

S. Judd

OLC 75-1517

8 July 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Request for Director's Appearance before Chairman John V. Tunney's (D., Calif.) Senate Judiciary Subcommittee on Constitutional Rights

1. On 11 June 1975 I received a call from Douglas Lea, Counsel, Senate Judiciary Subcommittee on Constitutional Rights. They were scheduling unclassified hearings in the last week of June to determine the extent of technological advancements and research and development in all aspects of technical surveillance. The hearings would be held jointly with the Senate Commerce Special Subcommittee on Science, Technology and Commerce which Senator Tunney also chairs. He asked that the Director testify. I expressed serious doubts since this would involve intelligence sources and methods and could jeopardize foreign intelligence collection efforts. He asked that I check anyway and call him back.

2. I subsequently discussed the request with Clark McFadden, Counsel, Senate Armed Services Committee. He agreed that the Director should not testify and suggested I so advise Lea and that if Chairman Tunney wishes, he can discuss the request with Chairman John C. Stennis (D., Miss.), Senate Armed Services Committee. The request was also discussed by Mr. Cary with Chairman Stennis.

3. I called Lea back as suggested by Clark McFadden. Lea was not convinced by my arguments. He did not indicate whether or not Chairman Tunney would discuss the matter with Chairman Stennis.

[Redacted Signature]

Assistant Legislative Counsel

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Colby, Wiesner due to testify

U.S. covert role probed in 'spying' technology

By Louise Sweeney
Staff correspondent of
The Christian Science Monitor

Washington

One March night in 1973, No-Oil, Inc., a nonprofit organization opposed to any oil drilling in Pacific Palisades, California, held a third birthday party with an ominous snapper at the end.

First came the business meeting with over 600 people attending, including some of the California legislators who support No-Oil. (Democratic U.S. Sens. John V. Tunney and Alan Cranston and Rep. Paul N. McCloskey (R) and Rep. Thomas M. Rees (D) are honorary members.) When the president of No-Oil announced that the business meeting was over, he added that anyone who was a friend of Occidental Petroleum could leave before the party, celebrating the state Supreme Court's decision to halt Occidental's operations in the area until the entire matter was resolved in the courts.

Two No-Oil members leaving to retrieve something from their car outside noticed a middle-aged man who had been inside talking to the driver of a Lincoln Continental with a New York license plate. They checked out the license through the New York City Police Department, which said it was not registered; it was one of a series of licenses not requiring registration, belonging to a VIP, the FBI, or CIA. Further checks revealed that the license was registered to a dummy corporation, which did not exist at the address given.

This and a similar experience led No-Oil to ask Senator Tunney's office — in view of recent news stories about citizen surveillance — if they had been on former President Richard M. Nixon's "enemies" list or if they are now on any governmental surveillance list. Senator Tunney has files full of letters from other concerned citizens worried about government surveillance. On June 23, he began hearings on one aspect of the problem, the government's covert role in developing surveillance technology to spy on Americans.

To do it he is melding two Tunney committees in unique joint hearings: his judiciary subcommittee on constitutional rights and his commerce subcommittee on science and technology.

Two witnesses expected to testify at the hearings are CIA director William E. Colby and Massachusetts Institute of Technology (MIT) president Jerome Wiesner. It is MIT which allegedly has transmitted and copied in conjunction with a Defense Department computer network, thousands of surveillance files compiled by the U.S. Army on U.S. citizens and groups it considered dissident in the '60s.

The Defense Department has agreed under Senate pressure to end the surveillance and destroy files, but NBC correspondent Ford Rowan, in an early June investigative series on the use of computerized surveillance systems, reported that the files also had been transferred by computer to the National Security Agency and the CIA in addition to the MIT operation.

Testify