

13 May 1966

MEMORANDUM FOR THE RECORD

SUBJECT: Senator Eugene McCarthy's Resolution to Establish
a Senate Select Committee on Intelligence

1. There follow random points and a statement of our information to date on the Senate Foreign Relations Committee action on Thursday, 12 May 1966, on Senator McCarthy's most recent resolution.

2. At a Foreign Relations Committee meeting on Thursday (at which a quorum was not present), Senator McCarthy offered a substitute resolution in favor of his original resolution, S. Con Res. 210, which called for a study by the Foreign Relations Committee of the CIA. The substitute resolution would establish a select committee of nine members of the three Committees (to be appointed by the Chairmen/): three from the Armed Services Committee, three from the Appropriations Committee and three from the Foreign Relations Committee.

3. The Committee discussed the substitute resolution and acted on two motions. A number of votes were made by proxy. Senator Hickenlooper offered a motion to table the resolution. This was defeated by a vote of 11 to 6. Senator Lausche then offered a motion to refer the substitute resolution to the Senate Committee on Rules. This motion was defeated by a vote of 12 to 6. The Committee adjourned without taking formal action

on the resolution but is scheduled to consider the matter further at a session on Tuesday, 17 May 1966.

4. If the Foreign Relations Committee acts favorably on this resolution, it must then be referred to the Senate Rules Committee for it requires expenditures from the Senate contingency fund in addition to establishing a new committee. The funds would obviously be required for salaries of committee staff and other committee expenses.

5. One of the most important aspects of the substitute resolution is the manner by which the members of this committee would be designated. Obviously designation by the President of the Senate permits much broader flexibility in the choice of membership than does designation by the chairmen of the committees represented. For example, persons designated by the chairman of the Foreign Relations Committee (Senator Fulbright) to this committee would undoubtedly be quite different from those designated by the President of the Senate.

6. The term "select" as used in this resolution undoubtedly results from the fact that the membership would be designated in a manner other than by the leadership of the respective parties.

7. To the best of our knowledge (and we have also consulted informally with the Armed Services Committee staff) while the jurisdiction over the CIA by the Senate Armed Services Committee is unquestioned as far as that Committee is concerned, there is no formal action by the Senate which conferred jurisdiction over CIA matters on the Armed Services Committee. It's

jurisdiction has been one of historical development and precedent by individual rulings, by the Parliamentarian on individual issues.

8. In connection with the above, it is interesting that Senator McCarthy chose to offer his substitute resolution in Committee rather than to introduce the resolution in the normal manner. By having the Foreign Relations Committee consider this resolution as a Committee resolution, McCarthy has sidestepped the parliamentary issue of Committee jurisdiction over consideration of the resolution itself. (This is a point which might well be attacked either in the Rules Committee or on the floor of the Senate should the bill be favorably reported.) In other words should the members of the Armed Services and Appropriations Committees elect to raise the issue, it could well be argued on a point of order that the resolution should be referred to the Armed Services Committee before it can be considered by the Senate.