviet threat, we are attacked by the doves. If we underestimate, we alienate the hawks. There is no insurance against these hazards, but the only way to keep them within tolerable proportions is to continue to display, in all of our intelligence presentations, the highest degree of professional objectivity and intellectual integrity.

Beside the problems we have in maintaining our professional integrity by avoiding involvement in partisan debate, we have the problem of maintaining our political integrity — or perhaps, more accurately, apolitical integrity — by avoiding identity with either the liberal or the conservative blocs in the Congress. Traditionally, the older members, because of their seniority on the Oversight Subcommittees, have largely monopolized the oversight function. They tend generally toward conservatism and hawkishness. The younger members, generally excluded from the prestigious Oversight Subcommittees and jealous of the favored position of their elders, tend to be liberal and dovish. The Agency can ill afford to be closely identified with either.

Inevitably, one who spends much time on the Hill is often asked for his personal "net assessment" of the Congress as a whole. I would have to say we get about what we deserve and maybe a bit better. They are, to be sure, not all equipped for the role of statesman. Among them are a fair number of dull fellows who instinctively distrust brilliance. (Dean Acheson, recalling his days as Assistant Secretary for Congressional Affairs, once cautioned me that in dealing with Congress one is tempted to be brilliant, but it is safer to be dull, adding ruefully, "This I earnestly tried, but with only limited success.") But in the main we have a group of broadly representative Americans struggling to find a tolerable compromise between the demands of their constituents, the pressures of the media and special interest groups, horse-trading bargains offered by their colleagues, and the dictates of their consciences.

In the case of some, to resolve such conflicts on the basis of the limited mental and moral resources with which the Creator has seen fit to

endow them must indeed be a formidable task, the results of which one should not judge too harshly. From the standpoint of the Agency, I think we can be thankful that we have on our subcommittees a number of members who devote so much constructive attention to Agency matters, knowing full well that they are thereby gaining not a single vote from a constituent, boost from a pressure group, or negotiable asset from cloakroom bargaining.

There have been a number of complaints in recent years, both from outside observers and from some of the younger members of the Congress, about the way the four intelligence Oversight Subcommittees carry out their responsibilities. It is claimed that these Subcommittees are made up almost exclusively of the older and senior members, generally of conservative bent, who lack the time and interest to maintain adequate overview of the Agency. The Subcommittees are charged with failure to insist upon a strict accounting of how the Agency spends its appropriated funds, failure to ensure that the Agency sticks to its legislative charter on such matters as refraining from domestic activities, whitewashing the Agency's mistakes, and failing to keep their colleagues informed of what the Agency is up to, how much money it is spending, and so forth.

There is probably merit to each of these charges, and there is probably an explanation in defense against each. It is true that, traditionally, membership on the intelligence Oversight Subcommittees has been limited to the senior members of the full Committees. This, of course, is something over which the Agency has no control. But the fact is that the Congressional leadership, and the chairmen of the full Committees, have seen fit to favor seniority where intelligence matters are concerned. This may be in deference to the wishes of the senior members who normally get first choice at committee assignments. It may also be due to the assumption that the senior members are more likely to behave responsibly in the handling of sensitive information. But whatever the reasons, it is certainly true that, precisely because the members of the intelligence Oversight Subcommittees are quite senior and often have a number of other committee assignments or official responsibilities, they have only limited time and energy to devote to their intelligence Subcommittee responsibilities.

The inevitable result is that most of our Subcommittee members simply do not know the full details about what we are doing, and why we are doing it, and how we are doing it, that they probably should know, and

that we in the Agency would be glad to have them know. In terms of efficiency, a democratic parliamentary body is certainly a far from perfect piece of machinery. No doubt subcommittees made up of younger members would find more time to devote to Agency business, and might make many constructive contributions to the conduct of Agency management and policy guidance.

Moreover, younger members should probably have less difficulty in mastering the modern technology and jargon which often creep into Agency briefings, whether relating to foreign weapons systems or to our technical intelligence collection systems. I have seen my colleagues wince when asked questions about how many missiles an hour can be launched from an SS-9 silo, or whether our estimate of the number of Soviet Y-Class submarines is based on anything more than a wild guess. One distinguished member apparently has never been quite clear on the difference between Libya, Lebanon, and Liberia, and when answering his questions on what's going on in these countries, a witness can only guess as to which of them he has in mind. In private discussions with him, it might be appropriate to try to straighten him out or seek clarification, but in a formal committee meeting in which a transcript is being made, precision must sometimes be sacrificed to tact.

The older members also occasionally suffer from a decreasing attention span, and particularly in afternoon sessions are prone to intermittent dozing. Also, failing faculties sometimes take their toll. I recall one elderly chairman, when shown a chart of various categories of covert action, reacted sharply and demanded to know "what the hell are you doing in covert parliamentary operations." When it was explained that the box on the chart he was pointing to was "*paramilitary* operations" he was much reassured, remarking "the more of these the better — just don't go fooling around with parliamentary stuff — you don't know enough about it."

But one who has been privileged to watch such committee chairmen as Stennis, McClellan, Mahon, Hebert, and especially the late Senator Russell, deal with highly complex problems of national security cannot but be impressed with their inherent wisdom and common sense which cuts straight through technical jargon and bureaucratic verbosity to shrewd and rational judgments. They may have only a vague conception of the highly technical matters that frequently arise in intelligence briefings, but they have an uncanny knack for asking simple and direct questions that force simple and direct answers that go right to the heart

of the issue involved. And beyond that, they have an uncanny sense for detecting a snow-job. I remember one day driving back to the office with a colleague who had just been up to brief the late Senator Allen Ellender on a complex technical collection system. My colleague was deeply dispirited, feeling that Ellender hadn't the slightest idea of what we were talking about. I tried to reassure him by pointing out that whether Ellender knew what we talking about was not the issue. The issue was whether Ellender thought we knew what we were talking about, and whether we were leveling with him. I said that he had apparently resolved both questions in our favor during the first five minutes, after which he dozed off and ignored the rest of the briefing. My judgment proved right, for a few days later he gave the project in question full support despite strenuous opposition of certain other agencies in the community.

There is another advantage to us in having the more senior members of the full Committees sit on our Oversight Subcommittees. Regardless of what one hears and reads, the senior members of those exclusive clubs, the Senate and the House of the U.S. legislative establishment, observe a strict code in their relations with each other. No member of either club really exercises much influence among his colleagues unless he has a reputation for scrupulous personal integrity. A member must live up to his oral commitment to another member. He must never lie to a fellow member. Therefore, when a member of our Oversight Subcommittee tells a critic of the Agency that he has looked into the matter and found the criticism unfounded, that usually puts an end to it. Also, when a Subcommittee member shares with a non-member a sensitive secret on the assurance that it will not be further revealed, that commitment is normally observed.

On the other hand, this code of conduct can occasionally result in problems for the Agency. One of its provisions, for example, is that every effort should be made to avoid a direct confrontation with another member. Thus, when some committee or individual member seeks to probe an Agency matter which we would prefer to deal with only before our Oversight Subcommittees, it is often difficult to get the Chairmen of our Oversight Subcommittees to assert their prior jurisdictional claim and force the non-member to back off. Usually some facesaving compromise is arrived at, such as allowing the inquisitive member to receive an "ears only" briefing on the matter from an Agency representative with an assurance that he will keep the information to himself.

While there is much to be said for the seniority system so far as Agency oversight is concerned, it has inevitably produced restlessness and suspicion among the younger members who, like their seniors, have more and more come to be interested in the Agency's activities and anxious for access to the Agency's product. In the House, particularly, some of the younger members have become quite vocal in their insistence that they be included in intelligence briefings and that they be given some sort of an accounting by the Agency Subcommittees of how these Subcommittees are carrying out their oversight responsibilities.

This restiveness has been particularly apparent in the case of the House Armed Services Committee. Both the late Carl Vinson and the late Mendel Rivers ran the Armed Services Committee with an iron hand, and both chaired, and dominated, the Intelligence Subcommittee of the Armed Services Committee. As a result, when Representative Edward Hebert of Louisiana took over the Armed Services Committee following the death of Rivers, he inherited a restless situation in which an increasing number of the younger members demanded reform in the way the Committee's affairs were managed.

In 1971, Mr. Hebert decided to forestall trouble by appointing as Chairman of the Intelligence Subcommittee one of the younger and more liberal members who enjoyed the full confidence of his colleagues. The man he selected was Lucien Nedzi, a Democrat from Detroit. A graduate of the University of Michigan Law School and veteran of World War II and the Korean War, Mr. Nedzi represented a district embracing such disparate communities as East Detroit, Hamtramck, and Grosse Pointe Farms. In taking over his new responsibilities as Subcommittee Chairman, Nedzi displayed a hard-charging and hard-headed attitude. He insisted on knowing not only the "what," but the "why," and the "who says so. "

Throughout a series of "get-acquainted" briefings by Agency representatives, Nedzi took nothing for granted. He insisted on detailed explanations of everything he was told, and he read everything about the Agency and the intelligence business that he could get his hands on. Although he had a number of other commitments, he gave top priority to his responsibilities as Chairman of the Subcommittee, and apparently was determined to know more about CIA and the intelligence business than any man on Capitol Hill. Needless to say, he wandered into quite a few blind alleys in the process and picked up a good deal of

nonsense of the kind put out by disgruntled former employees and sensational writers of the fashionable intelligence fiction advertised as fact. But the Agency responded by answering all of his questions and freely making available to him the most sensitive material of every kind. By the time the Watergate story broke, he apparently was beginning to feel confident that he was on firm ground in dealing with the Agency and could safely defend us in the face of persistent efforts to implicate us.

As soon as all the Watergate allegations and speculations and suspicions began to circulate, however, Nedzi quite characteristically insisted that every one of them had to be explained or investigated. He launched an intensive investigation into all aspects of the matter, took sworn testimony from dozens of witnesses, including top Agency officers as well as key White House officials, and heard from a number of Watergate defendants themselves. His Subcommittee investigation was considerably better organized and more thorough and systematic than any of the several investigations conducted by the other Congressional committees who were interested in the case.

In the end, Nedzi's persistent skepticism and inquisitiveness, coupled with the Agency's forthright responses to his questions, paid off. While his Subcommittee report of the investigation did note that Agency officials had been "duped" into lending certain assistance to "the Plumbers" on the basis of their false representations, he absolved the Agency and all of its responsible officials of any guilty knowledge or knowing participation. In a story about CIA and the Watergate by Oswald Johnston in the *Evening Star*, 28 November, Nedzi is quoted as saying that his Subcommittee's record was complete, and that they had gone through piles of memoranda and classified files without finding a shred of evidence of any improper Agency involvement.

The Agency is indebted to Mr. Nedzi not only for his tireless work in setting the Watergate record straight, but also for some thoughtful comments on how the problems of Congressional oversight look from the perspective of a Subcommittee Chairman. These remarks, made before the CIA Senior Seminar on November 14, 1973, are quoted in full text in the following article.

This is, I believe, the first time that any member of our Oversight Subcommittee has given us in such detail the benefit of his perspective on the intelligence oversight problem.

I can think of no better insurance for the Agency's long-term professional credibility and political acceptability than to have people like Lucien Nedzi know all he wants to know about the Agency, and be satisfied by what he knows.

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