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Vol. 2 OF 3

The United States Senate

Report of Proceedings

Hearing held before

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

Tuesday, March 9, 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

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TOP SECRET

FOREIGN AND MILITARY SUBCOMMITTEE MEETING

- - -

Tuesday, March 9, 1976

- - -

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

The Committee met, pursuant to recess, at 7:46 o'clock p.m., in Room S-407, the Capitol, Senator Walter D. Huddleston presiding.

Present: Senators Huddleston (presiding), Hart of Colorado and Mathias.

Also present: William G. Miller, Staff Director; Charles Kirbow, Joseph diGenova, Elizabeth Culbreath, David Aaron, Elliot Maxwell, Al Quanbeck, Lynn Davis, Rick Inderfurth, Greg Treverton, William Bader and Bob Kelley, Professional Staff Members.

EVENING SESSION

(7:46 p.m.)

Senator Huddleston. Okay, the Committee will come to order.

Did we develop any new language for No. 2 on page 49, Mr. Aaron?

Mr. Aaron. We have not. I think that the recommendation concerning the police and internal security forces, the real alternatives which engage in systematic violation of human rights or the cruel or unusual punishment is just a very difficult concept to apply to what police do as opposed to what courts and governments do, and as I think other people noted here, it does raise important questions about our own internal standards which are something of sort of debated.

I think we would be delighted to try to tie it back to the Constitution, but maybe it is -- we are just tired, but we cannot come up with a creative phrase that will do the job for us.

Mr. Kirbow. May we have say tomorrow afternoon's meeting?

Senator Huddleston. All right, we'll pass that and what, go ~~to 3?~~

Mr. Bader. Go to 3.

Mr. Aaron. I take it that the concept is fine. We will work on the language, and we will come back to that. We will also have to review all of the various changes we have made. We have made a number of changes as we have gone along. We will

1 want to review them specifically at some point. But I take
2 it that there is instructions from the Committee to try to
3 work out something that there is agreement on the sub-
4 stance, we are trying to find a way to tie it in to our own
5 standards of justice.
6 Senator Hart of Colorado. Your first proposal wasn't
7 bad, the --
8 Senator Huddleston. Right.
9 Senator Hart of Colorado. I would like to propose an
10 additional item on that No. 2, on publications here in th
11 country, a prohibition against publication --
12 Mr. Bader. Covert publication?
13 That is in the next section, Senator.
14 Senator Hart of Colorado. It is in the next section?
15 Mr. Inderfurth. Where is that, Bill?
16 Is that under the media recommendations?
17 Mr. Kirbow. It was originally in this position. It was
18 taken out and moved down.
19 Mr. Inderfurth. I must have overlooked it.
20 Mr. Aaron. It would be page 64, and there isn't a
21 number on it, but it's on the -- I'm sorry, it's not page
22 64.
23 Mr. Maxwell. I think that got lost. It had been agreed
24 upon at the staff level.
25 Senator Hart of Colorado. Yes, media organization.

1 Mr. Aaron. I'm sorry. It must have slipped out.

2 Mr. Inderfurth. So we would include the --

3 Senator Hart of Colorado. Publication or subsidy of any
4 books, magazines or other publications inside the United
5 States.

6 Mr. Bader. That's right, Senator.

7 Mr. Maxwell. It was clandestine or unattributed. We thought
8 that -- the staff level the proposal had been that those
9 publications that CIA put out and then identified as CIA either
10 funded or published by CIA employees, or the CIA as an institu-
11 tion, that it would be possible and that it would add to the
12 overt information.

13 Senator Hart of Colorado. How many of those do they do?

14 Mr. Maxwell. They do a substantial number.

15 Mr. Aaron. Yes, we just got this publication by the
16 CIA on Soviet military spending, which is an unclassified
17 attributed document.

18 Senator Hart of Colorado. Oh, all right, I attributed --

19 Mr. Maxwell. The other part is that there was a question
20 at least at the staff level as to whether you would forbid them
21 printing material that would be distributed overseas, propa-
22 ganda that would be printed here but distributed overseas.

23 Senator Hart of Colorado. Publication.

24 Mr. Maxwell. Publication and distribution, or publication
25 may be clearer. That means publication and distribution, or

1 printing and distribution.

2 Mr. Treverton. Why don't we say printing and distribu-

3 tion, because publication isn't clear.

4 Senator Huddleston. Well, shouldn't that best be left to

5 that next section, the media section?

6 Mr. Kirbow. Well, you wouldn't want to have an exact

7 recommendation, I don't think, would you, Bill?

8 Mr. Miller. Well, here you are talking about other types

9 of covert action, and it's just a listing.

10 Mr. diGenova. Your specific point, Senator, is you don't

11 want the CIA publishing in the United States books which are

12 covertly written by them and people don't know about it,

13 right?

14 So it really doesn't fit in here because this deals with

15 our actions against foreign countries.

16 Mr. Inderfurth. But the point of it, if it is dropped

17 in here as well as in the media --

18 Senator Hart of Colorado. This doesn't say anything about

19 foreign countries. This is things to be absolutely banned,

20 and it is a grab bag.

21 Mr. diGenova. Including covert actions against ourselves.

22 Senator Hart of Colorado. It's a covert action grab bag

23 of things.

24 MR. Aaron. The reason that it was included subsequently

25 was that we wanted to have each of the recommendations follow

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1 findings in a particular area. The findings on the whole
2 subject of media, its fallout, and the difficulties of control-
3 ling it are in the next section.
4 I don't think we feel strongly except for the order.
5 Mr. Kirbow. The publication of any other publications
6 inside the United States is the way it originally read. That's
7 on page 52.
8 Mr. Inderfurth. Could we add Puerto Rico to that?
9 Senator Hart of Colorado. And the Virgin Islands.
10 Mr. Kirbow. "And its territories."
11 Mr. diGenova. What about genocide?
12 Mr. Aaron. There was a feeling that genocide was not
13 something we engaged in and we didn't want to give the impli-
14 cation that we did, and we didn't examine cases of alleged
15 genocide.
16 Mr. diGenova. Regicide we did look at.
17 Mr. Kirbow. Senator, you do agree that we adopt
18 "commonwealths and possession," so we include Guam and the rest.
19 Mr. Kelley. The Marianas?
20 Mr. Aaron. No. 3 begins the statements and requirements
21 for the kind of review we recommend take place, and these
22 proposals would involve a statutory requirement for these kinds
23 of reviews, and Bill, you might just speak to it.
24 Mr. Bader. The Senators will remember, we discussed the
25 issue of whether the NSC committee, the appropriate NSC committee

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1 should review every covert action proposal, and the Committee
2 did agree that that was appropriate for a review of every
3 covert action proposal. I am sure that that is understood.
4 The thrust of this section is that the Committee recommends
5 that the review would consist of a series of steps, careful
6 and systematic analysis of the political premises underlying the
7 recommended actions, a formal meeting to consider and recommend
8 to the President all covert action projects in which the
9 views and positions of the participants would be fully recorded.
10 The intent here is -- I mean, the consistence of the
11 recommendations is the matter of accountability.
12 I might go on to four, since it is really part of it.
13 Ms. Culbreath. On my draft copy, I have 4 bracketed, but
14 I see it is not on the retyped.
15 Mr. Bader. I don't believe it was in dispute when we
16 dicussed it at the staff level, but we certainly can flag it
17 because I'll go through it here.
18 "By statute, proposals for covert operations submitted
19 to the NSC Committee should show formally the concurrence or
20 objections for the Deputy Director of Intelligence, for the
21 Deputy Director of the Clandestine Service, the Assistant
22 Secretary of State, and the Ambassadors."
23 Now --
24 Mr. Kirbow. I know now why it is bracketed.
25 Mr. Bader. Well, let me give you some background on

1 this. It is that as far as the Deputy Director of Intelligence,
2 that is in the DDI, the situation that no obtains is that the
3 Deputy Director for Intelligence does have an opportunity to
4 express his opinion, his analytical view of proposed covert
5 action, but that it is not formal, and from our observation of
6 the process, it seemed sensible that the top of the analytical
7 section of the Central Intelligence Agency should be formally
8 recorded in the process of covert action projects.
9 So when they did in fact go to the 40 Committee or its
10 successor Committee which we're now talking about, the Opera-
11 tions Advisory Group, that that recommendation for covert
12 action should formally show the concurrence or indeed, the
13 objections, if that be the case, of the Deputy Director for
14 Intelligence.
15 In the process, it has been added that the formal
16 concurrence of objections of a number of other individuals,
17 including the Assistant Secretary of State and the Ambassador
18 of the country or countries affected by the project, and then
19 perhaps was the issue for bracketing.
20 This is an attempt here to really get everybody on board
21 formally. Formal concurrence we see as the best way or an
22 important way for those who will be responsible for these to
23 have formal concurrence and thereby formal responsibility.
24 Mr. Aaron. And to ensure that they have the access
25 necessary to make the judgments and so forth.

1 I might say that in the cases that we looked at -- and
2 correct me if I am wrong, Bill -- that at least retrospectively
3 we have some serious question about -- of the particular
4 projects, and this obviously is hindsight, and hindsight is
5 easier than foresight.
6 We find that in the case of Chile, in the case of
7 Indonesia, in the case of -- I had one other one in my mind --
8 Angola, one or more of these individuals had serious reser-
9 vations about the wisdom of proceeding with these activities.
10 In some cases they were just cut out of the process. I think
11 the only case that we have had come before us in which they
12 were fully cut in but overruled was the case of Angola, but the
13 judgment is here.
14 As a routine process, the most sensitive things of this
15 nature, including something like Angola, does generally get
16 this kind of concurrence, and the purpose here is to formalize
17 what is at this point a general but not necessary procedure.
18 Mr. Kirbow. Senator, the reason that we asked is not
19 because of the Ambassadors, because clearly now they operate
20 and report directly to the President and not to the Secretary
21 of State is the point someone raised the other day; but I would
22 like to raise the point that here, unless it has changed in
23 the executive order and I just don't recall it, the DCI is
24 currently responsible, and hopefully the head of the Agency will
25 be if it is changed, for those things which are submitted for

his agency. You confirm him in the Senate, you go through all these extensive processes to make him absolutely responsible, but then you dip down below him and pick up all of his contrary or firming positions of his deputies to either bolster or shoot down his position before the National Security Council, and I think if you are going to have the head of an agency, just as you have a Secretary of State, it is ultimately his responsibility and there is no way to pass the buck, and that it be recorded someplace internally I think has some merit, or that the Deputies in the CIA have a formal opportunity to comment for the record within the Agency.

But I don't see that it contributes anything whatever except a second guessing process, which is what was going on, I think, in part of those agencies, within the divisions of the State Department versus the Secretary in Angola, regarding the Deputy for Intelligence and Operations and everything to have a second shot if they are unable to convince their director, who has the responsibility for the decision.

Mr. Aaron. I don't think that is the concept exactly. Maybe there is a misunderstanding here and it is not properly expressed. The notion here to do is what -- what I think Charles has suggested is not a bad idea; in other words, to have a system whereby they do have a shot and they do check off, and this is not a proposal for this all to be handed over to the Congress every time there is a covert

1 action. This is not a proposal to have them do this after
2 the DCI or the head of the Agency or his deputy or whomever
3 ends up with the responsibility for covert action, day to day
4 of programs, but rather that in the process of preparing these
5 recommendations for covert actions, that these bases be touched
6 so that when he makes a recommendation, and when the Operations
7 Group sits down with a recommendation, the paper shows the
8 formal concurrence or disagreements generated by those particular
9 individuals.
10 That is, I think, the point.
11 Mr. Kirbow. Well, who has the responsibility for running
12 the CIA? Clearly the Director gets blamed if it goes wrong.
13 I don't understand, unless you just want a little checkoff
14 bracket on the right so that it shows in there from some
15 responsible person that yes, the Deputy Director for Operations,
16 Mr. Nelson, had his input, but do you indicate by this where
17 it should shor formally what his position was if it differs
18 from the Director? Is that your intention?
19 Mr. Aaron. The intention is to state his position, if it
20 is concurrence.
21 Mr. Kirbow. So it goes to the NSC, whether it be concurr-
22 ing or different.
23 Senator Huddleston. Well, here is what it does, Charlie.
24 It gives the members of the NSC, who may not be able to
25 contemplate all of the possible objections to a particular

1 operation, it gives them immediate notice that some individual
2 of some stature disagreed. They can then pursue -- they are
3 going to make the ultimate decision and they can pursue this
4 matter with the person involved and find out what his objections
5 were, and then, it seems to me, they are in a better position
6 of making the final decision as to whether or not they told
7 hearings on the specific covert operation.
8 Mr. Kirbow. The very point is there will never be one
9 go to the National Security Council if the DCI disagrees with
10 it. It doesn't go. He finally has to approve all of the
11 covert operations which are submitted to the National Security
12 Council.
13 Senator Huddleston. I don't think so.
14 Mr. Kirbow. Sure he does, sure he does.
15 They are his recommendations.
16 Senator Hart of Colorado. Oh, no, no, no, no. Chile,
17 Angola, those weren't his recommendations. He was throttled.
18 Mr. Kirbow. This won't cure a Chile or an Angola.
19 Senator Huddleston. Are you suggesting the National
20 Security Council can only consider those matters that are
21 brought to it by the Director?
22 Mr. Kirbow. No, Senator. What I am saying is covert
23 operations are not generated at the National Security Council.
24 They are only generated within the intelligence community or
25 by the President, apparently. What I am really trying to

1 prevent is having a Deputy or dipping on down any level, you can
2 go down to a dissenting Deputy Director.
3 Senator Huddleston. Well, there was considerable talk
4 during our testimony about the President or whoever is making
5 that final decision, having access to all aspects of the
6 problem, whether or not he just got a consensus from that
7 group and they presented it as a consensus, or whether they
8 really pointed out to him that while the majority of us believe
9 that this action we ought to take, certain members think this
10 or that, and to give the President or whoever makes that
11 final decision, maybe more than --
12 Mr. Kirbow. Senator, I don't disagree with that. All I
13 say is that all of the members of this Committee should have
14 their opinion stated individually to the President, but I don't
15 think that a worker out at the Agency falls into the same
16 category as a member of the National Security Council or the
17 40 Committee. He has a Director over him that is responsible
18 for that decision.
19 Mr. Maxwell. I think, Charlie, that here that the people
20 identified were hopefully people who would have some substantial
21 knowledge about the issue being raised, and that it would be
22 very unlikely that the NSC would not provide substantially
23 greater weight to the Director than to any of these people,
24 but that it might in fact help to clarify the set of issues
25 that the NSC would consider about a covert action project.

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1 I wouldn't expect that each time they are going to go
2 looking for the one dissent and say we have got to hear fully
3 from this person, but it might clarify issues.
4 Mr. diGenova. Also, you might have the Secretary of
5 State agreeing with the Director of Central Intelligence, both
6 of them agreeing that this is a project, and then having his
7 ambassador or his assistant secretary disagreeing with him the
8 same way that the deputy here, the CI, would be. In Angola
9 that was exactly the problem, that those views never got up
10 to that level.
11 Of course, the Secretary would have done exactly what he
12 wanted to do anyway, but at least there would have been a
13 formal recommendation.
14 Mr. Treverton. I think the Angola case is the kind of
15 example that this recommendation is intended to formalize. Accordin
16 to Secretary Kissinger, he let the people from the African
17 Bureau have their argument, passed it on to the President.
18 Mr. diGenova. That's what he told us. I don't happen
19 to believe that.
20 Mr. Treverton. But this recommendation, it seems to me,
21 would make it more likely that that would happen.
22 Mr. Kirbow. Then you're saying that the NSC should
23 pass those differing views on to the President.
24 Senator Huddleston. I would say if they felt they were
25 important enough. In other words, there would be a formalized

1 record that we have not had in the past. It seems to me a
2 lot of this -- that we're trying to formalize a lot of it
3 from the standpoint of accountability, and this is consistent
4 with that, I believe.
5 Senator Hart of Colorado. How do the Chiefs of Staff
6 work? Do they offer dissenting views on military operations?
7 Mr. Kirbow. By law they are authorized to take a dissent
8 where they differ with the Secretary or the Secretary decides
9 against them. The Chairman of the Joint Chiefs may individually
10 make his appeal to the President, but that is because they've
11 got a cabinet man that faces directly to the President. That
12 is the law.
13 Senator Hart of Colorado. But I mean, do they have --
14 when the Secretary reports their views to the President, does
15 it have to be a unanimous vote, or can he say two chiefs are
16 for it and two are against?
17 Mr. Kirbow. I am sure that he can say that. I know of
18 nothing in the law concerning the Joint Chiefs that restricts
19 individual views from being presented, but they do not have
20 a right to go above him at all except through the Chairman.
21 Senator Hart of Colorado. I think that is essentially
22 the analogy here.
23 Mr. Kirbow. I think the individual views of the Chiefs
24 are taken at various levels into consideration, but before
25 formal -- well, that's within their own department, and I

1 think that's where it should be within a major agency, is if
2 you are going to hold the Director responsible, he has got
3 to have control of the people that work for him.
4 Senator Hart of Colorado. I don't think it's a question
5 of control.
6 Senator Huddleston. I don't think this breaches that.
7 Mr. Miller. It's to assure that all bases are covered.
8 That is the issue.
9 Mr. Inderfurth. And that's --
10 Mr. Kirbow. And you can assure that, Bill, without showing
11 dissenting or the details of dissent.
12 Senator Huddleston. If we go your route, there is hardly
13 any reason to go to NSC, just the fact that the DCI has made
14 his decision.
15 Mr. Kirbow. No, sir. The NSC has the input from the
16 Secretary of State or the Secretary of Defense or anyone
17 else. I was simply not trying to quiet that kind of dissent
18 among the differing departments, but from ducking below the
19 person -- do you think that the Assistant Secretary's of
20 State should be free to go directly to the President through
21 the National Security Council?
22 Senator Hart of Colorado. They're not going directly
23 to the President. They initial -- I mean, there are two
24 little boxes on the edge of the page, "agree," "disagree,"
25 initials in there. Nobody is going directly to the President.

1 Mr. Kirbow. But Mr. Miller said this is intended to
2 put his dissenting views into detail on whatever he dissents.
3 Now, I agree with you, if he is just talking about --
4 didn't you just say that it was intended to express their
5 views?
6 Mr. Aaron. That is correct.
7 Mr. Kirbow. Well, if you're talking about a checkoff on
8 the side, I agree with the Senator that I agree that everybody
9 had his shot and his chance, wherever his chance came, be
10 it out at the Agency. It should be on the paper on the way
11 to the President.
12 Mr. Inderfurth. This is in the Operations Advisory Group
13 and there is no requirement here that they have to be passed
14 on to the President. These are going to the OAG.
15 Mr. Aaron. That's correct, and just let me say one other
16 real -- I'd just like to speak out of my own experience as
17 having work on the NSC staff and having been a principal
18 staff member for some of these committees, and that is that the
19 toughest problem is to find out what is really the problem,
20 and I think that whatever one may think about the current
21 Secretary of State and his capacity as Assistant to the
22 President for National Security Affairs, one of the things he
23 tried very hard to do was to dig into the bureaucracy and be
24 sure that issues, problems and questions were not covered up
25 but were in fact presented at a higher level, so that people

1 could in fact get, particularly the President and the
2 senior policy makers, could have an opportunity to try to
3 confront the issues as best they could.
4 Now, that system didn't always work, and it breaks down
5 and what have you. This did not undermine the authority of
6 the Director of the Arms Control Agency, the Director or the
7 Secretary of the Defense or the Chairman of the Joint Chiefs of
8 Staff, for that matter, but it did make sure that the issues
9 were not compromised over in what are very large bureaucracies,
10 any of these, so that decisions are not just taken on the merits
11 of the problem.
12 And I think that this recommendation is aimed at two
13 things: one, the paper trail, which would show concurrence
14 and perhaps nonconcurrence, and secondly, if there are non-
15 concurrences, to indicate the nature of the problem so that
16 that can be addressed at a higher level, much as at the
17 Operations Group if there is a non-concurrence, those views
18 are sent higher so that can be addressed to the higher level.
19 And it's really kind of a two-tiered kind of addressal of the
20 problem.
21 Senator Hart of Colorado. Mr. Chairman, I recommend
22 we move on this one and get going. My calculations are that
23 we will finish about three weeks from now.
24 Senator Huddleston. That's pretty accurate.
25 Is there a motion?

1 Senator Hart of Colorado. Yes. Report it as written.

2 Senator Huddleston. I second the motion.

3 Mr. Kirbow. May I respectfully reserve, Senator?

4 Ms. Culbreath. May I touch on two points, please? One

5 is, we make reference to the director of the Clandestine Service,

6 and I'm wondering if that was intentional since there is not

7 a Directorate of Clandestine Services as such. Do we want

8 to use the terms that are currently being applied in the Agency,

9 or was there some other purpose for using these words?

10 Mr. Aaron. No, I think that is fair. We will put it the

11 Directorate of Operations.

12 Ms. Culbreath. That was the one thing, and the other

13 thing is something that has been touched on several times

14 about the different kinds of ambassadors that we have, and I

15 guess it is in terms of the ones that the Department really has

16 confidence in and takes it into account in terms of what is

17 really going on, and in some instances, as I understand it,

18 Ambassadors that are more of a head instead of a really

19 functioning person.

20 ~~I'm~~ wondering in view of that if there is any concern

21 about this requirement that they be informed.

22 Mr. Aaron. Well, the requires that they be informed,

23 whether they are competent, incompetent, or wherever they

24 came from, and this wouldn't add to their responsibility.

25 Mr. Miller. It might lead to better ambassadors.

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1 Mr. Bader. Can we go to No. 5 now?

2 Mr. Miller. No. 5.

3 Mr. Bader. No. 5, this recommendatoin goes to the
4 question of what level of specificity should one have in the
5 covert action budget submissions. It argues here, and so
6 recommends, simply that the annual budget submission for covert
7 action should be specific and detailed as to the activity
8 recommended.

9 This works against the careful look on the part of the
10 Committee and the staff as the present level of specificity of
11 covert action in budget recommendations, which it is fair to
12 say are near devoid of detail. This is not to say that this
13 most -- the most intricate details of the operation. What we
14 are doing here is that it should be more specific and more
15 detailed than it is now. This is really a signal to the
16 Committee.

17 The second point that is in that recommendation is or
18 goes to the issue of where funds come from for unforeseen
19 covert action projects. The recommendation here is that
20 those funds should come from and be limited to the contingency
21 reserve fund, which could be replenished only after the
22 concurrence of the oversight and any other appropriate
23 Congressional Committees.

24 This goes to the point that the record is very clear on
25 this, that the contingency reserve fund, that it can be, and that

1 it has been replenished through pre-payments and transfers
2 from other sources, and this can be done internally in the
3 Agency without reference to the appropriate Congressional
4 Committees.

5 What we are saying here is that in those unusual circum-
6 stances when you have to come back for funds that are not
7 called for in your annual budget submission, that those funds
8 should come from one source in the contingency reserve fund,
9 and any replenishment of that fund should come only after the
10 concurrence of the oversight and the other appropriate
11 Congressional Committees, and that is the thrust of it.

12 Senator Huddleston. Is that gonig public with the
13 budget request?

14 Mr. Bader. No, Senator. It is not a matter of public.
15 It would be in the normal process; it would be a classified
16 budget. This is not calling for public detail for covert
17 action. It is calling for more detail, more specific detail
18 for the oversight Committee, and it is calling for a means
19 of containing, if you will, the funding process for covert
20 action to one source, an identifiable source, of which the
21 appropriate Congressional Committees know where it is and how
22 it is being done, and have an approval chop, if you will, on
23 whether that fund should be replenished.

24 Mr. diGenova. And the Agency doesn't have any objection
25 to that, they really don't. They would rather have it done

1 that way.

2 Mr. Aaron. It, I might say, it ties in to the proposal

3 or recommendation made earlier concerning defining the way

4 in which reprogramming throughout the entire community can take

5 place.

end la 6 Senator Huddleston. I have no problem with that one.

7 Mr. Maxwell. Can I make one suggestion? It's a sentence

8 which I don't think changes the meaning at all, that I think may

9 express the view of the Committee as to the present notification

10 arrangements of the contingency reserve be added so the la

11 sentence would read, "The funding of unforseen covert acti

12 projects should be consolidated and limited to the contingency

13 reserve fund, the use of which would continue to require the

14 present system of notifications, and which would be replinished

15 only after the concurrence of the oversight and any other appro-

16 priate Congressional Committees." You make no finding -- we

17 describe the notification at present to OMB and the Congressional --

18 Senator Huddleston. Should there be any statement that it

19 should be classified, anything of that nature, or is that implied?

20 Mr. Kirbow. Adopting this, the present procedure is that

21 they notify the Appropriations Committee and the Office of OMB,

22 and it is classified, and the Director signs off on it, and they

23 expend the funds.

24 Mr. Bader. There is no call here, Mr. Chairman, for

25 any exposure, any public exposure of the funds. It is simply

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1 an internal process of revealing more details for the
2 Congressional Committee, and insuring, from our point of view,
3 that the funding mechanism is identifiable and controllable.
4 Mr. Kirbow. You indicated earlier that there had been
5 considerable evidence before the Committee of funding of
6 covert action projects other than from the contingency fund
7 by some kind of transfer.
8 Would you give us an example of it, because this comes as
9 news to me unless it is something that occurred recently, an
10 example of them getting money from some other source other
11 than that which had originally been planned for covert action
12 or from the contingency fund?
13 Mr. Bader. What I was referring to, Charles, was the
14 contingency fund as it is now established,and the rules under
15 which it operates can be replenished by the Agency by internal
16 transfers in its budget system without notification of the
17 appropriate Committees, and it also can be replenished through
18 prepayments from other agencies.
19 I was not speaking to the issue of how it is expended.
20 The record shows, and we do have the statistics on this,
21 that the contingency reserve fund has been pushed to very
22 high levels at particular times in the Agency's history through
23 these replenishments and transfers and prepayments.
24 Mr. Kirbow. But there is a requirement that the Committee
25 on Appropriations be notified of the outstanding balance of

1 the contingency fund at the time of any transfer.

2 Mr. Bader. There is also a requirement that the appropriate
3 committees be notified when there is a drawdown to it. This
4 doesn't change any of that. This simply means that it requires
5 the concurrence of these committees for these kinds of
6 transfers and replenishments. It is a double check, if you
7 will.

8 Senator Huddleston. No. 6?

9 Mr. Aaron. No. 6. I'm not terribly pleased with the
10 first introductory phrase, and I'm sure we can do better.

11 Ms. Culbreath. We did better Sunday.

12 Senator Mathias. Where are you?

13 Mr. Aaron. Page 50, No. 6.

14 Ms. Culbreath. The way my introduction read, as I took
15 my notes, so the first sentence under No. 6 would read, "To
16 ensure that Congress has an adequate opportunity to scrutinize
17 covert paramilitary operations, the Committee recommends," and
18 struck out that middle and put a "covert" in front of para-
19 military.

20 ~~Mr.~~ Aaron. All right, the two operating requirements
21 relate to the two functions, general functions of paramilitary
22 activity. Those activities are essentially covert or clandestine
23 military assistance programs which involve supplying training
24 and weapons abroad, and in much rarer cases, but nonetheless,
25 cases, the actual involvement of U.S. personnel, often military

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1 officers in mufti, who are actually involved in combat or
2 combat support.
3 Now, we tried to distinguish between those two categories
4 of activity in the following way: when it comes to what is in
5 effect covert military assistance programs, the concept is to
6 require that those programs require the prior approval of the
7 oversight committee and the cognizant Congressional committees
8 for military assistance. In effect, the covert military
9 assistance program goes around the military assistance legis-
10 lation, which does authorize X amount of money to go to Y
11 countries and no others, so that we feel it is important t
12 at least bring that under some control by giving the covert
13 programs the same scrutiny at least on the committee level of
14 the Congress. That is what the second of these two recommenda-
15 tions would do.
16 The first deals with the less frequent but more explosive
17 and politically more difficult question of the use of Americans
18 in actual combat on a covert, paramilitary basis, and it
19 would require a modification -- let me back up. It would
20 apply the principles of the War Powers Act with appropriate
21 modification to this kind of paramilitary activity: specifically,
22 the notification required under the War Powers Act would not
23 go to the whole Congress but would go just to the oversight
24 committee.
25 However, within 60 days the entire Congress would have to

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1 act, and this would be an open act, and the operation therefore
2 could not remain covert for more than 60 days. In effect --
3 I'm sorry.
4 Senator Hart of Colorado. Have we gone on to that now?
5 Is that what we are talking about?
6 Mr. Aaron. Yes, this is No. 6, and the one that I am talking
7 about now is the very first subparagraph.
8 Senator Hart of Colorado. What is immediate notification?
9 What have we been talking about here for a long time?
10 Mr. Kelley. In the War Powers Act, it is 48 hours.
11 Senator Hart of Colorado. Have we given up absolutely on
12 the notion of prior notice?
13 Mr. Aaron. No. This would not affect that particularly.
14 This would -- the point of this phrase here would be that the
15 notification under the War Powers Act would not go to the
16 entire Congress as it must in an open kind of way, as is
17 currently required by the War Powers Act, but instead it would
18 go to the Committee, and the point of that phrase is not to
19 take away from the Committee's responsibility to be notified in
20 a timely or prior fashion of covert action projects. It just
21 simply makes a point that the notification would still take
22 place, but it would be to the Committee instead of to the
23 entire Congress, but it would not change the requirement to
24 60 days for the authority for the President to engage in this
25 activities to lapse unless the Congress took affirmative action.

1 Mr. Miller. The prior notification is of anticipated action
2 and it may be that the action may not take place in the
3 case of prior notification.
4 Senator Hart of Colorado. But immediate notification of
5 an action that is being taken. That may be 48 hours old.
6 Senator Mathias. It is like the old rules for making
7 political speeches. First you tell them what you are going
8 to tell them, then you tell them, then you tell them what you
9 told them.
10 Senator Hart of Colorado. I think I missed something
11 there.
12 Mr. Aaron. Well, I see your point and I think we don't
13 really account for the fact that the Committee is already
14 suppose to have received prior notice of this activity, and
15 there should be either a sentence or footnote to that.
16 Senator Hart of Colorado. I would take the "immediate"
17 out, and I would say that "notification should be made to the
18 Committee."
19 Mr. Kelley. Notification required by the War Powers Act.
20 Senator Huddleston. Restricting all paramilitary to
21 60 days.
22 Mr. Aaron. And the import of this rule would be to
23 restrict paramilitary activities to 60 days before they would
24 become open. Not all paramilitary, let me say. We could --
25 let's take Angola as an example. Angola presumably could have

1 continued at the level at which it was going, covertly, if it
2 wasn't so large and exposed. It could have continued
3 indefinitely as long as, of course, the oversight committee
4 agreed and there wasn't a great deal of discussion about it.
5 On the other hand, in a situation such as the Congo, where
6 U.S. personnel began to actually fly certain combat missions
7 against some of the dissident elements could not have persisted
8 beyond 60 days.
9 Mr. Kirbow. David, the term "CIA funded Americans," or
10 "CIA officer combatants," this would not have gone to the
11 Angola operation at all that you're talking about. They were not
12 combatants.
13 Mr. Aaron. That's correct.
14 Mr. Kirbow. And whether notified or not, or approved by
15 it, it could have gone on forever.
16 Mr. Aaron. That is correct.
17 Mr. Kirbow. If you're talking about not running a covert
18 action like Angola, this will not do it.
19 Mr. Aaron. That's right.
20 Mr. Kirbow. If you're talking about using an American
21 citizen in a combatant role, that is all the exception this
22 makes.
23 Mr. Aaron. In terms of our past paramilitary involvements,
24 it would have -- the two that would have fallen under this
25 in all likelihood, certainly Laos, and to a lesser extent,

1 depending upon the duration where you began counting, possibly
2 Indonesia, where you had Americans flying sorties in B-25s and
3 so on, and then it would also probably have included the
4 Congo operation.
5 Mr. Kirbow. I agree with the Senator that if you want
6 prior notice, you should insist on prior notice in all major
7 covert operations. This is certainly the most major one
8 we are going to talk about, is where we are going to use
9 military combatants, paramilitary.
10 Senator Hart of Colorado. Is there a prior notice
11 recommendation anywhere?
12 Mr. Davis. Yes.
13 Mr. Aaron. Yes.
14 Senator Hart of Colorado. Have we already taken it up?
15 Mr. Aaron. It's in the oversight and it is in the NSC
16 section as well.
17 Mr. Inderfurth. I think it might be useful to have a
18 footnote to outline briefly the principle of the War Powers
19 Act we are referring to, and I've got that.
20 Senator Huddleston. And where we differ from it.
21 Mr. Aaron. Right.
22 Mr. Kirbow. This will be done in the little supportive
23 findings rather than in recommendations, don't you think?
24 Mr. Inderfurth. How does that read now?
25 Mr. Aaron. It would say, "By statute, any covert use of

1 CIA officers or other CIA funded Americans as combatants shall be
2 governed by the principles in the War Powers Act. The required
3 notification in the War Powers Act will be made to the oversight
4 Committee, and the authority in the Act would lapse unless
5 reaffirmed by the Congress 60 days after the initiation of
6 such activity."
7 Mr. Inderfurth. But aren't we going to get a line saying
8 prior notice in that, or prior notification is the 48 hour
9 thing.
10 See what I'm saying?
11 Mr. Aaron. I thought we would probably just put a footnote
12 on it saying the Committee -- the oversight committee would, of
13 course, receive any prior notice of any covert action as well
14 as notification, as well as this notification.
15 Mr. Kirbow. The problem is, the War Powers Act notification
16 doesn't go to this Committee, it goes to the Armed Services
17 Committee.
18 Mr. Aaron. Well, under these recommendations it would
19 come to this Committee.
20 Senator Huddleston. Well, there's another point, too, when
21 we talk about 60 days. That is the limit. Congress can move
22 within 48 hours.
23 Mr. Aaron. Congress can move as soon as it is notified.
24 Senator Huddleston. If the Committee wants to act.
25 Mr. Maxwell. Are we recommending the War Powers Act be

1 amended, are we simply recommending the principles according
2 to paramilitary?
3 Senator Huddleston. I'm not sure if we're not confusing
4 the issue a little bit by referring to the principles of the
5 War Powers Act rather than just writing in those provisions
6 that we want to apply.
7 Mr. Kirbow. Just as a major covert action.
8 Senator Huddleston. And say, "consistent with the War
9 Powers Act."
10 Mr. Aaron. Perhaps a better way to do it would be along
11 those lines and then make the footnote that related to the
12 War Powers, simply, and that way we could fold in the prior
13 notification and say they would have prior notification of
14 this, and then the footnote would say that would constitute
15 the notification that would be analogous to the notification
16 under the War Powers Act, something along that line.
17 Senator Huddleston. Consistent with or parallel to or
18 something.
19 Mr. Kirbow. Mr. Chairman, we should here, for the sake
20 of clarity, to keep from a dual overlap with the other
21 committee, if you want this oversight committee, you mean
22 intelligence oversight, you should say intelligence oversight
23 committee. Otherwise, the War Powers Act notification does
24 go to Armed Services.
25 Senator Mathias. We ought to make it clear that we are

1 talking about a new statute or a new --

2 Mr. Kirbow. It really amends the Senate Rules and doesn't

3 have to amend the War Powers Act on prior notification.

4 Senator Huddleston. Well, that concludes that section.

5 Mr. Aaron. Well, the next section is on the reorganization

6 of the CIA, and essentially it talks about the pros and cons

7 of the concept of dividing the CIA by taking in effect the

8 analytical part of it and attaching it directly to the DCI

9 and making the rest of the Agency a separate agency. There

10 are reasons to do it, reasons not to do it. The recommendation

11 is not a firm one. The recommendation is that this is a

12 concept that merits serious consideration as a result of our

13 own work, and that we would recommend that the oversight

14 body look at it.

15 Now, a lot of the reasons for doing that have to do with

16 the production of intelligence, and we don't have that section

17 of the paper here yet. I guess I would recommend that we come

18 back to this section, and at this point proceed to the next

19 section which is relations with United States institutions and

20 private citizens, which ties into both espionage and covert

21 action, and for which we have a number of recommendations.

22 I would like to ask Bill, who has done all of the hard

23 work on this, to -- if you might talk to the specific recommen-

24 dations contained in it.

25 Mr. Kirbow. Where?

1 Mr. Aaron. I would suggest we go on to page 54, and then
2 when we have the other paper, we can come back when we have a
3 fuller picture to deal with it.
4 Mr. Bader. We do not have any bracketed sections in the
5 introductory text, but we do have some bracketed sections
6 meaning differences of approach and options in the recommendations
7 section.
8 So what I thought I might do is go to the recommendation
9 section, unless the Senators would like some time to read that
10 section, the introductory section as it now stands.
11 Senator Huddleston. We had this the other day.
12 Mr. Bader. We discussed this at length the other day,
13 Senator. This is just a summary of an outline of the problems
14 on both the media level and the educational institutions.
15 Now, what it really comes down to, the decisions before you
16 is in the recommendations section about what you do in order
17 to ensure -- at least, that is the thrust of the recommendations,
18 that there be a prohibition on the use of members of the United
19 States academic community for operational purposes, and opera-
20 tional purposes is explained in the text, and runs from the use
21 of American academics to assess and to assist in the operational
22 use and recruitment of foreign students for espionage purposes
23 to the use of academics for cover purposes. For example, in
24 the 1960s, one of our major American research institutions was
25 used [redacted] to Latin

1 America, to the use of American academics as what the Agency
2 calls writers, that is to say, individuals who write propaganda
3 or write at the Agency's direction.
4 You'll note, for esample, in the text, which you should
5 be aware of because it is perhaps one of those parts of what
6 we have done that will take on a certain amount of press
7 interest, there is at least one occasion in which a book
8 written under CIA direction was reviewed in the New York
9 Times by a CIA agent, which is rather closing the circuit.
10 Senator Huddleston. Pretty good review, too.
11 Mr. Bader. Yes, it was a good review.
12 Now, where the recommendations and the options are on
13 the recommendations, when it comes to the question on the
14 prohibition of -- on the use of members of the United States
15 academic community, it simply turns on the issue of whether the
16 Committee recommends that the CIA amend its internal directives
17 to include such prohibition on the use of the United States
18 academic community, or whether this should be done by statute.
19 The first option, the argument goes that the CIA does in
20 fact ~~have~~ internal directives that go to this question. We
21 have seen them, we have reviewed them. We have been given
22 testimony by the Agency just a few days ago that they felt
23 compelled if for any such directives, that any changes that
24 would be made to those directives would have to be brought to
25 the notice of any oversight committee, so the Committee then

1 would have a continuing review mechanism to see that these
2 directives remain as the Committee would like them, in this
3 case, to approve a prohibition on the use of members of the
4 United States academic community.
5 Mr. Kelley. How do they define a member of the academic
6 community?
7 Mr. Aaron. It means administrators, faculty members and
8 graduate students.
9 Senator Huddleston. Graduate students?
10 Mr. Bader. Graduate students.
11 Mr. Kirbow. Administrators down to what level, offi
12 managers, record keepers?
13 Mr. Bader. They really don't give any further definition,
14 and there's obviously a question of how far that goes down,
15 but whether it goes down to, you know, a Deputy Assistant Dean,
16 I would assume it would, but whether it would take someone
17 in the registrar's office.
18 Mr. Kirbow. An employee of the registrar's office.
19 Mr. Aaron. The supervisor of the heating system. It is
20 hard to say.
21 Mr. Bader. This option which would go to encouraging, if
22 you will, the Agency to change its internal directives would
23 be buttressed, as we see the argument, on this side is that the
24 academic community, through this report, would be alerted to
25 the problems of the use of academics, and would be both attentive

1 to it and would, we hope, see to their own directives and rules
2 within the university. So it would be a self-enforcing, re-
3 inforcing system.
4 The other argument for doing this by statute is very
5 clear. It is very simple that by law the Agency would be
6 prevented from the use of academics for operational purposes. I
7 believe the argument against that to the Senators themselves
8 as to the difficulties of shielding legislation, to shield
9 a particular group of Americans from operational exploitation
10 on the part of the Agency. That is questions of definition as
11 to what an academic would be, and emblazing that in law.
12 My own recommendation goes to the first option, as you can
13 perhaps detect, which is that the Committee should begin with
14 the insistence on amending the internal directives, should
15 alert the academic community to its problem, should maintain
16 a continuing oversight of this issue, and that if need be, in
17 time an oversight committee could move to the legislative
18 remedy if it did not see that this was working, and it would
19 not guarantee that this prohibition would in fact stick.
20 The statute is very clear as to what you would do. You
21 would put it in law, and it would be done.
22 Now, I would call on -- David, would you like to argue
23 the statute?
end 1b
begin 2a
24 Ms. Culbreath. Could we ever have some comments as to
25 whether either of these is what we want to do? I would like

1 to speak to the point of view of either by directive or by
2 statute prohibiting people, simply because they happen to belong
3 to the academic community from doing something which they may
4 wish to do voluntarily and knowingly and wittingly. I think
5 there is a tendency to assume that everybody in academia may
6 have the same attitude about operational use of academics, but
7 I can think of institutions in the country where the adminis-
8 tration and faculty and parents of students who go there, they
9 all feel that this is an appropriate role for a citizen or
10 a patriot to do, and I just question whether we want to
11 prohibit it absolutely.
12 I think in terms of having an informed administration or
13 it being aware of this, so that if the president or the trustees
14 think we don't want our school or our faculty people associated
15 that's one point of view, but to say that others who may wish
16 to be involved and who may wish to provide a forum even to
17 encourage these kinds of things, I just question whether we
18 want to put that much of a prohibition in.
19 I think that is the other side of academic freedom.
20 Senator Mathias. Could someone articulate exactly what
21 the evil is that we are trying to eradicate. Maybe if we
22 can get at it that way --
23 Mr. Aaron. Do you want to do that?
24 Mr. diGenova. Well, the evil, just from reading what
25 Bill has written, or to get it from your view is that this is

1 an institution which people look to to shelter and to aid
2 the education of "young minds," and that it has a basically
3 sacred function, which is the education of our young people,
4 and to involve it covertly in the clandestine collection or
5 operational purposes of the Central Intelligence Agency is to
6 basically prostitute its function when it is done unwittingly,
7 and that therefore it should be prohibited because this is an
8 institution which requires the greatest insulation from any
9 sort of activity concerned with intelligence collection other
10 than overt, contractual relationships, correct?
11 Mr. Kirbow. You missed the very point which she made.
12 You said unwittingly. She said wittingly should be allowed.
13 Mr. diGenova. I know that, but the question was, what
14 was the evil that was attempted from what is here.
15 Bill, is that a fair summary of what you were getting
16 at?
17 Mr. Bader. I think that's a fair summary. I think very,
18 very simply stated, as I see it, within the academic community,
19 in the relationship of a professor, a teacher to student is
20 one of trust, is one, as I see it, where it is an open
21 relationship that is entered into under very special circum-
22 stances of trust, and that trust should be preserved.
23 Senator Mathias. Well, let me be the Devil's advocate
24 here because I think we are going to have trouble with this
25 one later on. We might as well understand it ourselves.

1 What about a non-teaching academic, say a librarian, or
2 a Soviet American expert, or a Chinese research expert who
3 really has very little contact with students but he is on the
4 faculty of a university?
5 Mr. Bader. It becomes very much more difficult when you
6 get down the system to the grounds keeper at a great American
7 university, whether he would be part of the spotting and assess-
8 ing system. That is difficult to deal with, and obviously the
9 further you get from the professor-student relationship, the
10 less intensity, it seems to me --
11 Mr. Aaron. I would be happy to make a point that --
12 Mr. Kirbow. The person that keeps the record has the
13 control over the information they are seeking.
14 Mr. Bader. But they are all part of the university
15 community to which the student has introduced himself, and I
16 don't think the student would make this kind of distinction or
17 differentiation between the nature of the relationships he
18 would perceive between himself and those in that.
19 Mr. Maxwell. Couldn't he make a differentiation if he knew
20 that the individual faculty member was providing, on a voluntary
21 basis, information to the Domestic Contact Service?
22 Mr. Davis. That wouldn't be done covertly.
23 Mr. Maxwell. But it is not broadcast. It is not something
24 where --
25 Senator Mathias. Well, let's look at some of the hard

1 cases. Now, what about an academic who is in good standing.
2 Let's say his name is Daniel Patrick Moynihan, and he has
3 tenure at Harvard, and he takes a year's sabbatical and hires
4 out to CIA for a year.
5 Mr. Aaron. He would be prohibited from doing that, and I
6 would go beyond in arguing in this case, beyond what Bill has
7 said, that it isn't simply the question of students. It seems
8 to me that we look to our academic institutions, which are non-
9 profit institutions, as sources of inquiry after the truth in
10 some basic way.
11 Now, if there are open associations with corporations, with
12 government and what have you, people are in a position to
13 assess the extent to which those open associations are reflected
14 in the views and academic work and ideas and analyses that may
15 come out of academic institutions, but if these relationships
16 are secret and covert, there is always the question whether
17 the views and ideas and concepts that are being put out are
18 in fact independent, are in fact objective, really aren't
19 serving the policy and purposes of what is a clandestine
20 organization.
21 Now, I personally don't think that most of these people,
22 or even any of these people do that, although we find cases
23 in terms of fallout, so to speak, in terms of writing that
24 some of these people may have done, but I think that one really
25 has to ask whether institutions, private institutions or even

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1 public institutions devoted to trying in some sense to find the
2 truth, to establish themselves as objective, above-board, whether
3 you really want them to have a clandestine relationship to an
4 organization whose part of its purpose is to manipulate
5 opinion at least abroad.
6 Mr. Kirbow. Don't you think that that is a judgment for
7 that directorate and the board of directors and all of those
8 people to make, just like any other business?
9 Mr. Aaron. No, I don't. I think it is a public policy
10 question.
11 Mr. Kirbow. Even if it is made witting?
12 Mr. Aaron. We are seized with the question, we can
13 either say this government is going to pursue policies, it is
14 going to use these people or it isn't.
15 Mr. Kirbow. I'm sorry.
16 Mr. Aaron. We are in a position, it seems to me, of being
17 seized with the questions. We can either make a decision which
18 says these people may be used for this purpose, or we can make
19 the decision to say these people should not be, and we can
20 argue about the form that that ought to take, but we have the
21 question before us. But it is not a question of what these
22 people ought to be allowed to do, but it is a question of
23 what the government ought to be allowed to do.
24 Mr. Kirbow. And there is only a potential for abuse.
25 I don't think the Committee has before it an abuse situation

1 here that's been discovered in the evidence.

2 Mr. Kelley. But taking David's point one step further,

3 it is not only what we would restrain the government from

4 doing, but we would also want to prevent a larger taint on

5 those academics who have chosen not to be used by the CIA or

6 work with the CIA, and they would be suspected of that if

7 there were others who were traveling abroad on behalf of the

8 CIA.

9 Mr. Inderfurth. Can I ask a question here in the light of

10 that?

11 Is there anything here to prohibit, if the second option

12 is taken, the overt relationship between academics and the

13 CIA? Can they continue to advise, can they continue to

14 consult, offer overt intelligence, that they have gone overseas,

15 come back and --

16 Mr. Aaron. There's nothing to prohibit that, and they

17 could even undertake classified and secret work, but the

18 fact --

19 Mr. Kirbow. But not for operational purposes.

20 Mr. Inderfurth. But the overt relationship would exist.

21 Academics could say, when I was in the Soviet Union I found

22 out this.

23 Mr. Bader. Now, the text, in fact, does speak to the

24 majority of these contacts being opened. What has been lost

25 in this text, I think, in the late night brutality that has from

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1 time to time been applied, is that we have lost a paragraph
2 which I think should be reinstated, where we endorse this
3 variety of open contact, and I would think it would be
4 sensible to restate that paragraph just to be sure that we
5 have this balance between --
6 Senator Mathias. I would be very much in favor of
7 reinstating that, but let me say that I think maybe you have
8 gone too far if you say that someone who is on a sabbatical,
9 an extended sabbatical, really has to give up tenure, sever
10 all connections if he is going to enter any operational
11 Mr. Davis. Well, Senator, let me interrupt and say
12 what tenure means to a person in the academic community, that
13 means a person has been teaching for six years, and at that
14 point is supposed to go off and do some research, and sort of
15 come back and be all refreshed and be a teacher. So the whole
16 idea of tenure, or of the sabbatical being used for other
17 purposes would in a sense violate --
18 Senator Mathias. Well, it is a leave of absence. Isn't
19 that what Moynihan had from Harvard?
20 Mr. Davis. Well, I think that is different, but it would
21 still, you would go away in order to do those things in order
22 to continue a career. You know, you can serve in the United
23 Nations or you can come to the Senate Select Committee, but
24 it's all part of the purpose of going back to be a better
25 teacher and a better scholar.

1 Senator Huddleston. Does it work that way?

2 Mr. Kirbow. Would you not consider that an infringement
3 of your rights if you were prevented by regulation to have
4 made this kind of contribution to one of the intelligence
5 agencies?

6 Mr. Davis. This is a tough one, and my colleagues split
7 on this. I might say that some of them say they don't want
8 to be singled out and spoken to separately and told that they
9 cannot do things, whereas businessmen can, and other people
10 say that academic freedom doesn't extend to everything, and
11 that there are certain constraints on my academic freedom
12 already that I cannot engage in a classified contract at a
13 university without telling the university I am doing that, and
14 that I cannot come down here more than three or four days a
15 week without telling my university that I'm doing that,
16 although I'm not supposed to anyway, anyway, that my academic
17 freedom is already constrained by my being a member of that
18 university. And I think that is a hard one to call, and I
19 myself at the end, I think, would come down to the hope that
20 my academic colleagues would sort of take care of themselves,
21 but I am not too confident that in the public interest, that
22 my academic colleagues would not take this and sort of do
23 with it what I'd like. So I find it fairly difficult.

24 Mr. Kelley. May I raise that taint thing again in
25 response to Liz's objection?

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1 Remember, there was an Operation Camelot a few years ago,
2 I think, in Latin America, where the Army was hiring profes-
3 sors to go to South America and write secret classified
4 papers on South American countries. When that was revealed,
5 I forget in what manner it was revealed, a lot of other academics
6 who were not involved had their freedom to travel in Latin Ameri-
7 ca, and their access to government people and their general
8 academic business compromised. Then there was a whale of
9 objections that came forth out of this.
10 Mr. Maxwell. I think at least to be realistic about this,
11 regardless of what kind of promulgation this committee makes
12 as to the use of academics, there are relatively few societies
13 in the world that will take at face value the notion that
14 visitors from another country who come to be studying there are
15 not in some way tied to the government. And I think the belief
16 that we can convince any country in Latin America that
17 visiting academics are not going to report to the Government
18 through this kind of promulgation, I think, is a bit naive,
19 and it may be dishonorable to do.
20 Mr. Kelley. Well, you said the domestic contacts idea
21 would not be prohibited by it, that you could come back and
22 report.
23 Mr. Miller. But it minds somewhat that you counter --
24 Mr. Maxwell. I think if you look at the record of
25 American researchers in India, for example, over the last

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1 five years, I think you will see a real question about the
2 acceptability of American researchers in a society.
3 Mr. Aaron. Well, there was a good reason for it.
4 Mr. Treverton. It strengthens rather than weakens Bob's
5 point.
6 Senator Mathias. Well, let me tell you, even members of
7 the Senate are not exempt from this problem. I went to teach
8 at the Salzburg Seminar of American Studies, and immediately
9 upon my arrival, all these students, Yugoslavia, Poland,
10 Finland and where else, he's a CIA agent. So I spent a
11 couple of weeks, whatever time I was there, playing pingpong
12 and drinking beer and singing songs and making all kinds of
13 sacrifices to kill this impression that I was an evil agent
14 of the CIA.
15 I finally had just about eradicated that idea, and so the
16 last night I was there they asked me to say a few words after
17 dinner, and I said what a positive experience it had been, and
18 I was going to tell everybody in Washington about it, and they
19 said, see, we knew you were CIA.
20 Mr. Kirbow. Mr. Chairman, would it make the academics feel
21 better if this were restrained to only witting individuals at
22 witting institutions, so that, you know, you've got an agreement?
23 Throughout the south, land grant colleges and whatnot,
24 are probably as conservative a single body of people in
25 teaching institutions as there is in the world, and a great

1 deal of work along the lines of what other communities consider
2 to be distasteful type work is done at those institutions. They
3 still have ROTC units at every one of them.
4 Mr. Davis. But those are open, Charlie, and that's the
5 difference. It's the covert part of it that you are addressing
6 here.
7 Mr. Kirbow. If the individual and the institution is
8 witting to do this --
9 Senator Huddleston. What about if the student is witting?
10 Mr. Kirbow. The student himself is not affected unless
11 it taints the person who is teaching the student his English
12 course or his mathematics course.
13 Senator Huddleston. Maybe the student and his parents
14 should know when he enters the school that he is subject to
15 being proselyted by a secret agent.
16 Mr. Kirbow. I think that's what you do when you say that
17 there are 300 some institutions doing this throughout the
18 United States.
19 Mr. Bader. The problem with the witting and unwitting is
20 a very difficult one to deal with just for the facts of the
21 matter. I mean, of the 134 American universities and colleges
22 who have individuals aboard who do serve operational purposes
23 of the Agency, at 82 of those institutions there is no one
24 but the individual involved who is aware of the CIA link.
25 Mr. Kirbow. That's why I said it should be both.

1 Mr. Bader. And at the other 42, there is someone aware.
2 The Agency's definition of this is a very difficult one because
3 it feels that the institution is aware as an institution, if
4 one responsible person in that institution is aware. This is
5 the nature of the problem. How do you make an institution
6 aware that its faculty members are serving operational purposes?
7 What is witting in a university?
8 Senator Hart of Colorado. Let me add one fact for the
9 lawyers to chew on. That is the possible First Amendment
10 freedom of association problem. I'm not sure you can pass
11 a law that discriminates against a group, that says the
12 government cannot deal with you or prohibit you from dealing
13 with it.
14 Ms. Culbreath. May I raise one other point?
15 Senator Huddleston. Does anybody want to comment on
16 that, you lawyers?
17 Mr. Aaron. I am not a lawyer, but I would like to
18 emphasize that while I think there is some question about
19 what the role and responsibility of the academic is, it seems
20 to me that the issue is what is the government going to do,
21 and the government places restrictions on itself all the time
22 in its dealings with citizens in all kinds of programs,
23 domestic and foreign, military and otherwise.
24 Senator Hart of Colorado. But could you cite me a law
25 that says that a specific department of the United States

1 Government cannot deal with a specific class of citizens in our
2 society?
3 The law would be essentially saying that the Department of
4 HEW cannot have anything whatsoever to do with farmers.
5 Mr. Miller. NSA laws have prohibitions against access to
6 citizens without clearance.
7 Mr. Aaron. I would be happy to research the question, but
8 I would point out that your recommendation to prohibit the
9 government from dealing with newsmen for operational purposes
10 is really --
11 Senator Hart of Colorado. Is that mine?
12 Mr. Aaron. I thought it was.
13 Oh, I'm sorry, publishing. I withdraw the allegation.
14 Senator Hart of Colorado. That says to the Agency you
15 can't publish in a book.
16 Mr. Bader. Senator, we are starting with the issue of
17 the prohibition. As you know, my own recommendation is that
18 this be done as a combination of internal directives whereby
19 the Agency would prohibit itself from making operational use of
20 these individuals, plus the generic exposure, if you will, so
21 that the academic community is aware of the magnitude, if you
22 will, or the scope of the problem.
23 I tend to agree with you about shielding legislation in
24 this case. Well, there is one recommendation here which we
25 will come to where to do something by statute is to say that

1 in government sponsored and government funded exchange programs,
2 no funds will be expended in such programs, with a prohibition
3 on the operational use of government grantees.
4 Now, that is not as difficult, I believe, is it?
5 Mr. Maxwell. But you're then receiving the benefit
6 from the government, and as a condition of receiving that
7 benefit from the government, one can make the restrictions
8 suggested.
9 Mr. Bader. It should be said there is a record here the
10 Central Intelligence Agency has, for a number of years, had on
11 its prohibited list three categories: Peace Corps, Fulbright
12 Grantees, which I gather the definition of what they mean by
13 that is those selected and approved by the Board of Foreign
14 Scholarships, and employees and grantees of the Ford Foundation,
15 Rockefeller and Carnegie. Oddly enough they have chosen
16 these three. I gather the history of that is that John J.
17 McCloy insisted on that at one point, and it has ever
18 prevailed.
19 So there is a record of internal prohibitions that the
20 CIA has.
21 Senator Hart of Colorado. But the Constitution says
22 Congress shall pass no laws. That didn't say an Agency
23 can't.
24 Mr. Bader. Well, we're just talking at different
25 levels. We are speaking first to the question of whether

1 there should be prohibitions, and second, as to how they
2 should be implemented.
3 Senator Hart of Colorado. I understand. I just wonder
4 if there is a constitutional question here.
5 Mr. Kirbow. I think there is a serious question that
6 should be resolved, and I will only make one other point, as
7 I have been reminded by one of the other attorneys, that the
8 testimony here of one of the key witnesses in this field is
9 that if you eliminate their ability to recruit at the campuses,
10 you will eliminate 50 percent of their annual recruitments.
11 Mr. Davis. There you have to be careful.
12 Mr. Kirbow. Let me finish. And I do not indicate to you
13 that all of the recruitments would necessarily stop if they
14 couldn't have spotting and whatnot, but they've indicated that
15 eliminating use of academics even for spotting --
16 Senator Hart of Colorado. This doesn't do that. This
17 doesn't prohibit recruitment of students.
18 Mr. Kirbow. It prohibits your using anyone in the
19 academic field there to introduce you even to the foreign
20 student over a cup of coffee.
21 Senator Hart of Colorado. I thought you meant recruiting
22 for the Agency.
23 Mr. Kirbow. Recruiting for an agent those students
24 from a foreign country having nothing to do with American
25 students.

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1 Senator Hart of Colorado. Well, if they want to recruit
2 a foreign student, they can just knock on their apartment door
3 and introduce themselves.
4 Mr. Kirbow. I would just like to say that testimony
5 says if they lose the use of the favorable atmosphere that
6 they have of the academic, they will lose 50 percent of their
7 recruitment.
8 Mr. Bader. Well, Charles, let me say, in all respect,
9 I think that is not their statement. Their statement is in
10 two parts. First of all, it is that if they are denied --
11 no, the first statement is that 50 percent of their annual
12 recruitments come from campuses.
13 Mr. Aaron. Domestic. That means 25 people.
14 Mr. Bader. Their second statement is that they would
15 consider it a major loss in that recruitment process if they
16 were denied the use of academics, but they don't make, or they
17 don't say that they would be denied the 25 or 50.
18 Mr. Kirbow. What they said, Mr. Bader, it would prohibit
19 them probably half the recruitments if they could not use
20 that facility to do it. I used 50 percent.
21 Mr. Inderfurth. Foreign students?
22 Mr. Kirbow. Yes.
23 Mr. Inderfurth. Well, this is another issue. I mean,
24 what does the Committee think about foreign students coming over
25 to this country and being approached by the CIA. I mean, I

1 went overseas to study as a Fulbright, and I was under this
2 regulation and so I couldn't have been used over there, but I
3 think there is something about Soviet, you know, coming here
4 and all of a sudden we start thinking, well, now, he might
5 go back and turn on his country.
6 Maybe it is a simplistic way to look at it, but do we
7 want to continue that?
8 Mr. Kirbow. If you intend to have human collection from
9 the denied areas, it is 50 percent of your opportunity over
10 the next foreseeable two or three decades.
11 Senator Hart of Colorado. Now, no, Charlie, wait a
12 minute. Because they have found it convenient to do this in
13 the past does not mean it is their only recourse. They will
14 think of a way.
15 Mr. Davis. I can think of a variety of ways to recruit
16 foreign students at Columbia and not use academics by that
17 definition at all.
18 Senator Huddleston. How would you do that?
19 Mr. Davis. Well, there are people in the foreign student
20 center, there are people in the International House --
21 Mr. Miller. In the restaurants.
22 Mr. Davis. In the restaurants. There are just a variety
23 of places you could go to meet people, in seminars. You don't
24 have to be an academic..
25 Mr. Kelley. Well, you're just being legalistic about

1 who is going to contact them. You are still at the university,
2 which reaches Rick's point very quickly, that why draw this
3 paper regulation so you can't use professors but you can use
4 the foreign student?
5 Mr. Davis. Well, that's a separate question.
6 Mr. Kirbow. Well, Mr. Chairman, if it were that easy
7 to recruit, I think we would be recruiting more than 50 people
8 in the United States a year.
9 I am not in a position, I think, not being a currently
10 experienced agent recruiter in the United States, to make that
11 kind of -- the man that runs that business says this was the
12 hazard that it created. He even contacted one of the staff
13 today to say if you're going to do this, please consider this
14 aspect of it. About the only other 25 people they get, they
15 get out of the United Nations New York involvement, through
16 their principal office there.
17 Senator Huddleston. Well, of course, what we are confronted
18 with is the question of the success of the operation or the
19 propriety of it.
20 Are we going to subvert propriety for success is one of
21 the things we might have to do, I guess.
22 Mr. Kirbow. Well, I don't think the question Senator
23 Mathias asked has been answered, that there has been any real
24 harm shown by this program over the years. I don't know that
25 it has subverted the minds of any student.

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1 Mr. Inderfurth. What about NSA? Does that do? Is that
2 an abuse? Does that subvert the minds of the student leaders
3 who were witting, or did it subvert the minds of the conferences
4 that they went to?
5 Mr. Kirbow. I don't have the answer to that question.
6 Perhaps you do.
7 Mr. Inderfurth. Well, I have an opinion. I don't know
8 if you can get an answer.
9 Mr. Aaron. Well, I think we have two separable issues
10 here which I think we probably ought to -- I mean, if the
11 committee can address them seriatum. One is, do we want to
12 have the Government itself place some limit on its relationship
13 with academics, its relationship, which is clandestine and
14 covert, and if the answer to that question is yes, then the
15 answer to that question is how would one do that? Would one
16 do a law, shielding legislation which may raise certain
17 kinds of questions, including constitutionality, or what have
18 you, or do we want to recommend that the Agency itself put
19 the people off limits, would necessarily do anything except
20 institute policies which any Agency should have concerning
21 journalists or any number of people.
22 Mr. Miller. Well, let me raise a question, David, which
23 really may go to the point.
24 We heard from, as we discussed earlier, a number of views
25 of the President and so on, and as I recall that evening

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1 was that they don't want any laws, definitely.

2 On the other hand, they wanted to know what the hell was

3 going on so that they could govern themselves, and that puts it

4 in a nutshell.

5 Won't the effect of this report, assuming that it is

6 printed and it is public, provide the university community with

7 an awareness of what is going on?

8 Mr. Kirbow. You mean without a recommendation, just the

9 finding that it has been done.

10 Mr. Miller. Well, I am just raising the question for

11 discussion. Will the report itself provide notice that these

12 things are going on and allow the university community to

13 govern itself in whatever way. In certain areas it won't

14 make any difference, and in other areas it will.

15 Or is it necessary to take one of those alternatives which

16 is either internal prohibitions on the agencies, and the

17 further step is a statute.

18 And it seems to me that if you weigh those three possi-

19 bilities, you may come to an answer.

20 Mr. Aaron. Well, I think there is one problem with the

21 first step. It's just a problem, I'm not saying that it is

22 an insuperable problem, but the problem is one I think that

23 Charlie put his finger on earlier, and that is the question of

24 witting. But we do have 41 individuals who are being used

25 for operational purposes who are academics who do not know

1 it, and we have -- I think there are 82 institutions in which
2 no one outside of the operative himself, who may not know it --
3 we just don't know how these numbers break out -- or the
4 institution doesn't know it.
5 Now, it may well be that our report is so widely read that
6 all institutions will have a chance to look at themselves and
7 ask these questions, but there is a problem in the problem of
end 2a 8 witting and unwitting, as Charlie points out.
9 Mr. Kirbow. Well, I think none of the opposition to
10 these two recommendations at no time has said we shall maintain
11 these unwitting relationship, but I do feel very strongly that
12 the university management, whatever it is, and it can't
13 be very difficult to find out who is running the shop, I would
14 think, and the individual himself are both witting, that we
15 should not prohibit the Agency from this very, extremely
16 valuable resource, performing this foreign intelligence
17 function.
18 Senator Huddleston. Well, you know, really, to get
19 back -- the major evil as I see it was the recruiting of
20 students, a foreign student who comes to the States presumably
21 to get an education, and whether he is recruited by another
22 student, a member of the faculty or a CIA agent, a local
23 businessman or a bar tender, it seems to me that is the
24 major evil, I think. It is the subversion of the student who
25 is sent over here, unwittingly sent over here for one purpose,

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1 in our institutions of higher learning, and is subjected to
2 this effort.
3 And I am not ready to say that we ought to eliminate
4 that, but it seems to me that we really are after the problem
5 that we are not totally addressing it by zeroing in on the
6 academics. All we are doing is making it harder for them to
7 do it, I guess.
8 Mr. Aaron. Well, I think that is correct. If that is what
9 you see as the principle evil, you really have to go to the
10 question of recruitments.
11 Senator Mathias. But the response to my question to define
12 the evil, I think we went wider, and we talked about the taint.
13 Senator Huddleston. We are not corrupting a faculty mem-
14 ber.
15 Mr. Aaron. I think my definition of the wider evil would
16 encompass the question of the professor representing himself
17 as being something other than what he represents himself to
18 be, both to the student and to the public at large, and I
19 do think I would share Bill's view, even though I am not an
20 academic, that they have a special responsibility in our
21 society, and because of that responsibility I don't believe
22 the government should be in a position of trying to detract
23 from that responsibility, which is a way I think you can argue
24 that this kind of clandestine effort would do.
25 If you want to get at the other problem, though, of

1 recruiting students, you know, we are talking here about
2 positive foreign intelligence, and I don't even think we have
3 stepped around to find whether from the standpoint of counter-
4 intelligence there are recruitments which take place of foreign
5 students; in other words, find out if another student may be
6 a witting KGB cooptee, Soviet. I mean, I just don't have any
7 idea where that situation would take us.

8 Mr. Maxwell. Now, there would -- one piece of information
9 on that is the documents published in conjunction with the
10 Huston Plan hearings this morning, I noticed that, whether
11 rightly or wrongly, that close to 50 percent of those Soviet
12 exchange students who came to the United States in 1972 were
13 labeled as KGB cooptees.

14 Now, if they are to be seen quite as lambs being led to
15 the slaughter --

16 Mr. Aaron. The problem may be the other way around.

17 Mr. Kirbow. Most of the graduate students, which is what
18 most of the students are here, I think, we would be
19 concerned about, or the ones that are here under special
20 programs are hardly unsheltered youths, or rather, sheltered
21 youths.

22 Mr. Quanbeck. I have a question. Would this apply to
23 foreign students who attend like the Inter-American Defense
24 College or any of our military institutions throughout the
25 United States? We have hundreds of them coming in.

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1 Mr. Kirbow. As it is written, it would -- the ones who
2 sit down here in Washington where we have civilian instructors
3 who are academic instructors.
4 Mr. Aaron. It goes from the Government's use of the
5 academics, and unless we went to the question the Chairman
6 suggests, as saying that we don't recruit students --
7 Senator Huddleston. Well, I think that's just an extension
8 of the problem. I think it's reazly a difficult recommenda-
9 tion, and I am inclined to lean toward Bill Bader's suggestion
10 with the caveat of the wittingness of the institution.
11 Mr. Kirbow. Institution and individual?
12 Senator Huddleston. And individual.
13 And specify, for instance, that the president and, whether
14 it is the president or the board of trustees or the chairman
15 of the board or whatever it is, be aware of it.
16 Mr. Kelley. We are talking about so many different things
17 here, recruiting of students --
18 Mr. Aaron. Propaganda is another one.
19 Mr. Kelley. Going only to the student and asking the
20 student will he be an agent. That's what Senator Huddleston
21 is pointing out.
22 Mr. Kirbow. They don't use them for that.
23 Mr. Kelley. The CIA going to a foreign student who is
24 here and trying to recruit him. That has been pointed out
25 as one evil. Another evil or another practice is that of going

1 to American faculty members and saying, will you tell us about
2 any students here, and that is using that faculty member for
3 an operational purpose, and then it is employing those
4 faculty members or other members of the academic community
5 during the leave of absence, when they go overseas or somewhere
6 else.
7 There are so many different things here, and some have
8 greater or lesser degrees of evil and desirability, that I'm
9 not sure that these two brief, you know, that we are taking
10 into account all of the subtleties.
11 Mr. Bader. All of these fall under the Agency's terminology
12 as the operational use of the individual, namely, to find
13 each of these practices as being more or less acceptable, but
14 they are all operational.
15 Mr. Kelley. Maybe I'm saying that a blanket ban is too
16 blunt an instrument, and maybe we don't have the time to
17 analyze each one of the things we are really talking about
18 and apply the kind of precision to them to accomplish what
19 we want, and therefore it may be something for the oversight
20 committee to study.
21 Mr. Kirbow. I would suggest the third option, as the
22 Chairman said, that it not be prohibition but it be in allowing
23 practices where both witting individuals and witting institutions
24 with carefully structured regulations which required the
25 type of notice to the governing individuals be as far as you

1 go at this time, with no further showing of wrongdoing

2 Mr. Bader. Well, Mr. Chairman, the problem with that is

3 as far as witting institutions are concerned in an economic

4 community, you cannot argue the case that -- well, you can

5 argue the case, but it cannot be a very sustained argument

6 that in an academic community, by having one or more, a few

7 individuals somewhere in a university administration being

8 aware that certain faculty members are being used for recruit-

9 ment purposes, that you make the institutions --

10 Senator Huddleston. Well, I would assume it would be

11 the president or the chairman of the board.

12 Mr. Aaron. Well, I think Bill's point is that they are

13 not hierarchical organizations like making the cognizant

14 commander aware of which his troop is doing.

15 Senator Huddleston. Well, the president can say no, can't

16 he?

17 Mr. Kirbow. And he can put out a notice to his faculty

18 that this institution does or doesn't. I don't think there's

19 any institution that isn't managed by somebody, isn't there?

20 Ms. Culbreath. Just this one.

21 Mr. Davis. A subset of that problem is how a university

22 would know that it's a covert problem, and the -- I mean, while

23 you were supposed to inform people of what you are doing, if it

24 is a covert contract, it's not entirely clear how the university

25 official would know.

1 Mr. Kirbow. The CIA would have that responsibility, not
2 the individual.
3 Mr. Davis. Well, then, if the president said no.
4 Senator Huddleston. Well, that really doesn't address the
5 evil. It doesn't solve that. It just gives the institution
6 a chance to say no.
7 Senator Mathias. Why doesn't somebody look at Gary
8 Hart's first amendment question over the night. I think we
9 have kicked this one around about as far as we are going to
10 kick it.
11 Mr. Inderfurth. His feeling, by the way, when he left
12 was because of the importance, that the various options should
13 be included into the report that goes to the full Committee,
14 including the option of prohibition by law.
15 Senator Huddleston. What are we doing when we raise this
16 question publicly? I'm not sure the great body of the American
17 public or the great body of the world --
18 Mr. Miller. The more I listen to this, just our own recactic
19 and we are people that have been working with the problem for
20 a year. It seems to me that the exposure of the question
21 may do far more than any prohibition.
22 Senator Mathias. The only problem with that, Bill, is that
23 that may be of limited duration.
24 Mr. Aaron. Well, in addition to these options, then, it
25 seems to me there ought to be an option which says that these

operational uses would be permitted as long as the individual were witting and some, maybe as you say, the chairman of the board of trustees, or the presidents or their equivalents, were notified of the relationship.

Mr. Kirbow. Or regulations to that effect.

Mr. Aaron. In other words, the internal regulations of the CIA would be to that effect, and is there a fourth option, that there should be a prohibition on any recruitment of foreign students in the United States?

Is that a reasonable thing that the Committee ought to consider as well?

Mr. Kirbow. I think the Senator said he wasn't willing to go quite that far right now.

Senator Huddleston. I may be by tomorrow morning.

Mr. Maxwell. May I mention one more thing?

Most of this has focused on recruitment of students, which I think is an extraordinarily difficult issue because of the value that is claimed by the Agency for that, and I think my own, at least, ignorance about alternative means of doing it. The issue of another evil which is an issue that Bill has used about the possible use of academics to write propaganda is I think a somewhat simpler issue, because I think that may get more directly, at least more directly than finding simply a list of foreign students and providing it to the Agency, to the issue of how that affects the academic

1 community, and a situation in which an academic may in fact
2 be writing propaganda, putting out material that other people
3 in the academic community don't know is essentially by.
4 Senator Huddleston. Well, they have indicated to us that
5 they have discontinued that, that they have put nothing out
6 that is not attributed in the first place.
7 Mr. Kirbow. Sir, many of these people used to write
8 articles and whatnot for use overseas, so it has nothing to
9 do with the use in the United States, and they rely a great
10 deal on this type of contact for specialists in certain areas
11 to have an appeal to the people.
12 Now, whether or not that does them much good is a question
13 that is debated in the Agency a great deal, but the third
14 option would include what you said there, and a fourth, if you
15 want to put it down here, to go before the full Committee, is
16 a total prohibition against recruiting foreign students.
17 But I think if we could have until maybe tomorrow afternoon
18 this constitutional question on that one issue is going to
19 get a little more complex.
20 Mr. Inderfurth. Will the Supreme Court sit before
21 tomorrow?
22 Mr. Kirbow. No, sir, but Mr. Schwarz will be here
23 earlier.
24 Senator Huddleston. Well, we have beat that one all we
25 can tonight, I believe.

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1 Mr. Aaron. Well, the second recommendation here, I
2 don't know whether that is controversial with other staff
3 members or with the Senators or not.
4 Mr. Kirbow. That we are going to put the whole academic
5 question under further consideration tomorrow?
6 Mr. Aaron. Including this one?
7 Senator Huddleston. Academics for operational purposes?
8 Mr. Kirbow. On top of page 59, say, they're talking about
9 the use of cultural grantees of all U.S. government sponsored
10 programs.
11 Mr. Aaron. The point of that being the Congress and the
12 executive branch, for that matter, makes grants for education
13 and all sorts of cultural exchange programs that don't involve
14 academics, the athletes, artists and whomever for certain kinds
15 of specified purposes there, for Hands Across the Border purposes
16 and what have you, and if these are used for clandestine
17 purposes, in effect they would piggyback on overt programs
18 and there is some question as to whether the Congress wishes
19 these programs to be so used, and that is really the question
20 the Committee has to face up to. Do we want to permit those
21 programs, some of those programs, clear to the Fulbright
22 program -- I know there's a prohibition on it. The question is
23 whether that prohibition ought to apply to others.
24 Senator Mathias. And you're talking about during the life
25 of the program.

1 Mr. Aaron. Yeah. I get a grant for six weeks to go
2 to the Soviet Union to Boclov Institute. It's a Federal
3 Program. Should I have a little extra money to visit someplace
4 else.
5 Mr. Inderfurth. Yeah, but David, those are CIA prohibitions
6 not by law, on the Fulbright.
7 Mr. Bader. Those are CIA prohibitions presently.
8 The recommendation here, which I think is separable from
9 the earlier recommendations, this is a question of whether by
10 statute the CIA should be prohibited from using programs,
11 grantee programs that are federally funded to piggyback, as
12 David puts it, operational purposes and operational uses onto
13 it, in other words, if you are using Federal funds for another
14 purpose.
15 Senator Huddleston. I would agree with that.
16 Mr. Aaron. So is it your suggestion we should adjourn
17 until tomorrow?
18 Senator Huddleston. I think so.
19 Mr. Inderfurth. Gary Hart wanted me to raise one question
20 at the conclusion of this, and that is to get some feeling
21 for the timetable between now and Friday when this is supposed
22 to be all done. Going into speed, I think he has concluded it
23 will be two years or something like that?
24 Senator Huddleston. Well, we are open to suggestions
25 for speeding it up.

1 Mr. Inderfurth. Well, my comment to him was I thought
2 the discussions of the National Security and the role of the
3 DCI in covert action, what we're discussing now, should be the
4 most lengthy discussions, IG recommendations would go quicker,
5 but will these all be done by Friday?
6 Senator Huddleston. That is our hope, and I don't see
7 how we can do it unless we do meet twice a day. Hopefully we
8 won't have to go any more nights.
9 10:00 and 2:00 suits me, but tomorrow we'll commence,
10 some of us at least, at 9:00.
11 Mr. Maxwell. I think that would do it, I think in terms
12 of complexity and debate. With the staff, I think the material
13 we have covered so far is the vast bulk of those, the hard
14 issue.
15 I hope tomorrow I will be meeting with the Domestic
16 Subcommittee drafters, and I think we can have an agreed version
17 at least on that side on the questions of the role of the
18 Inspector General and the role of the General Counsel and
19 maybe we can go through that four or five pages very quickly,
20 if it is agreeable to this side.
21 Mr. Inderfurth. Isn't this supposed to be completed by
22 Friday?
23 Senator Huddleston. Well, this is what we are shooting
24 for.
25 Mr. Inderfurth. To go to the Full Committee over the

1 weekend, and then Monday --

2 Senator Huddleston. Well, if we just finished Friday,

3 we've got to have at least a day for typing.

4 Mr. Aaron. Well, let me just say I think, Mr. Chairman,

5 may I raise a point?

6 I think that one of the important questions here is the

7 extent to which you want to look back at what you've done. In

8 other words, we have been sent away to prepare and redraft

9 certain recommendations concerning the charter of the CIA;

10 for example concerning whether the DCI should wear both

11 hats and so forth. At some point we must, I think, leave some

12 time in the schedule to look either at all of those changes

13 at once, or to spend a little time each day looking at the day

14 before's work, in assuring that in fact that is what we all

15 want to do.

16 Senator Huddleston. I would rather get it all done and

17 then take a half a day where we might, where each one of us --

18 are you retyping as you go along?

19 Mr. Aaron. We are retyping as we go along.

20 Senator Huddleston. I think if we get through the total,

21 then we can sit down, two or three members together, or the

22 staff or the member of the Subcommittee, and read it.

23 Mr. Kirbow. Could I suggest a convenience procedure for

24 those of you who may have 30 minutes to do that, is that on

25 the top of every one of these final, retyped versions, we list

1 the title and whatever short title we have got there, so that
2 he can go right and look if he just has time to look at that
3 one change, he can go look at it instead of just -- you know,
4 otherwise you have read it ten times already. It doesn't get
5 much easier reading it the eleventh time if you have to read
6 all 100 pages.
7 Mr. Aaron. Just tab the amendment.
8 (Whereupon, at 9:30 o'clock p.m., the Committee recessed
9 subject to the call of the Chair.)
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