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Vol. 2 OF 3

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject
to Criminal Sanctions

The United States Senate

R2832

Report of Proceedings

Hearing held before

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

324-7

Monday, March 15, 1976

Washington, D. C.

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

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Intelligence Investigation

Foreign & Military Subcommittee Meeting

Monday, March 15, 1976

United States Senate,

Select Committee to Study Governmental

Operations with Respect to

Intelligence Activities,

Washington, D. C.

The Committee met, pursuant to notice, at 9:20 o'clock a.m., in Room S-407, the Capitol, Senator Walter D. Huddleston (Chairman of the Subcommittee), presiding.

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

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

P R O C E E D I N G S

1
2 Senator Huddleston. I think we can come to order, and
3 I would expect that we could go through here pretty rapidly
4 today.

5 There are only a couple of suggestions that I have.

6 Ms. Culbreth. Where are we starting?

7 Mr. Miller. Page 1.

8 Senator Huddleston. There is some suggestion that we
9 should have some sort of a disclaimer-type thing some place,
10 and I was wondering whether or not we couldn't add another
11 paragraph after the second paragraph on page 1, something to
12 the effect that it should be noted that while the Committee
13 has diligently pursued its inquiry during the past year, there
14 are areas of concern which time and personnel constraints
15 did not permit thorough study and evaluation.

16 Also the Committee was hampered in a number of instances
17 by a lack of accessibility to some documents and records
18 either because it did not exist or because of unwillingness
19 to make them available by the Executive Branch.

20 Some findings and recommendations of the Committee are
21 based in part on information which must remain secret in
22 accordance with the Committee's policy of protecting the
23 valid security secrets.

24 Are those three statements worth injecting there?

25 Mr. Miller. They're all correct.

1 Ms. Culbreth. Could you add a section that goes to
2 our final recommendations that some things exist but we don't
3 know quite where to find them? We don't know exactly how to
4 describe them so that we can be sure to get them. We can
5 maybe play with that a little bit.

6 Mr. diGenova. I thought that you meant that we didn't
7 find access to them.

8 Mr. Miller. No. It's not being able to ask the right
9 questions and the Agency's either being unwilling or unable
10 to define what it is we are looking for.

11 Ms. Culbreth. There's something that they know they
12 have somewhere but they don't know quite where it is because
13 of their filing procedure or something.

14 Senator Huddleston. We could give two reasons for lack
15 of accessibility, that they did exist and we couldn't get them
16 and we could add a third, the Committee's inability to define.

17 Mr. diGenova. I have a problem with that, Senator,
18 personally. I have never had an experience like that in terms
19 of them not understanding.

20 I'm not saying it didn't happen but I tend to believe
21 that if it happened it was basically for one of those two
22 reasons, that they didn't want to make it available or it
23 was a tug of war.

24 Can anyone remember an instance where we couldn't define
25 what we wanted and they didn't understand and we never got it

1 because of that?

2 Senator Huddleston. I think what Elizabeth is getting
3 at is that there may be things that we did not touch that we
4 don't know about.

5 Ms. Culbreth. Well, that kind of thing -- you see one
6 of these final general recommendations we are making goes to
7 requiring the Executive to register these classified things
8 so that we can go look at it and know what it is that falls
9 in that category.

10 Mr. diGenova. So what we're really talking about is
11 something that neither of the parties may have known about
12 either because of bad recordkeeping -- oh, okay, sure.

13 Mr. Kirbow. Senator, I have only one other position I
14 would like to make on this.

15 I was trying to search my mind while you were talking
16 about this. Have we yet failed to obtain anything either by
17 request or by subpoena other than the Nixon papers which are
18 not available because of an order of court?

19 Senator Huddleston. I will leave that to the Committee
20 staff.

21 Mr. Miller. Yes, certain categories were absolutely
22 denied us, absolutely denied us. Liaison arrangements, for
23 example.

24 Mr. Davis. NSC papers.

25 Mr. Kirbow. Liaison papers is a thing that you remember

1 early on last year they came and gave the Chairman and Vice
2 Chairman an extensive briefing on certain things and no longer
3 did we deal in those areas.

4 Mr. Miller. No, but you see, and that's one area but
5 there are others.

6 For example, in the present inquiry on academics and so
7 on we were stopped beyond a certain point. There was no entry.

8 Mr. Davis. There are also some NSC studies that we
9 never got.

10 Mr. diGenova. Yes, and the general study of command
11 control, that task force which generally do not access to
12 NSC minutes.

13 The only time we ever got access to NSC minutes was
14 on the assassination report. That's the only place we had
15 full access and even then they were edited minutes of things
16 arguably unrelated to Cuba.

17 Mr. Kirbow. I think I must say that we did not subpoena
18 those documents.

19 In other words, at some point it was difficult perhaps
20 to get some of them but I just don't recall a single instance
21 where you asked the Vice Chairman to sign on a subpoena or
22 to warn them that he was going to issue it, that they didn't
23 thereafter deliver.

24 I don't disagree that we may not have done in the depth
25 that we should have in those but I just didn't think it was a

1 matter of a record for the Committee of refusal except on the
2 Nixon papers, but if I am wrong --

3 Senator Huddleston. They wouldn't give us the names of
4 the journalists.

5 I think we're not saying here that it was unjustified
6 unwillingness or even an arbitrary one. We're just saying here
7 that there were some things that they didn't want the Committee
8 to have. That's just what I'm trying to get at in case something
9 explodes two weeks from now that we have not touched at all.

10 That kind of gives us an out that we did the best we
11 could on the basis of what we got, we made our findings and
12 recommendations.

13 But there are some areas which we can't be sure that we
14 knew everything.

15 Mr. Kirbow. Senator, in talking about this type of
16 insert paragraph, and I'm not sure where Mr. Miller would think
17 it would belong, but I think that we should at this point
18 consider the recommendation that I guess you made or adopted
19 that on certain of these citations where we are not going to
20 put them into your certain comments, that we should make notice
21 now to the reader that there is a classified group of
22 recommendations or a classified group of papers which are not
23 in this document which support some of the findings and cite
24 them back to a classified file in the Committee's files.

25 I'm not sure where it would go.

1 Senator Huddleston. Well, it would be logical to
2 follow that where I say some findings and recommendations are
3 based in part on information that must remain secret following
4 the Committee's policy to protect valid security secrets.

5 Also what I'm referring to here is that there may be
6 recommendations in here that are not truly backed up by the
7 information we can give them. That's what that sentence is
8 supposed to mean, and the next sentence ought to be that there
9 are also some recommendations that are not made public
10 essentially for the same reason. We could add that sentence
11 to this and I think that would do it.

12 Mr. Aaron. There is one footnote in here that explains
13 or that goes to the liaison point, for example, that explains
14 that we have a more detailed recommendation, but the footnote
15 really is to come out of the final version.

16 The footnote is really only for the Committee as it
17 considers the paper.

18 Mr. Kirbow. I like that additional paragraph there
19 and the word about some classified recommendations being made
20 both to the Senate and to the Executive Branch.

21 Mr. Miller. Mr. Chairman, in looking this over I think
22 perhaps another paragraph would be in order really pointing
23 out that what these recommendations are, in effect, are an
24 agenda for action for the oversight committee in the next
25 year or so and also for the Executive Branch, and that in these

1 recommendations have been cast in such a form as to provide
2 an agenda or an outline for the future, that that really has
3 been the thrust of this section of the paper.

4 Mr. Kirbow. I especially like that form, Mr. Chairman,
5 because many committees are expected to introduce or to submit
6 legislative proposals and that is not the intention, apparently,
7 of this Committee or subcommittee and I would like some reference
8 made to that.

9 Senator Huddleston. I think that paragraph would go
10 either as a continuation of the third paragraph, which ends
11 up on page 2, or an additional paragraph following it.

12 Mr. Aaron. Mr. Chairman, I would like to suggest that
13 in addition to that point, which I think is a very important
14 one. in order to explain what it is the Committee has tried
15 to accomplish in this area, that we also make the point that
16 the simple or not so simple laying out of the facts as we
17 were able to discover them and run the gambit and process of
18 declassification, the simple facts laid out are a major contri-
19 bution to public and Congressional understanding of this
20 enormously complex and difficult operation.

21 I think that as a Committee it ought to be proud, not
22 only of the recommendations it makes for changes but the extent
23 to which it was able to come to grips with the reality of
24 what the intelligence communities and activities are.

25 The first task of a Congressional investigative committee

1 is to inform the public and I think that was done quite well.

2 Senator Huddleston. Shouldn't that also come there in
3 this first section before we get to the general facts?

4 Mr. Aaron. Yes, I believe that's correct. I would suggest
5 that we just get together and try to redraft three or four
6 pages that would capture all those points in some logical
7 sequence as an introduction to this.

8 Senator Huddleston. I still have my same suggestion
9 relative to the second complete paragraph on page 2 where we
10 find that there is a need in the future.

11 I still think the sentence is a little out of order
12 there. I think I suggested the other time that we say the
13 Committee finds there is a continuing need. And then the
14 next sentence gets into the future that there will be a
15 challenge for the foreseeable future.

16 So we would strike out in the future in the first
17 sentence and put continuing need.

18 Mr. Aaron. We have a funny fragment of a sentence at
19 the bottom of the page. It has over the past 35 years --

20 Mr. Maxwell. The bottom of page 4, the last sentence
21 which carries over to page 5 should probably be, the failure
22 of Congress as a whole to monitor the expenditures of
23 intelligence agencies.

24 Senator Huddleston. In other words, you want to exonerate
25 the Committee's --

1 Mr. Maxwell. Well, I think that the Appropriations
2 Committee would probably have a good claim to say that they
3 have looked at intelligence as a whole. The Congress certainly
4 hasn't as a whole.

5 Mr. Aaron. I wanted to ask a question with regard to
6 that one thing, that one paragraph, whether we really shouldn't
7 be making some reference at this point to the Constitutional
8 issue about the budget.

9 Now I know these are general findings and they are
10 amplified later, but whether or not we are adequately fulfilling
11 our Constitutional responsibility --

12 Senator Huddleston. Later on we quote that paragraph.

13 Mr. Aaron. That's correct.

14 Senator Huddleston. Well, I think that is not only
15 because of the magnitude and character but also because of
16 the Constitution, which we could add to that very sentence.
17 They are of such nature and the Constitution makes such
18 requirements.

19 Mr. Kirbow. We should be careful lumping the magnitude
20 and the Constitutional requirements together as if the
21 Constitution requires it. And the magnitude of it should be
22 discussed also. So we should just be careful about the wording.

23 Mr. Aaron. We're now into page 6, I think.

24 Senator Huddleston. Gary, do you have anything specific?

25 Senator Hart. No.

1 Mr. Aaron. The first point at which we have, and this
2 is a question of how you would like to proceed, we can go back
3 to look at the various bracketed languages that are left in
4 the paper and see if we want them to remain that way and/or
5 we can take up any further comments that people have.

6 I only have two small comments concerning the papers
7 which were brought to my attention in the course of the day.
8 I also must say that despite repeated requests to include at
9 an appropriate place some of the recommendations that the
10 Chairman has made, I'm sorry to say that that has not yet
11 happened here, so we have to make appropriate provision for
12 those. And they will go in at the appropriate place.

13 Mr. Kirbow. Chairman of the Subcommittee?

14 Mr. Aaron. Chairman of the Full Committee.

15 Mr. Miller. One of them as I recall has to do with
16 the question that we went over -- what he, I think, feels strongly
17 about is the tenure of office of the director.

18 Mr. Kirbow. Of the CIA?

19 Mr. Miller. Yes. That would just be a bracket for the
20 Full Committee.

21 Mr. Kirbow. What is his suggestion?

22 Mr. Miller. I think seven years.

23 Mr. Kirbow. Does the lame duck administration and lame
24 duck officeholders create any problem for you?

25 Mr. Miller. Well, it's the degree to which the official

1 is political.

2 Mr. Kirbow. Who would you get to fill the job for that
3 last year in an administration?

4 Mr. Miller. If it's a fixed term, it really doesn't
5 matter, does it? If he's there straddling in order to provide
6 transition, that's the idea rather than starting with cleaning
7 out the Director at the beginning of each administration. There
8 ought to be continuity, and that would tend to depoliticize
9 the office. That is his notion.

10 Senator Huddleston. I think we hassled with that for
11 quite a while. It goes in a bracket and we'll just have to
12 see how persuasive he is.

13 Mr. Aaron. Also in the cover section we have a sentence
14 regarding international terrorism and linking that up with the
15 assassination of Richard Welch. It did not come out as it
16 was supposed to, so it should be deleted.

17 Mr. Inderfurth. That's page 83, and I think there was
18 also the decision to take out the reference to Welch not
19 moving out of his house.

20 Mr. Aaron. No, that's not correct.

21 Mr. diGenova. I thought we did agree to do that. I
22 think the Senator took exception to the inference that might
23 have been drawn from the direct quotation that we were trying
24 to say it wasn't our fault and this was the reason sort of thing.
25 We were going to paraphrase that, was where we left it.

1 Mr. Aaron. Well, I would oppose that but I will be
2 guided by the Committee.

3 Senator Huddleston. Has this been altered since our
4 discussion?

5 Mr. Aaron. Yes, there was alteration in the text that
6 preceded it.

7 Before, it said that the tragic death of the station
8 chief in Athens illustrates the problem of striking a balance
9 between cover and operations. And what we're simply saying here
10 is that his situation in Athens illustrates the problem of cover
11 and I think that these further points do make that clear.

12 On the one hand we have the testimony of the chief of
13 the cover staff that by the time we get to the station chief
14 there isn't a great deal of cover left, and one illustration
15 of that is the fact that he moved into a house occupied by
16 the previous station chief.

17 There was some question as to whether he should stay
18 in it or not and it was generally felt he should make his
19 own decision about it and, you know, for all the inconvenience
20 and difficulty that might be entailed he just as soon stayed
21 there.

22 This is the kind of feeling that one has about it and it
23 does illustrate the problem. The implication is not that he
24 was killed because he moved into that house. It was really just
25 the way of describing the situation which station chiefs face

1 when they're trying to deal with questions of cover versus
2 questions of convenience or operation and necessity.

3 Mr. Kirbow. I also have the same objection on page 84
4 where the Chairman said we didn't clearly define that
5 terrorists killed the man, then we shouldn't infer that it did.

6 We can talk about terrorism being an additional problem
7 for all cover, but not as it directly relates to Welch.

8 Mr. Aaron. The sentence preceding it was modified to
9 make that point and the last sentence should have been deleted
10 and it was not. The quote.

11 Senator Huddleston. Yes, I recall there was some question
12 about the quote because it seemed to tie him in both with
13 the cover and terrorism.

14 Mr. Maxwell. I think in regard to the first quote, I
15 think we make the point in the sentence directly preceding
16 it and there is some question as to whether in the cover section
17 we would like to place so much emphasis on Mr. Welch's death,
18 and essentially by adding the quote say, listen, it wasn't us,
19 it wasn't us, guys. He takes it on his head.

20 Mr. Aaron. I don't see that you have to read it that
21 way. I simply feel it adds a certain specificity to otherwise
22 sort of general comments.

23 Mr. Kirbow. Well, it wasn't objectionable to the Chairman
24 and I don't see that it contributes anything more than the
25 fact that official cover is very light by the time you get to

1 the station chief, which you see in the first sentence.

2 I wouldn't think that taking it out detracts from the
3 paper in any way.

4 Mr. Aaron. Whatever the Chairman wishes.

5 Senator Huddleston. It seems to me that we also talk
6 about the fact that both his predecessor and his name had
7 been carried in foreign newspapers as an indication too of
8 the lack of deep cover.

9 Mr. Aaron. I tried to do that with one sentence just
10 saying further, Mr. Welch occupied the house which had been
11 publicly identified as that of the preceding station chief
12 which sort of sweeps up both thoughts, that both he and the previous
13 station chief had been identified publicly.

14 Mr. diGenova. I believe what that sentence does is
15 summarize what comes in the next paragraph which is the direct
16 quote. I think we can cut out from the word "according" to
17 the word "house," because really, all that does is just reemphasize
18 the same point.

19 Mr. Kirbow. I would agree with that.

20 Mr. diGenova. The sentence is an excellent summary, the
21 textual sentence is an excellent summary, but I don't know.

22 Mr. Kirbow. Mr. Chairman, I suggest we delete the
23 sentence starting with the word "according" and down through
24 and including the word "house."

25 Senator Huddleston. If we're going to use Mr. Welch's

1 name, we have to identify who he was.

2 Mr. Kirbow. We can do that where we say station chief
3 in the first sentence. We could say Richard Welch the station
4 chief in Athens.

5 Ms. Culbreth. Mr. Chairman, on that point I have one
6 question. I don't know whether there has been any official
7 announcement by anybody in our government that Mr. Welch was
8 in fact the station chief.

9 I know the President went and I know Mr. Colby went,
10 but I still don't know that there's been any official written
11 government document that said yes, we recognize this man.

12 The only reason I raise this is just for the Senators
13 to decide whether they want to put that in our report, if in
14 fact neither the Agency or the Executive has done that.

15 Mr. diGenova. I would only say this. At no time during
16 my review of the cover paper did the Agency ever say to me that
17 you should not say that Richard Welch was the station chief.
18 That was the one thing they never objected to.

19 Really, in the whole cover paper, that was the only thing
20 they never mentioned. That's just not a problem.

21 Mr. Aaron. I would like to make one suggestion, if the
22 suggestion of Mr. Kirbow is accepted, and that is that the
23 sentence preceding it be modified to indicate that Mr. Welch
24 didn't just decide to do it out of thin air. He decided because
25 he was asked not to do it or it was suggested that he consider

1 not doing it anyway.

2 The point of the further sentence is not just that he
3 decided to move into the house. That might be normal operating
4 procedure.

5 Mr. diGenova. I think it does add one dimension and
6 that is which shows that, as Mr. Isenstead testified, operations
7 and cover work hand in hand, and the DDO will oftentimes
8 overrule the chief of cover and commercial and will sometimes
9 back him up and sometimes the individual station chief is
10 left to make his own decision but it does add that dimension
11 to it, which is the decisional process.

12 Thought was given, in other words, to the question of
13 whether or not his cover would be undermined by staying there.

14 Mr. Aaron. I'd be happy to put it in that further,
15 though headquarters raised questions, Mr. Welch decided to
16 occupy the house.

17 Senator Huddleston. I think it would be appropriate
18 to do that.

End 1A, b 19 Mr. Aaron. Let me suggest in the interest of trying
20 to get through all the material that we have this morning, that
21 there are two sections that we do need to look at carefully.
22 One I take it is the redone section on media, particularly
23 the recommendations and the second is the paper on Department
24 of State and ambassadors, which I think has been gone over
25 in nine different ways by the staff, and I'm sure that there are

1 still more comments.

2 Mr. Inderfurth. Defense just came as well.

3 Mr. Aaron. The Defense one may well need more staff work.

4 What I would recommend is that we turn to the section
5 on media, unless there are major further questions. That
6 would be on page 66.

7 Senator Hart. Mr. Chairman, before we move, could I
8 raise one interim--a sticky question of prior notification is
9 addressed at the bottom of page 16, recommendation 14, and
10 the question is whether we should nail that admonition down
11 perhaps as follows, except that by statute Congress should be
12 notified.

13 As you know, the resolution leaves the matter vague on
14 the oversight committee.

15 Mr. Kirbow. I agree with Senator Hart, that we initially
16 start it off with the Committee in a bill and it got changed
17 to a resolution which is not binding on the Administration and
18 the Committee has not changed its mind and it should again
19 recommend that that be enacted.

20 Mr. diGenova. Just put the word "by statute?"

21 Senator Hart. That by statute Congress should.

22 Mr. Inderfurth. A couple of little things on that same
23 page under recommendation 11, the last sentence -- the President
24 also should continue to certify covert action projects as
25 provided by , and we might add in there certify covert action

1 projects is important to the national security of the United
2 States. I think that clarifies what the certification is.
3 Just certifying you don't, you don't know what that means.

4 Mr. Aaron. Page 66, I think Bill Bader would like to --

5 Mr. Bader. I turn the Senators' attention to page 69
6 and page 70. We'll go first to the covert use of the U.S.
7 academic community and then the second issue is the use of
8 the media.

9 As you see on 69 we have given an outline of the extent
10 of operational use of American academics.

11 I should say that both, for the record, that both at
12 the appearance of representatives of FRD when they came here
13 and Bill Nelson, the deputy director for operations, has
14 subsequently submitted a paper which gives the Agency's
15 position and very strongly recommends a continuation of this
16 operational use of academics and speaks to what they consider
17 the very important costs that would flow from any prohibition
18 of the use of American academics.

19 I would note that on page 69 there has been the addition
20 of two or three sentences at the bottom of the page which
21 reflects the facts that were given to us by FRD when they came
22 to that hearing whenever it was last Friday.

23 I'll read those.

24 " Of all these activities, the CIA gives its highest
25 priority and assigns its best case officers to the recruitment

1 of foreign students. More than one half of CIA's case officers
2 working within the U.S. are assigned to this task. Over 60
3 percent of CIA recruitments within the U.S. last year were
4 foreign students.

5 This is directly from the transcript.

6 Mr. Miller. But is it clear?

7 Mr. Kirbow. This manuscript has not gone for saniti-
8 zation?

9 Mr. Bader. No.

10 Mr. Miller. Would it clear, then? What is your guess?

11 My guess is no.

12 Mr. Bader. Well, it should be said at this point that
13 in the critique that came back from the Agency on the entire
14 larger Katzenbach paper the Agency has taken the position that
15 any mention of numbers or the fact that the Central Intelligence
16 Agency uses academics for operational purposes, they've put
17 in the category of sources and methods, and there should be
18 no public reference to it.

19 Senator Huddleston. Well, we'll have to face that
20 problem in the Full Committee.

21 Mr. Kirbow. That's the testimony of the witness who
22 was before the Committee just last week when he was asked that
23 specific question, that what harm would accrue if someone
24 published the members of institutions or kind of the scope of
25 this whole program?

1 He expressed serious reservations at that time.

2 Mr. Bader. That's a problem we have to face up to.

3 Now on page 70 there are two paragraphs that are
4 bracketed there which I turn the Senator's attention to, and
5 these are findings, these are obviously alternatives. The
6 first finding is that the Committee holds to the view that
7 the American academics provide invaluable and necessary
8 assistance in the initial recruiting stage of foreign students.

9 These foreign students produce important and valuable
10 intelligence when returned to their countries. The role of
11 cooperating academics is limited to passive observation and
12 therefore it does not undermine the ideals and integrity of
13 American universities.

14 The other side of that is the following: The Committee
15 holds to the view that American academics should not be
16 drawn into clandestine -- which is underlined -- operations
17 such as recruiting of agents among foreign students, writing
18 propaganda or serving as intelligence collectors overseas.
19 Such activities undermine public confidence that those who
20 train our young are upholding the ideals of American universities.

21 Now from that and these findings, flow these recommendations
22 and there is a glitch in the recommendations. 43, above 43
23 should be marked options, and these options, the paragraphs
24 that follow are in fact options rather than individual recommenda-
25 tions.

