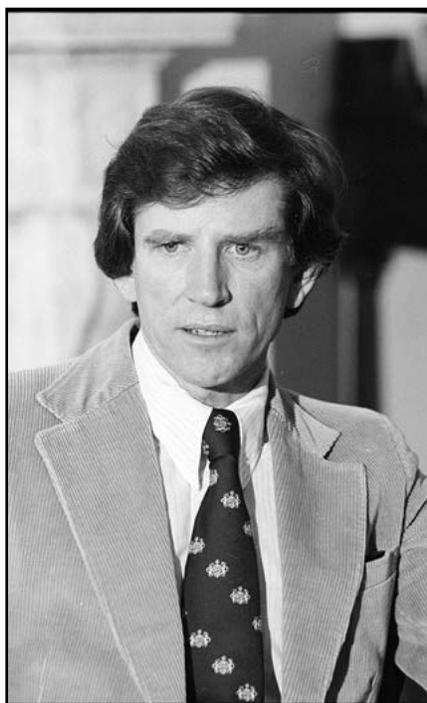


Interview with Former US Senator Gary Hart

Interviewed by David Robarge

The following are excerpts from an interview with former US Senator Gary Hart by CIA Chief Historian David Robarge on January 23, 2020. A freshman senator in 1975, Hart (D-Colorado) had a front-row seat on a tumultuous period that marked a new approach to congressional oversight. Questions are italicized, and the content has been edited for clarity and length.



Colorado Senator Gary K. Hart in January 1979. Photo: Warren K. Leffler, *US News and World Report*, Library of Congress collection.

“If I had one message to the agency, it would be that people like me—and I think the majority of those on the committee—wanted to protect the CIA, not destroy it.”

Let’s begin with a little bit about what you knew about and thought of intelligence and the CIA before you got to the Senate and got involved with the Church Committee. Did you have any particular perceptions of our business and our institution, and what events or information formulated those perceptions for you?

I graduated from Yale Law School in 1964. My first job out of law school was with the Department of Justice in what is now the National Security Division. I had to get a full background investigation to get the clearances needed to conduct that job. I was at Justice for a year and a half. That would have been from spring 1964 until probably summer or fall 1965 when I transferred to the Interior Department, and then I went to Colorado full time, and then

to Washington to be sworn in to the Senate in January 1975.

Within a month or two, I was asked to serve on the Church Committee^a to investigate the intelligence agencies of the United States government by Majority Leader Mike Mansfield.^b I believe there were 11—six Democrats, five Republicans. That continued through the end of 1976. Then I was a charter member of the first Senate oversight committee [the Senate Select Committee on Intelligence (SSCI), created May 19, 1976]. I served in that capacity for two or three years.

Did you have a general sense of CIA’s reputation for overthrowing governments, trying to assassinate leaders, doing various nefarious things that had been already

a. Formally the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, led by Chairman Frank Church (D-Idaho, 1957–81). The committee operated from January 27, 1975, until April 29, 1976.

b. Michael Mansfield (D-Montana, 1953–77).

The views and opinions expressed by the interview subject should not be construed as asserting or implying US government endorsement of its factual statements and interpretations or representing the official positions of any component of the United States government.

Various presidents and administrations had ordered actions to be taken that exceeded the charter of the CIA.

publicized in the newspapers? Was that your general perception of what the CIA was and did, or did you have other views and those were just rogue operations?

My general sense as an involved citizen was that the CIA and its sister agencies were absolutely necessary for the security of our country and had played very positive roles by and large in developing information domestically and internationally to help in formulating national security policy, in many cases leading to military policy as well in various venues. Needless to say, the reason for the select committee was operations that did not comport in the minds of many of us with the constitutional protection of American citizens and, generally, the conduct of American foreign policy, according to the high principles that we claimed.

On the other hand, even as a young man, I was pragmatic enough to know that occasionally under duress, corners had to be cut and actions taken that at the very least operated on the margins of our constitutional principles. It was a combination of respect and pragmatic necessity, tempered a bit by the excesses that had happened. My guiding principle even in those days—and I was quite young—was that if mistakes were made or excesses occurred, they were prompted by political involvement and political order. I had—and I think several of us had—a sense that

various presidents and administrations had ordered actions to be taken that exceeded the charter of the CIA, and in the case of the FBI certainly violated constitutional rights of American citizens.

Along those lines about where the authorization or the explanation for the various, more controversial operations occurred—particularly assassinations, which we'll get back to in more detail—I'm referring to Loch Johnson's book on the Church Committee.^a He writes that from the witnesses' voluminous testimony came three major theories regarding the origins of authority for the assassination plots: rogue elephant, presidential authority, and misunderstanding. Do you ascribe to any of those particular ones?

Presidential authority, broadly defined. I would say administration political instruction. Sometimes, euphemistically—the famous theatrical line, I think—it's the question about who will save me from this troublesome priest?^b The president's not saying, "go kill somebody," or "go overthrow this government." Euphemisms usually were used in those days to provide the cover for the president, to give plausible deniability.

Why do you think you were picked as a junior senator to serve on the committee?

Because I was so early in my first term and young, I didn't question the appointment. I came to believe—because there were other instances where the majority leader, Senator Mansfield, had favored me in one way or another—he had a tendency to mentor younger senators. My colleagues, like Joe Biden and Patrick Leahy,^c were encouraged and given favorable assignments by Mansfield. He saw his role as leader as developing a new generation of leadership by experience.

For example, in addition to serving on the Church Committee, I was appointed to the first Senate delegation to the Soviet Union in what became a series of inter-parliamentary exchanges. Members of the Duma [the Soviet assembly] would come here and be toured around and hold meetings. In the middle of the Cold War, there were efforts being made to reduce misunderstandings by inter-parliamentary and political exchanges.

I came to believe that Mike Mansfield wanted to help me out, and there were various instances where this was apparent. I think he obviously knew that I had had the experience at Justice in the national security field. That was a plus. But I think—because almost all of the members of the committee were senior figures in both parties—that he thought it might be helpful to have a generational oddball to push the wisdom of the senior members.

a. Loch Johnson, *A Season of Inquiry* (University of Kansas Press, 1986).

b. "Will no one rid me of this turbulent priest?" Attributed to King Henry II of England in reference to Thomas Becket, Archbishop of Canterbury, in June 1170. Henry and Becket were locked in a dispute over church versus royal authority. Henry's exact words are disputed, but the intent was clear: in December, four of his knights hacked Becket to death.

c. President Joseph Biden represented Delaware in the US Senate (1973–2009). Patrick Leahy (D-Vermont), was sworn into the Senate in 1975. He recently announced he would not stand for reelection in 2022.

Before the committee really got started with its work, did you ask more of the senior members for guidelines, rules of the road, how to handle this series of potential controversies?

I don't recall any, because this had never been done before. There had not been any official oversight of the intelligence agencies. And the focus came to be, of course, on the Central Intelligence Agency. But it clearly included in those days the FBI, NSA, and whoever else was around. Those were the principal ones. In the case of NSA particularly, the emphasis was on clandestine surveillance of American citizens. The FBI, not even clandestine surveillance, but mail openings.

A lot of things had come out in Watergate; this was a post-Watergate exercise. It was to assure the American people that Congress was going to do its job of oversight, that those agencies should not be manipulated by presidents and their administrations. That was the ultimate goal. There were a lot of side chats; various members coming out of a closed-door session, particularly when a testimony began, asking each other's reflections on what they had just heard. But it was not a regular procedure. It was just hallway conversations. We were very conscious of leaks.

One of the arguments against the select committee to begin with and with a permanent oversight committee later was "politicians can't

There had not been any official oversight of the intelligence agencies.

keep secrets." And therefore, that's the reason why we haven't had our constitutional oversight responsibilities all these years, because members of Congress would go out and blab to the public or the press. To my knowledge, that never occurred—with one or two exceptions—during the Church Committee or for the many years of oversight since then.

Turning to the Committee itself and its investigation, one of the perceptions of the Church Committee—and much of this comes from Senator Church himself—was a preoccupation with headline-grabbing revelations, in contrast to the Pike

Committee.^a The Pike Committee set out to answer basic questions about the intelligence business: Are we getting our money's worth? Is it something we need to change a bit? What are the risks involved?

I can't remember the sequence. Most of 1975 was spent behind closed doors and hearing testimony from Director [William] Colby of the CIA fairly early that spring about what came to be called the Family Jewels, which revealed assassination attempts and foreign government overthrows.^b



Members of the Church Committee confer just before hearing testimony from then-Director of Central Intelligence, William Colby on May 15, 1975. Conversing from left to right are Chairman Frank Church, Cochairman John G. Tower, and Howard Baker. Senator Gary Hart was not in camera's view. Photo © Henry Griffin/AP/Shutterstock

a. The Pike Committee is shorthand for the US House Permanent Select Committee on Intelligence under Chairman Otis G. Pike (D-New York, 1961–78), which functioned from July 1975 into January 1976.

b. William Colby was Director of Central Intelligence (DCI) 1973–76. On June 26, 2007, the CIA publicly released a 700-page collection of documents colloquially known as the Family Jewels. These were compiled in 1973 under Colby's short-lived predecessor James Schlesinger (February–July 1973) and provided to Congress by Colby. See "Reflections of DCI Colby and Helms on the CIA's 'Time of Troubles,'" *Studies in Intelligence* 51, no. 3, (Extracts, September 2007).

The plots against Fidel Castro stood out because of their almost demented insistence and, finally, the use of the Mafia.

The question was not, “You shouldn’t have been doing things like that”; it was really a search for authorization and responsibility, “Who ordered this done? Did you do it on your own, or were you told to do it?” That’s when we got into the political uses of the Intelligence Community to carry out covert operations and the use of plausible deniability. That is to say, after hours and hours and hours of testimony by former Eisenhower and Kennedy administration officials, we were never able to pin down who ordered the assassination of [Cuba’s] Fidel Castro. There’s a library full of books as to who and why and how.

But then in 1976, I think the chairman began to feel pressure—not just from the press but his own constituents and concerned citizens at large—to begin to open up what we were finding. That is to say, to begin to crack the veil and share what information we could, and that led to dramatic hearings in which Senator Church held up a gun, a picture on the front page of all the newspapers worldwide. Shortly thereafter, I think, the next senior person on the committee was the Senator from Minnesota, [Walter] “Fritz” Mondale, who gave a speech back in Minnesota in which he began to talk about the committee’s work.

I was so dismayed personally because I thought we were going to go off the rails, destroy the whole purpose of this investigation and any positive results that might come from it in terms of oversight, that I went to Senator Mansfield and

uncharacteristically said, “Leader, if this thing falls apart, if people begin to grandstand—and I was talking particularly about the two most senior Democrats—I don’t want to have any part of it. It will destroy the whole purpose. I don’t want to have to go to Colorado and justify unauthorized politicization of this very delicate business. It’s too important going forward.”

Senator Mansfield—who was not loquacious, I’d say—he was very abrupt and said, “Stick with it. Don’t leave. I’ll talk to them.” It never happened again after that. I think Senator Church continued a few more public hearings, but I think Senator Mansfield got the message and warned the people more senior on the committee—the Democrats, particularly—not to mess this up and not to politicize it. And things did calm down a good deal at that point.

One of the complaints that people have made about Church’s leadership is that he was going to use this as a platform for his presidential aspirations. DCI Richard Helms said of Church, “It struck me that Senator Church’s political ambitions ran far ahead of his interest in really doing a thoughtful and serious job with the committee.” Comment?

I would not criticize the late Senator Frank Church or anyone who’s passed on, because they can’t defend themselves. I know there was a great deal of press speculation about political ambitions and how they might just derail the efforts of

the committee. It was complicated because political observers—whoever they are—often saw Senator Church and Senator Mondale as generational competitors for national leadership.

And I think the question was not only about Frank Church but whether Senator Mondale’s response to the public hearings in Minnesota might have put them on a racetrack for national leadership. It wasn’t just Frank Church. There was a bit of competitiveness there, I think. I couldn’t document it, just an impression that here were two ambitious political figures out for national recognition.

How about your perceptions of the other committee members, Goldwater, Tower, anyone else who comes to mind?

Well, I misspoke. The second on the Democratic side was not Fritz Mondale, it was the late Philip Hart, my namesake, and then Fritz Mondale in the seniority. And, of course, the story I could never authenticate was that Mike Mansfield wanted Philip Hart to be the chair, and at that point he was ill, beginning to be ill, an illness that cost him his life later. He demurred—said he would serve but could not bear the burden of being chair. He was a very strong anchor.^a

Hart was beloved literally by almost everybody in the Senate, respected, admired. He did not play politics. He did not grandstand. He did not seek the limelight, an institution noted for that. He was very quiet behind the scenes. And I was always honored when he was alive that the rollcall would be Senator Hart of

a. Philip Hart (D-Michigan, 1959–76).

Colorado, Senator Hart of Michigan. I loved that linkage.

I mentioned earlier that whatever suspicions conservatives had about me were based on my McGovern experience. And by the way, my involvement in politics started with John Kennedy when I was a student in law school and continued with Robert Kennedy,^a whom I met when I was working at the Department of Justice, and only transferred to George McGovern in 1972 because of his support for the Kennedys. He became a surrogate really for a lot of Kennedy supporters. I think Robert Kennedy late in life came to be considered much more liberal in the traditional sense than his brother.

Among the committee members and the staff, what—if any—particular issues became the most contentious?

After Director Colby's testimony, the so-called Family Jewels, those activities involving the stability of foreign governments. Those have been widely publicized, but the shockers were the assassination attempts, which you mentioned. The concern of Republicans was that too much focus on the bad behavior would undermine the credibility of the agencies, particularly the CIA, and weaken us in terms of the Cold War.

The ones against Fidel Castro stood out because of their almost demented insistence and, finally, the use of the Mafia. And that was the hand-grenade that could potentially blow everything up. Everybody wanted to tread around that lightly, but not

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ignore it, because for the Central Intelligence Agency to be making partnerships with senior Mafia figures in America didn't look good at all, from any point of view. There were differences over how to handle this.

The plots began under a Republican president, Dwight Eisenhower, but continued under a Democratic president, John Kennedy. And we tried very hard—as I said before—to find out who authorized the plots themselves, but who particularly was involved in the use of the Mafia. The implications of that got to be very serious, and they became even more serious when the three Mafia figures involved in the Castro plots were brought in to testify, or attempts were made to bring them in to testify.

We were successful twice with a man called John [“Johnny”] Roselli, [born Filippo Sacco]. We and the Pike Committee were seeking to subpoena Sam Giancana, [born Salvatore Giangana], whose lawyer demanded that he have a subpoena, when both of them were killed. So, now you had a really serious situation. You had an attempt to assassinate a foreign leader 90 miles off our shore, under two presidents of both parties. You had the CIA's use of the Mafia in this effort, and it was because the Mafia ran Cuba more or less in the heyday of the casinos and the gambling and everything else, and therefore left behind some key contacts. The CIA gave every evidence of not even knowing—with due respect—street

names in Havana. So, they needed help, and the Mafia was there.^b

Our effort to get information from those three figures led to the death of two of them. These were big senior Mafia figures whose murders were never solved, opened up incredible questions—in my judgment, still unanswered. We don't know who killed Johnny Roselli. He was murdered brutally. We don't know who killed Sam Giancana in the basement of his house. And why were they killed? They were semiretired, men in their mid-to-late 70s, not active, particularly. So, it had to be something to do with our committee.

And finally, the man who knew about this was Allen Dulles, who was a member of the Warren Commission, and he did not tell Chief Justice Earl Warren or any other members of the commission about the Castro plots or the use of the Mafia. You had the official examination of the Kennedy assassination conducted without critical information that may have changed the outcome of the Warren Commission's conclusions.

The CIA at the time had concluded that Castro was not involved in killing Kennedy. Therefore, to send the Warren Commission on a wild goose chase looking after Castro assassination plots could have led to all sorts of conspiracy theories that the agency simply didn't think was warranted. That's why former DCI John McCone (1961–65) told Helms,

a. Robert Kennedy was attorney general (1961–64) under Presidents John Kennedy and Lyndon Johnson.

b. See Thomas Coffey, “Driving the Yanquis Bananas (The Feeling Was Mutual),” *Studies in Intelligence* 55, no. 4, (Extracts, December 2011).

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James J. Angleton, and others to not discuss it with the committee.

Let's look at this through another lens. Why would the Mafia—key figures—collaborate with the CIA, with the US government? Johnny Roselli was under a standing order for exile because of his criminal record. He needed to curry favor. He said to us, "I'm a loyal American. I wanted to help my country." Well, good luck with that. They had an angle. Havana had been their principal source of income in the Western Hemisphere for 30 or 40 years, and it was cut off. The only way they were going to get that back was to get rid of Castro.

So, the Mafia had a reason to collaborate with the CIA. As they saw it, for the US government to get back into Havana after the Cuban missile crisis, the Kennedy administration more or less pulled the plug, not just on assassination attempts but the overthrow of the Castro regime. Suddenly, the Mafia was hanging out there without a chance of getting back into Havana. An awful lot of very, very conservative Americans were as angry as they could be. You had a whole new panoply of people with grievances against President Kennedy.

Do you think the revelations of the use of the Mafia against Castro was the most startling revelation to come out of the committee?

Yes. And it still haunts me years and years later.

You've been quoted as saying that you thought the committee should have spent more time looking into the CIA's use of journalists as sources and for operational coverage. This came in an interview you did with Democracy Now in 2006. Why did that topic interest you so much, and why didn't the committee pursue it as much as you thought it should have?

I was trying desperately to recollect my feelings about that issue. And on a scale of 10, I wouldn't put that issue up at a seven or eight. I'd have it about a three. In trying to go back 40 years now or more—if I had a strong feeling about that—it was because I had friends in those days in journalism, and they knew I was on the committee. I don't think I ever granted an interview, but I would talk to them. And there were efforts made for me to get to tell stories and so forth, which I resisted, I think successfully. But there was a complaint: if this happened or if this did happen in a few cases, it taints our whole profession and no one will talk to us.

They had a legitimate argument. I'm talking about younger reporters, basically, my generation, Bob Woodward and people like that. And it was, "We can't do our job particularly internationally because everybody will think we're working for the CIA, and they won't talk to us." I think I made that argument, and others on the committee did as well. But I'm struggling to raise it on the radar screen of my own mind as to something I was especially exercised about.

Given your academic training in religion, did the revelation that the CIA was using individuals involved in religious organizations either for cover or recruiting them as assets or pretending to be members of those organizations so they could go to places they couldn't normally get to, did that trouble you much at the time?

It did trouble me. Again, it's an issue of degree. And when you say much, I'm trying to quantify something that's not quantifiable. But it would have been a matter of concern. I was thinking back to a previous discussion between pragmatism and idealism. Ideally, none of these things would happen in a perfect world. The CIA or any agency like it would not do things that it was doing.

But why focus so much on the politics of it? It was because my friendship with Director Colby and others led me to believe that many of the excesses, contrary to popular wisdom, didn't emanate from this building but came from the White House or representatives of the White House. If I had one idealistic goal, a desire, it was to liberate the CIA and other agencies from those political pressures. Even as a young man, I was experienced enough to know 100 percent was probably never going to happen.

One of our recommendations was to create a permanent oversight [committee] and to prove by our own conduct that politicians could keep secrets, and therefore get beyond the John Stennis^a generation of "I don't want to know." We had to know. We had to know to protect the CIA. If I had one message to the agency, it would be people like me—and I

a. John Stennis (D-Mississippi, 1947–89).

would think the majority of those on the committee—wanted to protect the CIA, not destroy it. And the only way to do that was to lessen the political pressure to do bad things—overthrow governments, assassinate foreign leaders—and make the CIA and sister agencies responsible to Congress, and not to presidents and the executive branch. That was the central goal.

Today, a lot of people say that if Helms had been running the CIA, it probably would have been destroyed because of his lack of cooperation. Is that your general sense?

Destroyed is perhaps too strong a word. It would have opened warfare in a destructive way that would not have been good for the agency. And the warfare would have been between the agency and presidents who had ordered certain actions by the CIA [one one side] and Congress [on the other]. Keep in mind the timing. This is on the heels of Watergate, where accountability, transparency—the two key words—did not mean everything. All of us believed there had to be secrets.

Nobody wanted reporters—or members of Congress, for that matter—walking the halls of the CIA. But accountability under the Constitution. The Congress is mandated by Article I, Section 8, of the Constitution’s implied powers, to oversee the operations of the executive branch, all of it. It doesn’t say, “except for intelligence.”

Intelligence is really a World War II, post-World War II, and Cold War phenomenon. Did Abraham Lincoln have spies? Yes, of course. He didn’t have a CIA to my knowledge. And, by the way, we’re talking about the CIA, but you had that legacy of

So, Helms had a failed model. I think—to answer a question you haven’t asked—William Colby saved this agency.

[FBI Director] J. Edgar Hoover in all of this, too. To simplify things, the CIA’s role was offshore, by and large, and the FBI’s operations were onshore.

People, I would say, were frightened. The committee knew Americans were frightened of the FBI. And I knew that from contacts with my constituents. Are they listening to my phone calls? Are they opening my mail? All of which happened under previous administrations. In the case of overthrowing foreign governments, there was a deep concern on the part of the intelligentsia in America about should we be doing this, but not the day-to-day citizen concern that you had with the FBI. It was almost two different operations. NSA was kind of out there by itself.

Had Helms’s theory prevailed, I think it would have been very, very dangerous because Congress by that point was not about to take a slap from the director of the CIA who would say, “Keep your nose out of our business.” They weren’t about to. My generation was coming in. We weren’t the old timers. We hadn’t been there 30 or 40 years and made our deals. We had to be accountable post-Watergate to our constituents, and they were demanding action. So, Helms had a failed model. I think—to answer a question you haven’t asked—William Colby saved this agency.

When we look back on Colby’s role in the hearings, he said, “We approached the investigation like a major antitrust action. In those cases, an enormous number of documents



The Church and Pike Committees carried out their hearings as North Vietnamese communist forces overran South Vietnam and forced the US evacuation of Saigon in April 1975. Here on April 28, DCI Colby (left) briefs President Ford and National Security Council members about the situation in Vietnam. Photo courtesy of Gerald R. Ford Library; photographer David Hume Kennerly.

By and large, members of Congress have taken their oversight responsibilities very seriously.

are demanded by the prosecution, meticulously examined, and then three or four specific papers are extracted to prove the case. The only real defense in such actions, I pointed out, was not to fight over the investigator's right to the documents as the courts would almost invariably rule against you, but to come forward with documents and information so as to place in proper context these selected documents and explain that they had another significance besides guilt."

I hadn't thought about it that way, and I wasn't familiar with that quote. I saw Director Colby in a different light, if you will. That he was a man who cared deeply about the agency that he had worked in virtually all of his life and its mission and its importance in the Cold War, who saw a seismic political shift in America, and was calculating almost every day how to accommodate that shift. Sticking with the old system was going to endanger the agency; adjusting to the new realities was the best way to save it. Now, I wouldn't have used his language or perhaps his mind-set, but it worked for him.^a

As I've just said, in my judgment, only Vice President Mondale is left to testify on this.^b And I would urge you to talk to him if you can. Colby was making some serious decisions, and he understood the consequence of those decisions, cooperate or not cooperate, stonewall or adjust. He opted in both cases for the latter, and I think that saved the agency.

In the new regime with oversight, congressional oversight has built protection for the agency. Now, he couldn't have predicted that. He was taking a gamble that politicians would keep their mouths shut, and it paid off. I don't know that there's been one leak of consequence since 1977 in the creation of the oversight committees in the Senate and House. I may be wrong about that because I don't follow it on a day-to-day basis.

But I think, by and large, members of Congress have taken their oversight responsibilities very seriously. There is, by the way, a practical consequence if you don't. If you are fingered giving away important national security information, your constituents are going to string you up. You won't get reelected. So, it's not just idealism. There's a practical consequence here, too. You can't go home saying, "I'm a member of the oversight committee, and let me tell you some really fascinating stuff that I have learned." Goodbye, you go back to law practice.

At the same time that Colby was doing this calculated openness with the committee, he was under a lot of pressure from the White House to clam up. Secretary of State Henry Kissinger was telling him that he shouldn't be doing this. Looking back at the relationship between the committee and the White House, did you find obstructionism or any effort to steer the committee in a different way, any political pressures being exerted on it from the White House?

I did not personally. Now that does not eliminate the possibility that the Ford White House would have used its support from Senators Goldwater, Tower, Baker, and others to send messages to Frank Church, "Don't do that, or there will be consequences." I think if pressure from the administration had occurred, that's the way it would have happened. It wouldn't have happened at my level. It would have been at the top. And it would have been John Tower going to see Frank Church saying, "The president's very, very concerned. If you do this, the consequences could be very dire, and we don't want that to happen." And I think that's the circuit that would have been used.

Getting to the reports that the committee produced, which were you most involved in?

The Kennedy assassination report. Senator Richard Schweiker of Pennsylvania^c and I were the two most exercised about the Mafia's role in all this and wanted to dig deeper. By and large, other members of the committee—I think—wanted it to go away. The two of us were concerned enough that they had to pursue it. And that was my direct involvement. On the major part of the report that had to do with recommendations, I think all of us were involved in some degree because that was really what our purpose was. It wasn't solely to protect the agency. It was not to attack the agency. It was to set up a new system of accountability and relative transparency, and protect the CIA and other agencies at the same time.

a. See Harold P. Ford, "An Honorable Man: William Colby: Retrospect," *Studies in Intelligence* 40, no. 1 (1996).

b. At the time of this interview, Vice President Mondale was still living. He died April 19, 2021. A Democrat, Mondale served as vice president (1977–81) and represented Minnesota in the US Senate (1959–76).

c. Richard Schweiker (R-Pennsylvania, House of Representatives [1961–69], Senate [1969–81]).

The principal recommendation was congressional oversight and a presidential finding or memorandum of reasons for almost any serious covert operation. Up to that point, it was all off the record. We wanted a record. The findings were put in safes. And as we know, [with the] Iran-Contra [scandal] it wasn't one of those findings that unhinged part of the Reagan administration. And a whole series of other things that I think that took us out of the early-Cold War model and put us into a late-Cold War model. And as I've already said several times, I think preserved the agency. An equal if not stronger recommendation had to do with the FBI and what it should and shouldn't be doing with people's mail, with their phone calls, and so forth, that took them out of the Hoover era and put them in the post-Hoover era of citizen surveillance.

I think also back to the international operations, admonitions against the use of journalists and clergy and cutouts of various kinds. I don't know that we absolutely prohibited them. I'd have to go back and look, but at least we admonished the CIA to be very, very careful about compromising whole sections of society by using them [as cover] in their operations.

In looking at the committee's coverage of covert actions, the point of the inquiry was to look at what were perceived as excesses and abuses. However, because the US government had not acknowledged any other covert actions besides those to date, it gave a distorted view of what covert action was. Would it have been better if the committee had done a more

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comprehensive look at covert action, or did it just not have the time to do so?

It was a question of time. There were so many things we could have done, but the resolution that established the select committee. . . . This is very rare. Select committees—at least in the Senate, I don't know about the House—are rare creatures. And by and large, the Senate doesn't like them because anything that came up, you could create a select committee, and it could undermine and cut across the standing committees. It had a 24-month life, and we couldn't go beyond that. We could go back to the Senate and seek more time, [but] probably would have been rejected.

We did as much as we could in the time we had. We could have been more discriminating in terms of covert operations. Yes. And I would say 40 some years later, I think there's language suggesting that not everything the CIA does covertly is bad. That may or may not be true. I just can't remember. But I certainly know the mentality of the members of the committee was not to prohibit everything. The CIA couldn't do its job. The kinds of operations that you're talking about really below the radar that do not directly compromise the principles of the Constitution and our democracy would almost certainly go forward. We didn't want to have a blanket prohibition against those. It would be impractical.

At the same time that the Church Committee is doing its work, you have the Pike Committee in the other chamber. Were you watching

and taking cues from what the Pike Committee was doing or the way it was handling its relations, for example, with the White House, with the press?

I only paid attention to what they were doing through two channels: the popular press to the degree they were publicizing Pike Committee activities and scuttlebutt between staffs and members and comparing notes, ad hoc, in the hallway and things like that. I had personally no structured system of monitoring Pike Committee activities. I'm sure at the leadership level, the chairman level, there was very, very close cooperation and notes being shared and experiences and so forth. And to my knowledge, there were few, if any, conflicts that I was aware of in terms of operations.

You said in a previous interview that you thought the establishment of the FISA court was one of the major accomplishments of the committee.^a What went into the conceptualization of that institution? Has it done what you hoped it would?

We deliberated whether if we insisted that court orders were necessary for intercepts—particularly electronic intercepts—could the government go to any federal judge in the system and get an order, which would have been chaos because you can't have a full background investigation of however many federal judges there are in America. That then led to an obvious conclusion that it has to be a defined number of judges who have the authority to hear classified cases, appeals, before ruling on the intercept

a. The Foreign Intelligence Surveillance Act (FISA) court was established October 25, 1978.

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or surveillance or whatever it was. That's what eventually happened; we adopted a special system.

I'm sure there was contact with the chief justice and others in the federal district courts in Washington about how this might operate structurally, how judges would be selected, how many were needed, and all the operational questions. But if you wanted a judicial warrant for surveillance under the Constitution, you had to have a system of the third branch of government, and that's what eventuated. I think with very few exceptions, it's worked pretty well.

FISA judgments have occasionally been accused of being rubberstamps because of the high percentage of filings that the court approves. The contrary argument to that is you only bring your best cases there; the government has done the triage already. Is that your perception?

Yes, very much the latter. I don't think there's been wholesale surveillance applications for judicial warrants to my knowledge. I haven't followed it closely. I know there are critics of the system who make the rubberstamp argument, but I think, by and large, the system has worked pretty well with very, very few exceptions.

Another suggestion was eventually realized in 1982 with the Intelligence

Identities Protection Act to prevent unauthorized disclosures of operatives' names, such as Richard Welch,^a and disclosures by Philip Agee. Were you satisfied overall with how Congress and the executive branch carried out the recommendations of the committee?

Overall, yes. And as I've said repeatedly, I think it helped save the CIA we have today, which would have been much, much different—and I think much weaker—without those protections. The protections weren't totally to harness the CIA and prevent it from doing bad things. They were to protect the agency—in my judgment at least, and I think that of the majority on the committee—from politicization. That is to say use by various administrations of both parties to achieve what was perceived to be a political objective and not an intelligence objective. And that was, of course, the covert side.

Everybody believed the agency should be out collecting information and analyzing it. And that the more various politicians wanted the agency to achieve political objectives, the more it detracted from or distracted from the intelligence collection and analysis and that you were draining away resources to carry out quasi-military operations. Now, there have been very famous ones, Usama bin Ladin and others, where CIA personnel operated in a quasi-military

capacity. That still needs to be very carefully examined.

I haven't had access, obviously, for decades into how CIA personnel and US special operations forces work together. And why do you need a CIA paramilitary force: that concerns me a bit. We've got special operations forces. Why do CIA personnel have to suit up in that capacity? I'm sure there's strong arguments for it. I don't know what they are.

How has your perception of CIA changed over the years? I know you're dealing principally with, of course, open-source material, but a lot of that is pretty revelatory.

This may sound like pandering, but it's genuine. My respect for the agency has increased. And I know a number of retired agency officers I've kept in touch with on the occasions I come to Washington, which is less frequent these days. I won't comment on why. But I do keep in touch. If something happens and I want an intelligence aspect on that, I will contact one of those friends and we exchange observations.

The view I had as a 37-year-old hasn't changed all that much. It's a very, very important institution of government, if it operates within constitutional bounds and does not violate our principles and our values. It's imperative that we have this capability, and I haven't changed on that a bit.



a. Richard Welch was the CIA chief of station in Greece. After the anti-CIA publication *Counterspy* revealed his affiliation, Welch was gunned down outside his Athens residence on December 23, 1975.