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Vol. 2 OF 3

The United States Senate

R2873

Report of Proceedings

Hearing held before

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

Thursday, March 25, 1976

Washington, D. C.

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

WARD & PAUL

**410 FIRST STREET, S. E.
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COMMITTEE MEETING

Thursday, March 25, 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 2:43 o'clock
p.m., in Room S-407, the Capitol, the Honorable Frank Church
(Chairman) presiding.

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

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

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P R O C E E D I N G S

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

My understanding is that this recommendation has been redrafted along the lines of the Committee's recommendations, and as it now stands it calls for the CIA academics and the institution to be informed, and for any student being recruited to be so informed.

There is a choice in the latter case in informing him before he is paid or informing him before he leaves the U.S. Will you explain that to me, please?

Mr. Aaron. In the course of our discussion about the recruitment of students off campuses, there were two categories of concern. One was for the integrity of the institutions themselves, and the second was, in turn, for the students that might be involved.

To take the second one first, the Committee received testimony that [redacted] students recruited as agents for the CIA [redacted]

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[redacted]

Concern was expressed by the Committee in considering this testimony that this might be rather severe for the student once he discovered [redacted] or should [redacted]

[redacted]

[redacted]

That second proviso, then, in effect says that we may pitch and recruit a student as an agent, but you must, when you do that, when you really bring him into an operational relationship with the Agency, he should be so informed and not brought into this sort of --

The Chairman. Let's go off the record.

(Discussion off the record.)

The Chairman. The question that I have on this recommendation is why shouldn't the foreign student being recruited by the CIA be informed of his relationship with the CIA at the time that that relationship is established?

Why do you condition it upon payment or leaving the country?

Senator Huddleston. Well, I was going to say there are many, many initial contacts that do not advance maybe much further than that, and for the CIA to have to be exposed maybe on each of those might not be reasonable. What we have tried to do is to make the wittingness be known about the time that

1 they are to perform some service. Up to that time they are
2 still maybe prospects, where they may not have been recruited.

3 The Chairman. Which do you think the Committee should
4 adopt of these two options?

5 Mr. Aaron. Actually, one could use both of these. I think
6 the point is that the danger to the student, if there is any,
7 comes when he leaves the United States, either to return to
8 his own country or perhaps someplace else, but the commitment
9 or involvement which ought to be witting really needs to come
10 when he starts being paid, when he becomes in fact, or has
11 a real relationship with the Agency. You could really establish
12 both standards, because it might well be that he could leave
13 the country but not have yet been paid, and not really have
14 a relationship that was anything more than kind of an asso-
15 ciation or an option, something of that character.

16 The Chairman. Well, what is the will of the Committee
17 as to these two options?

18 Senator Huddleston. Well, this represents a distillation
19 of what we have been proposing as Senator Mondale develops
20 for us, I believe, and I would move that we adopt this report,
21 and use both of these, an either/or.

22 The Chairman. Whichever comes first, huh, either before
23 he is given payment of any kind or leaves the United States,
24 whichever may occur first.

25 Would that be satisfactory to the Committee?

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

3 What else do you have?

4 Mr. Aaron. We have two other recommendations.

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

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

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

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

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

16 Mr. Kirbow. Against restricting any use of academics.

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

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

22 We move then to Recommendation 45 on page 78.

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

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

1 writing, publication, distribution within the United States
2 or its territories, of any book, magazine, article and so forth.
3 It has been pointed out that this formulation would prevent
4 the writing of a book, even in a foreign language, within the
5 United States, to be published abroad and distributed abroad,
6 or any such materials from being published within the United
7 States, even if they were distributed abroad.

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

12 As I understand it, what we were -- it was not clear, but
13 it is possible that what the Committee had in mind was that
14 any writing, publication for distribution in the United States
15 would have been the appropriate formulation for this, and if
16 that is correct, we can make a very easy fix.

17 Senator Morgan. Why wouldn't it?

18 The Chairman. Why wouldn't it accomplish it if we say
19 that by statute the CIA should be prohibited from subsidizing
20 the writing or production or distribution within the United
21 States or its territories of any book, magazine, article,
22 publication, film, or video or audio tape unless attributed
23 to the CIA.

24 Wouldn't that take care of it?

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

1 would take care of it.

2 Senator Mondale. Publicly attributed.

3 Mr. Aaron. Publicly.

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

6 The Chairman. How about the balance of 45, "nor should
7 the CIA be permitted to undertake any activity to accomplish
8 indirectly such distribution within the United States or its
9 territories.

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

11 Very well.

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

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

1 Mr. Maxwell. Bill, would this prohibit the use of any
2 individual person who is sponsored by an educational or
3 cultural program, although not fully funded by the Federal
4 Government?

5 Senator Tower. This is a question I wanted to ask.

6 Could one of our networks pick up a portion of a film
7 broadcast abroad by the CIA and run it as part of a documentary
8 to show what they are doing and that kind of thing?

9 The Chairman. I think the way it has been modified that
10 is not a problem. This says "by statute the CIA should be
11 prohibited from subsidizing writings," or production.

12 Senator Tower. That is what I mean, you are not precluded
13 from showing it, but it should not be done under CIA auspices
14 or government auspices.

15 The Chairman. And it should not be written for the
16 purpose of being shown in this country.

17 Senator Tower. Yes.

18 Mr. Aaron. Nor under the indirect clause, I think, nor
19 should the CIA go to CBS and say "we've got this wonderful
20 film."

21 The Chairman. Using a network for the purpose of bringing
22 it back. That would be an indirect way, and that would be wrong
23 also.

24 Senator Tower. I understand, yes.

25 The Chairman. Well, then, if everybody understands the

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

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

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

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

10 The Chairman. Were you satisfied with the answer?

11 Senator Mathias. Well, the question that was left
12 floating was what about a student who is in a program which is
13 primarily funded by some private institution, although there
14 may be some small element --

15 Mr. Maxwell. For instance, any major university that
16 sponsored an individual coming under 44, which receives
17 Federal Government funds, might be barred under a broad
18 reading of 44, and it might be helpful to make that intent
19 clearer in 44, if that is a concern of the Committee.

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

22 Now, if it is true --

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

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

1 more than one source, then he receives them from more than one
2 source, but if he is a grantee of a Federal program --

3 Mr. Maxwell. But the problem is receiving funds through
4 educational and/or cultural programs.

5 For instance, if he were totally funded by the University
6 of Maryland, which received financial support from the United
7 States Government, arguably he is covered by that. It is not
8 that he is receiving Federal grants. I think that is the
9 intention.

10 Mr. Aaron. It should be U.S. Government educational --

11 Mr. Bader. Would that help?

12 The Chairman. Through educational and/or cultural
13 programs sponsored by the United States Government. Wouldn't
14 that take care of it?

15 Senator Huddleston. Well, grantees who are receiving
16 directly from the United States Government or through educational
17 or cultural programs supported by the United States Government.

18 The Chairman. Sponsored by.

19 Senator Huddleston. Well, in other words, whether he is
20 getting them directly himself as a grantee, or whether he is
21 receiving them from an educational program that is itself
22 supported by the Federal Government.

23 Senator Mathias. I don't want to prolong this, but what
24 about a program which is really directed right at this area
25 which has been referred to, the armed services military

1 educational operate?

2 Mr. Bader. I'm sorry, sir?

3 Mr. Aaron. Well, let me see if I understand the different
4 examples. The student leader grant or the political leader
5 grant that the State Department has where they bring foreigners
6 to the United States for a period of time, presumably to
7 acquaint them with the country and what have you, under this
8 language those people while on the grant would be immune from
9 being recruited by the CIA. This doesn't mean that they
10 couldn't recruit them at some other point in their careers, but
11 that during the period of that grant they would not be in
12 effect brought here and used for that purpose. That is, I
nd 1 13 think, part of the intent of this particular provision.

gin 12 14 Senator Mathias. Let me give you another example. Say
15 you have an Iranian naval officer who comes over here to
16 Fort McNair.

17 Is he fair game?

18 Mr. Miller. That is not educational or cultural. It
19 would be military.

20 Senator Huddleston. I believe if he were going through
21 the War College --

22 Senator Tower. If he were going through the National
23 War College, how do you classify that?

24 Senator Mathias. He could come to the industrial base
25 or civilian --

1 Mr. Kirbow. He could go to the Industrial College or the
2 War College.

3 Senator Schweiker. Can you exclude military training?

4 Senator Mathias. I don't know. I don't know what you
5 want.

6 Senator Huddleston. We are training a lot of them or
7 we entertain a lot of them.

8 Senator Schweiker. It seems to me you have to put some
9 proviso about military training in there.

10 The Chairman. Well, it depends upon what the policy should
11 be. I had thought the attempt here was to immunize any foreigner
12 who comes here on a program sponsored by the Government of the
13 United States and receives a grant for that program, to
14 immunize him during that period from being recruited by the
15 CIA.

16 Senator Schweiker. Well, if he is here for military
17 purposes, then we know it is a military relationship, I would
18 think that is suspect.

19 The Chairman. Would you want him subject to recruitment?

20 Senator Schweiker. Well, if he comes over here militarily,
21 you are so close to him, what is the difference?

22 Mr. Aaron. Well, I think the point of the prohibition
23 really is this, that these programs are created for one
24 particular purpose. They are considered by the Congress for
25 that particular purpose and the funds are voted for that

1 particular purpose. If the programs are then used for another
2 purpose by the Government, that was considered and suggested
3 that that second purpose should not be used.

4 Now, if you want to exempt certain categories here and
5 say, well, the military is a different thing, you can do that.
6 You can find a way to express that.

7 The Chairman. Well, it could be done. If you want to
8 recruit foreign military officers, we can bring them over
9 to put them through the War College.

10 Mr. Miller. What other training?

11 Senator Huddleston. Well, we have a steady stream at
12 Fort Knox, Kentucky of military people. I don't know what kind
13 of training. Most of them are, of course, are from friendly
14 nations to start with.

15 I don't know, you know, military. Once a person puts on
16 a uniform, he becomes fair game in a number of ways. He gives
17 up a lot of protections that civilians have.

18 Senator Schweiker. You allow him to recruit -- under
19 other policies here we allow them to recruit foreign military
20 officers because I think that's an even more valid relationship
21 than the students, but I make it clear that what we don't
22 want to do, which is to abort our honest to goodness cultural
23 exchange and other programs.

24 The Chairman. This could be done by saying "By statute
25 the CIA should be prohibited from using operationally grantees

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25 programs is much clearer.

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1 Senator Schweiker. Can we talk about Defense and military
2 training programs at the same time? It seems to me that's
3 the criteria, bringing a guy over here and educating him on
4 defense and military must be to the advantage of our military,
5 so you know what the relationship is to begin with. You are
6 not unwittingly using the guy. You are pretty witting.

7 If the guy goes to the American War College, he is pretty
8 fair game.

9 The Chairman. You can write an exception for the American
10 War College and all of the military and civilian personnel
11 receiving training under the auspices of the United States
12 armed services who are fair game.

13 (General laughter.)

14 Senator Huddleston. Except I agree with Dave, that is
15 a little awkward to zero in on this particular group. Couldn't
16 we find some way --

17 Mr. Kirbow. Mr. Chairman, I think it is not intended
18 this apply only to foreign students coming this way, you
19 include all American students going in the other direction,
20 or under any other grant.

21 Mr. Aaron. The intention of the provision initially, as
22 a matter of fact, its primary effect was for American students
23 traveling abroad.

24 Senator Tower. Well, I see no problem with that. I know
25 I don't have the votes here, but --

1 The Chairman. Which part do you have?

2 Senator Tower. Well, not being able to use American
3 students abroad on some grant to gather intelligence, when
4 most of the people the damned Soviets send over here on these
5 cultural exchanges are really clued into the government
6 program, indoctrinated and briefed thoroughly before they get
7 here. I am not going to tie our hands like that. The rest
8 of you can, but I'm not going to.

9 I will write a vigorous dissent on that.

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

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

20 The Chairman. Senator Huddleston?

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

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1 of the idea that academics be off limits, period, and students
2 in order to protect the integrity of our entire academic
3 community, and it is the realization that if we continued to
4 close the possibilities for recruitment, and the adverse
5 effect that that would have, maybe, on our ability to gather
6 intelligence, that some of us backed off of this, what would
7 be the optimum, we think, position to take. So this already
8 represents somewhat of a retreat from the principle that some
9 would like to see established, and in this case I think we
10 are again faced with the question of whether or not we want
11 a government-sponsored program to enjoy a high level of integrity
12 so that the people who are participating in it and the American
13 taxpayer who is supporting it can have some confidence that it
14 is doing what it was set out to do and what the publicly
15 announced purposes of it are.

16 And if we don't do that, if we permit it to be used as
17 an operational intelligence operation, then it seems to me like
18 we ought to announce that, that that ought to be one of the
19 purposes so stated in the grant to start with, while we are
20 likely to get an education, it is also likely if we can we
21 will have you gather intelligence for us.

22 Senator Morgan. Well, Dee, I think you are getting off
23 base for us. There is nothing that says they are required to
24 do it.

25 Senator Huddleston. That is correct.

1 Senator Morgan. In other words, we are not going to
2 condition this grant on --

3 Senator Huddleston. Well --

4 Senator Morgan. Let me finish out, now. What you are
5 leading up to is you are saying we are going to condition this
6 grant on your cooperation with other governmental agencies.

7 Senator Huddleston. I am saying that is not beyond the
8 realm of possibility in some cases, if we don't put some
9 prohibition.

10 Senator Morgan. Well, I think there may be times,
11 especially in the light of what we heard in the past year,
12 when, you know, we might make that assumption, but I don't
13 think that on the whole when you are dealing with the United
14 States Government that you can really assume --

15 Senator Huddleston. But you can't assume he is not,
16 either.

17 The Chairman. But what worries me is you get a student
18 who in good faith goes abroad for the purpose of study and
19 qualifies for a Government grant, and he depends upon that
20 money and then he, when he gets over there and wants to complete
21 his studies, he is approached, and he can be approached in
22 such a way that he can be made to feel that if he does not
23 throw in with the CIA and do this and that, he may find that
24 the grant will be cut off or he can't complete the study as he
25 intended. He feels a certain dependency upon the money that

1 he is receiving, and he has an expectation he wants to fulfill.
2 And thus he is in a very vulnerable position when he is
3 approached.

4 Senator Morgan. Well, that is a persuasive argument, but
5 let me ask you, have we had any evidence that that sort of
6 thing has happened?

7 The Chairman. Well, I don't know.

8 Senator Morgan. Well, it is a very persuasive argument,
9 but I just wonder if we should, in the absence of abuse on
10 that part, whether or not we should go this far.

11 The Chairman. What about it, Mr. Bader?

12 Mr. Bader. Mr. Chairman, I might say in partial response
13 to Senator Tower's remarks that the Agency's basic instruction
14 for the operational use of individuals, 50-10, specifically
15 prohibits the operational use of Fulbright grantees. They have
16 already made that decision in 1967, and reconfirmed in 1973.
17 I assume part of that came from agitation at the time in '67
18 and Senator Fulbright's own determination that that program not
19 be used for operational purposes.

20 It was the original intent of this language to extend
21 that prohibition, which is now a matter of public record, this
22 actually, that part of the instruction is in the public record
23 now under the Freedom of Information Act, that part of 50-10
24 that talks about Fulbright grantees. It was the original
25 intent of the recommendation that is now before you to extend

1 that prohibition on Fulbright grantees to all of those under
2 the Fulbright-Hayes legislation. Under the specifics of the
3 Agency's interpretation, it makes a distinction between those
4 students, or graduate students, or professors selected by the
5 Board of Foreign Scholarships, and the rest -- and the rest
6 includes cultural leader grants and the like.

7 Now, perhaps it might be the sensible thing in the
8 language like this to confine it to the Fulbright-Hayes Act,
9 which is the basic legislation which deals with this.

10 Senator Schweiker. How many others would you have outside
11 of that? Would you have a lot of other programs?

12 Mr. Bader. Other programs?

13 Senator Schweiker. What percent of the total picture is
14 the Fulbright-Hayes Act?

15 Mr. Bader. I really wouldn't know, Senator. I think it
16 is the major part of it, actually. You could have a National
17 Endowment for the Humanities fellowship in which a person would
18 go overseas, and this, under the language we now have before
19 you, that would include those individuals.

20 The Chairman. Well, I can see how vulnerable a grantee
21 might be when approached, and if we have already written
22 into law a prohibition that relates to the Fulbright scholars,
23 I should think it ought to apply to any others that are
24 receiving educational or cultural grants from the United
25 States.

1 Senator Tower. That is not a law, that is a regulation.

2 Mr. Aaron. And CIA's own regulation.

3 The Chairman. But then it was adopted as part of the law,
4 I thought you said.

5 Mr. Bader. No, sir. I said it has been made public
6 through the Freedom of Information Act. This is an internal
7 directive of the Agency, and as the Senators know, those
8 directives are certainly subject to change, so there really
9 are, in effect, two basic parts of this recommendation. One
10 was to commit the present internal prohibitions of the CIA to
11 law, and then to extend it, and the issue before the Committee,
12 in addition to whether there should be an extension, is sort
13 of how far and what language should be used to portray or
14 convey that prohibition?

15 Senator Baker. Mr. Chairman, do we have anything from
16 the Agency on this?

17 Senator Huddleston. I think you've got to weigh, to some
18 extent, the value of the two programs, of our cultural exchange
19 programs' importance. I think the public knowledge of any one
20 individual becomes known as a spy who is associated with a
21 program, it has a devastating effect, in my judgment, on the
22 program and on all students who are participating in it. I
23 just think the risk is too great.

24 Senator Tower. Well, my question at that point would be
25 to what extent does our cultural exchange program impact on

1 people behind the Iron Curtain, to convince them as people that
2 we are nice folks, that they ought to influence their government
3 to be a little bit more friendly toward us? It doesn't have
4 any impact at all in a totalitarian state, none.

5 It is really a one way street.

6 Now, I am all for cultural exchange, simply because I
7 like to watch Russian ballet dancers, especially females, but
8 the fact of the matter is cultural change does more to soften
9 up the American public toward the Iron Curtain than the
10 other way around.

11 The Chairman. That is an argument as to the merits of
12 cultural exchange, and how you view ballerinas, but the question
13 here we face is whether or not we should put American students
14 in a position where they feel they must --

15 Senator Tower. I don't think they must be coerced.

16 The Chairman. But there is an element of intimidation
17 involved if they are receiving a grant from the government.

18 Senator Tower. Well, I would favor a specific prohibition
19 against making that a condition of getting a grant or scholarship
20 of some sort.

21 Senator Baker. Or continuing one.

22 Senator Tower. Or continuing one.

23 Senator Hart of Michigan. Well, John, what do you say
24 to Dee's point? If my roommate turns out to be a spy, it is
25 automatically assumed I am, and every guy in the outfit. What

1 does this do to the American that is over there, all of
2 them? I don't think that is right.

3 Senator Tower. Well, I think in many instances American
4 operations abroad that have been completely innocent have been
5 labeled as spy operations for propaganda purposes by the other
6 side, and they will do that if they choose to. They will not
7 do it if they choose not to do it.

8 The Chairman. But you have many of these students who are
9 not inside Russia or in a Communist country. We have educational
10 and cultural programs in Third World countries and in the
11 western world.

12 Senator Tower. I understand that.

13 The Chairman. And there, if someone is caught engaging in
14 a CIA action of some kind, then everybody is contaminated.
15 The whole thing then becomes suspect in France or England or
16 wherever it might be.

17 Senator Tower. What if the grantee comes to CIA and
18 says, I have made some contacts over here that I think would
19 be of value in terms of passing intelligence along to you?

20 Are you going to turn him down and say, no, you are on a
21 Fulbright grant, we can't let you do that?

22 Senator Huddleston. No, they could use his information to
23 contact somebody else. He would not necessarily be operational.

24 Mr. Bader. Operational use, under the Agency's definition,
25 has two major elements to it. First is that the purposes to

1 be accomplished, and objectives, are established by the Agency,
2 and the second is that the individual involved is tasked to
3 do that, ordered to do it, if you please.

4 Operational use does not, by the Agency's definition,
5 involve individuals who would come to the Central Intelligence
6 Agency to voluntarily give whatever information that they
7 think would be of value to the Agency, the kind of information
8 that the Contacts Division normally would like to have.

9 Senator Tower. Yes, but once having done that, the Agency
10 determines this person is valuable and they observe this
11 person and they put him under a control officer.

12 Mr. Bader. Then he would come under this condition. That
13 would be operational use.

14 Senator Huddleston. It would not include a debriefing of
15 him when he came back.

16 Mr. Kirbow. Nor could he be asked to go to a single meeting
17 more and report back on the very same subject that he just
18 reported on, which might be a critical target to the United
19 States Governments' national security.

20 Mr. Bader. Once he is operational, he has to accomplish a
21 particular task or purpose, then he is operationally used under
22 the terms.

23 Senator Tower. Even if he initiates the contact with
24 the Agency in the first place.

25 Mr. Bader. Only, Senator, if there is a second stage in

1 this, if the individual --

2 Senator Tower. I know. The second stage may be the most
3 important.

4 Mr. Bader. It certainly may, and at that stage, under the
5 Agency's definition, he would be operationally --

6 Senator Huddleston. I can't believe the Agency wouldn't
7 have another entre of some sort.

8 Senator Tower. What kind of widespread abuse are we
9 trying to prevent?

10 Has there been widespread abuse?

11 Mr. Bader. No, sir, there has not.

12 Senator Tower. There has not been.

13 Mr. Aaron. This occurs.

14 Mr. Bader. This occurs, yes.

15 Senator Hart of Michigan. What is the benefit -- there
16 has been no abuse, but what benefit?

17 Senator Mondale. It's not -- that's not the word. It's
18 not no abuse. It's not widespread.

19 Mr. Bader. The term is "not widespread."

20 Senator Tower. I said "widespread."

21 Mr. Bader. Yes, I said "widespread."

22 Senator Hart of Michigan. The question is, what
23 benefits? Do we know?

24 Senator Huddleston. That is very difficult to ascertain.

25 Senator Tower. Significant abuse? Any record of abuse?

1 What record of abuse do we have?

2 Senator Hart of Michigan. Any record of significant
3 benefit.

4 Mr. Bader. A record of significant abuse in the sense
5 that Fulbright students or those under American educational
6 programs have been used operationally. There is an extensive
7 record over the years, but it is not of major importance to
8 the Agency.

9 The Chairman. Well, apparently the Agency itself has
10 restricted or has put the Fulbright scholars off limits,
11 right?

12 Mr. Bader. That is correct, sir.

13 The Chairman. Well, then, --

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

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

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

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

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

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

4 Is that still observed?

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

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

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

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

15 Senator Huddleston. No question about that.

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

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

20 Senator Schweiker. You say it will include --

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

23 The Chairman. All right.

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

1 personnel coming into this country, is that right?

2 Senator Huddleston. Yes.

3 The Chairman. Let's have a vote.

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

5 Mr. Miller. Yes.

6 Mr. Hart of Michigan.

7 Senator Hart of Michigan. Aye.

8 Mr. Miller. Mr. Mondale.

9 Senator Mondale. Aye.

10 Mr. Miller. Mr. Huddleston.

11 Senator Huddleston. Aye.

12 Mr. Miller. Mr. Morgan.

13 Senator Morgan. No.

14 Mr. Miller. Mr. Hart of Colorado?

15 Senator Hart of Colorado. Aye.

16 Mr. Miller. Mr. Baker.

17 Senator Baker. No.

18 Mr. Miller. Mr. Mathias?

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

21 Goldwater no by written proxy.

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

23 Mr. Schweiker.

24 Senator Schweiker. Aye.

25 Mr. Miller. Mr. Tower?

1 Senator Tower. No.

2 Mr. Miller. Mr. Church?

3 The Chairman. Aye.

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

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

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

10 The Chairman. All right.

11 Let's go to 61 next.

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

14 The Committee previously agreed to extend the CIA
15 prohibitions on the use of media to the use of any person
16 who regularly contributes material to publications and those
17 involved directly or indirectly in the editing or setting
18 policy and direction in the direction of the activities of
19 U.S. media organizations.

20 What was unclear was whether this was the recommendation
21 of the Committee to the CIA that it amend its regulations to do
22 that, or whether this was to be embodied in statute as had
23 been recommended in Recommendation 46.

24 The Chairman. I'm sorry, I have lost you.

25 Mr. Aaron. You will find the words "proposed statutory

1 CIA prohibition" and you see the words "proposed" and
2 "statutory" are in brackets, reflecting uncertainty on our part
3 as to whether it was the intention of the Committee that this
4 prohibition simply be a CIA regulation or embodied in the
5 statute, which is recommended in the recommendation of procedures.

6 The Chairman. Senator Huddleston, do you have any comment
7 on this?

8 Senator Huddleston. I have a personal feeling that when
9 we go too far statutorily in dealing with the press, that we
10 sometimes get on thin ice. I don't know whether it would be
11 appropriate to make some suggestion here that the press itself
12 initiate certain standards and methods. Many of them in the
13 press believe they ought to have anyhow.

14 I think the recommendation for the CIA is probably
15 sufficient.

16 The Chairman. And let that be handled as a matter of
17 CIA regulations.

18 Senator Huddleston. Rather than by statute.

19 The Chairman. Rather than by statute.

20 Is that acceptable to the Committee?

21 Senator Tower. I am sorry, Mr. Chairman. Would you
22 repeat the proposition?

23 The Chairman. The proposition is that the Committee
24 recommend that the CIA, by regulation, handle this matter
25 rather than make it statutory.

TOP SECRET

WARD & PAUL

1 Senator Tower. Well, I oppose it either by statute or
2 by regulation, so I would suggest that those who favor the
3 concept determine whether they want to do it by either statute
4 or regulation. I am opposed to doing it by either.

5 Senator Schweiker. I would like to see it by statute if
6 we are going to do it.

7 Senator Baker. Mr. Chairman, does this make any distinction
8 between domestic media and -- on the media located physically
9 within the United States and the U.S. media outside the
10 United States?

11 The Chairman. No, it does not. It simply attempts to
12 prevent the CIA from involving itself with personnel who are
13 part of the U.S. media, whether here or abroad, as I read it.

14 Senator Tower. Okay, now, let me ask you a question.

15 What is there is a Reuters reporter in Moscow who is
16 cooperating with us, and Reuters contributes regularly to U.S.
17 media?

18 Senator Schweiker. We spent an hour on that. They are
19 excluded. We argued that for an hour and I lost the point, so
20 they would be excluded.

21 Senator Huddleston. This basically just extends to
22 CIA's own prohibition that they had initiated against what we
23 would normally think of as working journalists, and includes
24 into it the executives and editors and those who may be
25 freelancing.

1 Senator Tower. What if we got a freelancer for Time
2 Magazine who is indeed a foreign national? Does he come under
3 this prohibition?

4 Senator Huddleston. If he has some regular association with
5 Time he would be.

6 Mr. Aaron. Under the Agency's current regulations and
7 own prohibitions, a foreign journalist working for Time Magazine
8 oversees would be prohibited from being used by them for
9 operational purposes. That is their own position today. This
10 would extend that prohibition to someone who is, what in the
11 trade jargon is a stringer, or --

12 Senator Tower. This would include a stringer?

13 Senator Schweiker. It wouldn't cover Reuters or some
14 other foreign news service.

15 Mr. Aaron. It would also apply to a foreigner who was,
16 for example, if there were such a thing as an editor in the
17 Paris Bureau of Time Magazine. I don't think they work that
18 way, but say there were such a person, it would apply to him
19 as well.

20 Senator Tower. What about the Paris Trib? What about
21 that?

22 Mr. Aaron. A U.S. media organization.

23 Mr. Kirbow. It is excluded.

24 Senator Schweiker. That is a subsidiary of an American
25 company.

1 Senator Tower. What about Reader's Digest Selecciones,
2 which is their Spanish publication? Is that included?

3 Mr. Aaron. I assume so.

4 The Chairman. Well, according to the CIA's own restric-
5 tions, it is excluded now, except this would simply
6 extend the exclusion to stringers, those who do not have
7 regular employment.

8 Senator Huddleston. And editors and executives.

9 The Chairman. And editors and executives.

10 Mr. Bader. The present restriction, Senator Tower,
11 that has been extended by the Agency in February, went to
12 accredited journalists, accredited to U.S. media organizations.
13 The only difference between this prohibition and the one
14 already assumed by the Agency is that this moves further
15 accreditation to include those who regularly contribute to
16 U.S. media organizations or are a part of their structure.

17 Mr. Kirbow. The management structure.

18 Mr. Bader. The management structure, whether they
19 contribute material to or are involved directly or indirectly
20 in the preparation of material.

21 The Chairman. Well, I think if we are going to do it,
22 we had better decide on the policy. If we want to keep the
23 CIA out of U.S. media both at home and abroad, and we want
24 to extend that to stringers as well, then I think it ought
25 to be done by statute rather than just a recommendation by

1 the Committee that the CIA do it, because the CIA regulations
2 may or may not issue, and they can be changed at any time
3 without notice.

4 Senator Tower. Well, Mr. Chairman, aren't we talking about
5 two different things?

6 I don't mean foreign, you know, our foreign correspondents
7 abroad writing CIA propaganda for American publications. We
8 are talking about operations here, operational use, not use
9 to write some article that the CIA wants planted in an American
10 publication. That's not what I'm talking about. I'm talking
11 about using him to gather intelligence, and it goes back
12 directly to the CIA which doesn't serve as a publication.

13 The Chairman. But operational use can include many things,
14 including writing propaganda and usually would if it involved
15 journalists.

16 Senator Tower. Well, I think we have already got a
17 prohibition on that.

18 Mr. Bader. The prohibition that the Central Intelligence
19 Agency has self-imposed extends across the line from cover
20 to placement to all operational use of individuals, accredited
21 individuals to American media organizations. As I say, the
22 difference between what the Agency has already taken upon
23 itself and what this recommendation involves is this recommen-
24 dation extends it to individuals who are not accredited.

25 There are a number -- the figures that the Committee has

1 which have been authenticated by the Agency, that there are
2 some 60 Americans who are affiliated or are part of American
3 media organizations around the world, part of a larger network
4 of some 400 journalists and the like who are part of the Agency's
5 overall media asset program, and of those 60 under the Agency's
6 present prohibitions, the ones recently imposed, it would go
7 to just one third of those individuals.

8 This prohibition would extend it from the one third to
9 all because the other two thirds include people that are
10 under cover, who are in management, and who are not under
11 the technical term accredited to U.S. media organizations.

12 Mr. Chairman, I might say if the Committee would look
13 at the Recommendation 46 that goes before 47, perhaps it might
14 bear in mind that the recommendation in 46, which takes the
15 present Agency prohibitions and says that they should be
16 established in law, if in 47, if the Committee should so
17 decide to do it by recommendation, that they change their
18 internal prohibitions, there will be a contrast between 46
19 and 47.

20 The Chairman. Well, let's have a vote. Let's go back
21 to 46, and I take it that the recommendation is that this
22 prohibition that the CIA has imposed upon itself ought to
23 be written in statutory form.

24 Mr. Bader. That is the recommendation.

25 The Chairman. All right. Let's have a vote on that

1 first of all, and then we'll take up 47.

2 Mr. Miller, will you call the roll?

3 Senator Huddleston. Mr. Chairman, I think I am probably
4 the only one that has suggested that it should not be statutory,
5 and I would just point out that that might be a result of the
6 fact that I am in the media, so I would withdraw that unless
7 somebody else wants to make that recommendation.

8 The Chairman. I thought yours went to 47.

9 This is 46.

10 Senator Huddleston. It did, but they both relate to the
11 media.

12 The Chairman. Well, let's take a vote on 46, which
13 would recommend that Congress enact a statute conforming to
14 the CIA's self-imposed prohibition on U.S. journalists or
15 foreign journalists accredited to the U.S. media abroad.

16 Mr. Miller. Mr. Hart of Michigan.

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

18 The Chairman. Yes.

19 Senator Hart of Michigan. Aye.

20 Mr. Miller. Mr. Mondale.

21 Senator Mondale. Aye.

22 Mr. Miller. Mr. Huddleston?

23 Senator Huddleston. Aye.

24 Mr. Miller. Mr. Morgan.

25 Senator Morgan. Aye.

1 Mr. Miller. Mr. Hart of Colorado.

2 Senator Hart of Colorado. Aye.

3 Mr. Miller. Mr. Baker.

4 Senator Baker. Aye.

5 Mr. Miller. Mr. Goldwater.

6 Senator Tower. No by proxy.

7 Mr. Miller. Mr. Mathias.

8 (No response.)

9 Mr. Miller. Mr. Schweiker.

10 Senator Schweiker. Aye.

11 Mr. Miller. Mr. Tower.

12 Senator Tower. No.

13 Mr. Miller. Mr. Church..

14 The Chairman. Aye.

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

17 The Chairman. All right.

18 Now can we go to 47 and vote it up or down on the
19 understanding that this recommendation having to do with
20 stringers and the use of executives would not take statutory
21 form but it would be a recommendation to the CIA without
22 such regulation.

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

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

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

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

16 Mr. Miller. Mr. Hart of Michigan.

17 Senator Hart of Michigan. Aye.

18 Mr. Miller. Mr. Mondale.

19 Senator Mondale. Aye.

20 Mr. Miller. Mr. Huddleston.

21 Senator Huddleston. Aye.

22 Mr. Miller. Mr. Morgan.

23 Senator Morgan. Aye.

24 Mr. Miller. Mr. Hart of Colorado.

25 Senator Hart of Colorado. Aye.

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

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