



EMPLOYEE BULLETIN

No. 425

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PROPOSALS RELATING TO COVERT ACTION AND LEGISLATIVE OVERSIGHT

This bulletin is being published in accordance with the Director's desire to keep employees informed of matters affecting the Agency. It includes summaries of the status of various proposals in Congress relating to covert action activities of the Agency and legislative oversight, as well as views of the President and the Director on certain of these proposals.

CONGRESSIONAL PROPOSALS ON COVERT ACTION

1. Abourezk Amendment

SUMMARY: Senator Abourezk introduced a floor amendment to the Foreign Assistance Act (S. 3394) which would have prohibited funds being used by any U.S. governmental agency to carry out any activities which would violate or encourage violation of the laws of the U.S. or the country involved. Excluded were activities necessary to national security which were intended solely for intelligence collection.

STATUS: Defeated on Senate floor on October 2 by a vote of 68-17.

2. Hughes Amendment

SUMMARY: Senator Hughes also introduced a floor amendment to the Foreign Assistance Act (S. 3394) dealing with covert operations, but much less restrictive than Senator Abourezk's. It would bar funds for covert operations (defined to exclude intelligence gathering) unless the President finds the operation to be vital to the defense of the U.S., and transmits a report of his findings, with a description of the operation, to the congressional intelligence oversight committees. These procedural safeguards would be eliminated during a war.

STATUS: On October 2, following the acceptance of the amendment by Senator Stennis, the entire Foreign Assistance bill was recommitted to the Foreign Relations Committee.

MORI/CDF

3. Holtzman Amendment

SUMMARY: Representative Holtzman introduced a House floor amendment to the 1975 Continuing Appropriations resolution (H.J. Res. 1131). The amendment would have banned the use of any money appropriated under the joint resolution for use by CIA to "destabilize" or undermine any government.

STATUS: The amendment was defeated 291-108 on September 24.

4. House Foreign Affairs Committee

SUMMARY: On October 10 the House Foreign Affairs Committee reported for floor action its version of the Foreign Assistance Act amendments (H.R. 17234). Included was a section patterned after the Hughes Amendment. This provision bans operations in foreign countries, except intelligence collection, unless the President finds the operation to be important to the national security, and submits a timely report describing the operation to Congress. The report is to go to the "appropriate committees" of the Congress, specifically including the foreign affairs committees. The provisions are to be suspended during war.

STATUS: This bill has not yet come before the entire House.

EXECUTIVE POSITION ON COVERT ACTION

The President, in his 16 September news conference, stated that "our Government, like other governments, does take certain actions in the foreign intelligence field to help implement foreign policy and protect national security---...it is a recognized fact that historically as well as presently, such actions are taken in the best interest of the countries involved."

The Director, in a letter to Chairman Fulbright of the Foreign Relations Committee, emphasized the possible adverse impact of the proposed Abourezk amendment on the Nation's national security interests. The Director restated his views that "I think it would be a mistake to deprive our nation of the capability of some moderate covert response to a foreign problem and to leave us no alternative between a diplomatic protest and sending the Marines."

CONGRESSIONAL OVERSIGHT PROPOSALS

There are three distinct approaches in this category: bills which attempt to supplement (A below), supplant (B below) or, study (C below) existing oversight procedures.

A. Supplement

1. Bolling-Hansen House Committee Reform Amendments

SUMMARY: Representative Zablocki introduced a floor amendment providing the Foreign Affairs Committee a special oversight function of reviewing and studying "intelligence activities relating to foreign policy." The chairman of the Armed Services intelligence subcommittee, Representative Nedzi, supported the amendment as conforming to an agreement between Dr. Kissinger, Mr. Colby, and the Chairmen of the Armed Services and Foreign Affairs committees, Representatives Hebert and Morgan.

STATUS: The Zablocki amendment passed by voice vote, and the entire Committee Reform Amendments were agreed to by the House on 8 October.

B. Supplant

1. Baker/Weicker bill (S. 4019)

SUMMARY: This bill would create a Senate-House Joint Committee on Intelligence Oversight to supplant Armed Services Committee jurisdiction. The Committee would have 14 members, appointed by the leadership, and the chairmanship would alternate between the House and Senate for each Congress. The jurisdiction of the Committee would extend to CIA, FBI, Secret Service, DIA, NSA, and all other governmental activities pertaining to intelligence gathering or surveillance of persons. Chiefs of all named departments would be required to keep the Committee fully and currently informed of all activities.

STATUS: Referred to Committee on Government Operations; hearings are planned after Congress reconvenes in November.

2. Harrington Resolutions (H. Res. 552 and 1231)

SUMMARY: These alternative resolutions would transfer to a new House committee jurisdiction over the Central Intelligence Agency or over the entire intelligence community and all matters relating to foreign intelligence.

STATUS: Referred to the House Rules Committee.

3. Hathaway bill (S. Con. Res. 23)

SUMMARY: This resolution would create a Senate-House Joint Committee which would have oversight of CIA and all other intelligence and information agencies of the U.S. Government.

STATUS: Referred to Armed Services Committee.

1. Mondale Resolution (S. Res. 404)

SUMMARY: This resolution would create a Senate Select Committee on Intelligence Policy, composed of five members of Armed Services, five members of Foreign Relations, and five other Senators. The Select Committee would be authorized to examine U.S. intelligence policies and operations, to determine the role of intelligence decisionmaking, and evaluate the impact of intelligence on national security and foreign policy. The Committee is to report to the Senate by June 30, 1975.

STATUS: Referred to Armed Services Committee.

2. Mathias and Mansfield Resolution (S. Res. 419)

SUMMARY: This resolution would create an 8-member (selected at-large) Select Committee to Study Governmental Operations With Respect to Intelligence Activities. The Committee is instructed to study and investigate all domestic and foreign intelligence activities of the U.S. Government and past effect and future role of such activities. The Committee's report is due two years after enactment.

STATUS. Referred to Committee on Government Operations.

3. Humphrey bill (S. 1547)

SUMMARY: This bill would create a Joint Committee on National Security, consisting of the Speaker, majority and minority members of each House, the chairman and ranking minority members of the Armed Service, Appropriations, Foreign Affairs, Joint Atomic Energy Committees, three other Representatives, and three other Senators. Functions of the Committee are to study foreign, domestic, and military national security policies, study the National Security Council, and study Government classification practices, and report periodically to each House on the Committee's findings.

STATUS: Bill recently transferred from Armed Services to Government Operations Committee at Senator Humphrey's request.

4. Harrington Resolution (H. Res. 1232)

SUMMARY: This resolution would authorize the House Committee on Foreign Affairs to conduct a complete investigation of CIA.

STATUS: Referred to Committee on Rules.

AGENCY POSITION

It has been the consistent view of the Director that the manner in which legislative oversight of the Agency is exercised is a question for the Congress itself to decide.

DISTRIBUTION: ALL EMPLOYEES (1-6)