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225-3741

NINETY-FOURTH CONGRESS
Congress of the United States
House of Representatives
GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C
WASHINGTON, D.C. 20515

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96-1123/3

OLC 76-0996

April 2, 1976

Honorable George Bush
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Bush:

The Subcommittee on Government Information and Individual Rights has legislative jurisdiction over the Privacy Act of 1974 and the Freedom of Information Act, and over matters of government records in general.

You are invited to testify at a hearing to be conducted by this Subcommittee on April 13, 1976, on the subject of H.R. 169 and H.R. 12039, which would amend the Privacy Act to require agencies to notify individuals that certain improperly held files about them are maintained by the government, and/or of their right to have such files expunged. The Attorney General has also been invited to testify on that day on the subject of the bills, and on the Department of Justice's recently announced program to notify certain victims of COINTELPRO programs. The Attorney General has also been asked to explain the Department's proposed plan to end the 1975 moratorium and to resume the regular destruction of certain Federal Bureau of Investigation records.

I wrote to you on this latter question on February 24 of this year. I have received your March 8 reply, which leaves the matter unresolved. I enclose for your convenience a copy of a Congressional Record insert of March 30, 1976, containing my correspondence with several other agencies on the destruction of files moratorium question.

We would like to have your views on whether CIA contemplates a notification program similar to the Department of Justice's, and your further views on an extension of the files destruction moratorium.

We will inquire into the nature and extent of files currently maintained by CIA on some of the programs and activities covered by

Honorable George Bush
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H.R. 12039; and your views on the applicability of sections (e) (1), (5) and (7) of the Privacy Act of 1974 to these files.

We look forward to your testimony.

Please have your staff contact Subcommittee Staff Director Timothy Ingram or Theodore Jacobs at 225-3741 if you have questions concerning the hearing.

With best wishes, I am

Sincerely,

A handwritten signature in cursive script that reads "Bella S. Abzug". The signature is written in black ink and is positioned above the typed name and title.

BELLA S. ABZUG
Chairwoman

recommendations involving such matters as staffing, training, computer systems management, et cetera. The subcommittee will not discuss those recommendations involving legislative change, since these recommendations are under consideration by the Ways and Means Public Assistance Subcommittee.

This hearing is the fourth in a series being held at the request of Chairman ULLMAN and Acting Chairman CORMAN of the Public Assistance Subcommittee. The hearing will be designed to help measure the progress of the Social Security Administration in improving the operation of the SSI program.

DESTRUCTION OF FILES OF ILLEGAL SURVEILLANCE AND OTHER ILLEGAL ACTIVITIES: ANNOUNCEMENT OF HEARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. ABZUG) is recognized for 20 minutes.

Ms. ABZUG. Mr. Speaker, the Government Information and Individual Rights Subcommittee, which I chair, has been studying the maintenance, dissemination and ultimate disposition of files created as a result of such programs as CHAOS, COINTELPRO, IRS Special Service Staff, FBI and CIA mail openings, and NSA interception of wire communications. In addition, we have legislative and oversight jurisdiction over the Privacy Act of 1974.

In that connection, I have introduced H.R. 12039, which would require that individuals who were the subjects of such programs be informed of the existence of files on them and afforded the opportunity to require that such files be turned over to them or destroyed. H.R. 12039 is an expanded version of H.R. 169, which I introduced in January 1975.

By letter dated February 24, 1976, I also requested that the CIA, the FBI, the IRS, the NSA and other agencies having such material not destroy it on their own. To begin with, it is the subjects of the programs, not the agencies which unlawfully conducted them, who should have the right to determine the disposition of files collected unlawfully. In addition, it is important that the material, which undoubtedly includes considerable evidence of illegal activities by the agencies, not be destroyed before committees such as mine conclude their inquiries into these programs.

Today I received two letters from Attorney General Levi, one striking a positive note, the other quite disappointing. In the first, Mr. Levi informed me that, on the request of syndicated columnist Joseph Kraft, he has asked the National Archives to destroy the content of the electronic surveillance conducted against Mr. Kraft in 1969 on the ground that the continued maintenance of the information violates the Privacy Act of 1974. Specifically, Mr. Levi ruled that the keeping of the information violates the requirements that Federal agencies may only maintain records on individuals that are relevant, timely, accurate, and complete, and which do not describe how an individual expresses rights guaranteed by the first amendment.

The existence of the Kraft wiretap was made known by Watergate investigators, but there are many thousands of Americans who are not even aware that their Government opened their mail, tapped their phones, or otherwise had them under surveillance for doing nothing more than exercising their constitutional rights. These people have a right to be informed of the existence of the files on them so that they may exercise their rights to have the files amended or destroyed, and H.R. 12039 would go beyond Mr. Levi's position by requiring that they be so notified and informed of their rights.

Mr. Levi's second letter relates to the destruction of files generally. Now that the Pike committee has completed its work, albeit without its report having been made public, and the Senate committee chaired by Senator CHURCH is about to conclude its investigation, the Congress is presented with the question of whether the moratorium which has been in effect on destruction of documents by the intelligence agencies should be extended.

In January 1975, Senators MANSFIELD and SCOTT requested that various agencies and departments not destroy or otherwise dispose of documents which might have a bearing on the work of the Senate and House Intelligence Committees.

The agreement reached by the Senate leadership with the various agencies will expire shortly, and I believe that Congress should address the question of the ultimate disposition of some of the sensitive files and records held by these agencies. I recently sent a letter to the Departments of State, Justice, Treasury, and Defense, and to the Central Intelligence Agency, requesting that the moratorium on destruction of files and records be extended until Congress has had an opportunity to act on legislation dealing with this matter. The text of a sample of the letter I sent and the responses of the agencies are appended following my remarks.

The replies I received to my letters to the agencies generally state that they have complied with their agreement, that they will "discuss the matter further" with the congressional leadership, and that any destruction will be done in accordance with Presidential order or as otherwise provided by law. The Treasury Department assures me that it has preserved the files and records relating to its Special Service staff and the secret Service has preserved its files and records relating to the assassination of John K. Kennedy. I assume, in the absence of evidence to the contrary, that every other agency has kept the files which comprise the subject of H.R. 12039.

Mr. Levi's second letter states that he will "shortly authorize the resumption" of the FBI's "routine destruction program." Mr. Levi also says that no "intelligence files" are to be destroyed. I do not question his good faith, but I suspect that we may have some differences as to what constitute "intelligence files," and that we may also differ on the extent to which the files which he does propose to destroy contain evidence vital to the investigatory efforts of

the Government Information and Individual Rights Subcommittee and other committees of the Congress.

In light of these developments, the Government Information and Individual Rights Subcommittee will hold hearings on H.R. 12039, H.R. 169, and other matters relating to the disposition of the records of the agency activities in question, beginning on April 13, 1976. The hearing will be in room 2247 of the Rayburn Building and will begin at 10 a.m.

My letter and the agency response are appended:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 29, 1976.

HON. BELLA S. ABZUG,
Chairwoman, Subcommittee on Government Information and Individual Rights, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRWOMAN ABZUG: In light of your interest in the preservation of certain records of this Department, I thought it advisable to notify you of my request to the Archivist to dispose of certain materials relating to an electronic surveillance of Joseph Kraft in 1969.

Mr. Kraft has requested destruction of these records pursuant to subsection (d) of the Privacy Act of 1974, 5 U.S.C. 552a(d). I have determined that the records in question may not properly be maintained by this Department pursuant to that Act and must therefore be destroyed or, if of historical interest, transferred to the Archivist. As the attached form 115, submitted to the Archivist, notes, I am proposing that we destroy only the documents containing or summarizing the actual content of the surveillance, not the documents which relate to the initiation or termination of it. Much of the material has already been furnished to the Senate Select Committee and information concerning the incident is contained in the files. Thus, the historic fact of the occurrence of the surveillance will be preserved, not only in the files of this Department but also in the files of the Senate Select Committee.

In my view destruction of the files at this time fulfills my obligations under the Privacy Act and yet remains consistent with your earlier request.

Sincerely,

EDWARD H. LEVI,
Attorney General.

REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on reverse)

(Leave blank.)

Job No.: NC 1-65-76-2.

Date received: March 3, 1976.

Notification to agency: In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.

Date: Archivist of the United States.

To: General Services Administration, National Archives and Records Service, Washington, D.C. 20408.

1. From (agency or establishment): Department of Justice.
2. Major subdivision: Federal Bureau of Investigation.
3. Minor subdivision: Files and Communications Division.
4. Name of person with whom to confer: Mary C. Lawton.
5. Tel. ext.: 2059.
6. Certificate of agency representative: I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of _____ page(s) are not now needed for

March 20, 1976

Approved For Release 2004/10/12 : CIA-RDP78M02660R000300010012-2

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the business of this agency or will not be needed after the retention periods specified.

[X] A. Request for immediate disposal.
[] B. Request for disposal after a specified period of time or request for permanent retention.

C. Date: 3/8/76.

D. Signature of agency representative:
E. Title: Attorney General.

7. Item no.: 1.

8. Description of item (with inclusive dates or retention periods): Contents of sealed file which include 115 documents, 48 of which are original (some are classified Top Secret) and 67 duplicates. The contents were ordered removed from the general files of the Federal Bureau of Investigation by the Attorney General and sealed. The material relates to conversations overhead during a 1969 electronic surveillance.

The sealed file consists of transcripts of conversations and memoranda describing, summarizing and transmitting product of electronic surveillance. Documentation of the initiation, implementation and termination of electronic surveillance project is included in files that will be retained in the FBI in its approved Records Control Schedule. Continued maintenance of the records covered by this disposal request conflicts with the provisions of the Privacy Act of 1974, 5 U.S.C. 552a(e) (1), (5) and (7).

9. Sample or job no.

10. Action taken.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 29, 1976.

Hon. BELLA S. ABZUG,
Chairwoman, Subcommittee on Government Information and Individual Rights, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRWOMAN ABZUG: You have asked me to have the Federal Bureau of Investigation refrain from destroying any material that might be useful to a future Congressional oversight committee. As you know, the Bureau has, since the Senate leadership requested a moratorium on destruction of files January 27, 1975, refrained from destroying any materials. It has done so in abundance of good faith, but the logistical burden of this policy has been very great. The Bureau, with the concurrence (enclosed) of Senators Hugh Scott and Mike Mansfield who made the 1975 request, intends to renew its routine destruction programs described in the attached memorandum.

You will notice that no intelligence files are sought to be destroyed. I believe the resumption of the routine destruction program—which is also consistent with Archival requirements—will in no way impede the responsibilities of Congressional oversight committees and will result in a considerable savings of money. I intend shortly to authorize the resumption of the destruction program.

Sincerely,

EDWARD H. LEVI,
Attorney General.

GOVERNMENT INFORMATION AND
INDIVIDUAL RIGHTS SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT
OPERATIONS,
Washington, D.C., March 30, 1976.

Hon. EDWARD H. LEVI,
Attorney General of the United States,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Thank you for your letter of March 29, 1976 in which you inform me of your request that the Archivist dispose of the content of the electronic

surveillance conducted in 1969 on the columnist, Joseph Kraft.

I am gratified that you have taken this action, and want you to know that I agree with your interpretation of Sections (e) (1), (5) and (7) of the Privacy Act. This decision, as far as I know, is the first interpreting these vital provisions of the Act.

On February 24, 1976, I introduced a bill, H.R. 12039, to provide that the subjects of several programs, including COINTELPRO, be informed of the fact that they were subjected to surveillance and giving them the opportunity of having the file on them destroyed. The programs or operations covered by my bill include mail openings, illegal entries, warrantless wiretaps, monitoring of international communications, and the programs known as CHAOS and the Special Service Staff of Internal Revenue, as well as COINTELPRO. I had previously, on January 14, 1975, introduced H.R. 169 to amend the Privacy Act to provide for expunging of certain files.

I intend to hold hearings on H.R. 169, H.R. 12039 and related matters involving records of these activities on April 13, 1976. If possible, we would appreciate having your testimony at that time. I would, of course, also appreciate having your support for the bills.

Sincerely,

BELLA S. ABZUG,
Chairwoman.

OFFICE OF THE MAJORITY LEADER,
Washington, D.C., March 24, 1976.

Hon. CLARENCE M. KELLEY,
Director, Federal Bureau of Investigation,
Washington, D.C.

DEAR MR. DIRECTOR: You will recall that we wrote to you on January 27, 1975, requesting "that you not destroy, remove from your possession or control or otherwise dispose of documents . . ." which might be pertinent to the investigation which was provided for by S. Res. 21. We are now advised by Senator Church, as Chairman, that this moratorium is broader than necessary at this time.

Accordingly, we rescind our request of January 27, 1975, to the end that you may resume the Bureau's routine records disposal program. Our understanding is that the files involved in that program do not relate to security and intelligence matters.

With appreciation for your cooperation, we are

Sincerely yours,

MIKE MANSFIELD,
Majority Leader.
HUGH SCOTT,
Republican Leader.

MARCH 4, 1976.

THE ATTORNEY GENERAL,
DIRECTOR, FBI,
U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES:

Enclosed for your approval and forwarding to the committee is a letterhead memorandum outlining the FBI's recommendation for the reinstatement of the Bureau's normal file destruction program. A copy of this letterhead memorandum is enclosed for your records. This letterhead memorandum is in response to Chairman Frank Church's request that the FBI obtain the concurrence of you in the reinstatement of this program. The request of Chairman Church was contained in his letter to me dated February 20, 1976. A copy of this letter is enclosed as well as a copy of my letter to Chairman Church dated January 27, 1975.

All of the FBI's file destruction programs are approved by the National Archives and Records Service as well as furnished to the Assistant Attorney General for Administra-

tion. The problems presented by the continuing retention of the materials are such that I ask that this matter be handled as expeditiously as possible.

MARCH 4, 1976.

U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Reference is made to the letter of Chairman Frank Church to Honorable Clarence M. Kelley, Director, Federal Bureau of Investigation, dated February 20, 1976, which requested the Attorney General's concurrence in the FBI's reinstatement of the destruction of certain FBI documents and files.

By letter to the Director of the FBI dated January 27, 1975, from Senate Majority Leader Mike Mansfield and Minority Leader Hugh Scott, the FBI was advised of the U.S. Senate's intended investigation and study of intelligence activities by the FBI and other Government agencies. The scope of this investigation and study was described in Senate Resolution 21 of the 94th Congress.

The aforementioned letter specifically requested the FBI not to destroy or otherwise dispose of any records or documents which might have a bearing on the subjects under investigation or relating to the matters specified in Section 2 of Senate Resolution 21. That Section of the Resolution described the Senate's extensive interest in the domestic intelligence as well as foreign counterintelligence activities of Executive Branch agencies including the FBI.

In accommodation of that request, Director Kelley immediately issued instructions to all offices and divisions of the FBI establishing a moratorium on the destruction of all records of whatever description. In retrospect, the FBI now feels that the moratorium need not have been as all-encompassing as that, but this was done to assure that there could be no question of its intention to comply fully with the request with regard to the preservation of relevant records in which the Senate might develop an interest.

It is now more than one year since the inception of the moratorium on the FBI's regular records destruction program. For your information, the FBI's regular destruction program, as approved by the National Archives and Records Service and the Department of Justice, is designed to prevent retention of masses of records well beyond the period during which they may serve a useful purpose. Further, our records destruction program, as approved by the National Archivist, permits the destruction of those records which are deemed to no longer possess evidentiary, intelligence, or historical value. The moratorium, which was not expected to last as long as it has, has created substantial administrative burdens not only at FBI Headquarters but throughout the 59 field offices. The suspension of sound records management and file destruction practices in many areas is causing very substantial space and storage problems.

The FBI now proposes that that portion of its records destruction programs which do not pertain to or concern classifications of files which would fall within the general description of "security files" be reinstated. Those files which would not be affected by the reinstatement of the file destruction program would include all files on domestic intelligence matters, extremist matters, racial matters as well as foreign counterintelligence matters. The files which the FBI proposes to resume routine destruction of in accordance with its established records retention plan include the following: files relating to criminal investigations, suitability or applicant-type investigations, correspondence files, and files of an administrative nature generally.

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES,

Washington, D.C., February 20, 1976.

Hon. CLARENCE M. KELLEY,
Director, Federal Bureau of Investigation,
Washington, D.C.

DEAR DIRECTOR KELLEY: I have considered your letter of January 12, 1976, regarding the request of the Majority Leader and the Minority Leader on January 27, 1975, that the FBI not destroy any records which might have a bearing on matters specified in Senate Resolution 21.

The Select Committee deeply appreciates your instructions issued immediately after the request establishing a moratorium on destruction of all FBI files of whatever description. We understand that this moratorium has been costly and has produced substantial administrative burdens.

Therefore, the Select Committee would raise no objection to the resumption of destruction of certain records which would have no relationship whatsoever to the matters specified in S. Res. 21. We are concerned, however, that resumption of routine destruction in accordance with your established Records Retention Plan may result in destroying materials which might be of use in connection with the work of a future Senate committee engaged in oversight of the FBI.

Consequently, we suggest that you confer with the Attorney General so as to ensure that he is satisfied that reinstatement of destruction under the Records Retention Plan is consistent with his policies regarding the availability of materials for future Congressional oversight, as well as for effective supervision of the FBI by the Attorney General.

I will be happy to recommend to the Majority Leader and Minority Leader that they endorse resumption of records destruction, upon receipt of notification that the Attorney General has approved such destruction after considering the concerns stated above.

Thank you again for your continued cooperation with the Select Committee.

Sincerely,

FRANK CHURCH.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 1, 1976.

Hon. BELLA S. ABZUG,
Chairwoman, Subcommittee on Government Information and Individual Rights, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR MADAM CHAIRWOMAN: I have your letter of February 24 which requests that the moratorium on destruction of files and records be extended "until such time as Congress has had an opportunity to act on legislation dealing with this matter."

I have referred your letter to various officials in the Department of Justice for a further analysis of the effects of such a general postponement. I realize that the postponement is related to investigations of the Pike and Senate Select Committees, but this constitutes a broad area. As soon as I have their analysis and recommendations, I will write to you again.

I do want to point out, however, that one matter of special interest to the Edwards Subcommittee of the House Judiciary Committee was the adoption of procedures for the destruction of some material, and I thought it was considerable progress when our guidelines committee adopted as a matter of principle that there should be some weeding out of files.

In addition, there are some instances where retention of material might be opposed by those who were the subject of the material.

As you know, the request that the Depart-

ment refrain from destroying documents came from the Senate leadership, and no similar request was made by the House leadership.

Sincerely,

EDWARD H. LEVI,
Attorney General.

HOUSE OF REPRESENTATIVES, GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., February 24, 1976.

Mr. GEORGE BUSH,
Director, Central Intelligence Agency,
Washington, D.C.

DEAR Mr. BUSH: This Subcommittee has jurisdiction of government information policy, including the Privacy Act of 1974 and the Freedom of Information Act.

As you know, during the inquiries conducted by the House and Senate Select Committees on Intelligence, your agency agreed to refrain from destroying files and records relating to their investigations. The Pike Committee's tenure has expired and the Church Committee will report shortly.

We write now to request that the moratorium on destruction of files and records be extended until such time as Congress has had an opportunity to act on legislation dealing with this matter.

Please affirm to this Subcommittee, within 10 days, that it is your intention to honor the ban on destruction of data in accordance with our request.

Sincerely,

BELLA S. ABZUG,
Chairwoman.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., March 4, 1976.

Hon. BELLA S. ABZUG,
Chairwoman, Government Information and Individual Rights Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRWOMAN: This responds to your letter of February 24, to the Secretary requesting that the Treasury Department continue to refrain from destroying files and records of interest to the House and Senate Select Committees on Intelligence until such time as Congress has had an opportunity to act on legislation in this area.

In January, 1975, the leadership of the Senate requested that we not destroy records or documents which might have a bearing on the subjects under investigation. The Treasury Department complied with that request with certain necessary exceptions of which the Select Committee was made aware.

Those materials which have been excluded from operation of the destruction embargo include general tax related information of the Internal Revenue Service, investigative and protective intelligence files of the Secret Service, and criminal investigative files of other law enforcement units of the Treasury Department. The common bases for exempting these materials from the destruction embargo are that they are normally destroyed routinely in accordance with records disposal schedules and that continued maintenance of unnecessary files in these systems will interfere with the effective use of relevant law enforcement and tax information and will impose substantial records storage burdens.

In no case have we destroyed files or records which we believed might be of interest to the inquiries of the Select Committees. Thus, for example, the Internal Revenue Service has preserved the files and records relating to its Special Services Staff and the Secret Service has preserved its files and records relating to the investigation by the Warren Commission of the assassination of President John F. Kennedy.

The Treasury Department will continue to preserve this type of files and records for the duration of the Senate Select Committee's tenure. Arrangements for the proper disposition of Treasury Department files and records held by either of the Select Committees will be discussed with the Senate and House leadership as appropriate, and the destruction of any information will be made in accordance with Presidential directives and as otherwise provided by law.

Should the Subcommittee have any questions, they may be directed to Mr. J. Robert McBrien, Office of the Secretary, our liaison with the Select Committees.

Sincerely,

RICHARD R. ALBRECHT,
General Counsel.

DEPARTMENT OF STATE,
Washington, D.C., March 19, 1976.

Hon. BELLA S. ABZUG,
Chairwoman, Subcommittee on Government Information and Individual Rights, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRWOMAN: Secretary Kissinger has asked me to respond to your letter of February 24, 1976 in which you requested that Department of State files relating to the House and Senate Select Committee on Intelligence not be destroyed.

In a letter to the Secretary dated January 27, 1975 Senators Scott and Mansfield requested that the Department not destroy or otherwise dispose of records or documents which might have a bearing on the investigation conducted by the Senate Select Committee. We have complied with their request and, at the appropriate time, intend to discuss the matter further with them.

It is our position that the maintenance of files and records, and their destruction shall be governed by the appropriate laws and regulations.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., March 8, 1976.

Hon. BELLA S. ABZUG,
Chairwoman, Subcommittee on Government Information and Individual Rights, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRWOMAN: This is in response to your letter of 24 February 1976 regarding the disposition of CIA records which are the subject of inquiry by the Senate and House Select Committees on Intelligence.

The moratorium on the destruction of Agency documents as requested by Majority Leader, Mike Mansfield, and Minority Leader, Hugh Scott, by letter dated 27 January 1975 is still in effect and will be the subject of discussion by the Agency with them.

Destruction of Agency material will be in accordance with Presidential directives and as permitted by law.

Sincerely,

GEORGE BUSH,
Director.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., March 5, 1976.

Hon. BELLA S. ABZUG,
Chairwoman, Subcommittee on Government Information and Individual Rights, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR Ms. CHAIRWOMAN: Secretary Rumsfeld has asked me to reply to your letters to the Secretary and the Director, National Security Agency regarding the moratorium

on destruction of files and records relating to the investigations of the Senate and House Select Committees on Intelligence.

The moratorium requested by Senators Mansfield and Scott remains in effect and the Department of Defense continues to accede to that request. Moreover, arrangements have been made with Representative Pike to ensure that the material that was made available to the House Select Committee on Intelligence will be preserved intact. We also anticipate arrangements to that effect will be worked out with the Senate Select Committee on Intelligence.

Sincerely,

ROBERT ELLSWORTH.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS

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

Mr. DODD. Mr. Speaker, I rise in support of H.R. 12406, the Federal Election Campaign Act Amendments of 1976. In recent years the American public has become justifiably disheartened and disillusioned with the political process and in dealing with this legislation they are looking to the Congress to pass a bill which will guarantee fair and just administration of Federal campaign laws and insure an open election process.

For this reason I support the efforts of the House to reconstitute the FEC and plan to vote in favor of final passage.

However, the rule under which we are considering this bill today will not permit me to offer an amendment I had planned to submit and I, therefore, would like to take this opportunity to explain my amendment which would add two independent commissioners to the six partisan FEC commissioners already provided for in this bill.

Let us remember that the purpose of this bill is to insure the integrity of the electoral system. By adding two independent members, unaffiliated with any organized political party, we would insure that all elements of the American electorate will be represented on this Commission. As the Commission is presently constituted, only representatives of organized political parties can be members of the Commission. According to recent studies this means that the 41 percent of the American electorate who identify themselves first as Independents and are unaffiliated with any organized party have no representation at all.

There has been a significant trend in the last 20 years with the number of voters identifying themselves as Independent increasing from 22 percent in October 1952 to 41 percent in November 1973.

We in Connecticut are particularly aware of this trend because the registration figures in our State show that nearly as many voters are registered as Independent or unaffiliated with any party—36.3 percent—as are registered as Democrats—36.8 percent—and more than are registered as Republicans—26.9 percent.

In the four counties of eastern Connecticut which comprise my district, two are even higher than the statewide figure with New London Independent registration at 43.4 percent and Tolland County

at 40 percent. The remaining two counties each have an Independent registration of 34 percent.

It has been argued that any effort to add people to the Commission from outside the two major parties will serve to further weaken the two-party structure. I certainly do not accept this argument because I ardently support our two-party system. Furthermore, I think that this argument belies the facts and statistics because figures demonstrate that people are increasingly refusing to identify themselves with any organized party. The trend over the last 20 years shows that this is more than a passing phenomenon, and I believe we must face the reality of the situation by recognizing the existence of this large segment of the American electorate.

I also believe that the Independent and unaffiliated voters make a healthy contribution to our election process, and I think it is only just that we recognize their participation by giving them representation within the system. It is for this reason that I offer my amendment to provide them representation on the Federal Election Commission.

VOTING ON NUCLEAR POWER.

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

Mr. TALCOTT. Mr. Speaker, it is not often that I can applaud a Washington Post editorial for commonsense, understanding of faraway California issues, or special appreciation for future generations. When I can, I must; and I therefore applaud and recommend for your consideration the editorial of March 27, 1976, entitled "Voting on Nuclear Power." Proposition 15 is designed to impose a moratorium on nuclear powerplants until they are determined to be risk-free by two-thirds of the State legislature.

This issue, of course, is complicated and emotional and many advocates are using the debate to obscure, rather than clarify, the issue.

I thank the Washington Post for expanding the debate by thoughtful analysis which avoids the emotional rhetoric and the scare tactics which were mounting daily in California.

It is useful to step back, look ahead, and think through. It is too easy to miss the forest for the trees and become engaged in very narrow arguments which serve mostly to reinforce our long held positions which may have little objectivity and perspective.

The Post has made a valuable contribution to the debate on the Proposition 15 by giving perspective to the underlying issues.

How do we assess risk—present and future?

How do we satisfy needs—now and in the future?

What lifestyle do we want—for ourselves and the next generations?

Do we wait and see, stop and stand still?

Do we narrow our choices and alternatives or do we expand and pursue them?

We can improve the safety, we can

develop the technology, we can continue the research, we can expand our future, we can maintain our standard of living—but not if we vote for the moratorium.

If the Post can vote "no," I guess I should. I urge you to read the Post editorial before you vote.

I insert the editorial at this place in the RECORD:

VOTING ON NUCLEAR POWER

The California primary early in June will have more of national interest to it this year than presidential politics. On the ballot is another of those proposals—this one known as Proposition 15—with very broad implications. If it is adopted and subsequently held constitutional, Proposition 15 may be the death knell for nuclear power plants in California. And, if this turns out to be the case, opponents of nuclear power are likely to regard it as a signal that voters and politicians everywhere can be persuaded that such plants are too dangerous to be allowed.

The campaign for Proposition 15 is not being cast in such sweeping terms. The proposal on the ballot is called a Nuclear Safeguards Act and is being promoted as a safety measure or, at most, a moratorium on nuclear plants until they meet certain safety standards. The trouble is that the standards are such that almost by definition they could not be met. One, for instance, requires that the state legislature, after a complicated hearing process, determine by a two-thirds vote to each house that nuclear wastes can be stored so that there is no reasonable chance of any of its radiation ever escaping and hurting anyone or anything in California. Among the kinds of radiation escapes to be considered are those that result from improper storage, earthquakes, theft, sabotage, acts of war or government or social instabilities. We don't see how conscientious legislators could vote that there was "no reasonable chance" nuclear radiation from such wastes could not escape during, say, a war or revolution.

The real issue, then, on the California ballot is a yes or no to nuclear power plants. That, in our view, is not only too simple and stark a question to pose, it is also the wrong question being addressed to the wrong audience. The basic question that needs answering now is whether this country wants to have available over the next 25 or 30 years more electricity than it now has or whether it wants to go with what there is. If the answer is more electricity, as we believe it is, the choice is whether such additional electricity will come from nuclear fission, the burning of more coal, the importing of more oil or some combination of all three. If the answer is that there is to be no substantial increase in generating capacity—decisions must be made on how to allocate what is available (rationing or higher prices?) and how to change the nation's lifestyle to reduce substantially the present per person usage of energy. These are questions that have to be answered nationally and not on a state by state basis.

Too much of the debate on energy issues these days is too narrowly focused. Nuclear plants, we are told, are too dangerous to be permitted; coal mining is too destructive to people and countryside to be expanded; offshore oil presents too serious a threat to the coastal environments to be allowed; imported oil makes the nation too dependent on the whims of others. None of these matters can be considered adequately in such splendid isolation. The risks of nuclear power plants, for instance, need to be judged against the risks of the alternative power sources and, in the case of coal, these involve everything from black lung disease to air pollution.

The easy answers, of course, are the claims that solar, thermal and fusion power will

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