who are standing up for continued undiluted U.S. sovereignty over the Canal Zone are not "parochial, insensitive, and uninformed," but those who are alert to realities and are not easily misled by surrender propaganda. History will attest that these champions for continued U.S. sovereignty over the Zone will be proved to be the best friends of the Panamanian people.

These realists in the Congress and throughout the Nation view the 1974 "agreement on principles" as nothing but a blueprint for what would be one of the greatest giveaways in history. Moreover, such surrender has not been authorized by the Congress and it is overwhelmingly opposed by the people of the United States.

In order that the Congress and the Nation may have the full text of the indicated article, I quote it as part of my remarks:

[From the Washington Post, July 27, 1975]

COLONIALISM AND THE CANAL

(By Charles W. Whalen Jr.)

It is ironic that as it approaches the two hundredth anniversary of its independence, the United States is one of the world's remaining colonial powers. Since 1945 approximately 68 provinces have been ceded sovereignty by their colonial masters. Yet our country continues to cling to a 553-square-mile enclave in the heart of Panama in a manner befitting the nineteeth century British raj.

In the fashion of its infamous East India percursor, the Panama Canal Zone is administered by a quasi-governmental company headed by a presidentially-appointed governor. Ordinances prescribing the conduct of zone residents and employees are promulgated by the governor and enforced by American-paid police. Alleged violations are prosecuted by a United States District Attorney and adjudicated by a Federal District Court. Virtually all commercial enterprises and deep-water port facilities within the territory are operated by Americans. For the use of its land we pay the government of Panama a miniscule $2.3 million annually. Perhaps the most imperious manifestation of our presence is the election every four years of delegates to one of our country's major political conventions.

The future of the Panama Canal may be one of the most explosive issues to confront the Western Hemisphere during this century. Panamanians are deeply concerned that an alien power operates a de facto colony cutting a 10-mile swath through the center of their nation. Considerable friction in United States-Panama relations already has resulted from the continuation of policies based upon the 1903 Hay-Bunau-Varilla Treaty. The 1964 "flag incident," for instance, caused 24 deaths. During the 1973 meeting of the United Nations Security Council in Panama the United States cast the third veto in its history to defeat a resolution supporting the Canal posture of the Torrijos government.

Recognizing the volatility of the situation, the Nixon administration in 1973 committed itself to renegotiate the 1903 document. On February 7, 1974, Secretary of State Henry A. Kissinger and Panamanian Foreign Minister Juan A. Tack signed an agreement embracing the principles upon which future treaty discussions would be predicated. These include: (1) a fixed termination date for the new treaty; (2) a return to Panama of full jurisdiction over the territory in which the Canal is located in exchange for assurances that the United States would retain the rights, facilities, and land necessary for its operation and defense for the duration of the treaty; (3) Panamanian participation in the Canal; (4) a more equitable distribution to Panama of the economic benefits derived from the Canal.

Conclusion of a new treaty is expected within the next few months. Yet the negotiating principles already have come under sharp congressional attack. In the mistaken notion that the Hay-Bunau-Varilla Treaty accords sovereignty to the United States in the Canal Zone (as early as 1904 our government recognized that Panama remained the titular sovereign there), legislative critics argue that the proposed treaty represents a "giveaway."

On March 4, 1975, Senator Strom Thurmond (R-S.C.), joined by 37 colleagues, introduced S.R. 97 which expresses the sense of the Senate that the United States not surrender its "sovereign rights and jurisdiction" over the Canal. The Thurmond proposal exceeds by three the 34 votes necessary to block treaty ratification. A companion measure (H.R. 23), initiated by Representative Daniel J. Flood (D-Pa.), has 126 House cosponsors. On June 26, the House, by a 246-164 vote, adopted Representative Gene Snyder's (R-Ky.) amendment to the State Department Appropriations Bill which denies funds "to negotiate surrender or relinquishment of any U.S. rights in the Panama Canal Zones."

If the Senate refuses to consent to a new treaty with Panama, what might occur?

First, our relations with Panama and other Latin American states (and, indeed, the entire Third World) will be severely strained.

Second, by rejecting Panama's bid for self-rule (a mood we failed to detect in Indochina), we could become involved in a protracted, unwinnable guerrilla war.

Third, lives of countless United States citizens, residing in Panama, could be needlessly endangered. A distinguished American foreign policy scholar recently told me of his conversation with General Omar Torrijos. "What would you do with your National Guard," he asked the head of state, "if 5,000 Panamanians stormed the Canal Zone?" General Torrijos smiled and responded: "I would have a difficult decision, wouldn't I? I would have to choose between shooting Americans or my own countrymen."

Fourth, the Canal Zone could be rendered inoperable. It is vulnerable to sabotage. Further, ship owners may be reluctant to route their vessels through the Canal where they would be "sitting ducks" for terrorist activities.

The forthcoming treaty debate, therefore, presents the Congress (the House may have to take certain implementing actions) with two important challenges.

The first is a test of congressional willingness to embark upon its own "new dialogue" with Latin America. Panama is an ideal country with which we could invoke a hemispheric policy based, in the words of Chief Treaty Negotiator Ellsworth Bunker, on "new ideas, rather than old memories." Redefining our relationship with Panama will demonstrate United States' support of the principle of self-determination. It also will signal our intention to deal with our other Latin American neighbors on a truly equal basis.

The second will be a measure of congressional competence and responsibility in the foreign policy-making process. Will Congress' reaction to the new treaty be parochial, insensitive, and uninformed? Or will the Senate and House of Representatives accept the opportunity to avert a crisis before it occurs by enabling an ally of long-standing to achieve a just and reasonable goal?

In Panama, the issues are well defined and the consequences of our failure to adopt a new treaty are predictable. If Congress rejects the treaty, the only question will be the price the United States must pay to defend the status quo.

INTRODUCTION OF A RESOLUTION TO IMPEACH RICHARD M. HELMS AS U.S. AMBASSADOR TO IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, I have today filed a resolution to impeach Richard M. Helms as Ambassador to Iran. Mr. Helms was the Director of the CIA during the years 1966 to 1973. During these years a long series of apparent violations of the charter of the CIA occurred under his direction.

I have come, after extensive research and consideration, to the conclusion that the only certain remedy available to the Congress and to the country to find out about all of the abuses of the CIA and to remove from public office at least one of the perpetrators of those abuses is to initiate an impeachment inquiry into the conduct of Richard Helms.

The weapon of impeachment may well be the only instrument available since the CIA made an agreement with the Department of Justice in 1954 that officials of the CIA would not report illegal conduct on the part of CIA employees if the prosecution of such conduct would inevitably involve the revelation of secret testimony. Although this pact has now been declared a nullity, it might well be claimed by Mr. Helms and others as a protection for them since they relied upon it.

Richard McGarragh Helms, born in 1913, graduated from Williams College in 1935. He was in the OSS and the U.S. Navy in the years 1942 to 1946. He became associated with the CIA in 1947 and remained with this unit continuously until he became Deputy Director in 1965–66. Mr. Helms was the Chief Executive Officer of the CIA from 1966 to the time of his confirmation as Ambassador to Iran in February 1973. Mr. Helms has testified himself in his confirmation hearings that he spent more time in the CIA than any present employee. It is, therefore, not realistic to assume that there were activities of the agency unknown to this individual who gave the CIA almost 20 years of service before he became its Director.

Before I come to the offenses potentially chargeable to Mr. Helms, it seems important to clarify two points: First, the effect and impact of the agreement between the Department of Justice and the CIA not to prosecute crimes by CIA employees, and second, precedents in the law of impeachment for removing an individual from a position for impeachable offenses committed by the individual in a previous position.

THE CIA-JUSTICE DEPARTMENT NON-PROSECUTION AGREEMENT

In early 1954 the CIA recognized that legislation would soon be enacted by the Congress which would require all Government officers and employees to report expeditiously to the Attorney General any violation of Federal law by governmental employees. In order to secure an exemption from the forthcoming law, which became section 535 of title 28 of the U.S. Code, Lawrence R. Houston, the General Counsel of the CIA obtained an

agreement from the then Deputy Attorney General, Mr. William P. Rogers, later Secretary of State, that would permit the CIA to withhold information about known crimes of its employees if the prosecution of such crimes would involve the revelation of information which would be embarrassing to the CIA. In a memo of February 23, 1954, Mr. Houston reports on his two conversations with Mr. Rogers and records the generally unilateral assertion of the CIA that it would continue its practice of not reporting for prosecution crimes by its own employees.

In August, 1954 the following language, now in 28 U.S. Code 535, became the law:

Any information, allegation, or complaint received in a department or agency of the Executive Branch of the government relating to violations of Title 18 involving government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, unless, as to any department or agency of the government, the Attorney General directs otherwise with respect to a specified class of information, allegation or complaint.

It is not known whether the CIA or any other agency prompted the inclusion of the language in this statute following the word "unless." It is, however, astonishing that on July 23, 1975, John S. Warner, General Counsel of the CIA, testifying before a House subcommittee, could claim that he considered the CIA-Justice Department agreement of 1954 "consistent" with the exemption that follows the word "unless" in the statute noted above. Mr. Warner makes this startling claim, even though he himself is the author of a memo on January 31, 1975 revealing that on January 30 the Acting Attorney General—Mr. Lawrence Silberman—ruled that the CIA should comply with the law and not rely upon the 1954 nonprosecution agreement. Mr. Warner revealed in the same memo, however, that Associate Deputy Attorney General James A. Wilderotter ruled that the report that could be given by the CIA concerning a crime could be "a summary of the situation and not an investigatory report." The CIA summary should also clearly state the security problems likely to arise in a prosecution and thus, in Mr. Warner's words, "certifying" that there could be no prosecution.

Mr. Richard Helms undoubtedly knew of this 20-year-old pact with the Justice Department and undoubtedly felt that he could rely upon its provisions. The fact is that the incredible arrangement between two Federal agencies to cover up the crimes of CIA employees in the name of national security has not really been repealed despite the protestations of Mr. William Colby, the present CIA Director, that the 1954 agreement has been rescinded. On January 31, 1975 the General Counsel of the CIA set forth in a "memorandum for the record" the deceptive way by which CIA officials can evade the law binding on all other Federal officials and make certain that they cover up crimes by CIA employees by elaborating on the "security problems likely to arise in a prosecution." This nullification of the law is so erroneous and appalling on its face that Mr. Warner on July 23, 1975 felt constrained to justify the 1954 agreement by claiming that the statute allows the Attorney General to delegate the prosecution of wrongdoing if it belongs to a "specified class of information, allegation or complaint."

The awful fact is that present and past officials of the CIA have deliberately confused the law and misstated the facts seeking to pretend that they will be law abiding while simultaneously claiming that they have an exemption from existing law.

The General Counsel of the CIA on July 21, 1975 wrote to the Deputy Assistant Attorney General, Mr. Kevin Maroney, Esq., that the files of the CIA have revealed some 20 cases during the years 1954 to 1974 in which violations of criminal statutes were reported to the Department of Justice. These cases involved instances of CIA employees embezzling several thousand dollars of Government funds or pocketing $15,000 more than a person was entitled to for alleged medical expenses. Mr. Warner pretends that the 1954 agreement was solely to relieve the CIA of its obligation under the law to report the personal crimes of its employees. The fact is, of course, that the 1954 agreement was negotiated in order to continue the immunity which the CIA had always claimed up to that time of not reporting any crimes associated with the covert activities of the CIA.

The duplicity and the deception manifest in the memos and statements of the present General Counsel of the CIA demonstrate with virtual certainty that no present or former official of the CIA is likely to prosecute Mr. Richard Helms or any other present or former employee of the CIA. The CIA can claim, without being required to prove, that such prosecution would require the revelation of facts affecting the national security, all of which in most cases are merely facts which would be embarrassing to the CIA.

If, therefore, it is virtually impossible for Mr. Richard Helms or any other former official of the CIA to be prosecuted by the Department of Justice, is there any way by which the Congress and the country can insist that justice be done?

The one instrumentality available in such circumstances is the sword of impeachment. The framers of the Constitution did not intend that the American people would be required to allow public officials to continue in office so long as they did not violate the criminal law. The weapon of impeachment allows the Congress and the country to protect the public from conduct by high officials that undermines public confidence. It is a tool which enables the people to remove from public office individuals who are undeserving of high public trust. It is overwhelmingly clear from all of the precedents of 200 years that impeachment will lie for conduct not indictable nor even criminal in nature. It should be remembered, for example, that Judge Archbald was removed from office for conduct which, in at least the view of some legal commentators, would have been harmless if done by a private citizen.

AMBASSADOR HELMS SUBJECT TO IMPEACHMENT FOR OFFENSES COMMITTED DURING HIS TENURE AT THE CIA?

The essential thrust of impeachment is not punishment, but removal from public office. Impeachment also brings under the Constitution the "disqualification to hold and enjoy any office under the United States."

Neither the Constitution itself nor the logic of impeachment requires that the demonstration of unfitness occur during tenure in the same office from which removal is sought. In the case of the impeachment in 1912 of Judge Robert W. Archbald, the U.S. House of Representatives adopted 13 articles of impeachment, 6 of which referred to abuses committed by Archbald in a prior judicial position on a lower court. The Senate voted to convict Archbald, sustaining at least one of the charges dealing in part with offenses in his prior office. It may be, as will be noted later, that in addition to offenses committed by Mr. Helms while serving as Director of the CIA, he may also have committed an offense of an impeachable character in possible perjury during the hearings on his confirmation as Ambassador to Iran.

Although there is no direct precedent for the impeachment of an ambassador, Mr. Helms is clearly subject to impeachment as a civil officer within the meaning of the Constitution. I have received a written confirmation of that interpretation from the American Law Division of the Library of Congress.

OFFENSES OF MR. HELMS THAT COULD BE IMPEACHABLE

In the following material I do not in any way state or imply that Mr. Richard Helms is guilty of any of the offenses suggested. It is contended merely that Mr. Helms has the duty of explaining his conduct and his statements and that, in the absence of any believable explanation, the House of Representatives has the right and duty to investigate the conduct of Mr. Helms during the years when he was the director of the CIA to determine whether impeachable offenses have been committed.

I will set forth very briefly some of the salient facts about first, operation CHAOS, second, Mr. Helms' involvement in the politics of Chile, and third, Mr. Helms' conduct in response to White House Watergate requests.

1. OPERATION CHAOS

The Rockefeller Commission Report on CIA activities within the United States makes clear the horrifying details of an operation initiated by Mr. Helms in August 1967 designed to collect information on foreign contacts with American dissidents. This is an operation which in some 5 years collected documents which include the names of more than 300,000 persons and organizations.

This unit, entitled "Operation CHAOS," prepared 3,000 memorandums for dissemination to the FBI, did extensive surveillance on the peace movements and furnished 26 reports to the Kerner Commission, some of which related almost exclusively to domestic dissident activities.

From even the 20 pages on Operation CHAOS in the Rockefeller Report on the

CIA it seems clear that Richard Helms was induced into this activity by Presidential pressure. On November 15, 1967, for example, Helms delivered personally to President Johnson the CIA study on the U.S. peace movement requested by the President. Although the studies of the CIA showed that there was virtually no evidence of foreign involvement and no evidence of any foreign financial support for the peace activities within the United States, Mr. Helms continued to do surveillance on those who protested the war.

On February 18, 1969, Mr. Helms confessed in a note to Henry Kissinger, then assistant to President Nixon, the illegalities of the CIA of which he was the director. His memo to Dr. Kissinger noted that the CIA-prepared document "Restless Youth" included a section of American students. Mr. Helms said bluntly:

This is an area not within the charter of this agency, so I need not emphasize how extremely sensitive this makes the paper. (Emphasis supplied)

The excessive secrecy surrounding Operation CHAOS and its isolation within the CIA demonstrate once again that Director Helms knew that it was improper and beyond the scope of the authorized powers of the CIA.

The Rockefeller Report notes the growing opposition of CIA employees and officials toward Operation CHAOS. Although the Rockefeller Report softpedals the internal dissension over Operation CHAOS, it quotes an internal memo of Director Helms on December 5, 1972 in which he insisted that Operation CHAOS "cannot be stopped simply because some members of the organization do not like this activity."

Operation CHAOS, which ultimately had a staff of 52, was directly under the supervision of Mr. Helms. There is no way in which he can claim that his subordinates operated this unit without his knowledge and consent. The abuses of power and the countless violations of the privacy of American citizens might well be impeachable offenses imputable to Mr. Richard Helms. An impeachment inquiry is the only available method by which Mr. Helms can be made accountable for a long series of intrusions into the lives of American citizens.

Equally damaging to the privacy of American citizens was the CIA program to open first class mail. Mr. Helms might well have known from the very beginning about these programs which ran from 1953 to 1973. They were possibly the largest and the most clearly illegal programs conducted by the CIA. Certainly this mail-tampering operation was under the direct control and supervision of Mr. Helms during the 7 years he served as Director of the agency. In addition, it appears that Richard Helms deliberately deceived postal authorities into thinking that the operation was limited to the copying of information off envelopes.

2. MR. HELMS' INVOLVEMENT IN CHILE

About the only evidence that has emerged in the recent past indicating that the CIA might make its employees accountable to the law was the revelation in July 1975 that the CIA last year informed the Justice Department that Richard Helms might have committed perjury in testimony before a Senate Committee. In the testimony at issue Mr. Helms told the Senate Committee that the CIA had played a limited role in undermining the Allende government in Chile.

A conversation occurred during the confirmation proceedings of Mr. Helms in the U.S. Senate on February 7, 1973. The dialog was as follows:

Senator SYMINGTON. Did you try in the Central Intelligence Agency to overthrow the government of Chile?

Mr. HELMS. No, Sir.

Senator SYMINGTON. Did you have any money passed to the opponents of Allende?

Mr. HELMS. No, Sir.

Senator SYMINGTON. So the stories you were involved in that war are wrong?

Mr. HELMS. Yes, Sir. I said to Senator Fulbright many months ago that if the agency had really gotten in behind the other candidates and spent a lot of money and so forth the election might have come out differently.

Mr. Helms undoubtedly knew about the covert $8 million campaign conducted by the CIA to bring about Dr. Allende's downfall.

The foregoing conversation might or might not be perjury. Reading the entire transcript of the 3 days of hearings on the ambassadorship of Mr. Helms, it is difficult, however, to conclude that one is reading "the whole truth and nothing but the truth."

A report in the New York Times of July 27, 1965, claims that Richard Helms, while Director of the CIA, prepared a memorandum in the fall of 1970 informing Henery Kissinger and Attorney General John Mitchell that the agency had supplied machineguns and tear gas grenades to men plotting to overthrow the Chilean Government.

If the Department of Justice ever did in fact bring perjury or other proceedings against Richard Helms, the officials of the CIA would undoubtedly claim that reasons of national security preclude their giving to the Government for its prosecution or to Mr. Helms for his defense a good deal of evidence which would be indispensable for a trial. That particular excuse is not likely to have much effect or force in an impeachment inquiry, as a unanimous U.S. Supreme Court decision made clear in a case involving Richard Nixon.

3. MR. HELMS AND THE POST-WATERGATE WHITE HOUSE

On February 1, 1975, the hearings on the alleged involvement of the Central Intelligence Agency in the Watergate and Ellsberg matters were declassified and published. These hearings conducted before the Special Subcommittee on Intelligence of the House Committee on Armed Services demonstrate that Richard Helms in the first 6 weeks after the Watergate break-in on June 17, 1972, apparently ordered a high official of the Agency to withhold Watergate information and to deny the Justice Department access to a key witness. I am not stating categorically that the 1,131 pages of those hearings demonstrate that Mr. Helms committed impeachable offenses.

But the evidence that is available here and elsewhere clearly suggests that Mr. Helms was all too ready to subvert the purpose of the CIA for the objectives sought by personnel of the White House.

OTHER POTENTIAL OFFENSES

During the years in which Mr. Helms was the Chief Executive Officer of the CIA, that agency has been accussed of conducting break-ins and wiretaps in the United States without a warrant, using local police credentials to gather information on anti-war groups, supplying surveillance to local police, using local police to conduct a break-in, contributing $38,635.58 to the White House in 1970 to defray the cost of replying to people who wrote to President Nixon following the Cambodian invasion, and administering powerful drugs to unsuspecting individuals. I make no conclusion here as to the truth of these accusations or the extent to which Mr. Helms should be held accountable for these activities, but clearly Mr. Helms should be given the opportunity to vindicate himself if that is possible. It seems more and more clear to me that an impeachment inquiry is the only way that the American people can obtain the full truth and judge whether Richard Helms is fit to serve in a position of high public trust.

The American people have a right to know about those deeds of Mr. Helms in the years 1966 to 1973 which may have violated the fundamental principles by which Americans live together as a people. Mr. Helms also has the right to a forum where he can vindicate himself against all of the accusations which day after day continue to increase and multiply. An impeachment inquiry is the only instrumentality which the American Government has to bring out the truth of this dark era in American history.

The American people have a right to know whether Richard Helms is a worthy representative of the people of this country in Iran. The American people have the right to know whether the CIA, under his direction, engaged in a pattern of deception, law-breaking, and abuse of power. Because neither the CIA nor the Justice Department has done anything to vindicate the rights of the American people in this respect, the Congress, with regret and reluctance, must initiate impeachment proceedings against Richard M. Helms.

ON CORRUPTION IN OUR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, we live in a country that has no peer in terms of political freedom and the ability of its citizens to develop their individual capabilities. Yet there is one aspect of contemporary American culture that deeply troubles me, which I fear may be our Achilles heel, and that relates to corruption.

Corruption appears to be pervasive in our society. I am thinking not simply of the public officeholder who betrays his trust—a corrupt former President, a convicted Attorney General, police officers who extort bribes, building inspectors who exact illegal commissions.

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Legislative Counsel 7D49		DATE 31 July 1975

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. George Carver D/DCI/NIO 7E62				Attached are the remarks of Representative Drinan on introducing H. Res. 647, the resolution to impeach Richard Helms as Ambassador to Iran.
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