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AGENCY FILE NUMBER : 07-M-39

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NATIONAL SECURITY INFORMATION

Unauthorized Disclosure Subject  
to Criminal Sanctions

Vol. 2 OF 3

The United States Senate **R2873**

Report of Proceedings

Hearing held before

Senate Select Committee to Study Governmental  
Operations With Respect to Intelligence Activities

Thursday, March 25, 1976

Washington, D. C.

(Stenotype Tape and Waste turned over  
to the Committee for destruction)

**WARD & PAUL**  
410 FIRST STREET, S. E.  
WASHINGTON, D. C. 20003

(202) 544-6000

**TOP SECRET**

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## COMMITTEE MEETING

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Thursday, March 25, 1976  
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United States Senate,  
Select Committee to Study Governmental  
Operations with Respect to  
Intelligence Activities,  
Washington, D. C.

The Committee met, pursuant to notice, at 2:43 o'clock  
p.m., in Room S-407, the Capitol, the Honorable Frank Church  
(Chairman) presiding.

Present: Senators Church (presiding), Mondale, Huddleston,  
Hart of Michigan, Morgan, Hart of Colorado, Tower, Mathias,  
Baker and Schweiker.

Also present: William G. Miller, Staff Director; Frederick  
A. O. Scwarz, Jr., Chief Counsel; and Charles Kirbow,  
Elizabeth Culbreath, Michael Madican, Charles Lombard, William  
Bader, Ted Rolson, Burt Wides, Walter Ricks, Rick Inderfurth,  
John Bayly, David Aaron, Elliot Maxwell, Joseph Dennin,  
Margaret Carpenter, Martha Talley, Paul Wallach and Jim  
Johnston, Professional Staff Members.

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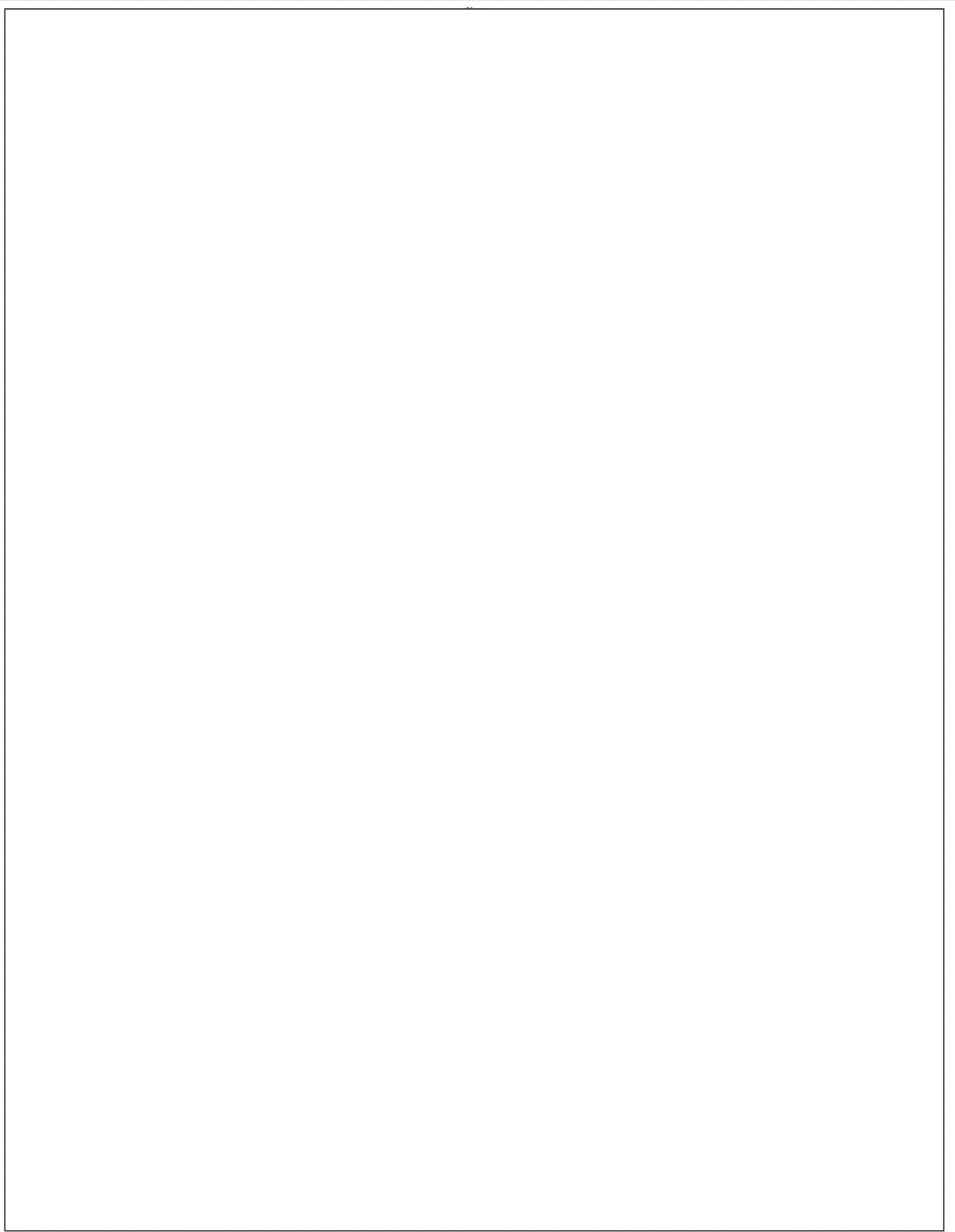
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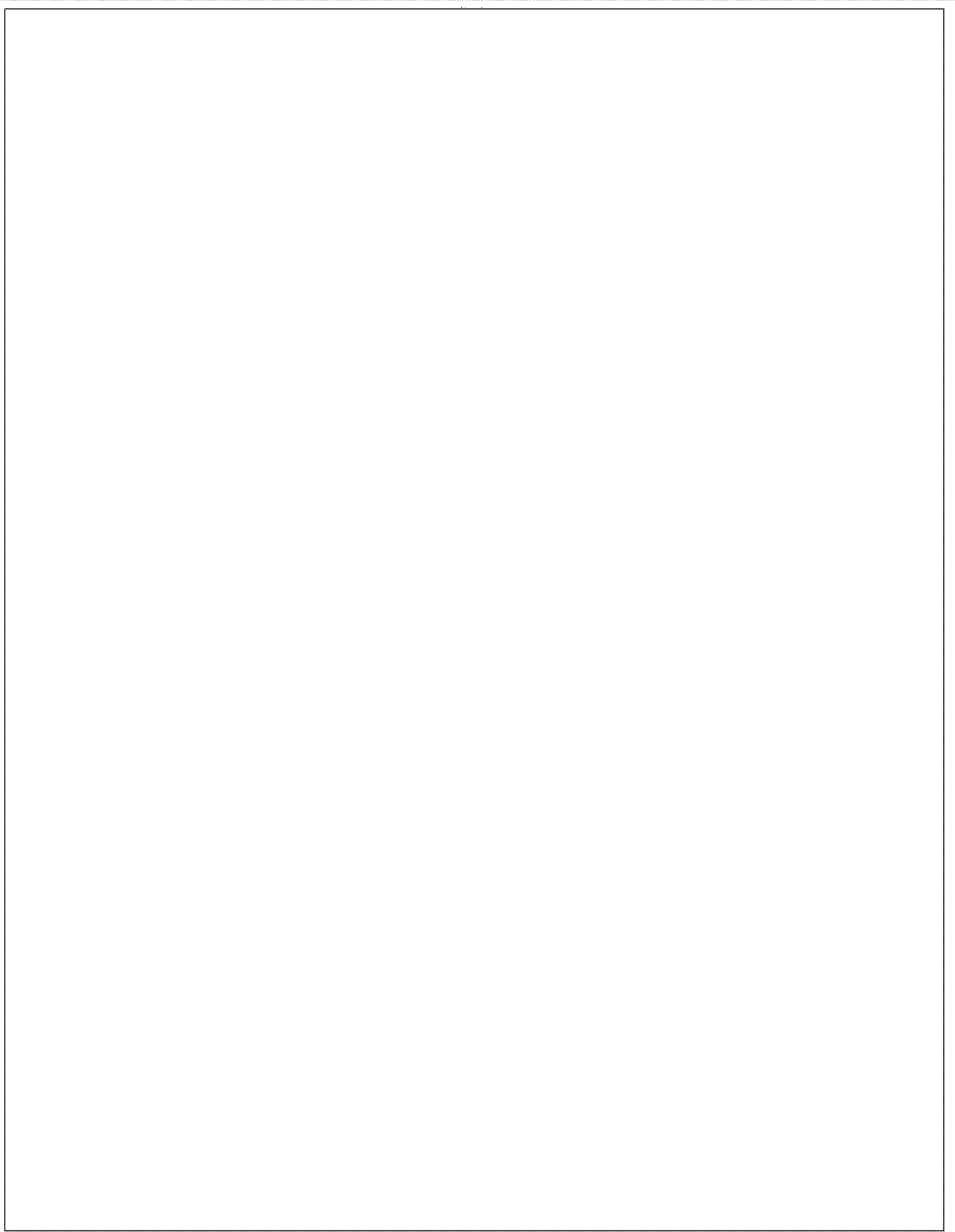
P R O C E E D I N G S

The Chairman. We will soon have a quorum. Why don't we begin with the Recommendation No. 43 on page 77, having to do

My understanding is that this recommendation has been redrafted along the lines of the Committee's recommendations, and









1 All right. Without objection, then, that will be the  
2 decision of the Committee.

3 What else do you have?

4 Mr. Aaron. We have two other recommendations.

5 Senator Hart of Colorado. Mr. Chairman, could I be recorded  
6 in opposition to this?

7 The Chairman. Yes, Senator Hart of Colorado is recorded  
8 as in opposition.

9 Mr. Madigan. Senator, there is a proxy in opposition as  
10 well.

11 The Chairman. Senator Baker wants to be recorded in  
12 opposition as well.

13 Senator Mathias. I would, I think Senator Goldwater had  
14 a very strong proxy that I read into the record on this subject  
15 at the last meeting.

16 Mr. Kirbow. Against restricting any use

17 Senator Mathias. I don't have a proxy with him today, but  
18 I feel his position ought to be noted.

19 The Chairman. Very well, then, with those particular  
20 reservations made part of the record, the Committee will  
21 approve the amended Recommendation No. 43.

22 We move then to Recommendation 45 on page 78.

23 Mr. Aaron. We attempted to redraft this along the lines  
24 as we were instructed, I believe.

25 As it came out, it would prohibit the subsidy of any

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Now, that may be too restrictive and go beyond what the Committee intended, and so therefore we wanted to raise this here, to get a better understanding of what we were attempting to accomplish.

As I understand it, what we were -- it was not clear, but it is possible that what the Committee had in mind was that



Wouldn't that take care of it?

Mr. Aaron. If that is what the Committee intends, that

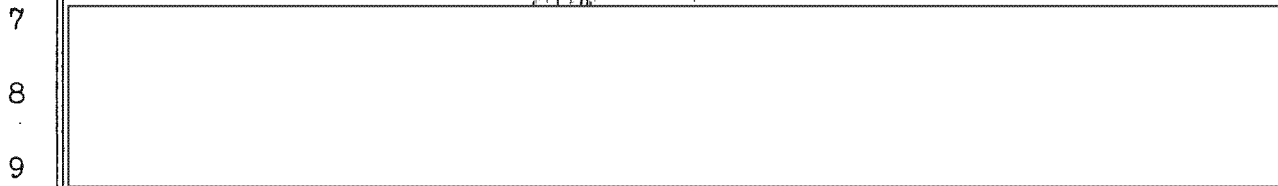
1 would take care of it.

2 Senator Mondale. Publicly attributed.

3 Mr. Aaron. Publicly.

4 Senator Huddleston. That is getting at what really we  
5 are trying to do.

6 The Chairman. How about the balance of 45, "nor should

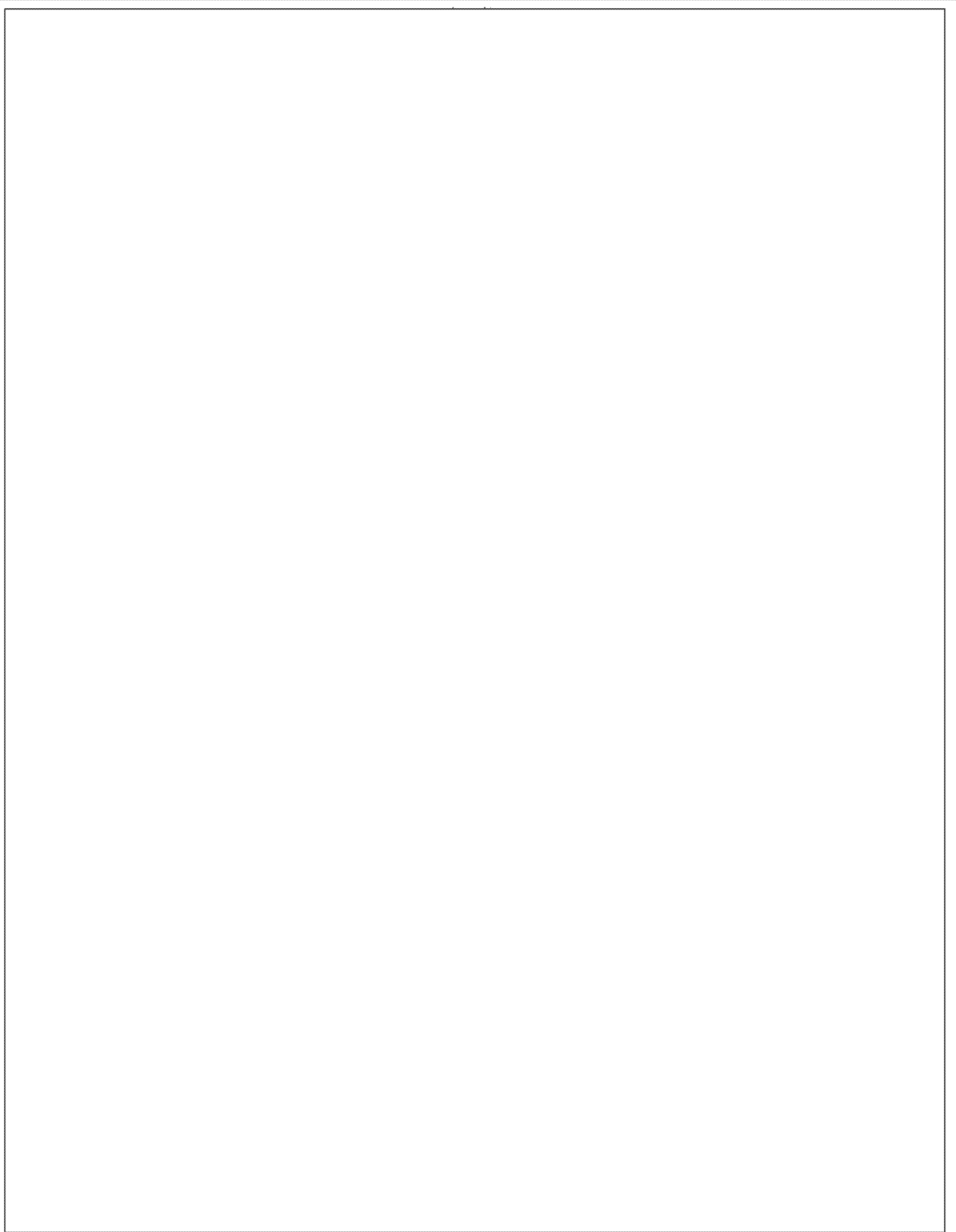


10 Well, I think that follows and should be a part of it.

11 Very well.

12 Senator Mathias. Mr. Chairman, I wonder, while we are in  
13 this area, if you could refresh my recollection, whether  
14 "grantees" in No. 44 applies to both foreign and American  
15 grantees.

16 Mr. Bader. Yes, it would, Senator, under this language,  
17 because the Fulbright program or the -- such government-sponsored  
18 programs to include, too, include foreigners. As I understood  
19 it from the discussion of the Committee, the intent here was  
20 to ensure that public funds that were publicly devoted to  
21 a specific purpose were so spent and that was the issue that  
22 was involved here, was the appropriated funds for educational  
23 programs be kept to educational programs and not to be used  
24 operationally. But the language here would certainly include  
25 foreigners.



1 way we have recommended the change in 45, without objection  
2 the Committee approves it.

3 Let us go, then, to the next subject, the structural  
4 changes, the role of the DCI on page 61.

5 Mr. Aaron. I'm sorry, Mr. Chairman. We have one other  
6 question, that would be Recommendation 47. The Committee  
7 agreed to extend --

8 Mr. Kirbow. Excuse me, Mr. Aaron. Senator Mathias's  
9 question was on recommendation 44.

10 The Chairman. Were you satisfied with the answer?

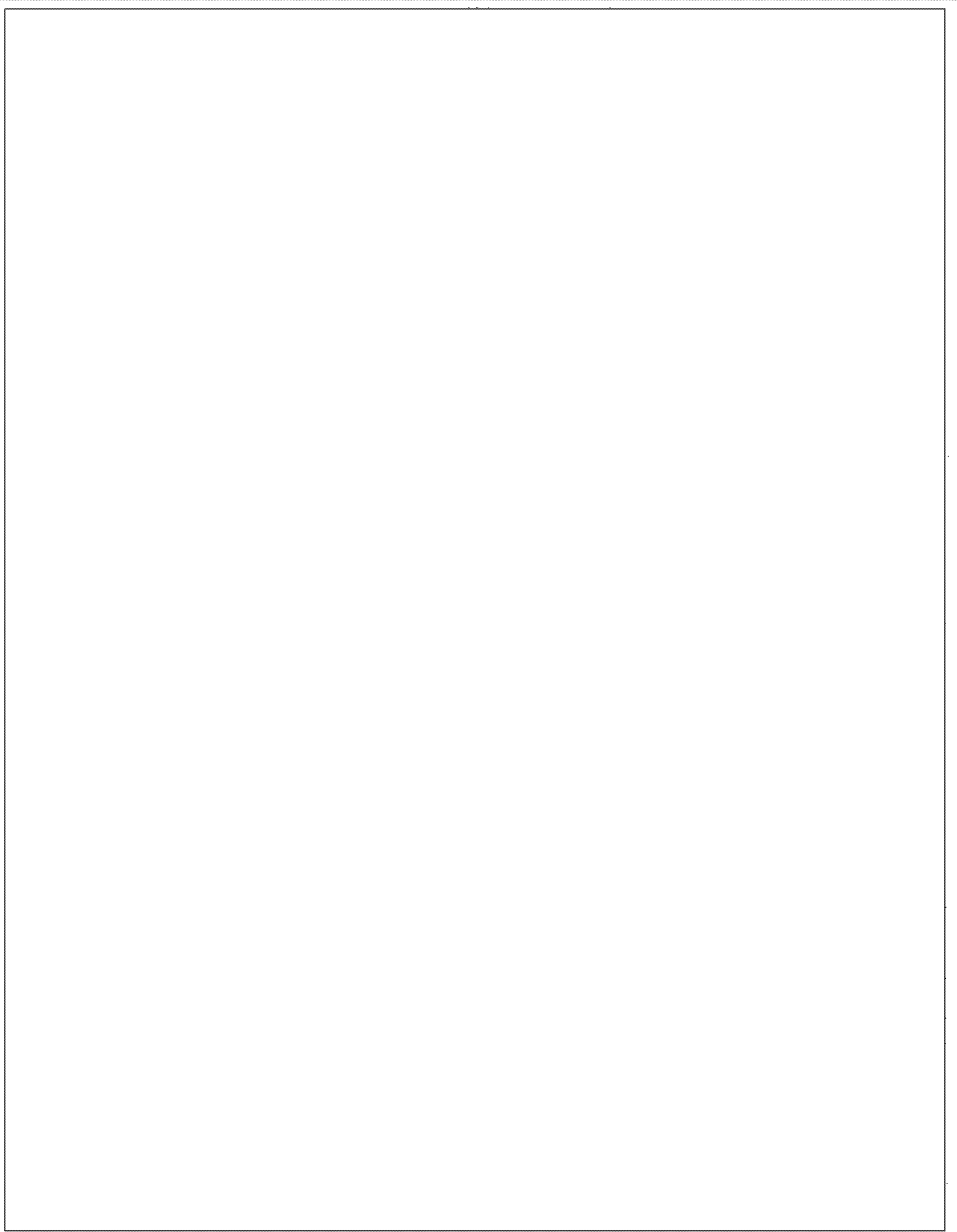
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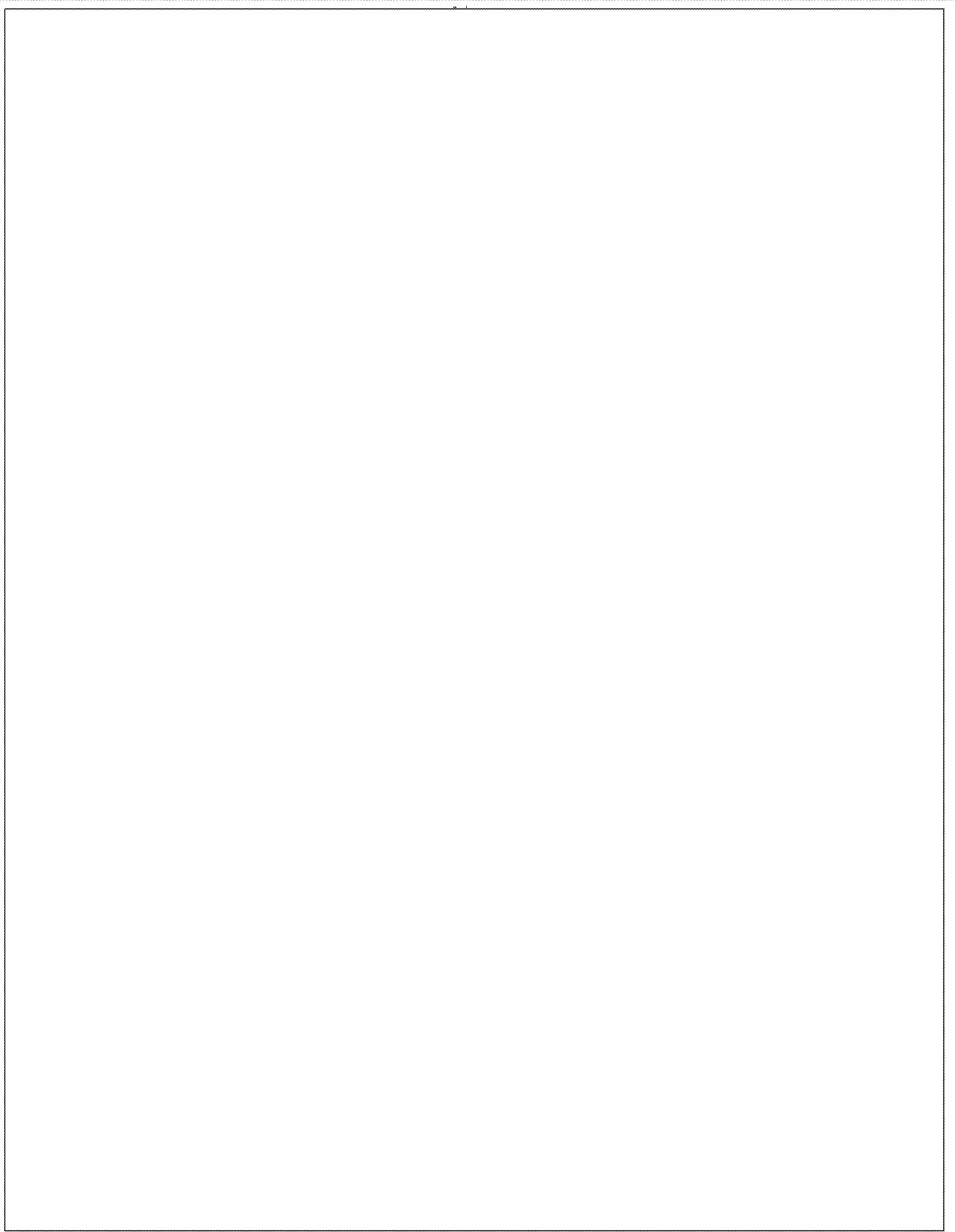
20 Mr. Aaron. I think this goes to the grantee as opposed  
21 to the institution.

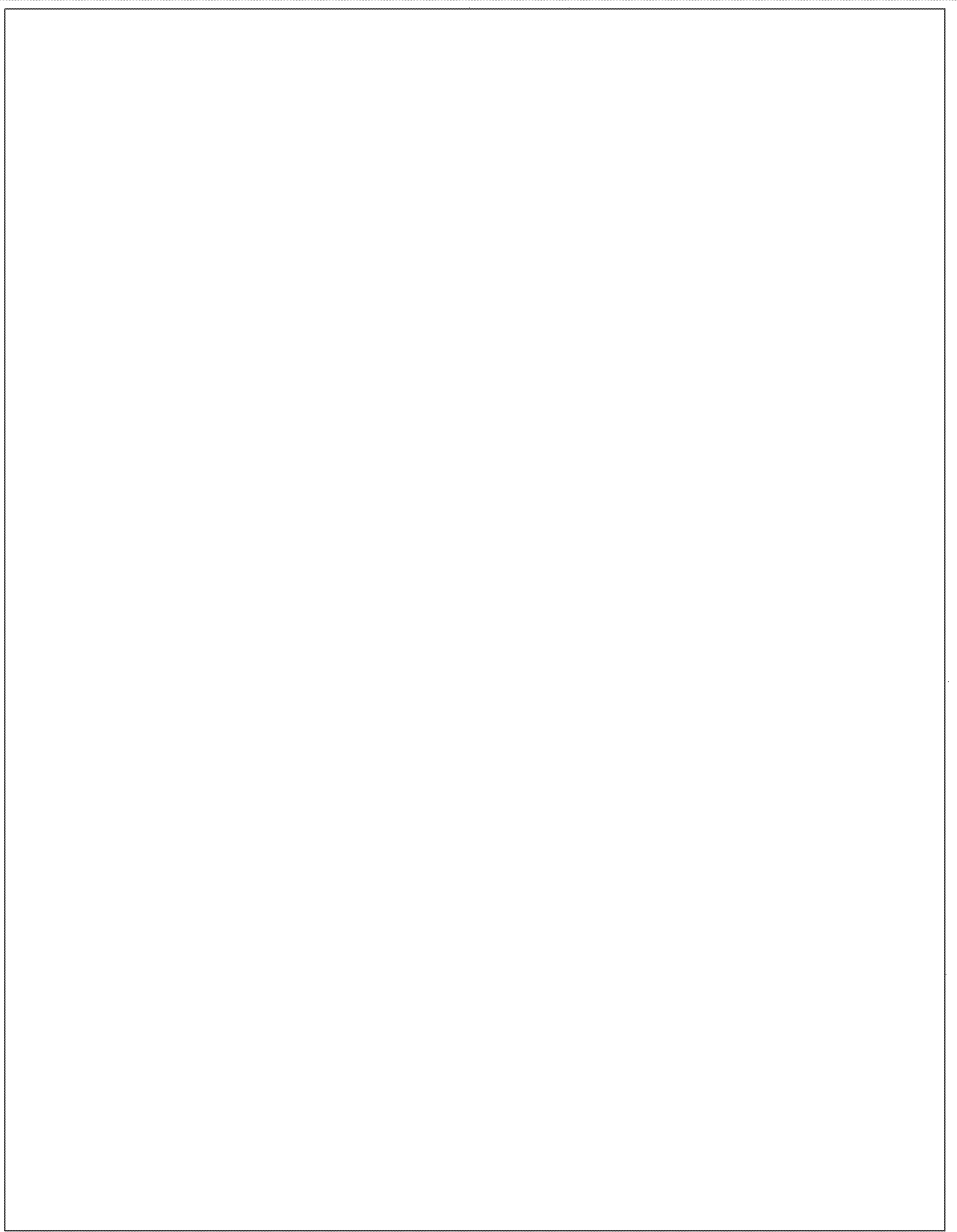
22 Now, if it is true --

23 The Chairman. It is the grantee that is receiving  
24 funds.

25 Mr. Aaron. If you have a grantee receiving funds from



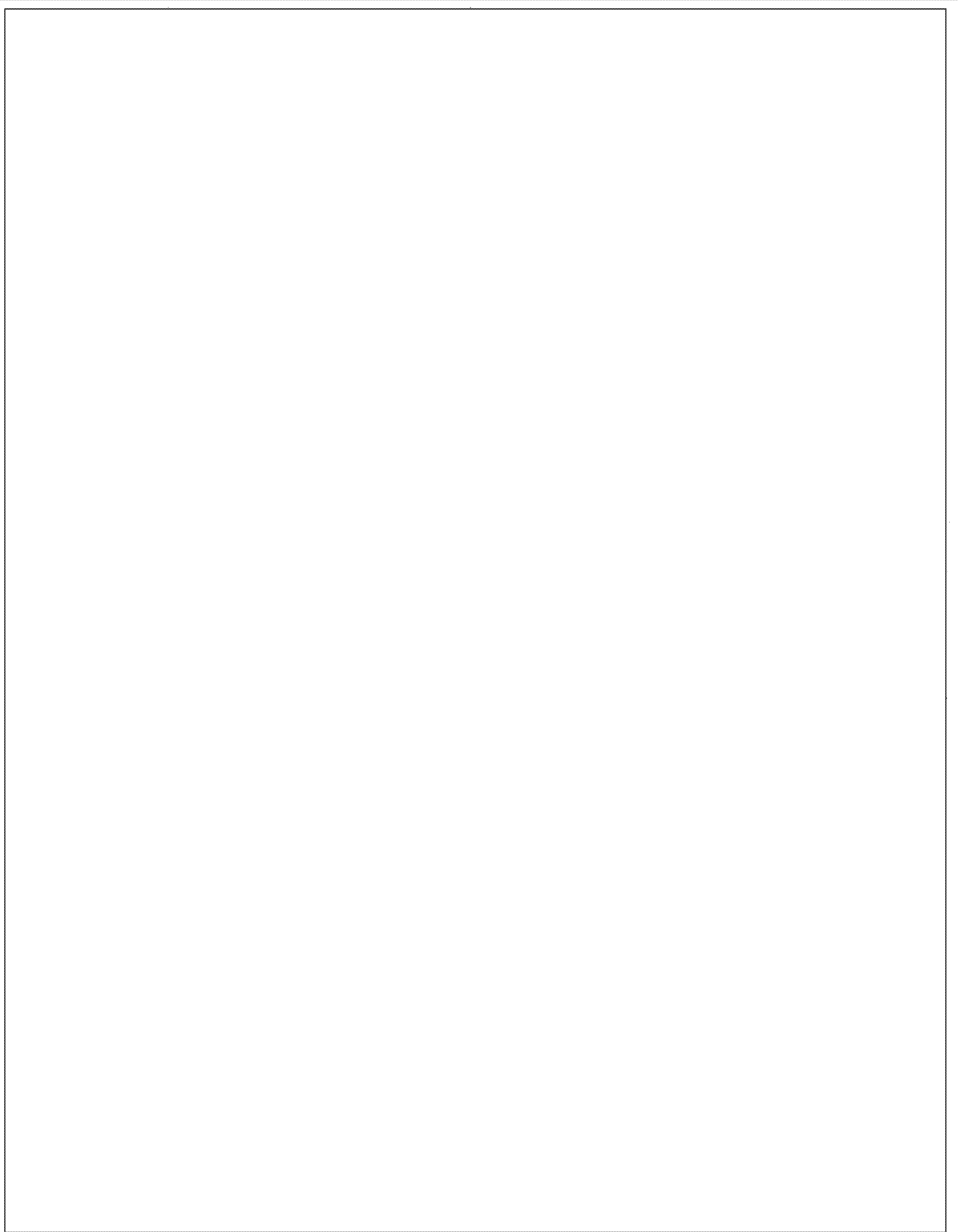






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1 The Chairman. Which part do you have?  
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9 I will write a vigorous dissent on that.

10 Senator Morgan. May I make a comment on that?

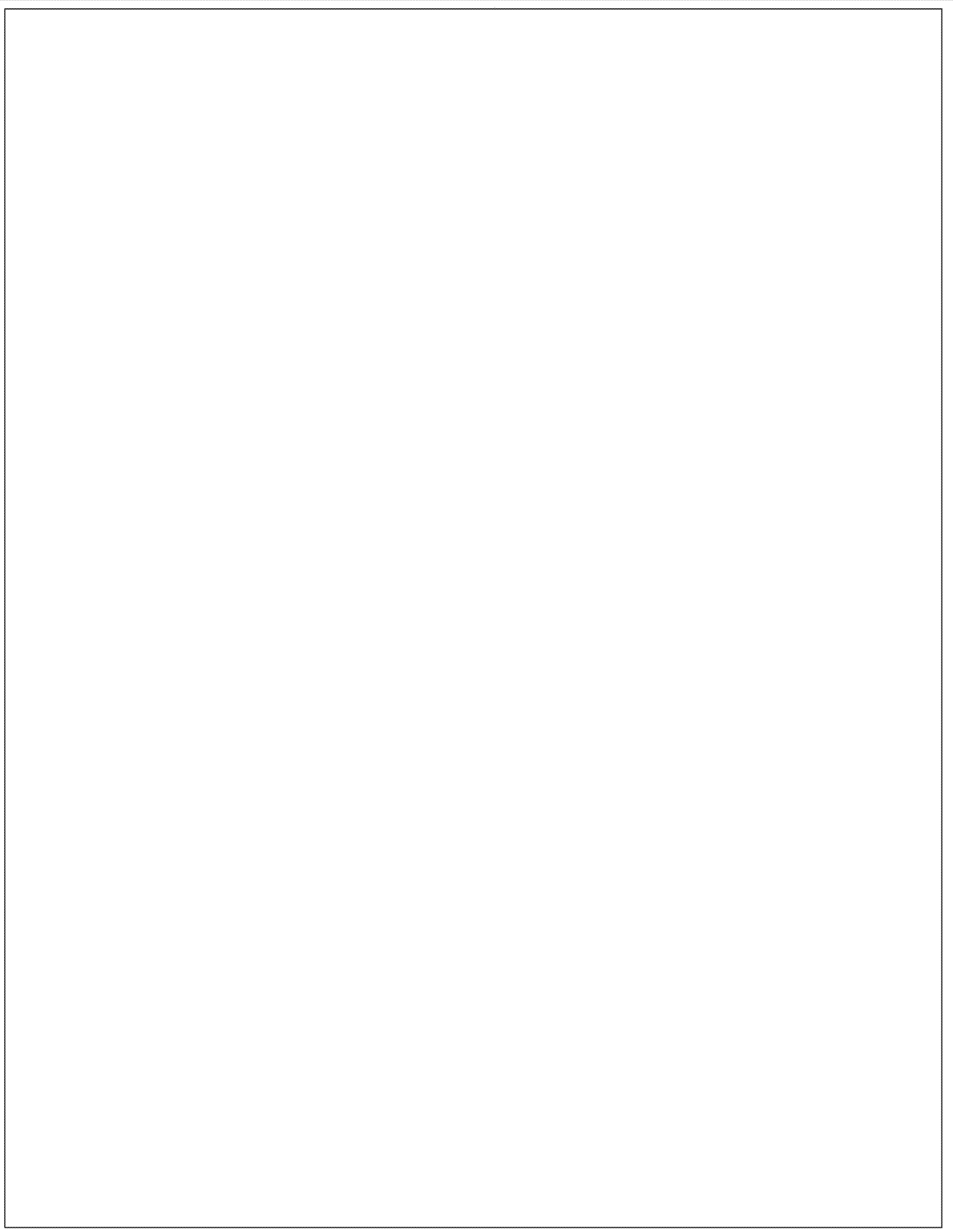
11 I'm inclined to agree, and I'm also inclined to agree  
12 that we are going so far in our foreign intelligence that  
13 we are endangering the whole report, so you make that kind of  
14 an argument on the floor of the Senate on this and on two or  
15 three other things. I'm not picking at any of them. I am  
16 just sort of accepting the recommendations of the Subcommittee,  
17 but my reaction has been that maybe we are getting a little  
18 bit so far afield that we may endanger the acceptance of our  
19 whole report.

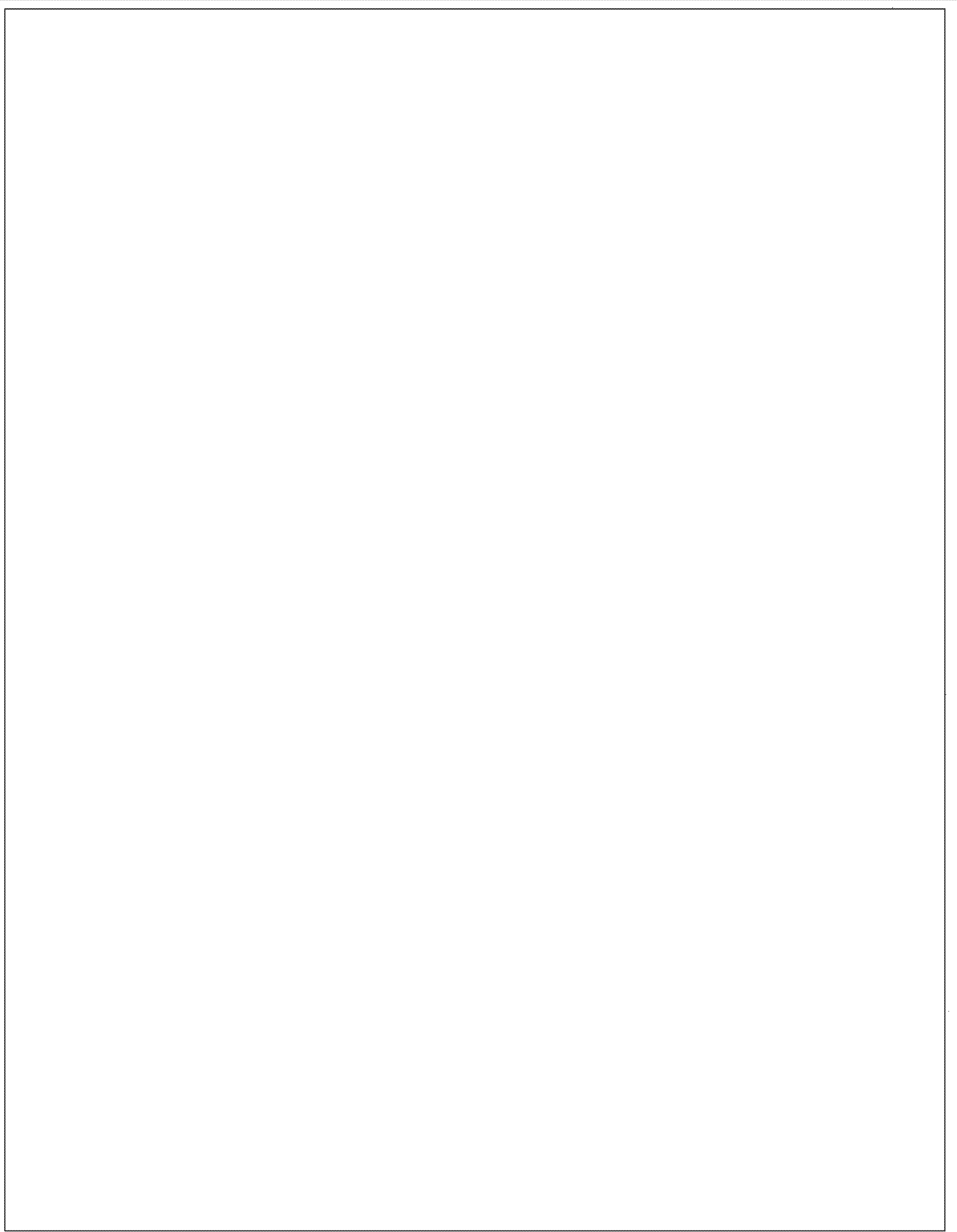
20 The Chairman. Senator Huddleston?

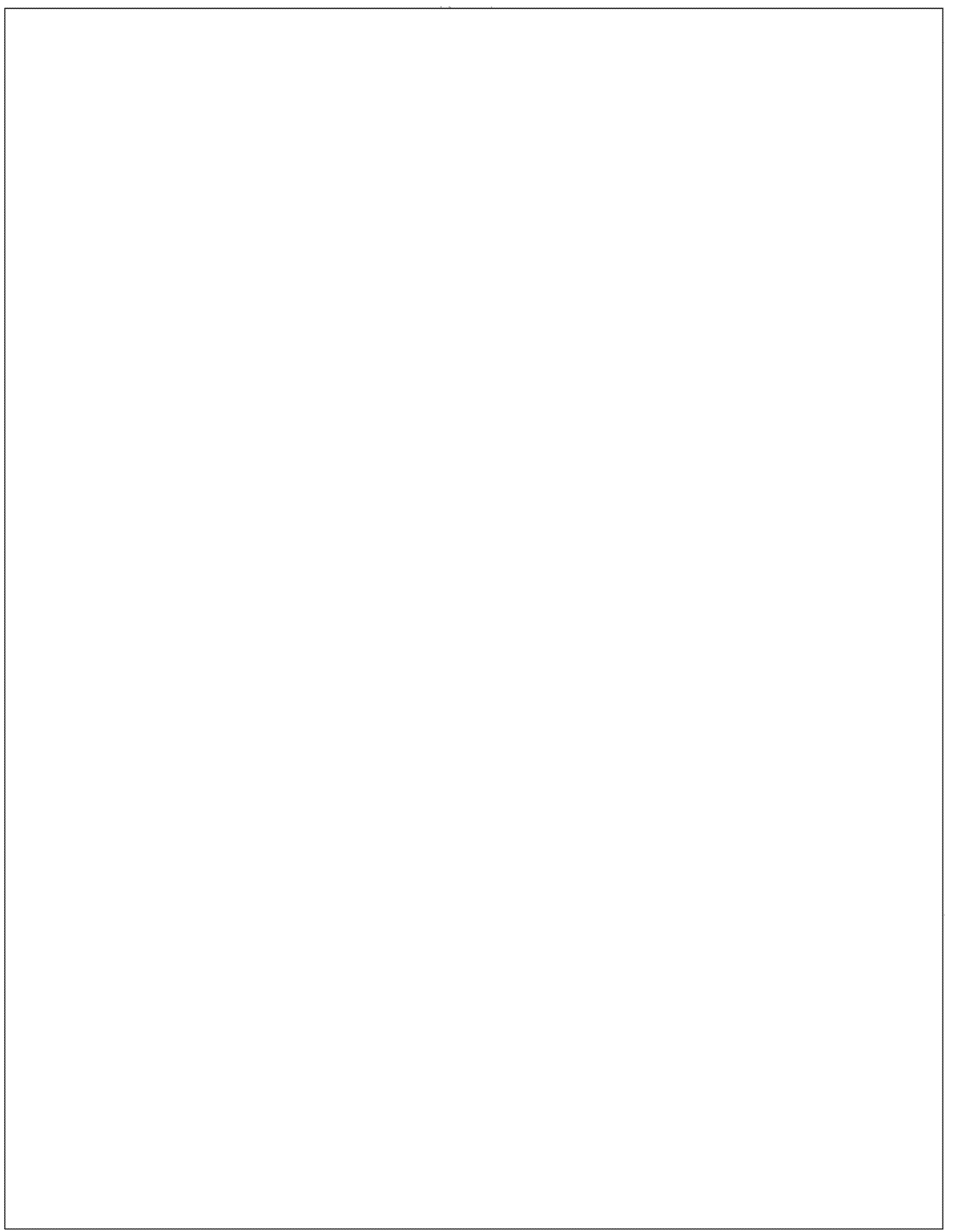
21 Senator Huddleston. I would just say this, that the  
22 Subcommittee has been cognizant of that situation. I think it is  
23 because of that that some of these recommendations are already  
24 softer than some of us thought would be appropriate, and this  
25 is one of the fields. There was a considerable amount of support

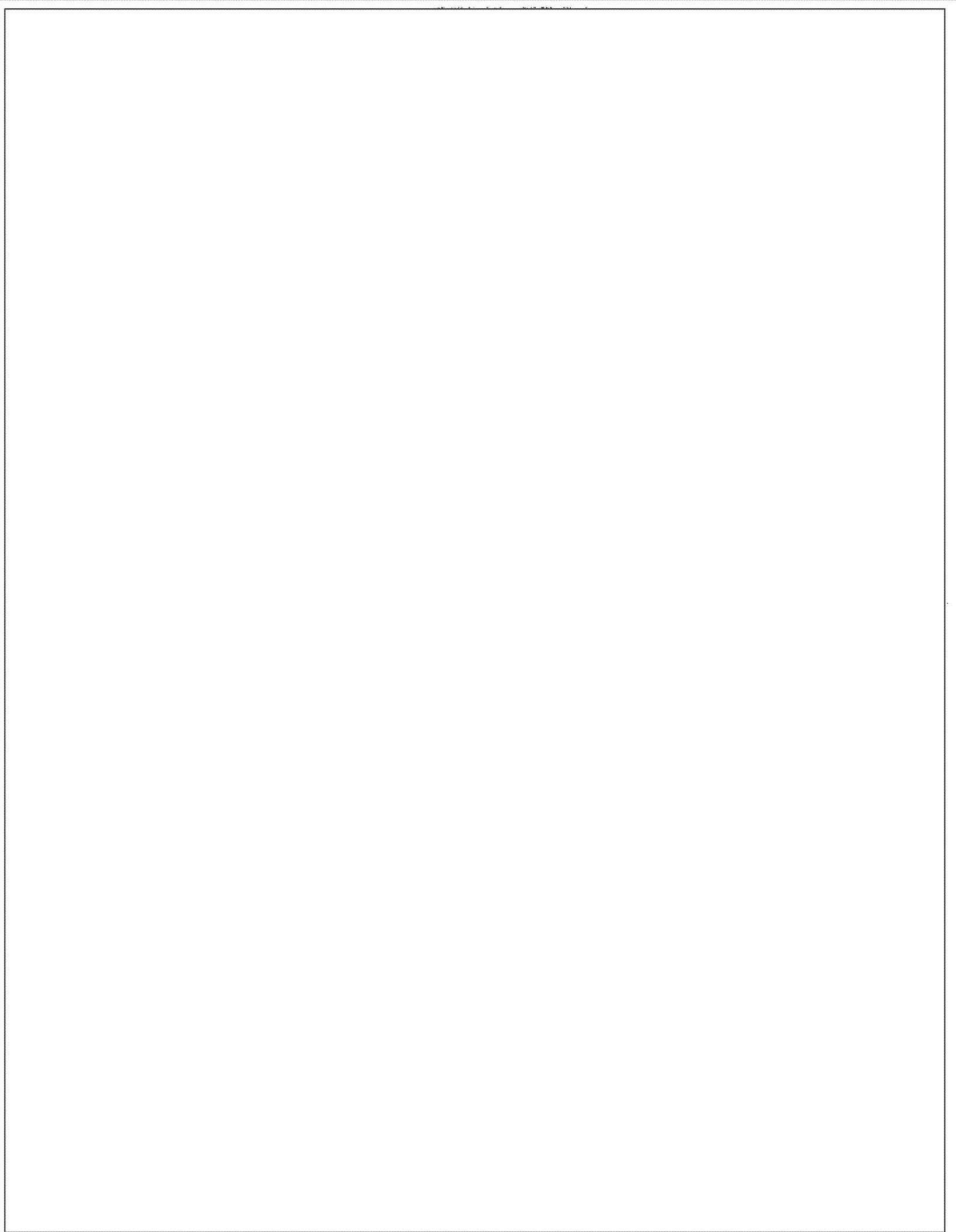
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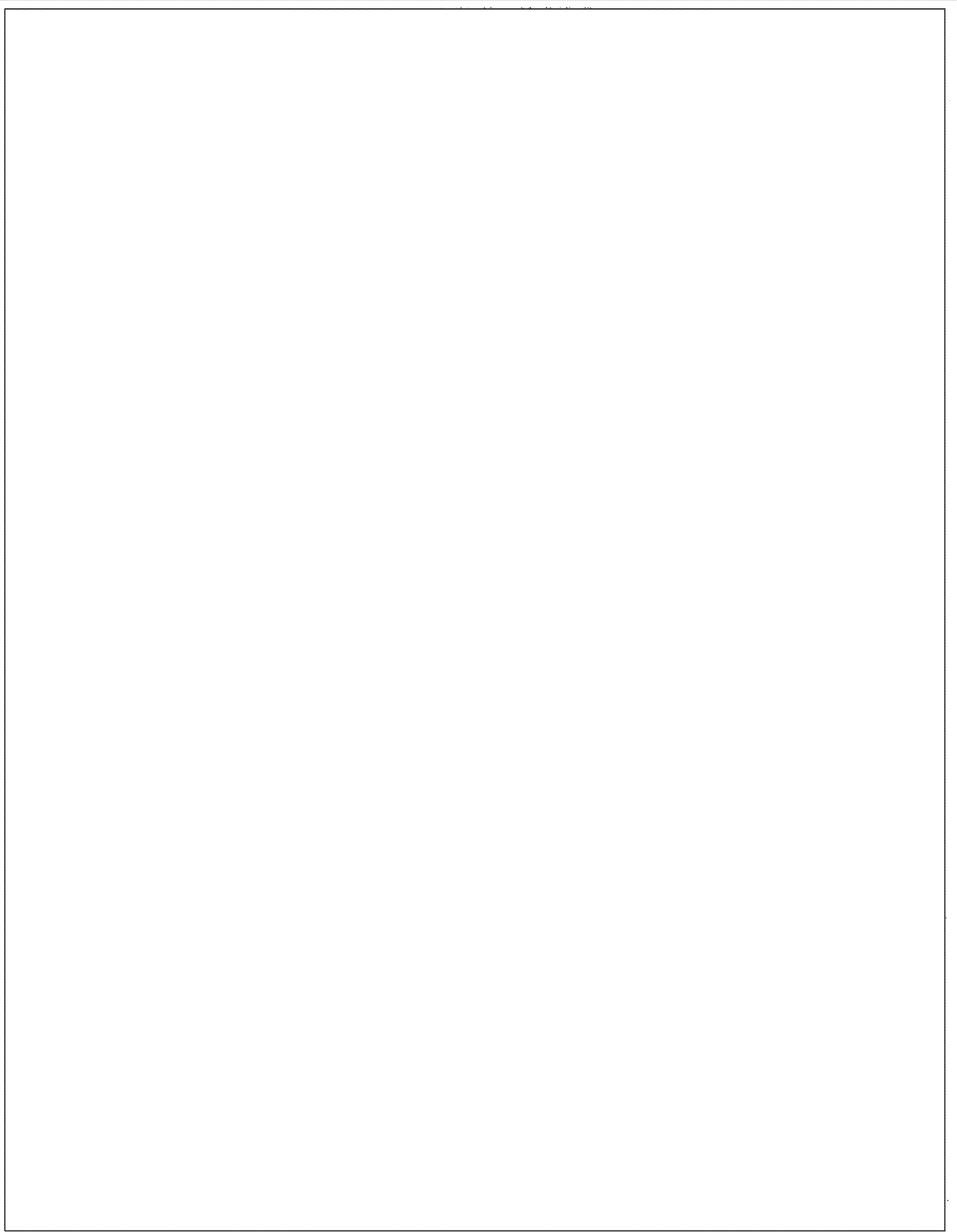
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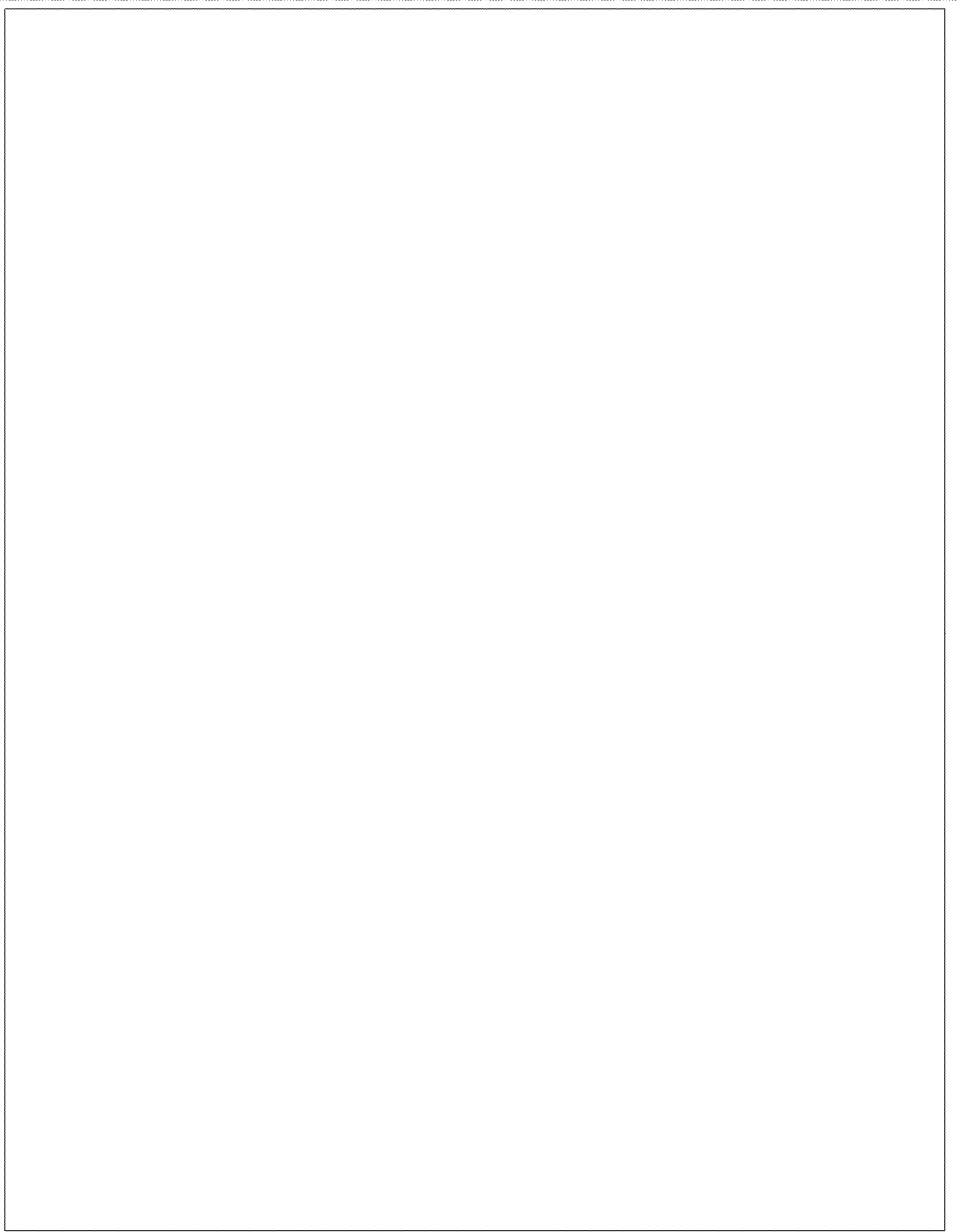


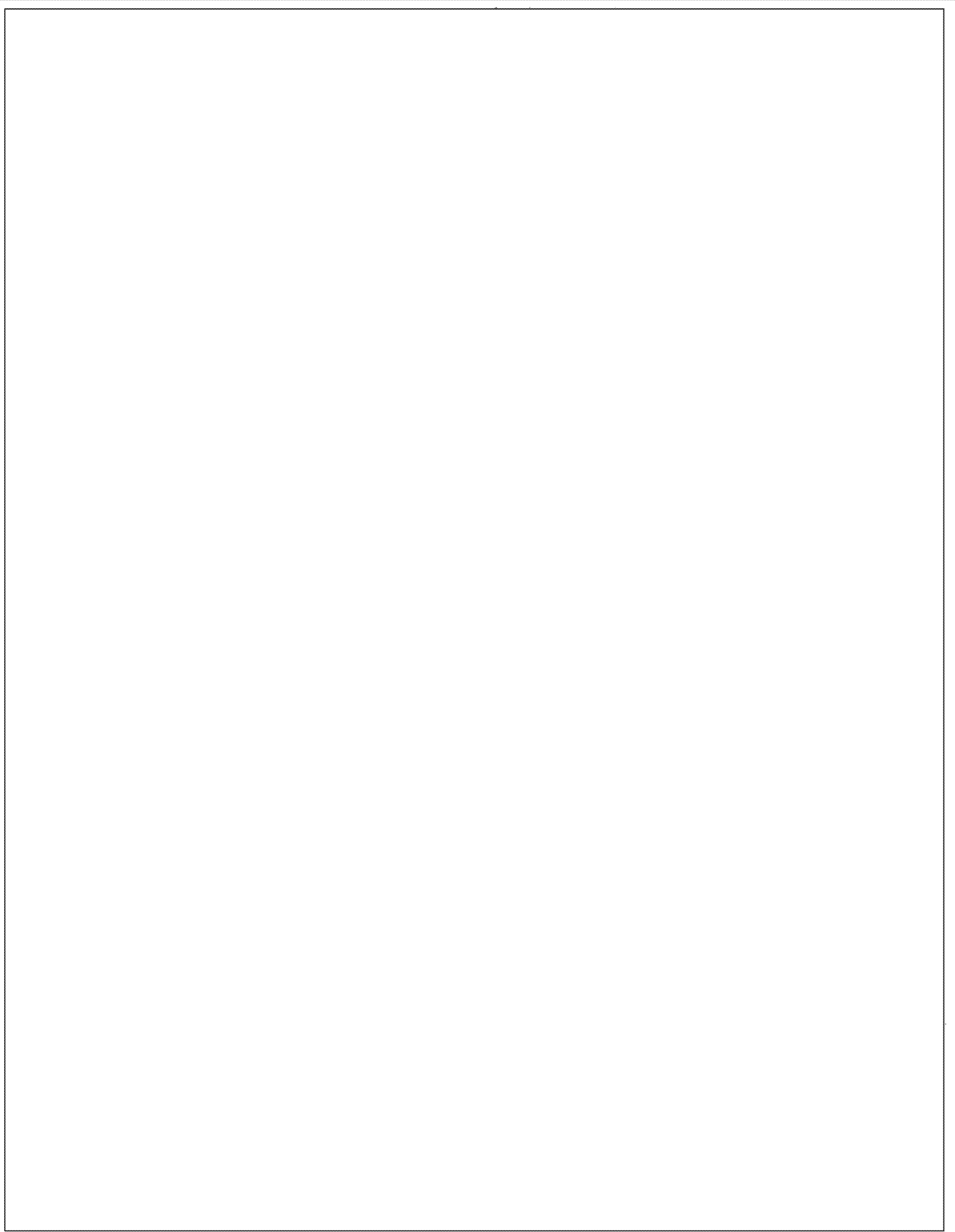


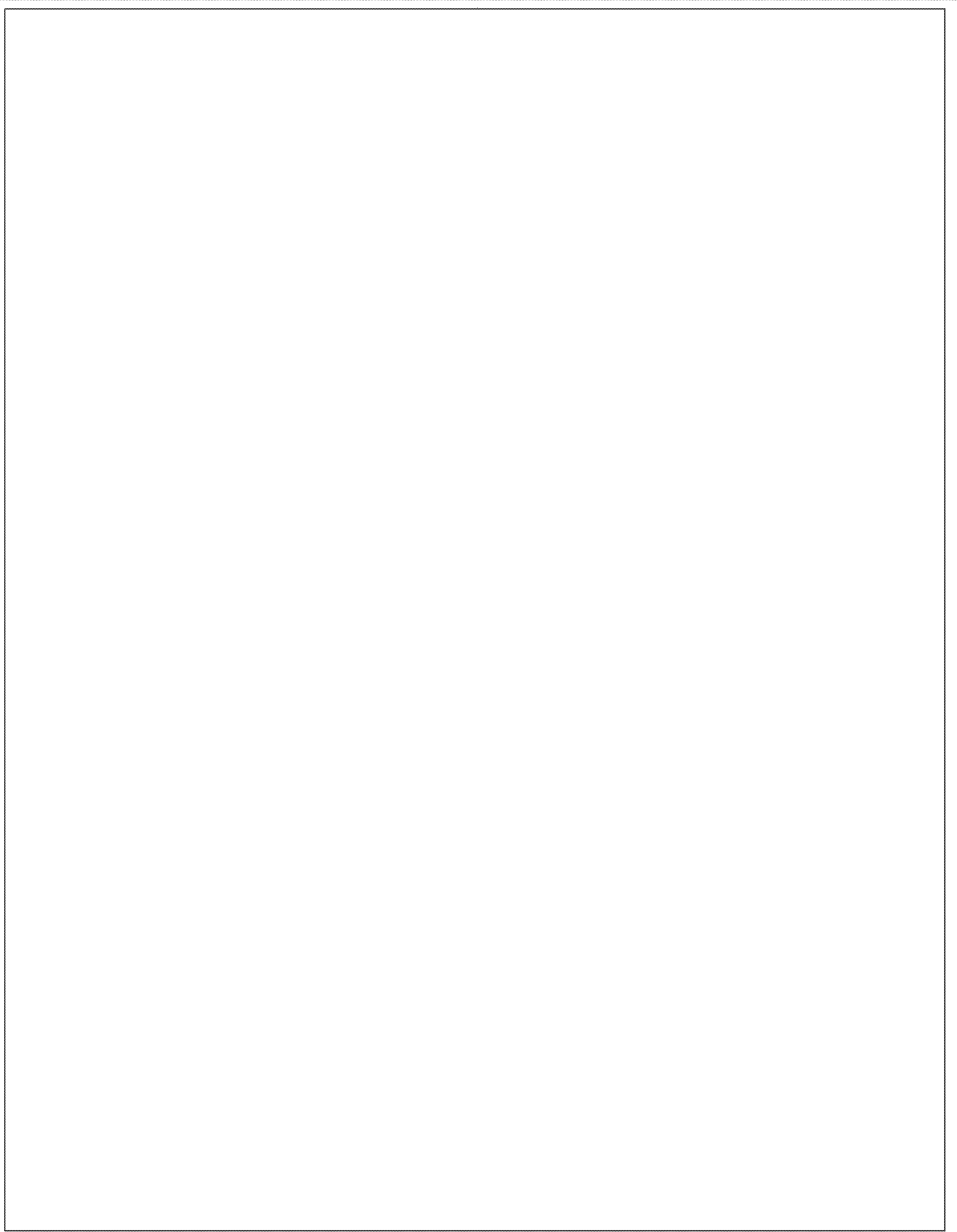


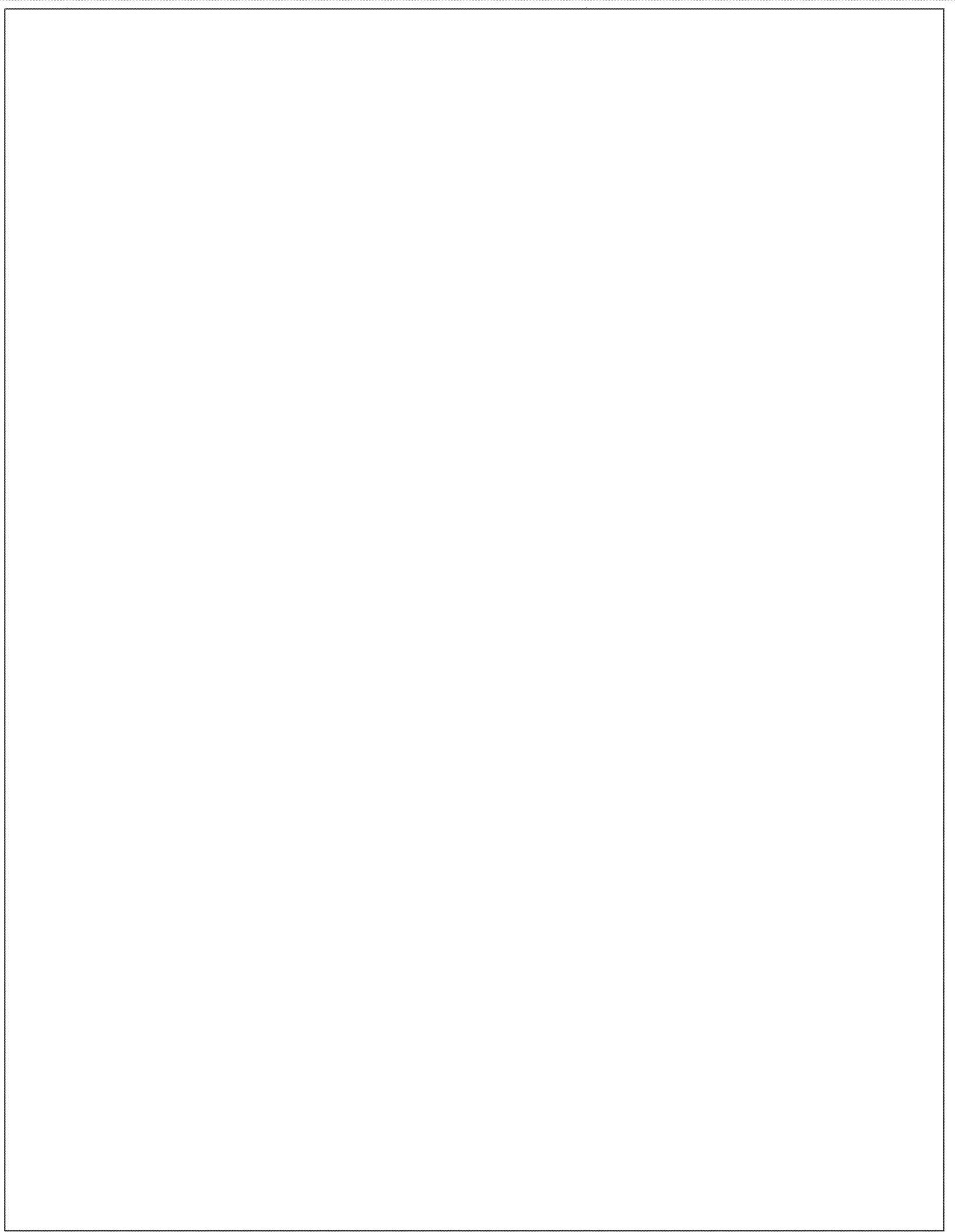














13 The Chairman. Well, then, --

14 Senator Hart of Michigan. That must be the result of a  
15 conclusion that either they were not beneficial or they didn't  
16 want to poison the program.

17 Why doesn't that reasoning apply to these others?

18 The Chairman. Well, I think it does, but we might as  
19 well come to a vote on it and decide whether we want to keep  
20 it or strike it.

21 Senator Huddleston. Well, to bring it to a vote, Mr.  
22 Chairman, I would move that Paragraph 44 --

23 Senator Baker. Mr. Chairman, I would just kind of make  
24 one inquiry, I believe, and I already know the answer to it,  
25 that even though we are voting on this section, I believe the

1 arrangement we had previously, that is to say, that none of  
2 this is final, and certainly not until we hear the comments  
3 of the Agency.

4 Is that still observed?

5 The Chairman. Yes, that is still the situation. Nothing  
6 becomes final until the final vote is taken, and anything can  
7 be reconsidered.

8 Senator Baker. Then we are going to have comments from the  
9 Agency. When, Bill, tomorrow?

10 Mr. Miller. Staff is going to get them tomorrow afternoon  
11 out there, and they are going to give it to us in writing, I  
12 think, tomorrow afternoon.

13 The Chairman. I suspect that the Agency will oppose  
14 many of these recommendations.

15 Senator Huddleston. No question about that.

16 The Chairman. I hope that won't be the single basis  
17 upon which we decide for or against.

18 Senator Huddleston. My motion includes, Mr. Chairman,  
19 that we exempt

20 Senator Schweiker. You say it will include --

21 Senator Huddleston. That will be in my motion, in 44, that  
22 we exclude

23 The Chairman. All right.

24 The motion is made that Recommendation No. 44 be approved  
25 with the exception that it does not apply to

1 personnel coming into this country, is that right?

2 Senator Huddleston. Yes.

3 The Chairman. Let's have a vote.

4 Do you want to call the roll, Mr. Miller?

5 Mr. Miller. Yes.

6 Mr. Hart of Michigan.

7 Senator Hart of Michigan. Aye.

8 Mr. Miller. Mr. Mondale.

9 Senator Mondale. Aye.

10 Mr. Miller. Mr. Huddleston.

11 Senator Huddleston. Aye.

12 Mr. Miller. Mr. Morgan.

13 Senator Morgan. No.

14 Mr. Miller. Mr. Hart of Colorado?

15 Senator Hart of Colorado. Aye.

16 Mr. Miller. Mr. Baker.

17 Senator Baker. No.

18 Mr. Miller. Mr. Mathias?

19 Senator Tower. You missed Goldwater. You missed Senator  
20 Goldwater.

21 Goldwater no by written proxy.

22 Mr. Miller. Mr. Mathias is in the phone booth.

23 Mr. Schweiker.

24 Senator Schweiker. Aye.

25 Mr. Miller. Mr. Tower?

1 Senator Tower. No.

2 Mr. Miller. Mr. Church?

3 The Chairman. Aye.

4 Senator Tower. I don't think it is going to affect the  
5 outcome, so I ask consent that he be recorded.

6 Mr. Miller. The ayes have it. It is six to four. Mr.  
7 Mathias is still in the phone booth.

8 Senator Tower. I ask consent that he be allowed to be  
9 recorded. It might change the outcome.

10 The Chairman. All right.

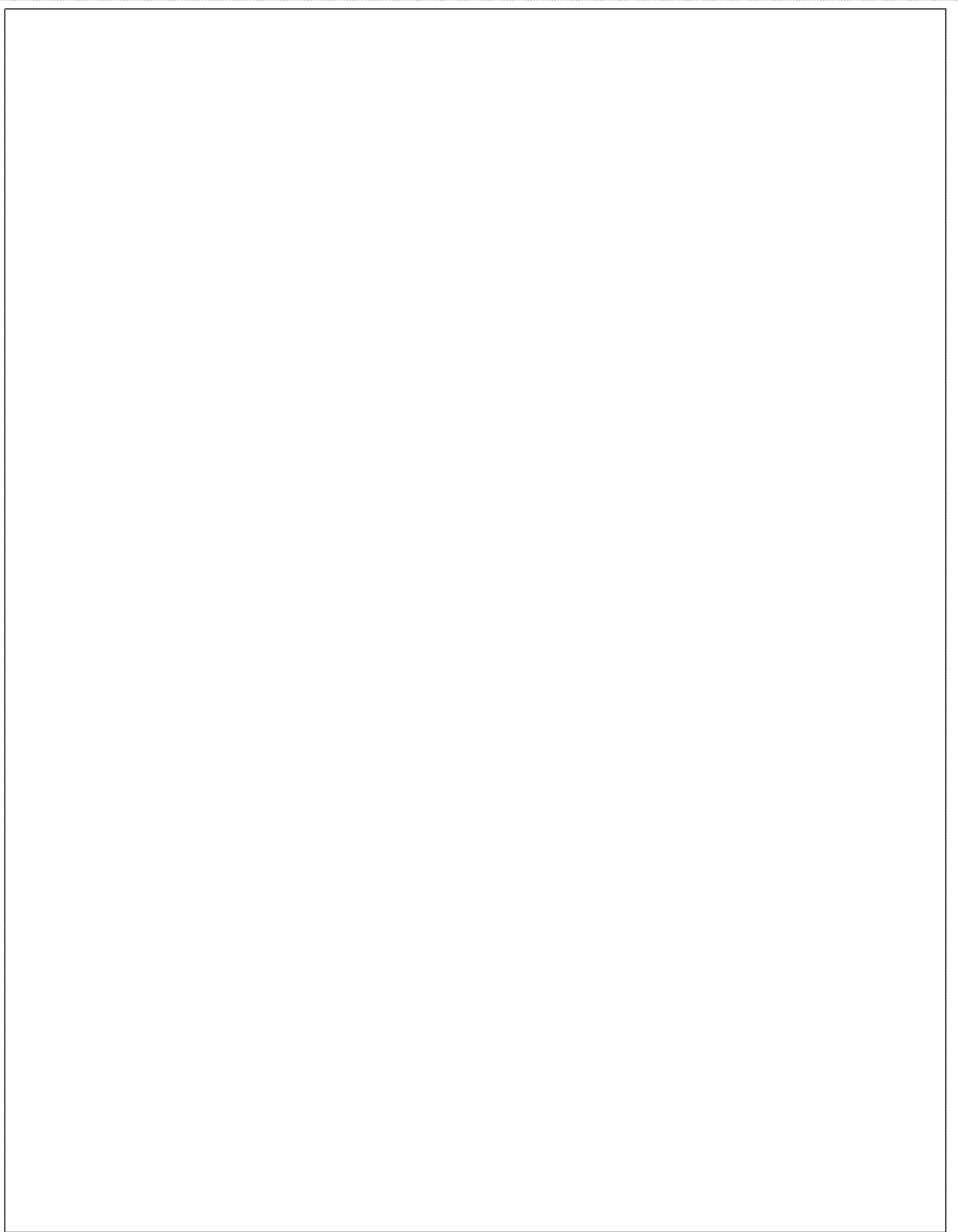
11 Let's go to 61 next.

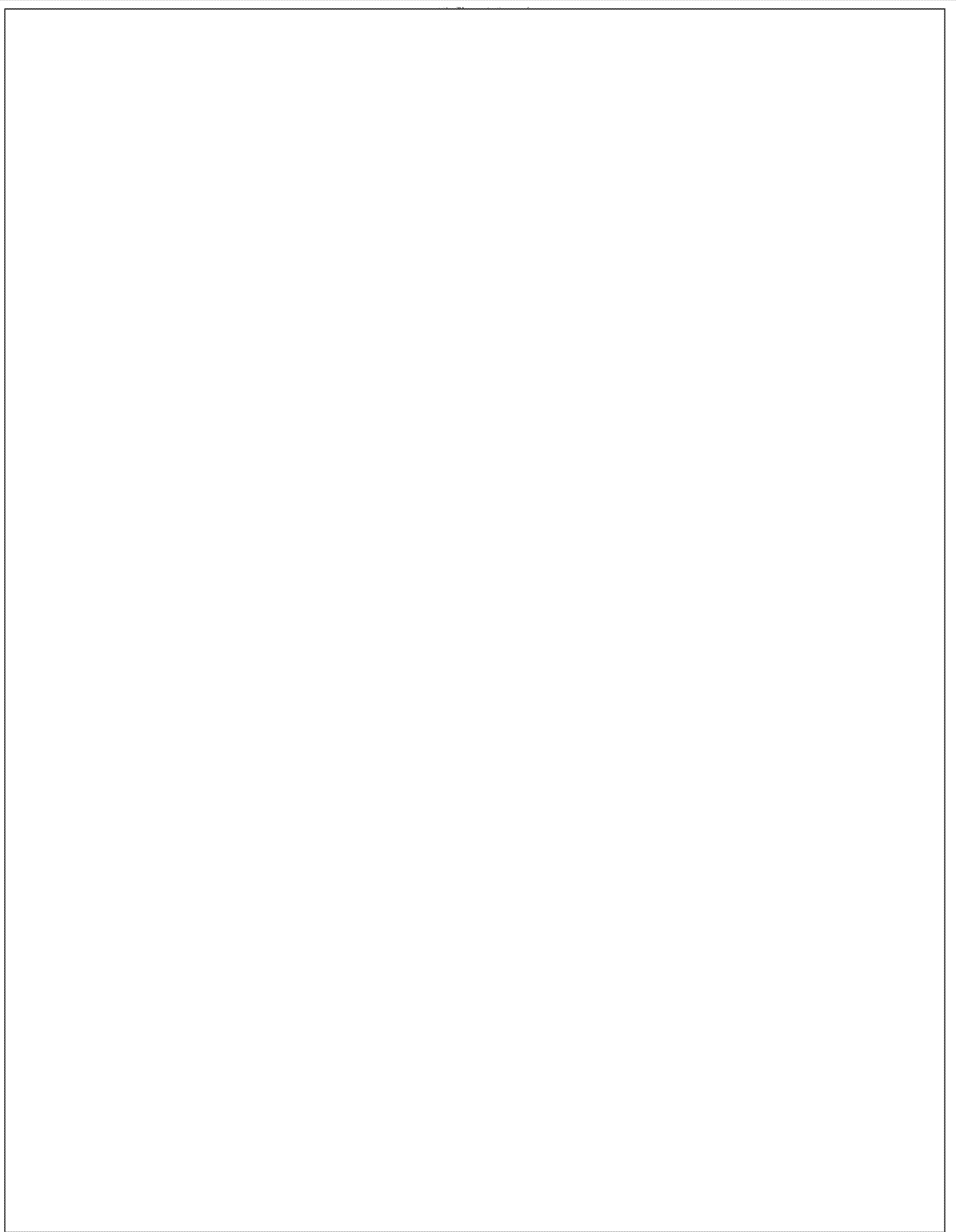
12 Mr. Aaron. The next issue is on page 78A, Recommendation  
13 47.

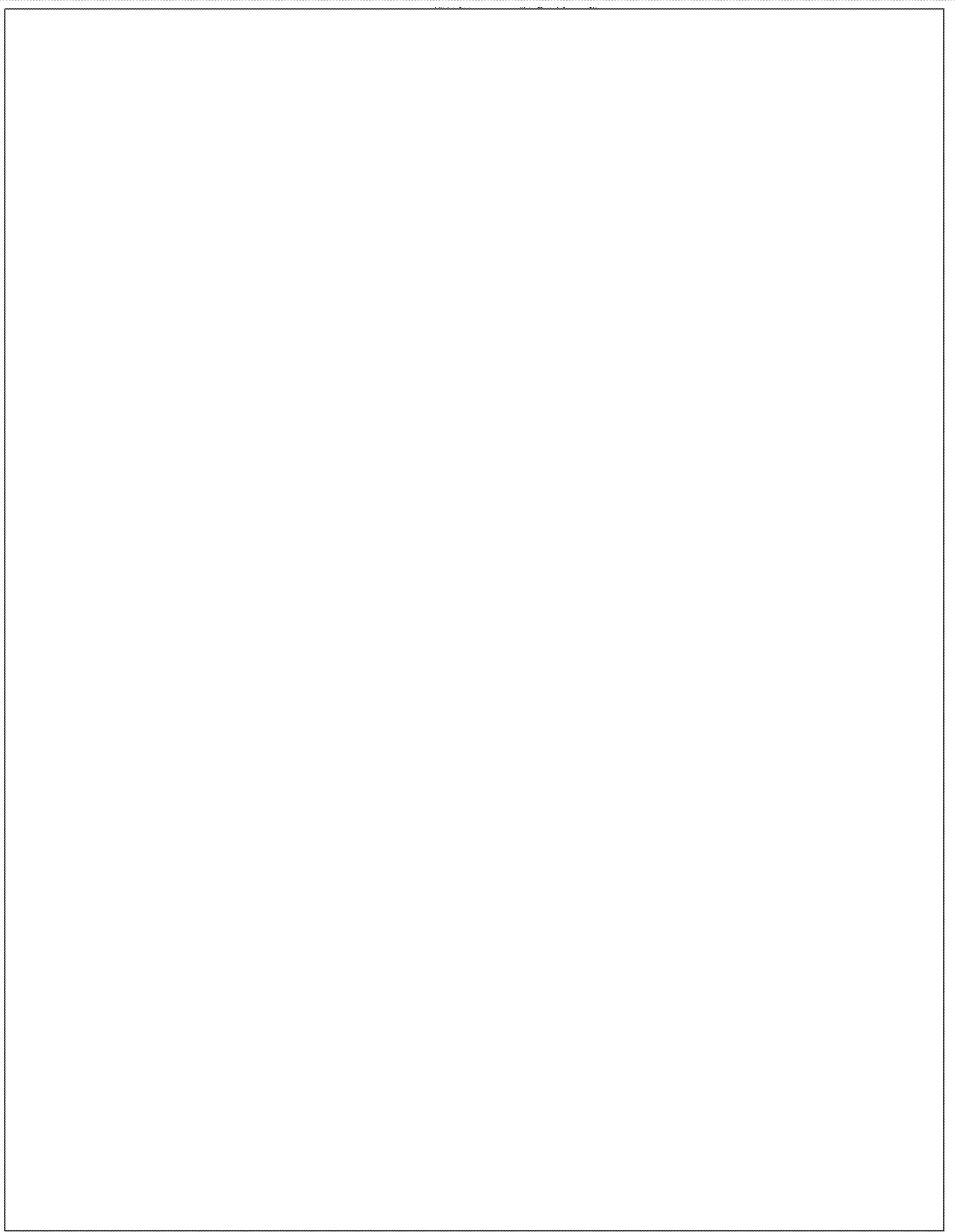


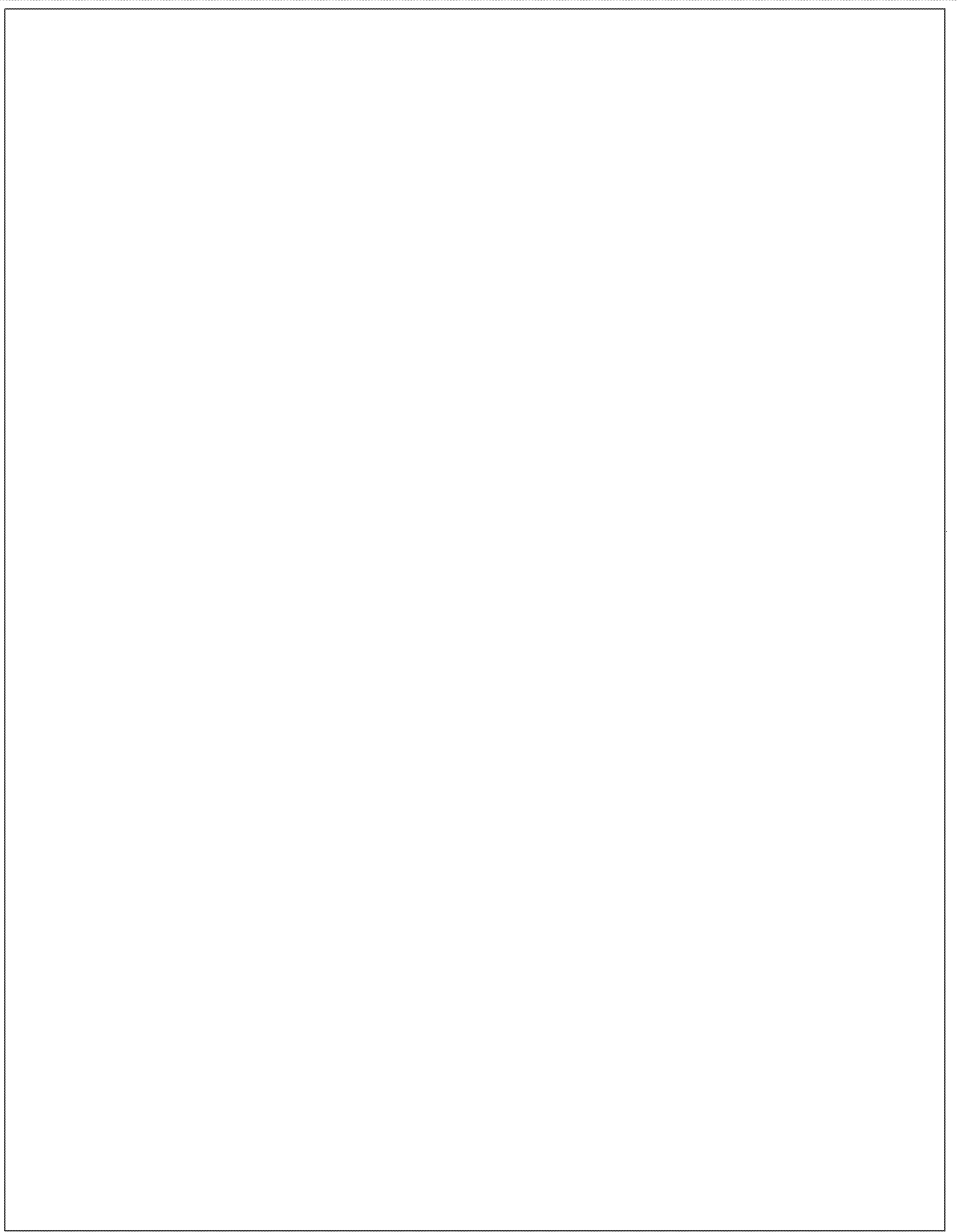
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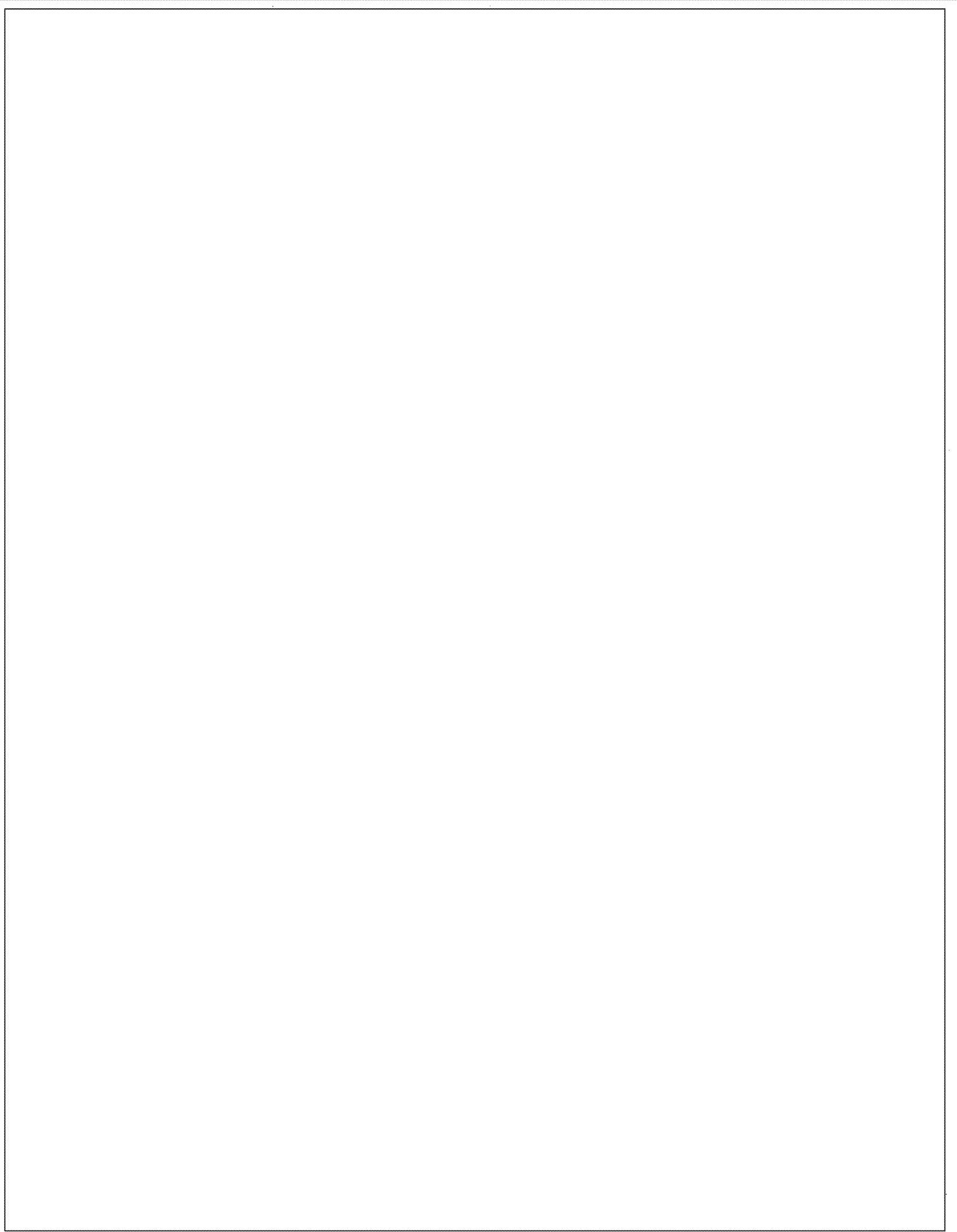


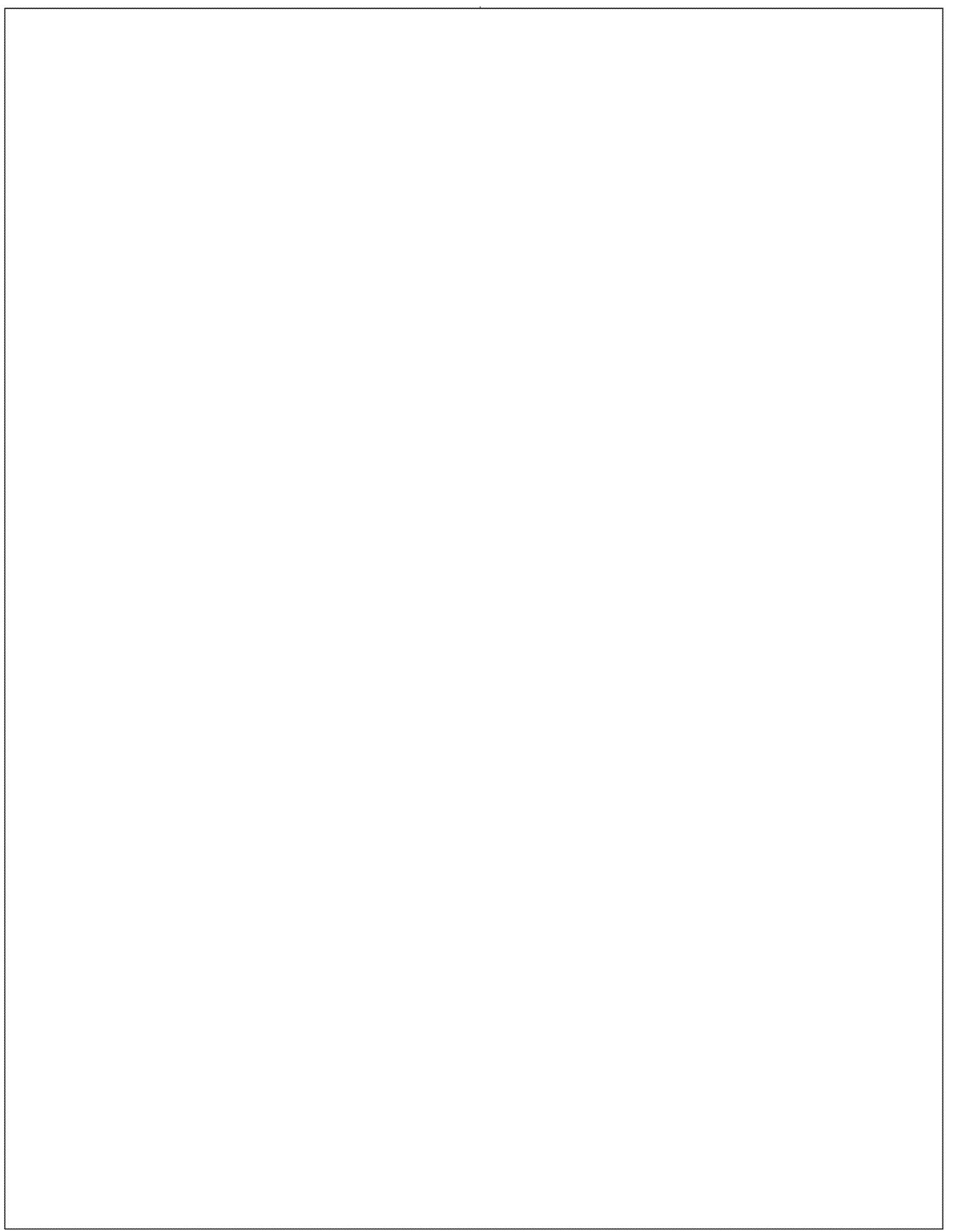












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Mr. Miller. Mr. Hart of Michigan.

Senator Hart of Michigan. Did you want a roll call?

The Chairman. Yes.

Senator Hart of Michigan. Aye.

Mr. Miller. Mr. Mondale.

Senator Mondale. Aye.

Mr. Miller. Mr. Huddleston?

Senator Huddleston. Aye.

Mr. Miller. Mr. Morgan.

Senator Morgan. Aye.

1 Mr. Miller. Mr. Hart of Colorado.

2 Senator Hart of Colorado. Aye.

3 Mr. Miller. Mr. Baker.

4 Senator Baker. Aye.

5 Mr. Miller. Mr. Goldwater.

6 Senator Tower. No by proxy.

7 Mr. Miller. Mr. Mathias.

8 (No response.)

9 Mr. Miller. Mr. Schweiker.

10 Senator Schweiker. Aye.

11 Mr. Miller. Mr. Tower.

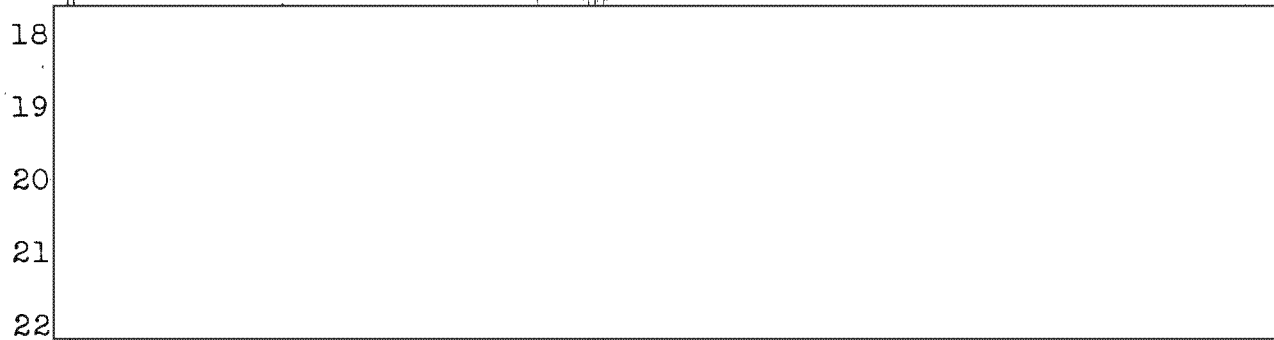
12 Senator Tower. No.

13 Mr. Miller. Mr. Church.

14 The Chairman. Aye.

15 Senator Tower. Mr. Chairman, I ask unanimous consent  
16 that Senator Mathias be recorded. It will not be changed.

17 The Chairman. All right.



23 Ms. Culbreath. Mr. Chairman, could I say just a word, please  
24 sir, with regard to whether it was done by directive or regu-  
25 lation or by statute. Yesterday one of the general recommendations



1 that we discussed and the staff was asked to rewrite went to  
2 the question of any changes or waivers of Agency directives  
3 or recommendations, and as considered by the Committee  
4 yesterday. The agreement was -- and if that proposal is  
5 one of the general recommendations goes through any waiver  
6 of an existing regulation or any amendment of an existing  
7 regulation, that affected the significant policies or programs  
8 of the Agency, would have to go immediately to NSC and to the  
9 oversight committee so that they would know.

10 So what I am saying is that if you had a directive and  
11 there was a change in something like this which would be  
12 significant, there would have to be notice to the oversight  
13 committee and to the NSC.

14 The Chairman. Can we have a vote, then, on 47 before  
15 we go down to the Senate to this roll call.

16 Mr. Miller. Mr. Hart of Michigan.

17 Senator Hart of Michigan. Aye.

18 Mr. Miller. Mr. Mondale.

19 Senator Mondale. Aye.

20 Mr. Miller. Mr. Huddleston.

21 Senator Huddleston. Aye.

22 Mr. Miller. Mr. Morgan.

23 Senator Morgan. Aye.

24 Mr. Miller. Mr. Hart of Colorado.

25 Senator Hart of Colorado. Aye.

1 Mr. Miller. Mr. Baker.  
2 Senator Baker. Aye.  
3 Mr. Miller. Mr. Goldwater.  
4 Senator Tower. No by proxy.  
5 Mr. Miller. Mr. Mathias.  
6 (No response.)  
7 Mr. Miller. Mr. Schweiker.  
8 Senator Schweiker. Aye.  
9 Mr. Miller. Mr. Tower.  
10 Senator Tower. No.  
11 Mr. Miller. Mr. Church.  
12 The Chairman. Aye.  
13 Senator Tower. Mr. Chairman, I ask unanimous consent  
14 that Senator Mathias be allowed to vote.  
15 The Chairman. That will be so ordered.  
16 All right, let's take a short recess and come back.  
17 (Whereupon, at 4:05 o'clock p.m. the Committee  
18 recessed to reconvene at 10:00 o'clock a.m., Friday, March  
19 26, 1976.)

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