"S. 421

"Resolution memorializing Congress to issue a stamp with the new Slater Mill Complex of Pawtucket, Rhode Island, on the Stamp

"Whereas, The evolution of the mill Samuel Slater built in 1793 marks an important era in American history; and

"Whereas, The birth of the industrial revolution in America which reshaped the face and fabric of the entire world took place at the Old Slater Mill; and

"Whereas, The Old Slater Mill is the first factory in the United States to use industrial machinery successfully; and

"Whereas, The New Slater Mill Complex has been expanded to include the Sylvanus Brown House, an urban textile worker's home which was carefully reconstructed; and

"Whereas, The Oziel Wilkinson Mill is scheduled to open next June with a replication of a 19th-century machine shop and blacksmith shop; now, therefore, be it

"Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to authorize the issuance of a stamp with the New Slater Mill Complex of Pawtucket, Rhode Island on the stamp; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the senators and representatives from Rhode Island in Congress of the United States."

A resolution of the State of Rhode Island and Providence Plantations. Referred to the Committee on Public Works:

"H. 5427

"Resolution memorializing Congress to study the feasibility of providing Federal funding for solid waste disposal projects

"Resolved, That the members of Congress of the United States are hereby respectfully requested to study the feasibility of providing federal funding for solid waste disposal projects; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 978. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful (Rept. No. 93–188).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. 1443. A bill to authorize the furnishing of defense articles and services to foreign countries and international organizations (Rept. No. 93–189), together with minority views.

By Mr. SPARKMAN (for Mr. STEVENSON) from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 1636. A bill to amend the International Economic Policy Act of 1972 (Rept. No. 93–190). Referred to the Committees on Finance and Foreign Relations for a period not to extend beyond June 20, 1973.

By Mr. BAYH, from the Committee on the Judiciary, with an amendment:

S. 1115. A bill to amend the Controlled Substances Act to provide for the registration of practioners conducting narcotic treatment programs (Rept. No. 93–192).

By Mr. BAYH, from the Committee on the Judiciary, with amendments.

S. 645. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes (Rept. No. 93–191), together with additional views.

Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. Res. 108. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

David H. Popper, of New York, a Foreign Service officer of the class of Career Minister, to be Assistant Secretary of State;

Gerald F. Tape, of Maryland, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador;

Matthew J. Harvey, of Maryland, to be an Assistant Administrator of the Agency for International Development;

Kenneth A. Guenther, of Maryland, to be Alternate Executive Director of the Inter-American Development Bank;

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund;

Charles R. Harley, of Maryland, to be U.S. Alternate Executive Director of the International Monetary Fund;

Hobart Lewis, of New York, to be a member of the U.S. Advisory Commission on Information; and

J. Leonard Reinsch, of Georgia, to be a member of the U.S. Advisory Commission on Information.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. SYMINGTON. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 868 in the grade of captain and below—822 permanent Regular Navy—748 of which are midshipmen—Naval Academy; 33 temporary Regular Navy; 5 permanent Reserves and 8 temporary Reserves, and in the Army, 244 appointments in the grade of major and below—includes distinguished military students; scholarship students and cadets graduating class of 1973 U.S. Military Academy.

Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JOHNSTON (by request):

S. 1934. A bill to promote economic development of the territory of American Samoa. Referred to the Committee on Interior and Insular Affairs.

By Mr. PROXMIRE:

S. 1935. A bill to amend section 102 of the Natioanl Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such agency. Referred to the Committee on Armed Services.

By Mr. PERCY:

S. 1936. A bill to provide for better control and reporting of political contributions and expenditures in Federal elections. Referred to the Committee on Rules and Administration.

By Mr. FANNIN:

S. 1937. A bill to amend the act of September 22, 1961 (75 Stat. 577), so as to authorize the Secretary of the Interior to contract for the sale, operation, maintenance, repair, or relocation of certain Government-owned electric utility systems constructed and operated as a part of any irrigation system. Referred to the Committee on Interior and Insular Affairs.

By Mr. DOLE (for himself, Mr. CURTIS, Mr. YOUNG, and Mr. BELLMON):

S. 1938. A bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974. Referred to the Committee on Agriculture and Forestry.

By Mr. MONDALE:

S. 1939. A bill to prohibit pyramid sales transactions, and for other purposes. Referred to the Committee on Commerce.

By Mr. ERVIN (by request):

S. 1940. A bill to establish a fund for activating authorized agencies, and for other purposes. Referred to the Committee on Government Operations.

By Mr. TOWER:

S. 1941. A bill to foster and promote the establishment, preservation, and strengthening of minority business enterprise. Referred to the Committee on Banking, Housing and Urban Affairs; and, if and when reported by that committee, to the Committee on Labor and Public Welfare, by unanimous-consent order entered May 23, 1972.

By Mr. FULBRIGHT (by request):

S. 1942. A bill to enable the United States to contribute its share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol concerning the said Commission to the Agreement on Ending the War and Restoring Peace in Vietnam. Referred to the Committee on Foreign Relations.

By Mr. PACKWOOD:

S. 1943. A bill to establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1935. A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency. Referred to the Committee on Armed Services.

TIME FOR REVIEW OF INTELLIGENCE OPERATIONS

Mr. PROXMIRE. Mr. President, on April 10, I first spoke about the role of the U.S. intelligence community in our Government and domestic life, At that time I talked about the historical need

for intelligence to overcome the barriers nations erect to the free flow of ideas and technology. I discussed the National Security Act of 1947 to determine just what Congress had in mind when this broad legislation was enacted. And then I went into the question of possible "spillover" effects coming from the use of clandestine techniques overseas. In recent days, the Watergate story has unfolded in sufficient detail to shake all of us into concern about the dangerous consequences of domestic intelligence operations for political purposes.

My original speech also detailed the composition of the intelligence community and made certain recommendations regarding more efficient practices.

Let us now take a close look at what has become the most alarming aspects of the intelligence process—domestic and foreign programs that are called covert operations or "dirty tricks" and include espionage and subversion of foreign governments.

Nothing in this speech comes from classified sources. I have pieced together my information from public documents and open conversations with Government officials.

Since a great deal of the following analysis hinges on drawing distinctions between various activities, I must rely to some degree on language that has precise meaning within the intelligence community. Wherever used I will attempt to clarify the meanings of such terms as covert action or intelligence collection.

THE STRUCTURE OF THE CLANDESTINE SERVICES

The Central Intelligence Agency is divided into Directorates by function. Until recently, these were called the Directorate of Plans, the Directorate or Intelligence, the Directorate or Support and the Directorate of Science and Technology, or as abbreviated: DD/P, DD/I, DD/S, and DD/S. & T. standing for the four Deputy Directors serving under the Director of Central Intelligence and his Deputy Director. For the purposes of this speech, I will concentrate mainly on the DDP, that is, Directorate of Plans now renamed DD/O for Directorate of Operations.

Thus the CIA is several organizations under one roof. The DD/I—Intelligence—and DD/S. & T.—Science and Technology—deal with intelligence collection as opposed to intelligence operations. The DD/O—Operations—and its support elements in DD/S—Support—carry out covert action programs. There has been a great deal of discussion about the propriety of this arrangement linking the analysis and covert activities and I will deal with the arguments later.

Authority for approving and continuing programs and other activities that are sensitive—meaning the potentiality of embarrassment or compromise—rests with a Cabinet-level committee composed of representatives of the Department of Defense, Department of State, White House National Security Adviser, Joint Chiefs of Staff, and the Director of Central Intelligence. This informal committee which meets several times a month has been called by many names including the 54/12 Group, Special Group, the 303 Committee—named after a room number in the Executive Office Building—and more currently the 40 Committee after a national security decision memorandum with the same numerical designation.

In theory, proposals for covert action programs are presented to the 40 Committee after being worked out by the participating agencies at a lower level. Then the 40 Committee gives its approval or rejects the concept or requires modifications in the original plan. Most projects, however are well coordinated by the time they get to the 40 Committee.

The primary need for the 40 Committee and its authority to initiate covert action programs is the stated requirement to provide the President with methods of accomplishing foreign policy objectives without attribution to the United States.

We have come a long way from Secretary of State Stimson's comment that gentlemen do not read other peoples's mail. The modern world is far more complex now. More barriers to the flow of information have been erected. I believe that there are occasions when this Government must for its own protection use techniques that are by domestic U.S. standards extra-legal. But there must be adequate control over the exercise of these aspects of our foreign policy or we will find ourselves gripped in an interminable cycle of false information and foreign intervention. These controls have been painfully inadequate. For this reason it is necessary to take a hard look at what distinctions can be drawn between activities that are necessary for national security and also productive and those that create situations that actually erode our national security.

In practice, it appears that the 40 Committee mainly approves activities coordinated at lower levels. If a promising operation can be coordinated at a working level where the concept originates, it often rises through the intelligence community with little critical challenge until it arrives at the 40 Committee. There because it has been reviewed by the "experts" it is frequently approved. Result: a serious effect on U.S. policy.

Having the 40 Committee consist of high level officials is supposed to be a safeguard against the initiation of activities actually detrimental to the national interest. It is presumed but never stated that major decisions of the 40 Committee are then checked with the President. The reason for the lack of substantiation of this latter point is clear. The President is insulated from any direct association from such illegal activities so that in time of crisis such as a "blown"—exposed—mission, he can deny knowledge of the entire affair. Again and again this is the most important point of many covert action programs—the insistence that the President be insulated from any damaging effect, regardless of his prior knowledge or role in the command process. Thus when a crisis occurs, say with the U–2 affair, the President has the option of denying the whole thing and preserving his innocence by placing the blame on others. President Eisenhower chose to take responsibility for the U–2 incident, a move that many intelligence specialists criticized as unnecessary and a bad precedent. In my view, as I will develop later, President Eisenhower was absolutely right.

Once a decision is reached and approved by the 40 Committee and White House, the resources of the DDO or as it is sometimes called the Clandestine Services—CS—are put into action. These resources are enormous and consist of worldwide depots of equipment and arms, numerous communications networks, arrangements with front organizations for providing support, working associations with the military departments which can supply men, material, and the normal complement of case officers—the designation for DDO professional personnel as opposed to agents which are those recruited by case officers.

It can be said that the Agency—CIA—probably can carry out a middle- or low-level operation with more skill and speed than any other arm of the Government. There is less bureaucratic interference and the lines of communication are much quicker. With regard to high level operations of the size of an invasion, the CIA's record is marginal. But, paramilitary activities are a distinct part of the Agency's resources.

There is far less command and control of covert operations than should be the case.

Here is why:

First. The 40 Committee's control is only absolute in the sense of a final decision but not in the shaping of policies regarding the initiation of such activities or for that matter how they will affect the long-range interests of the country.

Second. There is a tendency for those in the business to fall into the mental state of acquiesence in the propriety and necessity of such operations and thus provide no effective restraint.

Third. In all of this, Congress plays absolutely no role. While Congress may be funding a certain international program, the 40 Committee could be deciding to impede that same program in a certain country for other reasons.

Fourth. Small operations have a way of becoming major operations even without 40 Committee oversight.

JUDGING THE RELATIVE IMPORTANCE OF INTELLIGENCE COLLECTION PROGRAMS

Intelligence comes from varied sources. It can be categorized in the following manner:

First. Open sources such as newspapers, periodicals, translated foreign literature, and radio broadcasts;

Second. Satellite derived intelligence used for mapping, targeting observation of military construction, industrial capacity communications, and military deployments;

Third. Technical collection techniques—intercept of signals, electronic emissions, communcations, and radar data;

Fourth. Human resources such as defectors, agents in place, interviews with selected travelers, immigrants, and foreign government officials.

It is often stated that the bulk of all intelligence comes from open sources that are refined and analyzed. In terms

of quantity this probably is true. The really significant intelligence, however, now comes from satellites and technical collection devices.

Reconnaissance activities provide high confidence data about military and economic questions of the highest importance such as missile deployments, submarine development or industrial construction. By far and away this is the most important category of intelligence information.

Somewhat below this in importance are the other technical programs which provide scientific data of interest for specialized purposes. Interrogating radar systems would be one example. Other signals might give information about missile characteristics or ABM developments. Intercept of communications, part of a category of intelligence referred to as Comint or Communications Intelligence, once was a very important source of information but with the countermeasures now available such as land lines and encoding devices, Comint is more difficult to obtain and process.

Human resources comprise this last category. Human resources refers to any traditional spy activities that involve the direct use of human beings as opposed to technical devices. The recruitment of foreign government officials, the espionage of military secrets by travelers, the forced entry into offices to obtain data, the establishment of spy rings, all are examples of human resource programs.

By any measure of cost effectiveness, human resources simply do not produce the quantity and quality of reliable data necessary for their justification. About 60 percent of the CIA budget continues to go into human resource programs.

The argument has been made that even though human resources provide little information of value compared to technical and satellite data, what they do provide in a few instances might be of the most significant and valuable of all—that of political or military intentions. Hardward programs can be observed by reconnaissance but a camera cannot look into a man's mind.

But factual data about intentions is so illusive and fragmentary that it is almost nonexistent. Knowledge of adversary intentions requires a source of reliable information at the highest levels of a foreign government such as the U.S.S.R. or People's Republic of China. Human resources of this quality and rank are rare indeed. We have heard about Colonel Penkovsky and certain other defectors and agents in place, but it is the consensus of many experts that high level human resources are few and far between, and provide a pathetically inadequate payoff.

DRAWING A DISTINCTION BETWEEN COVERT ACTION PROGRAMS AND INTELLIGENCE COLLECTION PROGRAMS

What is the difference between intelligence collection and covert action "cloak and dagger" programs? At times the distinction may be hazy. Both are done within the intelligence community but Congress can act to separate and define the two areas of activity.

Intelligence collected by covert means including the satellite, technical devices and human resources mentioned above qualifies as intelligence collection. It involves the acquisition by open and extralegal means of information determined necessary to national security. Requirements are established to guide this type of collection within given priorities.

The following are examples of selected information acquired by intelligence collection:

Photography, space and missile signals, economic data, power elite and political party data;

Military construction, deployments, research and development, troop movements;

Industrial capacity, communications capabilities, food production; scientific information; mapping, geological, climatic data.

In short the collection of all information that could possibly be useful to policymakers. The means of collection might be covert "cloak-and-dagger."

One distinction: With intelligence collection there is a conscious decision to obtain the information without influencing the source or its content. Such is not necessarily the case with covert action programs.

Covert action involves a more intrusive role than the passive acquisition of science or economic data or even the information supplied by agents in place. Covert action could involve any of the following types of activities:

Paramilitary operations in support of foreign governments or dissident forces; financial support for individuals, governments, unions, political parties or other internal organizations;

Operations in support of political allies such as acquiring politically damaging information or the creation of such information or the supplying of internal security techniques and equipment;

Exchange programs for social, economic or long term political reasons; economic manipulations of companies, governments, commodity supplies.

One characterization of all covert action programs is their deniability. They must be clearly separable from official U.S. Government sanction. Instead of pure collection of information, covert action programs are designed to influence future events or alter the expected course of events in foreign countries to the benefit of the United States.

ACCOUNTABILITY: ASSET OR LIABILITY?

The principle of a plausible deniability is critical to any covert operation. I relate to the capability of our Government to know what the CIA has been doing. If it were not a problem then operations could be carried out in the open. But since many operations would be considered either illegal, immoral, hostile, or be greatly embarrassing in the target country, they must be done without overt relationship to the U.S. Government.

There are certain "backstops" built into a covert operation. An American presence is kept at a low level.

Native personnel are used where possible. Third countries may be co-opted to participate and other devices used so as to preclude any tie in with the United States.

In the event that an operation is blown and it becomes known that some American has participated, there are two further ploys to use. First, the U.S. Government can disassociate itself from the blown operation by stating that it was not sanctioned. Arrangements then would have to made to see that the U.S. personnel involved could be provided assistance. In the meantime, all affiliation with the CIA would be denied. Such was the case with John Downey and Richard Fecteau held captive by the People's Republic of China since the 1950's.

As a second fall back position, in an extremely serious case, it may be necessary to admit U.S. responsibility but deny that the President had anything to do with it, thereby attempting to salvage his prestige and reputation. The choice then is up to the President whether he wants to admit responsibility or continue to bluff his way through the crisis. This situation occurred with President Eisenhower and the U–2 affair.

I think the whole notion of deniability should be reconsidered very carefully by Congress and all our Government. It is one that could get us into the deepest kind of trouble.

President Eisenhower, to his enduring credit, flatly refused the deniability option and manfully assumed responsibility for the U–2 flights, although in doing so he endangered vital negotiations at that time with the U.S.S.R.

This brings up the critical point. Should there be clear accountability by the President? Mechanisms have been established for foreign operations which protect the President from failures and embarrassment. He can shift the blame to other people or organizations. The CIA for example, has long been known as an organization willing to assume the public blame for operations approved by the President that ended in failure.

In this Senator's view there is never justification for a lie by anyone including, and I might say especially by, the President of the United States. Such deliberate, planned "official" lies undermine the credibility of the Government. The coverup becomes a way of life. It is a corroding compromise with integrity.

What is more, it is stupid because it frequently does not work. It is not believed and when it is exposed as a lie, the loss of faith in government is far greater then any gain.

In domestic affairs the use of "plausible denial" could be a most insidious antidemocratic political device. As in so many other areas of covert activities, the major fear is that a commonly accepted technique used abroad will become so successful that it is only an easy moral judgement away from application in the United States.

Six men sitting around a table week in and week out discuss various covert foreign operations. They are masters at the techniques of deception, intrigue, espionage, covert action. One day they receive a suggestion, couched in terms of national security that involves the use of these same techniques domestically. The suggestion comes from the White House, maybe even the President. They have all served the White House, regard-

less of its occupant for their entire lives. It is the center of power from which they draw their authority. It is the justification of their lives. How do they answer?

This fictionalized portrayal is not intended to be taken literally. But it makes the point. There are vast unrestrained powers within the executive department that may someday threaten more than some foreign nation.

One additional aspect of accountability needs to be explored.

It may be possible that the delegation of authority in such matters as intelligence collection and covert action programs has gone so far down from the President that he has no functional control over many of these programs. In the delegation of authority rests an immense commitment of trust. If subordinates are trusted and events seem to be moving well, a President could be insulated from those decisions taken in his name that have widespread and damaging consequences. I do not think this is a very realistic situation but it is an outside possibility.

I think we should be aware of this, because too few of us appreciate how very busy the President is, how involved he is in many areas, how distraught any President must become because the demands on his interest and his time are so enormous.

Congress has no way of knowing any of these things because Congress never has exercised any real control over the intelligence community. We have all thought that this was an area in which national security interests naturally limited congressional participation. We have left it to the experts. We have handled it with informal relationships and secret meetings and inadequate staff work. We have looked the other way. And we have paid the price.

We agonize over an appropriation of $1 million, and I do that as much as any. But we calmly let $4, $5, or $6 billion slip through our fingers without so much as one critical question on the floor of the Senate.

There are certain matters that pertain to the intelligence community that cannot ever be made public for to do so would be to endanger sources of information or techniques of collecting that information. Our potential adversaries could deny us that information if they became aware of its value to us. We must also protect the lives of the Americans serving overseas and their families from hostile retaliation.

The intelligence budget is not such a case. There is no sound reason why this budget must remain hidden from the public in aggregate terms.

There would be no security risk in letting the world know that the United States spends $5 or $6 billion on intelligence. It is a form of deterrence. It would tell our adversaries that we intend to find out the truth about any potential hostile actions on their part and that we are willing to spend great resources to do so.

Just as it was deemed important to let the U.S.S.R. and China know of our military strength as a deterrent to a surprise attack, so would it be prudent to tell them that we have other capabilities to guard our Nation. We need not say more than the size and general distribution of the intelligence budget by agency. We need not speak of missions or other sensitive matters. But we must reestablish the responsibility that Congress has in the formation and funding of foreign policy and above all else we must protect our domestic freedoms from any bureaucratic challenge from within the executive department. The danger is here. We cannot refuse to act.

THE NATIONAL SECURITY ACT OF 1947

WHAT DOES IT ALLOW

The first thing to be noted about the establishment of the CIA is that it is a part of the Executive Office of the President and as such reports directly to the President through the National Security Council and the Director of Central Intelligence which is a cabinet level post. Under the National Security Act of 1947, the CIA was given the duty of advising and making recommendations to the National Security Council and of correlating and evaluating intelligence relating to the national security and providing for appropriate dissemination. All of these duties are relatively passive. In no way can they be interpreted as authority for engagement in domestic operations or foreign operations. That is clear.

Further on in the same section, the act specifically states that the CIA shall have no "police, subpena, law-enforcement powers, or internal security functions." This is a broad and widespread prohibition. The meaning of "no internal security functions" is a blanket disapproval for any active domestic police-type functions.

After that prohibition, however, come three statements which are oblique by nature and subject to various interpretations. They need to be quoted in full for they constitute a possible justification for both domestic functions and foreign covert activities.

And provided further, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

To perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

To perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

The first statement could be cited for justifying operations domestically and the following two could be used for justifying foreign operations or even domestic operations.

THE MISSING CHARTER

It is not possible to state with authority what interpretation the executive department has placed on these particular sections of the National Security Act of 1947 because subsequent interpretations have been done in secret. In fact, the CIA charter is not fully contained in the National Security Act of 1947 but is extrapolated from the act by a series of National Security Council intelligence directives after the passage of the act. These were, and remain, classified. Thus we are faced with a highly unusual situation. Congress has enacted a law with a set of prescribed relationships and duties for the CIA. And the executive department through the National Security Council has interpreted this law in secret. Whether this subsequent secret interpretation is allowed by the original act is in doubt. Whether the procedure of allowing secret interpretations and extensions of authority upon a congressional act is in doubt.

This can only be resolved by a court test, a review by the enacting committees and bodies of Congress of the original intent of the legislation, or by amending the 1947 National Security Act to prohibit extraneous interpretations or extensions.

It would be best for all concerned if the charter for the CIA was distinctly agreed upon by Congress and the executive department and at least in general language made public.

AN AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947

In order to initiate a full examination of the proper role of the intelligence community in foreign affairs as well as domestic affairs, I now introduce a bill as an amendment to the National Security Act of 1947.

Mr. President, I ask unanimous consent that this be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof a new subsection as follows:

"(g) (1) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to—

"(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity;

"(B) provide assistance of any kind, directly or indirectly, to any other department or agency of the Federal Government, to any department or agency of any State or local government, or to any officer or employee of any such department or agency engaged in police or police-type operations or activities, law enforcement operations or activities, or internal security operations or activities within the United States unless such assistance is provided with the prior, specific written approval of the CIA Oversight Subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives;

"(C) participate, directly or indirectly, in any illegal activity within the United States; or

"(D) engage in any covert action in any foreign country unless such action has been specifically approved in writing by the CIA Oversight Subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives.

"(2) As used in paragraph (1) (D) of this subsection, the term 'covert action' means covert action as defined by the National Security Council based on the commonly ac-

cepted understanding of that term within the intelligence community of the Federal Government and the practices of the intelligence community of the Federal Government during the period 1950 through 1970."

Mr. PROXMIRE. Mr. President, this amendment is designed to clarify the role of the CIA with regard to domestic activities. It has four provisions. First, it makes it clear that the National Security Act of 1974 itself or any subsequent interpretations of the act by the executive branch, be they classified or unclassified, shall not authorize the CIA to engage in police, law enforcement, and internal security functions by itself or in conjunction with other organizations. Although there is a similar provision in the National Security Act, subsequent interpretations of that act by the National Securtiy Council intelligence directives or other more loosely worded language in the National Security Act itself requires a reaffirmation—and I mean a public reaffirmation—of congressional intent.

A second provision would prohibit the CIA from providing assistance to other Government organizations engaged in police, law enforcement, or internal security activities. The obvious question to be dealt with here is the problem of normal, routine coordination between CIA and the FBI. This type of activity would be expressly approved on an ongoing basis but within distinct limitations by the CIA oversight committees of both houses.

The third provision of this amendment expressly prohibits the CIA from participating in any illegal activity within the United States, either directly or indirectly.

The fourth provision deals with the foreign activities of the CIA. It is remarkable that nothing in the National Security Act of 1947 directly authorizes the CIA to engage in covert foreign operations. Subsequent interpretations of the act have empowered the CIA to conduct such activities but the act itself is not explicit. The hidden charter for CIA is far more important in this regard than the National Security Act. But due to the classified nature of the hidden charter, Congress has not participated in the interpretation of the law it approved. Therefore, it is now necessary to define just what is the congressional intent of the act.

My fourth provision draws a distinction between the normal activity of intelligence collection and covert action programs. It would prohibit the CIA from engaging in any covert foreign action programs without the written prior approval of the CIA oversight committees of the House and Senate. The pattern for prior approval, for example, could be based on techniques worked out between the executive department and Congress such as exist for reprogramming authority. I would also recommend that both Houses of Congress form one body with responsibility for CIA oversight.

WHY IS THE AMENDMENT NEEDED?

This amendment is necessary for the national security. I do not say this lightly. The purpose of the intelligence community is to insure that the highest policymakers have the knowledge and means to protect this country. It is a vital line of defense. But is there a possibility that the very instruments established to guarantee our national security could be used to subvert it?

Mr. President, this is the most chilling message of Watergate. The activities we engage in overseas have come home to roost. The techniques, the organization, the personnel, the equipment, the power to obtain information and influence foreign events have been turned to use domestically. Nothing could be more dangerous. Are we successful in rigging a few elections? In supporting a few friendly organizations? Bribing officials? Pressuring governments? Maybe, maybe not. But it is not worth the price if the same techniques become a more likely threat to our freedoms than any invasion.

Without proper controls we are in danger of falling prey to our own national security mechanism.

Is it far fetched to contemplate the illegal use of the FBI, CIA and the rest of the intelligence community against political opponents or any other faction within the United States? That is exactly what has been attempted. The FBI and CIA have wavered under the pressure. This is the most serious aspect of the Watergate crisis. It has gone so deep into the fabric of the Federal bureaucracy that even the untouchable agencies have been tarnished.

Fantastic? No, indeed, it is real and it is happening today. Firm steps must be taken to reestablish the confidence that should reside in the CIA and to eliminate the nightmare that someday as Sinclair Lewis wrote of the prospect of an American Hitler "It can happen here."

I have great admiration for the CIA and its Directors. It appears that they have resisted pressures of great intensity from the White House itself. That took a great deal of courage. It is for the sake of the CIA as well as the American people that I offer this amendment.

In closing, I would like to quote two remarks by former U.S. Presidents, each from a different era but both endowed with the insight that comes from a keen mind and a sense of American democracy.

On May 13, 1798, James Madison wrote to Thomas Jefferson stating—

Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad.

On hundred sixty-five years later another great President, Harry Truman, reflected on his administration:

For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times a policy-making arm of the government. I never had any thought that when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations. Some of the complications and embarrassment that I think we have experienced are in part attributable to the fact that this quiet intelligence arm of the President has been so much removed from its intended role that it is being interpreted as a symbol of sinister and mysterious foreign intrigue and a subject for cold war enemy propaganda.

Mr. President, nothing that I have said here today should be interpreted as condemnation of the CIA. The CIA has been under the direction of several Presidents. In many ways, the CIA has performed an invaluable service to our Government that could not have been done by any other agency. In its testimony before Congress on foreign weapons programs and in its estimates of capabilities and intentions, the CIA has presented remarkable unbiased analysis of the highest quality. This is an essential role.

But the CIA now must be protected from the executive department and our democracy must be protected from any directed misuse of the CIA.

To do less is to risk our heritage.

Mr. President, I am confident if my amendment becomes law we will provide that protection for the CIA and, more importantly, for our form of government.

By Mr. PERCY:

S. 1936. A bill to provide for better control and reporting of political contributions and expenditures in Federal elections. Referred to the Committee on Rules and Administration.

FEDERAL ELECTIVE OFFICE CAMPAIGN ACT

Mr. PERCY. Mr. President, the most tragic consequence of the recent disclosures of political corruption in Washington is the erosion of public confidence in elected officials and in the two-party system. Public trust in government has been seriously undermined.

It is, of course, vital to uncover all of the facts in the Watergate case and to have swift and impartial prosecution of the accused. But even after all this has been accomplished, our task will be far from completed. We will have to move to eliminate public cynicism about the political process.

One of the major problems at the heart of the Watergate scandal is big money in politics. We must revise and rework regulations governing campaign spending, as well as reexamine proposals that would require full disclosure of personal finances of public officials.

We are all familiar with the alleged abuses of campaign financing in 1972. Stories about suitcases full of money coming to Washington and funds filtering through foreign banks have been widely reported. We are also familiar with reports of the questionable use of funds by persons who openly attempted to interfere with campaign activities.

It is estimated that as much as $400 million was spent in all elections in 1972. up from $300 million in 1968 and $200 million in 1964. We must reduce the amount of money spent in elections and make the process more open to public scrutiny.

The Congress made a start in this direction in 1971 with passage of the Federal Election Campaign Act. It placed a limit of 10 cents per eligible voter on the amount that could be spent on media advertising and also required that contributions of more than $100 be made

public. But, obviously, a great deal more remains to be done.

Therefore, Mr. President, I am today introducing legislation to further control campaign financing. The legislation I am introducing today would do seven things:

First. It would eliminate the proliferation of campaign committees by allowing only one fundraising committee per candidate. All contributions and disbursements would flow through the one committee. This would simplify the procedures for tracing contributions and expenditures.

Second. Any contributions or disbursements in excess of $10 to or from a fundraising committee would have to be made by check. This would prevent untraceable cash from flowing through the political process.

Third. All contributions would have to be identified with the name, address, and social security number of the donor. This would make the task of identification of donors clear and precise.

Fourth. The fundraising committee would be required to regularly publish throughout the course of the campaign, the names and addresses of the donor and the amount contributed, as well as the names of those to whom funds are disbursed and the purpose of the expenditure. This would present for public scrutiny all sources of campaign funds and the uses to which they are put.

Fifth. An overall limitation on campaign spending of 20 cents per eligible voter would be fixed. Current law sets a 10-cent per eligible voter limit on media spending, but sets no limit on overall spending.

Sixth. A limit of $5,000 on individual contributions to a single candidate would be established. There should no longer even be the suspicion of big contributions influencing political decisions. This limitation would help to assure that no one individual would be the principal source of support to a candidate.

Seventh. To encourage contributions from a broader segment of the public, the tax credit for political contributions of $12.50 for a single person and $25 per couple in the current law would be raised to $25 for an individual and $50 for a couple.

In addition to submitting my own bill for consideration at this time, I would also like to take this opportunity to go on record as heartily endorsing other campaign reform proposals already introduced by my colleagues:

First. I endorse and support Senator CASE's financial disclosure bill which would require full financial disclosure by all Members of Congress, candidates for Congress, and congressional officials and staff receiving $22,000 or more per year.

Second. I urge passage of Senator SCOTT's bill calling for an independent Federal Elections Commission with responsibility for monitoring campaigns. Such a commission would have full power and authority to investigate and prosecute financial misconduct in Federal campaigns.

It is important that all Federal campaign reporting be under the jurisdiction of a single agency, rather than continuing the current, fragmented system under which reports of House, Senate, and Presidential campaigns go to separate bodies. There should be one independent body with overall authority to monitor and investigate all campaign spending in all campaigns.

Mr. President, if provisions such as these are enacted into law, we will have gone a long way toward insuring honesty and accountability in our political processes. We may also help to restore public faith in our public officials.

I am delighted that the Senate Committee on Rules and Administration will begin hearings on Wednesday on the whole subject of campaign finance reform. It is my hope that we will seize the moment created by the abuses of the 1972 campaign and move swiftly in the Senate to enact strong reform legislation.

Mr. President, I ask unanimous consent that the legislation referred to above be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Elective Office Campaign Act".

SINGLE CAMPAIGN COMMITTEE; CONTRIBUTIONS OF MONEY

SEC. 2. (a) Title III of the Federal Election Campaign Act of 1971 is amended by redesignating sections 308 through 311 as sections 310 through 313, respectively, and by inserting after section 307 the following new sections:

"SINGLE CAMPAIGN COMMITTEE

"SEC. 308. (a) No person shall make any contribution to or for the benefit of any candidate except by making that contribution to a political committee authorized by that candidate to receive contributions on his behalf.

"(b) No political committee shall receive any contribution or make any expenditure on behalf of a candidate unless it is authorized in writing by that candidate to do so.

"(c) No candidate shall authorize more than one political committee to receive contributions or make expenditures in connection with his campaign for nomination for election, or for election, to Federal office.

"CONTRIBUTIONS OF MONEY

"SEC. 309. No political committee shall receive a contribution, or contributions in the aggregate, from any person in excess of $10 other than in the form of a check drawn on the account of the person making the contribution. No political committee shall make any expenditure in excess of $10 other than by check drawn on the account of that committee and signed by the treasurer of the committee."

IDENTIFICATION OF CONTRIBUTORS AND RECIPIENTS OF EXPENDITURES

SEC. 3. (a) Section 301 of the Federal Election Campaign Act of 1971 is amended by—

(1) striking "and" at the end of subsection (h),

(2) striking the period at the end of subsection (i) and inserting in lieu thereof "; and," and

(3) adding at the end thereof the following new subsection:

"(j) 'identification' means the name, address, and—

"(1) in the case of an individual, his social security number, and

"(2) in the case of a person (other than an individual) the business and principal place of business."

(b)(1) Section 302(b) of that Act is amended by striking ", the name and address (occupation and principal place of business, if any)" and inserting "of the contribution and the identification".

(2) Section 302(c) of that Act is amended by striking "full name and mailing address (occupation and the principal place of business, if any)" in paragraphs (2) and (4) and inserting in each such paragraph "identification".

(3) Section 304(b) of that Act is amended by striking "full name and mailing address (occupation and the principal place of business, if any) in paragraphs (2), (9), and (10) and inserting in each such paragraph: "identification".

REPORTING REQUIREMENTS

SEC. 4. (a) The second sentence of section 304(a) of the Federal Election Campaign Act of 1971 is amended to read as follows: "Such reports shall be filed on the first day of January, April, July, September, and October in each year, on the tenth day before the date on which any election is held and on the fifth day following that date."

(b) Section 304(b) of such Act is amended by—

(1) striking out "and" at the end of paragraph (12),

(2) redesignating paragraph (13) as (15), and

(3) inserting after paragraph (12) the following new paragraphs:

"(13) the identification of any individual who performs any service for the committee without compensation, together with his regular place of employment when not performing services for the committee, and a description of the services performed by him for the committee;

"(14) the identification of any individual who is employed by the committee or who, as a consultant or otherwise, performs services for the committee for compensation, together with the amounts received by that individual as salary, reimbursement of expenses, or other compensation, and that individual's next previous place of employment and his regular occupation; and".

LIMITATION ON EXPENDITURES

SEC. 5. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Limitation on expenditures

"(a)(1) Except to the extent such amounts are increased under subsection (d)(2), no candidate (other than a candidate for presidential nomination) may make expenditures in connection with his campaign for nomination for election, or election, to Federal office in excess of the greater of 20 cents multiplied by the voting age population (as certified under subsection (e)) of the geographical area in which the election for such office is held.

"(2) The limitation on expenditures imposed by this subsection shall apply separately to each primary, primary runoff, general, and special election campaign in which a candidate participates.

"(b) No candidate for presidential nomination may make expenditures in any State in connection with his campaign for such nomination in excess of the amount which a candidate for nomination for election as United States Senator from that State (or for election as Delegate, in the case of the District of Columbia) might expend within the State in connection with his campaign for that nomination. For purposes of this subsection, an individual is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure on behalf of his candidacy for any political party's nomination for election to the office