

28 December 1976

OLC: 76-3794

*DCI Confirmation  
Bush*

MEMORANDUM FOR:

[Redacted]  
D/DCI/IC

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FROM:

[Redacted]  
Assistant Legislative Counsel

SUBJECT:

DCI Bush Confirmation Hearings References to  
Intelligence Community

1. Although the confirmation hearings dealt primarily with Mr. Bush's qualifications in view of his perceived partisan political background, the hearings did touch on the DCI Community role.

2. The most extensive discussion by Director Bush is found on page 29 in response to a question by Senator Gary Hart regarding DCI budgetary control. Director Bush stated that he supported recommendations for increased budgetary authority. In addition, Director Bush volunteered his opposition to separation of the DCI from his DCIA role.

3. In his prepared statement Director Bush emphasized his Community role (pg. 8).

4. In response to written questions from Senator Thurmond, Director Bush noted the coordination role of the DCI (pg. 13).

5. In response to a question from Senator Symington, Director Bush noted the role of the DCI in eliminating duplication in the intelligence collection effort (pg. 15).

6. The prepared remarks of Chairman Stennis noted the role of the DCI as "the nation's Chief Intelligence Officer and principal advisor to the President and the NSC on all intelligence matters" (pg 4).

7. Page References to DCI Community Role (pp. 4, 8, 13, 15, 28-29, 34-35).

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Attachment

Confirmation Hearings

Dist: Original - Addressee, W/Atts; 1 - OLC Subject, W/Atts; 1 - OLC Chrono, WO/A  
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OLC RECORD COPY

**NOMINATION OF GEORGE BUSH TO BE DIRECTOR  
OF CENTRAL INTELLIGENCE**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON ARMED SERVICES**  
**UNITED STATES SENATE**  
NINETY-FOURTH CONGRESS  
FIRST SESSION  
ON  
NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF  
CENTRAL INTELLIGENCE

DECEMBER 15 AND 16, 1975



Printed for the use of the Committee on Armed Services

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68-620

PREPARED STATEMENT BY SENATOR JOHN C. STENNIS

The Committee meets this morning to consider the nomination of Mr. George Bush to be Director of Central Intelligence. He is to replace Mr. William Colby. Mr. Bush's nomination was forwarded to the Senate on November 4, 1975 and referred to the Armed Services Committee on the same date. It has been only within the last week, however, that Mr. Bush has been available to appear before this Committee.

STATUTORY BASIS AND DESCRIPTION OF POSITION

The position of Director, Central Intelligence was established in section 102(a) of the National Security Act of 1947. The National Security Act of 1947 was the culmination of years of studies, months of hearings, and weeks of deliberations by the Armed Services Committee. It is this Act that set up the National Security Council, restructured the defense establishment and created the Central Intelligence Agency (CIA). The Act was designed to provide a "national security organization" in which intelligence could play a vital and effective role. By law, the Director of Central Intelligence was made the executive head of a new agency for national intelligence—the Central Intelligence Agency. At the same time he was to be under the National Security Council, the Director of "central intelligence".

The National Security Act of 1947 prescribes various restrictions, powers, and responsibilities for the Director of Central Intelligence. Because of the integral relationship and overlap of the Intelligence Community and the Defense Department, the law explicitly requires that both the Director and Deputy Director of Central Intelligence shall not be military personnel and shall not be subject to military control. The Director of Central Intelligence is given special discretionary power to terminate the employment of any officer or employee of the Agency "whenever he shall deem such termination necessary or advisable in the interests of the United States". Furthermore, the Act grants special power to the Director of Central Intelligence to have access to all intelligence of the United States Government for correlation, evaluation and dissemination including information of the F.B.I. as may be essential to national security.

Finally, it should be noted that under law, "The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

In addition to those provisions set forth in the law itself, executive orders and practice have further underscored the overall leadership role of the Director of Central Intelligence in the United States intelligence community. Under recent Presidents, the Director of Central Intelligence has served as the Nation's chief intelligence officer and principal advisor to the President and the National Security Council on all intelligence matters.

By and large, the 1947 National Security Act has served this Nation well. In recent years, however, I have concluded that the Charter of the Intelligence Community should be revised. Indeed, in 1973 I proposed legislation which would have made several changes to the National Security Act of 1947. Recent investigative disclosures about past intelligence activities have highlighted the need for some changes.

QUALIFICATIONS FOR THE DIRECTOR

Any person confirmed to the position of Director of Central Intelligence must be able to give momentum and direction to the necessary and inevitable changes that will be made in U.S. intelligence activities. The nominee must have the ability to gain quickly an understanding of the Intelligence Community and exercise effective control over it. He must possess an uncompromising objectivity regarding intelligence matters and the courage and integrity to rise above parochial interests.

ACCOUNTABILITY

As a matter of policy, the Democratic Caucus has adopted a requirement that every nominee appearing before the Senate be asked to provide a personal commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. Such a commitment will of course be expected of any nominee to be Director of Central Intelligence. But the Director has a special responsibility in his dealings with the Congress that goes far beyond a mere commitment to appear upon request. Because intelligence must necessarily involve secrecy, the Congress is particularly dependent upon the personal integrity

ment and then, sir, I will be happy to respond as frankly, as honestly as I can to any of your questions.

First, my views on intelligence. I believe in a strong intelligence capability for the United States. My more than 3 years in two vital foreign affairs posts, plus my attending Cabinet meetings for 4 years, plus my 4 years in Congress, make me totally convinced that we must see our intelligence capability certainly maintained and I would say strengthened. We must not see the CIA dismantled.

Reporting and investigative reporting in the papers and investigative work proper by the Senate and the House have brought to light some abuses that have taken place over a long period of time. Clearly things were done that were outrageous. Some of them were morally offensive. And these must not be repeated and I will take every step to see that they are not repeated.

I understand that Director Colby has already issued directives that implement some of the decisions of the Rockefeller Commission, decisions designed to safeguard against abuses. If confirmed, I will do all in my power to keep informed personally, to demand to the highest ethical standards from those with whom I work, and particularly to see that this Agency stays in foreign, I repeat, foreign, intelligence business.

I am told that morale at the CIA and indeed in other parts of the intelligence community is low. This must change and I am going to do my best to help change it. Some people today are driven to wantonly disclose sensitive information—not talking here about the Congress—not to the proper oversight authorities of the Congress but to friend and foe alike around the world. In many instances this type of disclosure can wipe out effective operations, can endanger the lives of patriotic Americans and can cause enormous damage to our security.

I view the job of Director of Central Intelligence not as a maker of foreign policy but as one who should forcefully and objectively present to the President and to the National Security Council the findings and views of the intelligence community.

It is essential that these recommendations be without political tilt.

It is essential that strongly held differences within this very large community be presented. It is essential that without regard to existing policy or future policy, the intelligence estimates be presented—cold, hard, truthful.

I am convinced that I have the proper access to the President that was strongly emphasized in the recent Murphy Commission report. I hope you find, gentlemen, that I have the proper integrity and character to do this job.

Further, I see running of the CIA as very important, but I see the responsibility for coordinating all of our foreign intelligence activities as even more important. The CIA has a fundamental input into intelligence estimates, but so must the other agencies.

I will be fair to all, but I will do my level best to eliminate unnecessary duplication of effort and minimize interagency bureaucratic disputes. It will not be easy, I am told, but I will try hard on this.

Now, Mr. Chairman, a word about my personal qualifications. I am familiar with the charges, very familiar with them, that I am too political for this job. Here is my side of the story.



**Answer.** To provide intelligence to the President and the NSC and to coordinate intelligence from the entire intelligence community in addition to providing overall management of the intelligence community.

**Question.** In providing the national intelligence estimate to the President, do you feel strong differences of opinion should be noted in the final product?

**Answer.** Yes.

**Question.** How would you define the charter of the Central Intelligence Agency?

**Answer.** The CIA was chartered for the purpose of coordinating intelligence activities of several departments and agencies in the interest of national security. Its major responsibilities include correlation, evaluation and dissemination of intelligence relating to the national security to the President, the National Security Council and other government departments and agencies as appropriate. To fulfill these responsibilities the CIA must administer an active program of collection and the DCI must participate in the overall coordination of Intelligence Community collection. It is clearly understood that CIA will have no police, subpoena, law-enforcement powers or internal security functions.

**Question.** What is your opinion of the role of the National Security Council Intelligence Committee?

**Answer.** The National Security Council Intelligence Committee should serve as the major communication link between the primary consumers and the producers of intelligence. The NSCIC should provide guidance to the Intelligence Community on consumers' priority needs. In addition, I believe that the NSCIC can perform a valuable function by evaluating the intelligence product. It is this kind of cycle—consumer guidance, consumer feedback—that will lead to a better and more useful intelligence product.

**Question.** How do you envision your interface with the Secretary of Defense?

**Answer.** Inasmuch as the Secretary of Defense has overall responsibility for DIA and NSA, as well as the intelligence functions of the various Services, there must be a close relationship. Prime interaction will come through meetings at the NSC. I view the Secretary of Defense both as the manager of significant intelligence resources and as a major consumer in his NSC policy making role; I view the DCI as one who presents objective intelligence to the NSC and to the President.

**Question.** Can you conceive of any requirement for the CIA to engage in any domestic surveillance?

**Answer.** No. I believe that any such activity required should be conducted by the Federal Bureau of Investigation or other appropriate law enforcement bodies.

**Question.** Mr. Ambassador, as one who would report directly to the President, would you be inclined to accept instructions from some agent of the President, such as his staff director or possibly a Secretary of State?

**Answer.** As DCI, I am responsible to the President and will take his instructions in whatever manner he finds appropriate to communicate them to me. Certainly, on most routine, day-to-day matters, instructions will come through an agent of the President. However, the President has promised me direct access. I will not abuse this access, but I certainly will use it if ever have questions about the propriety of any instruction and to see that the views of the intelligence community are properly presented to the President himself.

**Question.** What do you envision as the chief problems of your position in view of the recent wide exposure of the CIA's responsibilities and activities?

**Answer.** While the current Congressional hearings have been a necessary and helpful evaluation in improving the management and oversight of the intelligence community, they have inevitably raised questions abroad about the integrity and reliability of the United States and, in addition, there are morale problems within the intelligence community. I think it is imperative that the country itself backs

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Mr. BUSH. The answer is "Yes."

Senator SYMINGTON. That is direct. Thank you very much.

The reason I bring this up is that, with one conspicuous exception, the CIA estimate of what a possible enemy had was invariably lower when it came to ground power than that given to the committee by the Army, the same with respect to the Navy and Air Force. There are some of us who believe that most of what we buy is necessary for the security of the United States, but some is not necessary; and all directly affects the economy.

You report directly to the President of the United States; do you not?

Mr. BUSH. Yes, sir, and the National Security Council, but I have—

Senator SYMINGTON. The National Security Council is merely an advisory board to the President. I have held two positions on the National Security Council, and with all due respect to that; what I want to know is whether President Ford will give you direct access to him.

Mr. BUSH. On direct access to the President, I did ask that in my acceptance and it was agreed to by the President.

I made clear before—as a matter of fact, as a proviso of acceptance of the job—that I would have direct access to the President and the President agreed to that, Mr. Chairman.

The CHAIRMAN. That was not clear.

Senator SYMINGTON. Thank you.

Several years ago two of the ablest Senate staff investigators went around the world. They were primarily interested in uncovering the covert operations going on in Laos. But while coming back they looked over various matters and reported that the duplication and waste of intelligence in the Mediterranean was the most they had ever seen anywhere, anyplace, any time. The CIA, the DIA, the NSA, the ONI, Air Force intelligence, Army intelligence; and also an intelligence setup in the State Department under a former Deputy Director of CIA. Everybody was collecting everything.

Much, if not most of it, was not being read. The taxpayers were paying for all of it. With your background, would you be interested in looking into such matters? After all, you will be heading the No. 1 intelligence agency in the Government, but one that only gets but a small fraction of the total intelligence dollar.

Mr. BUSH. Senator Symington, I certainly would. I cannot tell you at this time that I know exactly where the major points of duplication are. I know enough about the job now to know that as the Director of Central Intelligence that you do have some responsibilities, major responsibilities, though in some places not total authority for coordination, but as I implied in my statement or stated in my statement, I viewed that responsibility as terribly important and I will do my best to eliminate duplication. I did notice that previous Directors testifying here indicated that in some cases duplication in analysis, say, from DIA, CIA, could be helpful at times. But that is not what you are talking about. You are talking about waste and I will do my best to eliminate that.

Senator SYMINGTON. Thank you.

Senator HART. What about paramilitary operations, providing funds and arms to establish a government that we wanted?

Mr. BUSH. I can see certain circumstances where that would be in the best interests of the United States, the best interests of our allies, the best interests of the free world.

Senator HART. How about providing money for political parties and candidates in various countries?

Mr. BUSH. I have a little more difficulty with that one but, again, without having the benefit of the facts and what the situation is surrounding it, I would not make a clear and definitive statement whether that ever or never should be done.

Senator HART. You raised the question of getting the CIA out of domestic areas totally. Let us hypothesize a situation where a President has stepped over the bounds. Let us say the FBI is investigating some people who are involved, and they go right to the White House. There is some possible CIA interest. The President calls you and says, I want you as Director of the CIA to call the Director of the FBI to tell him to call off this operation because it may jeopardize some CIA activities.

Mr. BUSH. Well, generally speaking, and I think you are hypothesizing a case without spelling it out in enough detail to know if there is any real legitimate foreign intelligence aspect, but generally speaking the CIA should butt out of the domestic business and it certainly ought not to be a domestic police force and it certainly ought not to be involved in investigations domestically of this kind of thing.

Senator HART. That is the easy side.

Mr. BUSH. Well, it is not—

Senator HART. I am hypothesizing a case that actually happened in June 1972. There might have been some tangential CIA interest in something in Mexico. Funds were laundered and so forth.

Mr. BUSH. Using a 50-50 hindsight on that case, I hope I would have said the CIA is not going to get involved in that if we are talking about the same one.

Senator HART. We are.

Senator LEAHY. Are there others?

Senator HART. There has been a doctrine operating between the political structure and the intelligence community for many years called plausible deniability. It is letting the President know just enough about what is going on, but not enough so that when the question is asked, "Did you know this was going on?" he has some grounds for denying that he knew.

How do you feel about that, particularly where major covert operations were involved?

Mr. BUSH. I think the President should be fully involved and though I understand the need for plausible deniability, I think it is extremely difficult. I just do not think a President should be shielded when you are dealing with something this important, from the totality of the information. That is my own view on it.

Senator HART. Now, Senator Symington pointed out that too few people in this country are aware that the Director of Central Intelligence controls only about 15 or 20 percent of the intelligence budget. Eighty percent of that is under the control of the Secretary of Defense.

Do you have any recommendations or thoughts on how one operates

as the Director of the entire intelligence community and yet does not control the vast bulk of their budget?

Mr. BUSH. No. I will welcome the recommendations from your committee or welcome the recommendations of the Pike committee. I will welcome the recommendations that are being prepared as I understand it in the White House now. I have been here a week and I have no firm judgment on how that should be done. I would make a general statement, though, that if it is determined by these recommendations that the Director should have the authority, it seems to me that the best way to have the responsibility is to have something to say about the funds; and so I think in that area you might find the answer. But, again look at and study, before I took a personal position, the views of the various committees that are studying these matters. They have been on it for several months and I have been back here 1 week, and I would be presumptuous, I think, to say these are my final views.

On separating the Director of Central Intelligence from his CIA responsibilities. I have some general feelings on it. One is the Director of Central Intelligence needs some kind of a base. He has one now in CIA and I am not enthralled with the concept that everybody has his empire and you are just floating around EOB someplace. That is a generalized concept, but if you are going to have the responsibility, you ought to have some muscle, some authority, to do something about it with.

So I would hope whatever your committee recommends and whatever others recommend they do not set up some Director of Central Intelligence and then not give him the tools to enforce these coordinated activities through budgetary control.

That is very general, Senator Hart, but I do not—

Senator HART. But I think what you are saying—

Mr. BUSH. I have no recommendations yet.

Senator HART. You would be willing to go to the mat with the Secretary of Defense to get a little more authority over how that 80 percent of the intelligence budget is spent.

Mr. BUSH. The answer is yes, sir, but particularly if you are supposed to have the responsibility for it. I think you must do that, and I think I would be in a position to—I would not say have equal standing because those are Cabinet positions, both State and Defense, with policymaking functions. This is not, as I conceive it, and I think it is properly conceived as defined in the statute, a policy job; but I can see situations where I would want to forcefully present the views of the intelligence community even though they might be on a different direction from existing policy, and let somebody else make the policy, but get those views in there.

Senator HART. How is my time, Mr. Chairman?

The CHAIRMAN. You have run over.

Senator HART. I had some other questions, but let me just make one observation that I made to you when we visited in my office briefly, and that is—leaving aside your qualifications, background, integrity, and ability to convince us you will not politicize nor permit the CIA to be politicized despite your political background—there is still a separate question all of us have to acknowledge. This is the precedent

apparently he has not had such access and that is probably one of the reasons we are facing this problem today.

Mr. BUSH. Let me tell you why I respond that way.

In the Rockefeller report there was a suggestion that he go directly to the PFIAB. I have no problems with that. But I want to be informed. I want to know about it. And if he was saying what his suggestions were, I would like as the Director, to know about it and then also have the right to say whether I agreed or disagreed.

You have got to have a disciplined organization.

The CHAIRMAN. I am sorry Senator but your time has run over. You may ask one more question.

Senator LEAHY. I will wait until the next go-around.

The CHAIRMAN. All right.

Mr. Bush, some minutes ago on the proposition of having a request from the executive department, be it the President or someone under the President, you gave a response as to what your action would be. Would you direct your first deputy, we will say, to report directly to you any request of that nature that he might receive?

Mr. BUSH. Yes, sir; I would.

I think it is essential that the Director be informed of White House requests.

The CHAIRMAN. Yes.

Mr. BUSH. And I do not know how many they get over there. Some of them I am sure are strictly routine, but certainly as a matter of principle I think whether they come into the Counsel's office, the inspector general's office, the deputy's office, I would insist on being informed.

The CHAIRMAN. I was directing the question mainly at matters of serious importance and consequence. Would you apply that same rule, then, to your chiefs of divisions? I do not know just what term you may use in the CIA but I am thinking in terms of those who have charge of various major operations. Would you instruct them, too?

Mr. BUSH. Yes, sir.

The CHAIRMAN. It seems to me that is getting at the thing in such a way as to make the total responsibility and authority yours.

Mr. BUSH. Yes, sir. I would.

There are four deputies in addition to the--and I would do that, the same for the inspector general, the same for the General Counsel's office.

The CHAIRMAN. And to ensure that you are directing the policy on those kinds of questions—I am not hitting at any President—but to ensure that you did have that responsibility and power you would also direct any others who are in key positions to give the same reports to you.

Mr. BUSH. I would, Mr. Chairman.

The CHAIRMAN. A matter that I have been concerned with for years is the fact that you are not only Director of the CIA but you are Director of all the central intelligence community which includes operations of the DIA and others, but still you do not have the authority over them. You just have the authority over what I call the CIA proper or hard core. That money is put in another budget. It is a separate matter.

Now, if you are confirmed, I want to strongly suggest that you take the lead in trying to get a workable, practical plan, because if you are

going to have the responsibilities, you must have the authority. Did I make that clear to you?

Mr. BUSH. Yes, sir.

The CHAIRMAN. What is your response to that?

Mr. BUSH. My response, Mr. Chairman, is I hope I can find ways to implement that suggestion.

The CHAIRMAN. Yes. Some very able men have tried and have undertaken such a mission but due to the pressure of various other matters have not come up with anything very practical. You already see that problem facing you, do you not?

Mr. BUSH. I see the problem, Mr. Chairman, but I cannot in conscience tell you I see the clear answer.

The CHAIRMAN. No.

Mr. BUSH. Because I see between the Defense Intelligence Agency and CIA and others in the community, an enormous problem of coordination, but I can pledge to this committee I will address myself to it as best I can.

The CHAIRMAN. Yes.

It is a very delicate and sensitive matter by nature and then it is a very practical problem, too, but I think it can be handled. It just takes some cooperation between the executive branch and the legislative branch.

I have been impressed with your answers to Senator Leahy's questions, all of which were good, regarding the Inspector General. You said you would want to be with your Inspector General, or be informed. I judge that it is by no means that you would try to control what he said, or anything of that kind, but feel that since the responsibility rests on you, you would want to know and would be entitled to know. I think, what his testimony was or what he was saying. Is that correct?

Mr. BUSH. That was my point, Senator.

The CHAIRMAN. Well, I have always advocated keeping the power where the responsibility is and keeping the responsibility where the power is. I said earlier in a brief opening statement that through these hearings we can emphasize the absolute necessity of a clear consciousness on the part of the Chief Executive of the Nation of this special power that is vested in him under the act and of the care and personal attention the President must give through this exceptional power and also to the individual that he selects to act for him.

Quoting further I said "I hope these hearings will emphasize that point." I think the hearings have emphasized that point to you, to the public, and to the President, in the questions that came from Members other than me, and my time has expired. As I see it, it is an obligation that you owe to the President especially, to keep him directly advised of the enormous duties.

I believe it is almost beyond human comprehension, the ability the President must have to reach his obligations. But this is a special law and operates in a special way. It is not within the pattern of other agencies as I see it, and the President is going to need your help as well as you need him. So you are conscious of your obligation in that way.

Mr. BUSH. Yes, sir; I am, Mr. Chairman.

The CHAIRMAN. Not trying to protect him from things but to protect the country, your position, and the obligation that you assume. Is that the way you see it?

PEOPLE OF THE WEEK®

# CAN GEORGE BUSH SAVE THE CIA?

**T**HE SWEARING-IN of George Bush as Director of the Central Intelligence Agency on January 30 marked an end to a CIA era—but promised little letup in the Agency's troubles.

What came to an end was a decade of control of the CIA by "professionals."

Mr. Bush, 51, the ninth Director in the CIA's 28-year history, is a political figure, a former member of Congress from Texas and a one-time Republican National Chairman. He was considered as a vice-presidential choice by both Presidents Nixon and Ford.

That background drew some opposition to his confirmation, largely from Senate liberals. The January 27 vote to put him into the office was 64 to 27.

Now Mr. Bush is expected to play the key role in a reorganization of the CIA. Both Congress and the White House are working up plans to redefine its role in undercover work and bring its covert activities under closer scrutiny.

**Leaks to press.** Many officials, however, are concerned that widespread oversight of CIA operations by Congress would result in paralyzing the CIA's intelligence gathering.

The reason: Some of the CIA secrets that were revealed in closed sessions of congressional committees have been leaked to news media.

The latest example was a draft report prepared after a year-long study by a House investigating committee headed by Representative Otis Pike (Dem.), of New York. Release of the report was blocked by a House vote of 246-124 on January 29, but many of its details already had made their way into print.

One reported conclusion: Federal intelligence agencies operate in such fashion that they are "beyond the scrutiny" of Congress. Other allegations:

- Budget figures supplied Congress by intelligence agencies were far below the sums actually spent.

- The CIA violated a 1967 presidential directive banning it from giving financial assistance to schools.

Retiring CIA Director William E. Colby called a news conference to protest bitterly against the "obvious bursting of the dam protecting many of our secret operations and activities."

He explained: "We provided large amounts of information to this committee with the understanding that the secrets would be protected. . . . The committee seems neither able to keep secrets nor its agreement."

Mr. Colby called the report an "outrageous calumny," and asserted: "I believe it totally biased and a disservice to

our nation, giving a thoroughly wrong impression of American intelligence. By selective use of the evidence provided, by innuendo and suggestive language, the committee implies that intelligence has deceptive budgets, has no accountability and has not complied with a direct order of the President.

"I deny these flatly."

Coming into speculation now is what effect Mr. Bush, as a seasoned politician, will have on the CIA's future.

Can he reorganize it without impairing its role as an intelligence-gathering organization? Will he try to "politicize" it to make it conform to the political needs of the White House?

The answer to the first question is still to be decided. To the second, most intelligence experts say

"No," claiming that the professional staffs at CIA and other intelligence agencies fall into a pattern that cannot be bent to political ends—even if Mr. Bush wanted to turn in that direction.

Mr. Colby, who has taken the brunt of past misdeeds of the CIA, has set down what he thinks Congress should do in reforming the Agency.

In testimony on January 23, he said:

"Traditionally, intelligence is assumed to operate in total secrecy and outside the law. This is impossible under our Constitution and in our society. As a result, when CIA was established in 1947, a compromise was made under which broad, general statutes were drawn and carefully limited arrangements for congressional review were adopted. It was then believed necessary to sacrifice oversight for secrecy.

"Our society has changed, however, and a greater degree of oversight is now considered necessary. U.S. intelligence has already moved out of the atmosphere of total secrecy which previously characterized it. We who are in intelligence are well aware of the need to retain public confidence and congressional support if we are to continue to make our contribution to the safety of our country.

"Thus, from the earliest days of the current investigations, I have stressed my hope that they will develop better guidelines for our operations and stronger oversight, to insure that our

activities do remain within the Constitution and the laws of our country. . . .

"In 1947, we took a small step away from total secrecy by enacting general statutes and constructing careful oversight arrangements in the Congress. Proposals now under consideration would alter these arrangements to assure more detailed oversight.

"But it is essential that the pendulum not swing so far as to destroy the necessary secrecy of intelligence or destroy intelligence itself in the process."

**Erosion of secrecy.** The CIA was once so zealous of its secret mission that on roads bordering its Langley, Va., headquarters there were no signs pointing the way to "The CIA." Such signs have now been installed—and many



George Bush, right, with Mrs. Bush looking on, is sworn in as new Director of the CIA by Justice Potter Stewart.

more secrets of the CIA have been revealed, through leaks from Congressmen and their staffs, other Government agencies, books written by former agents and even the CIA itself.

Mr. Colby has acknowledged that he was the anonymous source of the first news story that exposed the fact that journalists were employed as intelligence gatherers for the CIA.

**Ticklish dilemma.** Mr. Bush, taking over as Director of the Agency, will come face to face with this problem, which is bound to be embarrassing to a former member of Congress:

Capitol Hill is certain to insist on knowing more and more about the covert operations of the Central Intelligence Agency. But—

How can this insistence be reconciled with the reality that Congressmen and persons in other Government agencies have been careless in revealing these secrets to the mass media?

February 3, 1976

## CONGRESSIONAL RECORD—SENATE

the median salary for clerks and carriers is \$14,200, and the starting salary is \$11,444. The contract prohibits lay-offs and provides an annual cost-of-living increase.

The Postal Service lost roughly \$13 million in fiscal 1973 and \$438 million in 1974. The deficit in the 1975 fiscal year came to nearly \$989 million. The current year's deficit, despite rate increases, will be over \$ billion. Next year's deficit, under the best circumstances, will be at least a billion again.

Brace yourself, now, for this melancholy forecast: If present trends continue—that is, if mail volume keeps declining, if the number of delivery points keeps rising, if inflation continues, and if present postal rates are maintained—the deficit will climb to \$8 billion by fiscal 1981. Eight billion dollars!

Various options are available. The Postal Service could apply to the Rate Commission for further dramatic increases in postage rates, but it is apparent that the law of diminishing returns already is taking its toll. Private citizens are writing fewer letters; business houses are turning to other means of communication and delivery. The predictable growth of electronic banking will accelerate the decline in first-class mail.

The Postal Service could reduce profitless services. Abandonment of Saturday deliveries would save an estimated \$350 million. Closing 12,000 small post offices could save \$100 million more. But the Postal Service was created to make mail-handling better, not worse.

The Libertarian solution is for the government to give up a postal service altogether, and to let genuinely private enterprise tackle the job. The idea has appeal, but it is wildly improbable that a predominantly Democratic Congress would go along. A more realistic answer lies in reassumption of postal services, deficits and all, by the federal government. The dream of a mail system that pays its own way might as well be abandoned in favor of a system routinely financed in part by postal revenues and in part from the general fund.

This is not a happy prospect. Certainly it is not a happy prospect for those of us who believe, as an article of faith, that the role of the national government is to large as it is. But the fiction of a break-even quasi-private postal service has gotten us nowhere. It is like Gunga Din's uniform, which was 'nothin' much before, an' rather less than 'arf o' that be'ind. The sooner we face a policy decision on postal service, the better it will be.

#### NOMINATION OF GEORGE BUSH AS CIA DIRECTOR

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that Eric Sevareid's commentary on the CBS Evening News regarding the George Bush nomination as CIA Director be printed in the RECORD. Mr. Sevareid's comments appeared in a recent edition of the Washington Post.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

##### FOR THE RECORD

*Eric Sevareid, on the CBS Evening News, commenting on the nomination of George Bush as CIA Director:*

The Senate's doubt about Mr. Bush's suitability springs from his career in party politics. . . . A more real question is his toughness. The CIA requires a man with a touch of the ruthless, to keep the CIA activities within the bounds of common sense, but also to stand against the current crop of zealots, including some congressmen and their assistants who do not seem to care how

badly this weapon for security is weakened in a rough world.

New supervisory monitoring machinery can be tried but it will not solve the dilemma of a democracy struggling short of war, but worldwide, with a totalitarian regime: The need for frequent secrecy versus the need of Congress and the public to know what is being done in the country's name. Solution is impossible, a better balance is not. . . .

We've had CIA officials domestically breaking the domestic law in the name of some higher law of their own selection. We've had congressmen breaking solemn agreements with executives by leaking classified information in the name of higher laws of their selection. We've had journalists breaking their word on information received off the record by leaking it to other journalists. . . .

And we've had much worse. We've had American zealots publishing the names of American intelligence personnel, which in this time of terrorists everywhere increases the risk of kidnappings and murder. . . . To do this is to commit the moral equivalent of treason, treason to the very humanitarian principles the zealots think they are upholding. When these agents die—and they are not all American nationals by any means—they die as anonymously as they live. So we may never know.

#### CAMBODIA: THE AFTERMATH OF WAR

Mr. KENNEDY. Mr. President, nowhere are the tragic consequences of the Indochina war more apparent than in the stark reports of conditions in Cambodia.

An assessment of conditions in Cambodia was reported yesterday in the Washington Post in a thoughtful article by David Greenway. Although based on sketchy reports and, as he notes on the tales of refugees who are "townsmen and peasants who were loyal to the old regime," the picture he finds remains one of a nation "still on a wartime footing." Clearly, normalization has yet to come to Cambodia.

As before the collapse of the Lon Nol government, food continues to be a critical problem. No longer does American supplied food sustain urban populations, and the new authorities have necessarily focused all attention on rural areas and increasing food production. And no longer does International Red Cross medical supplies help heal war victims, and many remain untreated. Clearly, massive humanitarian needs remain in Cambodia—the sad legacy of a bitter and divisive war, needlessly prolonged.

Hopefully, through the good offices of friendly governments now in communication with Phnom Penh, the international community can express its humanitarian concern over developments in Cambodia and offer its assistance. International humanitarian programs are already underway in other areas of Indochina—such as the U.N. High Commissioner for Refugees, the International Red Cross, UNICEF, and WHO, among others—and hopefully Cambodia will feel free to call upon their help, as have North Vietnam, South Vietnam, and Laos. And I would hope that we could actively support these international programs, to all areas of need.

Mr. President, America was militarily preoccupied with Indochina for over a

decade. That has, thankfully, come to an end. But we simply cannot pretend we can ignore the humanitarian needs that remain in the aftermath of war, especially among refugees and war victims. The recent reports from Cambodia deserve our attention, as a reminder of a tragic legacy of war, and the need for continued international concern and help.

I ask unanimous consent that the article in yesterday's Washington Post be printed in the RECORD.

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

[From the Washington Post, Feb. 2, 1976.]  
THE NEW CAMBODIA: A HARSH, JOYLESS LAND  
(By H. D. S. Greenway)

ARANYAPRATHET, THAILAND, February.—Every day refugees from the new order in Cambodia trickle across the frontier into Thailand.

The Cambodia they describe is a harsh, joyless land of unbending discipline in which all bourgeois life has been destroyed, its cities all but abandoned and its countryside regimented along the lines of a vast labor camp.

People work from dawn to dusk and sometimes late into the night, the refugees say, under the watchful eyes of unsmiling soldiers. A lack of food and medicine and the forced migration of entire populations has caused untold suffering and death they say, and there are dark tales of mass reprisals against officials and soldiers of the former regime that cannot be dismissed as mere propaganda.

Unlike Vietnam and Laos, there seems to have been no attempt to win the population over through gradualism, persuasion and sophisticated political reeducation. The emphasis in Cambodia is on work and more work under the threat of punishment. There is little, or at best crude, stress put on ideology, according to the accounts of the refugees.

Yet compared to last April, when the new regime seemed to lack the political organization to do much more than drive people out of the towns, analysts detect what may be a new degree of centralization and normalization that might, as one expert said, "put Cambodia back on this planet."

A second great migration—the first being the partial evacuation of the cities last spring—has recently brought new populations into the northern and northwestern provinces, according to analysts.

It began in earnest last September and appears to have more or less peaked in December. It appears to have caused much hardship and many deaths, coming as it did before the new rice harvest when food stocks were at their lowest. But a new degree of efficiency was evident, with people being transported by boats, in trucks and even by rail instead of just staggering out into the countryside as was the case last spring, refugees say.

As during the first migration, however, little mercy appears to have been shown to the old and sick. One young woman recalls the long journey in which her sick mother grew weaker and weaker until the soldiers put her out of the truck alongside the road to die.

But she also reported that there were organized, if meager, meals provided along the way and camps waiting for most of the migrants when they arrived at their destination. The centralized coordination and planning was a far cry from the days when, according to Cambodia's Foreign Minister Ieng Sary, Phnom Penh was not even aware of what was going on when local commanders decided to seize the Mayaguez.



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People still were not told when or why they were going, the refugees say. Indeed, most refugees reported that the armed soldiers of the new regime seldom speak except to issue orders and seldom smile. "They have faces like tigers," one refugee said. Fear rather than persuasion seems to be the motor force in Cambodia.

No one knows for sure why the original evacuation of the towns took place. There was more rice stored in Phnom Penh than in the countryside.

Some refugees were told that American bombers were coming to destroy the towns.

Another theory is that the new regime, built upon a peasant revolution, was not sophisticated and well enough organized politically to handle an urban population and that they feared political opposition—perhaps even from elements loyal to Prince Norodom Sihanouk.

The second migration achieved a clearer purpose in putting people into remote areas to dig irrigation ditches, clear land, plant and harvest crops in an all-out effort to improve agriculture.

The new regime apparently knew that the difference between hardship and mass starvation lay in the first post-war rice crop in November, which, from all accounts, has been a success.

Peasants who have recently crossed into Thailand say that, although food is still restricted to a subsistence ration of one or two small tin cups of rice a day, the near-starvation conditions of last autumn, when people were being issued one-half cup of rice a day and sometimes only a cup of chaff, have been alleviated.

Other signs of normalization are the promulgation of a new constitution early in January and the establishment of foreign embassies. At present the Chinese, North and South Vietnamese, North Koreans, Cubans and Albanians have embassies in Phnom Penh, and the Romanians and Yugoslavians sent delegations in January to prepare to open theirs.

Still, Phnom Penh is a ghost town compared to what it was, refugees from the capital say, and analysts are not sure that important government ministries are even located there.

Teng Sary's delegation to Bangkok in the autumn was taken as another sign of normalization, as was the deal whereby Thailand would supply Cambodia with 20,000 tons of salt. The arrangement was a barter deal, with the Cambodians agreeing to supply fish and lumber in exchange.

Local merchants here used to supply Cambodians at the border with rice and other goods, for which they were paid in Thai currency and in fresh, large-denomination American bills. But lately the Cambodians have been defaulting on payments, and the merchants here are furious. The last trainload of salt from Thailand crossed the border in January but the Thais have yet to see any fish and lumber in exchange.

Cambodia remains a tightly closed society despite the slight signs of normalization, however, and for Westerners to interpret what is going on is like the proverb of the blind men trying to describe an elephant.

Moreover, most of the refugees are townsmen and peasants who were loyal to the old regime until April. Therefore they have been viewed with more suspicion than those who spent the war in areas under Communist control.

The hardships that the refugees have suffered since April are probably no greater than the hardships suffered by soldiers and civilians who were on the Communist side during the war. Then, as now, populations were mobilized and shifted about from place to place to support the war effort.

From all accounts, the population of Cam-

bodia is still on a wartime footing with soldiers rather than sophisticated political cadre urging the people on to dig irrigation canals and to clear new land for cultivation.

"Forget your old life," a former resident of Phnom Penh was told, "we must all work hard now to build a new economy and one day everyone will have all they need."

There also seems to be an effort to break down the old individualized subsistence-farming methods.

Soun Heap, a 30-year-old farmer from a town in Battambang Province, arrived in Thailand Jan. 28. He said that in the past his village had grown little more than rice and sweet potatoes. This year, however, toward the end of August, 3,000 new people were brought in from elsewhere to plant and harvest cotton.

The seeds, he said, came from China and there was a "real Chinaman," meaning a Chinese who could not speak Cambodian, to advise the villagers through an interpreter.

Everybody, including the sick, the old and the children, were forced out into the fields, he said.

The drive to produce food and clothing may seem ruthless to citizens of less repressive societies, but self-sufficiency is so important to the new Cambodian regime that extreme measures are viewed as a necessity.

There are still no newspapers, except for an occasional broadsheet, and the few people who have radios are not allowed to listen to them. Only the soldiers listen to radios, the refugees say, but so few batteries are available that in practice no one listens very much.

Education above the elementary level appears not to exist, and the few classes that are organized for small children stress hatred for capitalism and imperialism with little or no emphasis put on reading and writing.

Adult political sessions vary from district to district, but the emphasis is usually on work rather than ideology.

Modern medicines are in short supply and traditional herbal medicines have not been able to combat endemic malaria and other diseases.

All the refugees interviewed said there was no money in use in Cambodia and, in the early days, many saw bonfires made of banknotes along the sides of the road. People live on a barter economy, receiving their daily rations from the authorities as do inmates in a prison.

What Soun Heap said he liked least about the new regime was the threat that the entire village would be killed if they opposed the regime. They were told that if this happened, the neighboring village would be forced to bury them and that they would be forced to bury the neighboring village if they misbehaved.

Soun Heap did not doubt that the threat would be carried out because in July he had been forced to bury about 10 truckloads of former Lon Nol soldiers.

He said the soldiers were all tied together and when they were taken from the trucks they were clubbed to death with a sharp blow on the neck from a wooden plank. Some of the prisoners still on the trucks fainted when they saw what was happening. Afterward, the villagers were asked to plow the place where the soldiers were buried. When they objected, the village officials insisted, saying the corpses would make food fertilizer.

Skepticism about atrocity stories is necessary, especially when talking to refugees who tend to paint as black a picture as they can; but too many told the same stories in too much detail to doubt that, at least in some areas, reprisals occurred.

Buddhism, the traditional religion of most Cambodians, is being discouraged, and monks are being turned out of their pagodas to work in the fields. Images of the Buddha have been destroyed or disfigured.

As conditions gradually improve, however,

some slight concessions to normal life are being made.

In the spring, for example, men and women were often segregated into work brigades and forbidden to marry. "There is no time for making love," one refugee was told. "We must all work hard in the field."

In recent months, however, people have been allowed to marry again. Soun Heap, the Battambang farmer, said that in his village a boy who wants to marry a girl must ask the head of the boys' brigade who will then, through the village leader, talk to the leader of the girls' work brigade.

Sometimes the marriages are arranged. In one case, according to Soun Heap, a reluctant girl was persuaded by the officials that she had better marry her suitor or her future life could not be guaranteed.

Soun Heap said that the thing he liked best about the new administration was that they divided all the pigs, chickens and ducks, in the village equally among the villagers.

A former soldier named Sal Leoun still had scars from deep rope burns on his arms. He said he was on his way to execution but managed to escape from the truck when another soldier started struggling, creating a diversion.

Besides soldiers, former government officials and the families of those who tried to escape to Thailand also were killed, the refugees claimed.

One refugee, Pho Chanta, is now teaching French to the inmates of this camp. He describes working in the fields when two taxis drove up with nine dead bodies.

The workers were told that they were former customs and immigration officials in the old regime, but Pho Chanta recognized one of the bodies as one of his former teachers. "They do not want educated people anymore," he said, "and they make excuses to kill them."

Much of the cruel behavior of the new regime may be ascribed to insecurity. Villagers say there are rarely more than two or three armed soldiers in each village and it is likely that the regime may fear for its control over the population. Thus, they may believe that former soldiers and officials in the Lon Nol regime could form the nucleus of a resistance movement.

Soun Heap said the reason he decided to run was that a close friend and a relative were arrested for anti-government activities and he was afraid he would be next.

There may indeed be bands of anti-government armed men roaming the country, at least near the Thai border.

Kieu Sun, a Vietnam-born Cambodian who once worked with American Special Forces, said that he once ran into a band of armed men loyal to former Prime Minister In Tam well within Cambodian territory.

The lack of political indoctrination in the countryside may be explained by the fact that the Cambodian revolutionary movement, unlike the Vietnamese, the Lao and the Chinese before them, did not have long decades to prepare for the day when they eventually took power.

The Cambodian revolutionary movement hardly existed five years ago and was formed during a savage civil war in which no quarter was given by either side.

It may well be that the Cambodians simply did not have a reserve of sophisticated, well-trained cadre to take charge once the war was over. It is well established that, at certain times, the Cambodians refused to listen to their Vietnamese advisers on how to win over populations through persuasion, preferring to do things their own way.

This lack of well-trained personnel to run a country at peace instead of war may explain why the liberation of Phnom Penh followed such different lines than the liberation of Saigon and Vientiane.

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modernizing of the antiquated arbitrary hodge-podge that is our present criminal justice system. If there ever was a counsel of despair, of throwing out the baby with the bath water, it is the suggestion in your editorial that S. 1 be abandoned rather than amended, as it easily can be to remedy its defects."

*Is prison forever to be the only method of punishing crime?*

He then gave a sampling of the numerous improvements incorporated in S. 1 which would be jettisoned if the Journal's counsel were followed:

"A rational scale of penalties under which like offenses are subject to like sentences;

"Systematic distinction between first offenders and multiple or professional criminals;

"Appellate review of abuse of discretion in sentencing;

"An improved basis for extraditing criminals who flee the country;

A system of compensation for victims of violent crime;

"The first democratically adopted statement of the aims of the criminal justice system for the guidance of courts, enforcement officials and correctional agencies."

Professor Schwartz concluded:

"In short, although there are a dozen specific amendments required to make S. 1 acceptable, the overall aim and substantial accomplishment of the bill is to promote respect for the law by making the law respectable. The reform of the federal criminal code should be rescued, not killed."

H.R. 10850

Belatedly, on November 20, 1975, Representatives Kastenmeier (D. Wis.), Mikva (D. Ill.) and Edwards (D. Cal.) introduced H.R. 10850, a new bill to revise Title 18 which was prepared in large part by the American Civil Liberties Union. It tracks S. 1 closely, and departs materially from the bill only in the relatively few areas where major disagreement by the ACLU with the Senate bill was only to be expected. The provisions in question deal with: the insanity defense, treatment of classified material, marijuana, the sentencing structure, death sentence, obscenity and the like. It may be anticipated that the liberal view of the framers of H.R. 10850 may incite as violent opposition from conservative elements inside and outside of Congress as some of the repressive measures of S. 1 did from the liberals.

The introduction of the ACLU legislation is bound to increase the polarization among members of Congress and hurt the cause of revision, yet two points may be made in its favor. The bill follows the provision numbering of S. 1 and consequently makes easy an examination of the sections in which the sponsors of the two bills run at cross purposes. More importantly, a comparison should bring out forcefully how much agreement resides on each side with respect to the vast majority of the provisions of both bills. Only on a limited number of highly controversial issues does significant disagreement exist.

#### THE ABA CONTRIBUTION

At the 1975 annual meeting of the American Bar Association, the Section of Criminal Justice secured virtually unanimous approval by the House of Delegates of a resolution endorsing S. 1 in principle, subject to a series of thirty-eight suggested amendments. In a few instances the Section preferred the counterpart section of H.R. 333; in several it disapproved of the S. 1 provision in its entirety (treatment of the insanity defense, control of prostitution, crime in federal enclaves); but in most the S. 1 approach was approved, subject to amendments to make it conform to the Standards Relating to the Administration of Criminal Justice. Very few of the proposed amendments could be characterized as sweeping.

The Section of Criminal Justice studied the Brown Report and S. 1 over a period of four years. It is certainly to be commended for its recognition of the importance of pursuing federal criminal law revision, and unquestionably its proposed amendments would strengthen and improve the Senate bill. Yet its recommendations and the action of the House of Delegates are disappointing in several important respects.

The subject matter of S. 1 deserved something more than a mere legalistic analysis of the language of a complex bill. One may well wonder how helpful anyone could find the main paragraph of the long resolution of the House of Delegates. It reads in part as follows:

"Be it resolved . . . that the American Bar Association endorses in principle the provisions of S. 1 and its counterpart H.R. 3907, now pending in the 94th Congress, 1st Session, as a desirable basis for the reform of the federal criminal laws; noting however that the Commission on Correctional Facilities and Services urges the particular importance of amendments to reflect the general principles set out in Recommendations 28, 31, 33 and 34 in Appendix A hereto and the relevant sections of the ABA Standards Relating to the Administration of Criminal Justice. . . ."

Furthermore, the most criticized omissions or inclusions of S. 1 are almost ignored. The ABA takes no position on the absence of provision for gun control; it has ducked the question of capital punishment, taking refuge in the fact that it is *sub judice* in the Supreme Court; it has withheld recommendations on the S. 1 handling of the drug problem, pending a study by the association "in depth." In addition, the Section report, and consequently the House of Delegates' action, fails to call attention to the important fact that the vast majority of the bill provisions constitute law reform that is virtually beyond controversy. The ABA criticism and simultaneous support of S. 1 cannot be dismissed as unhelpful, but the Association has done considerably less than sound a tocsin summoning Congress to get on with essential legislation without further delay.

#### THE BAR'S RESPONSIBILITY

In light of the wreckage that crime is causing throughout the country (one family out of every four victimized); of the financial burden that crime and its prevention imposes upon us annually (around \$100 billion, or a tenth of the gross national product); and of the unique capability of lawyers to provide leadership in a field in which they have more expertise than almost all others, the apparent lack of concern of the profession is difficult to explain.

We are apparently ready to stand by and allow Congress to resolve some of the most important criminal law issues of our times with scarcely a word of advice, support, or even opposition, from the organized bar. Within the framework of revision of Title 18 as a whole, rest among others the following great questions of the day:

Are sentences of imprisonment to be left, as heretofore, to the whim of a judge who may be guided entirely by the theory that only severity of punishment will block crime, or should sentencing be placed on a more uniform, scientific basis conforming to modern principles of penology?

Should we continue to fight drug abuse only with the savagery of heavy punishment, or with up-to-date principles of crime prevention and control?

Do victimless crimes and minor infractions of law deserve the inordinate share of police time and effort now devoted to them at the cost of serious diminution of the protection of society from crimes of violence?

Must we continue to suffer the present annual slaughter by homicide rather than

give up the absolute right of everyone to bear all kinds of arms for whatever purpose?

Is prison forever to be the only method of punishing crime, or might a modern scientific effort be made to utilize probation as a supplementary method?

Must we accept recidivism as unconquerable rather than try to arrest it by a wholehearted system of rehabilitation?

The mere delineation of those issues should make clear how hopeless it would be to expect a single piece of legislation to resolve every one of them satisfactorily. It seems obvious that several of the questions demand separate legislation carefully drafted and followed by time for what may be prolonged debate. To attempt to package all the solutions in an omnibus treatment, as have the framers of S. 1 and H.R. 10850, simply invites the possible rejection by Congress of any revision whatever.

It is here that one might have expected the leadership of the profession to offer guidance to the Congress. Instead of being content to stand by and witness the crushing to death of this important legislation between the extremists of the right and those of the left, the American Bar Association might well have called for the elimination of the controversial provisions and the enactment of the portions of S. 1 on which nearly everyone can agree.

That is not to say that the provisions of the code governing wiretapping, drug abuse, capital punishment, obscenity and gun control should be ignored. Obviously, they are in great need of reexamination and revision. The bar should call for new legislation in those areas without delay. There is no persuasive reason, however, why the other portions of Title 18 should be hung up until agreement on the controversial portions is reached.

#### MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 961) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum without the time being taken from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

Who yields time? We are under controlled time.

Under the previous consent agreement, debate on any amendment, except an amendment based on article VII of the Conservation Treaty of 1958, on which there shall be 3 hours of debate, with only 1½ hours of that time to be utilized today, shall be limited to 1 hour with 10 minutes on any debatable motion or appeal.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS UNTIL 12:45 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:45 p.m. today.

There being no objection, the Senate, at 11:18 a.m., recessed until 12:45 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. Ford).

#### QUORUM CALL

The PRESIDING OFFICER. The Chair suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXTENSION OF TIME FOR FILING REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services and the Committee on Foreign Relations may have until midnight tonight to file a report on House Joint Resolution 549, dealing with the covenant with the Northern Mariana Islands.

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MCINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. Glenn). Without objection, it is so ordered.

#### EXECUTIVE SESSION—NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will now go into executive session to consider the nomination of Mr. George Bush to be Director of Central Intelligence.

The clerk will state the nomination.

The assistant legislative clerk read as follows:

Nomination, Central Intelligence, George Bush of Texas, to be the Director.

The PRESIDING OFFICER. Debate on this nomination is limited to 2 hours to be equally divided and controlled by the Senator from South Carolina (Mr. Thurmond) and the Senator from New Hampshire (Mr. McIntyre) with the vote thereon to occur at 3 p.m.

The Senator from New Hampshire.

Mr. MCINTYRE. Mr. President, I ask unanimous consent that two members of my staff, Mrs. Elizabeth Webber and David LaRoche be granted the privileges of the floor during this debate.

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

Mr. MCINTYRE. Mr. President, I yield myself 5 minutes.

Mr. President, yesterday in this Chamber I expressed my reasons for opposing the confirmation of Mr. George H. Bush as Director of the Central Intelligence Agency.

I said that the appointment of so clearly perceived a political figure to direct the rebuilding of this Agency would undercut two self-evident priorities:

First. The need to restore CIA probity by insuring the Agency's future adherence to its statutory purpose and by insulating the Agency from political corruption of that purpose.

Second. And, equally important, the need to convince the American people that the restoration effort is sincere and that the end result can be trusted.

We are about to vote on this matter, Mr. President, but I would like to take a few minutes to emphasize those fundamental considerations.

The majority report on the nomination makes two important points.

First. That whoever is named to this post must be insulated from political considerations if he or she is to be effective and objective in intelligence gathering, and that he or she must use the substantial and secret power of the office scrupulously within the law, even when political or personal interests may pressure otherwise.

Second. That the intelligence community, the Congress, and the American people must always have full confidence in the character of the Director of Central Intelligence.

Can anyone in this Chamber question those objectives? They are from the majority report on this nomination.

If the answer is "no," as it ought to be, then why, I ask, did the President choose this particular moment in the CIA history to nominate an individual so certain to inspire skepticism?

Why now, of all times, does he ask us to break the 27-year history precedent of nonpolitical Directors of the CIA?

This is not a routine Executive appointment wherein the President's desire for a "team player" has some legitimacy.

This is not a Cabinet appointment wherein the nominee is expected to serve his President as an instrument of Executive policy and power.

This is not even comparable to the nomination of a Supreme Court Justice, wherein the President's desire for an appointee who shares his court philosophy is understandable and precedented, and where the ultimate independence of the justice is carefully insulated by tradition and the Constitution.

No, my colleagues, this nomination is for the directorship of an agency whose functions are vital, yet difficult to reconcile with the values of a free people under the best of circumstances. And with all the evidence of abuses by and

of the agency, these are surely not the best of circumstances.

To confirm any nominee to this post at any time requires an act of faith on the part of each Member of this body, acting in behalf of the public at large.

To confirm this nominee, at this time, under these circumstances demands more than an act of faith, it requires an insensitivity to public skepticism over the prudence and propriety of the nomination itself.

In short, Mr. President, the nomination of a clearly perceived political personage to insure the purpose and protect the integrity of an agency so recently vulnerable to political subornation does not inspire public confidence. It simply raises suspicion, doubts, and cynicism at a time when the CIA desperately needs trust, faith, and confidence.

One more point, Mr. President.

Should he be confirmed, Mr. Bush will be the fourth CIA Director in only 3 years.

When it considered the nomination, the committee addressed the important question of tenure, and properly stressed the need for continuity of leadership at this critical stage in the life of the agency.

The majority of the committee was satisfied on this point when the President took Mr. Bush off the list of Vice Presidential possibilities, ostensibly assuring us that the nominee would occupy the post at least through the upcoming campaign.

But if extended tenure is a real consideration, as I believe it is, how is that concept served by confirming a political person in that post during a Presidential election year?

Where is the guaranty of tenure beyond January 20, 1977, if anyone other than Mr. Ford is sworn in as President? Where is the guaranty of tenure there?

And where does this leave the CIA? Can the prospect of a political appointee as Director, and all that this portends, improve morale within a demoralized Agency any more than it can inspire public confidence outside the Agency?

I fear not, Mr. President. I fear not.

In conclusion, then, I urge my colleagues to weigh very carefully the precedent we are being asked to set today and to ask themselves whether this nomination is, in fact, in the best interests of the CIA or will in any way enhance public confidence in the Agency . . . or, for that matter, in the Senate of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the the Senator yield me 6 minutes? I understand the Senator from South Carolina has control of the time.

Mr. THURMOND. I yield 6 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, this nomination before the Senate, for Director of Central Intelligence is, of course, one of overwhelming importance. The nominee is Mr. George Bush, as is well known.

After hearings in December last the Committee on Armed Services voted 12 to 4 to favorably report this nomination.

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I judge, Mr. President, that probably there would have been a unanimous report had there not been this question about whether Mr. Bush could conceivably be a candidate for Vice President of the United States, along with Mr. Ford as President.

But before we get to that; I support this nomination on the basis of the character, the integrity, and the proven ability and judgment of this nominee.

I have seen a good many of them come and go.

I have not had a chance to know Mr. Bush personally in the past. I knew him on a kind of official basis, but not intimately at all.

I talked to him for an hour and a half in my office after this nomination came in and I ask all the questions I could think of. The responses not only satisfied me as to these qualifications that I have mentioned, but I was most favorably impressed with the man, as a man of candor, frankness, aptness, and ability.

His background is well known by now as a successful representative of the Government in various capacities where he served. He spent 4 years in the House of Representatives, which is a fine experience, indeed. I think that helped prepare him for other posts in the executive branch, and is certainly not anything that would disqualify a man.

He has had a business career in Texas which was exacting and demanding. He emerged from that in a successful way.

His services in diplomatic assignments impressed me very much. He was Ambassador to the United Nations in 1971. Those were trying and telling days for the United Nations. The war in Vietnam was still a very active and disturbing event for the United States and a worldwide event of the greatest concern.

He went from there to be chief of the liaison office in the People's Republic of China where he effectively performed his duties.

I did not hear one iota of real criticism of his services in all these positions, either on the record or off the record.

I am not here to praise anyone. He is no friend of mine. This is strictly an official function.

There was a question raised about this job—Director of the Central Intelligence Agency—as a stepping stone to the Vice Presidential candidacy. I told him, and later said in open hearings in the committee, that if I thought he did not have any more political and governmental judgment than to think that service as Director of Central Intelligence would be promoting him, recommending him in any way, for Vice President of the United States—if that was his judgment, or lack of it—I would vote against him for Director of Central Intelligence.

Because, politically, I do not think there is any doubt—there is no doubt in my mind—that it would be a great handicap, a great handicap to his becoming a candidate, much less being elected, as Vice President of the United States.

Anyone that wanted to had the right to ask the question, I am not critical of that. But I admired his answer when asked if he would promise not to be a

candidate for Vice President. He respectfully declined to make any binding assertion of that kind.

Mr. President, may I have an additional 2 minutes?

Mr. THURMOND. Mr. President, I yield 2 additional minutes to the Senator.

Mr. STENNIS. I admired his attitude and openly approved it and I approve it now.

He said "no," that he would not make any such promise. He would not bargain away any part, or one iota of his citizenship in such a way, just to be approved for this appointment or any other appointment.

As I say, I am glad he answered that way. I would have thought less of him had he not. But as it worked out, the development came from the other direction. The President of the United States wrote to me as chairman of the committee and for the committee. I have a letter here dated the 18th of December 1975, which we put into the record of the hearings.

I ask unanimous consent that a copy of the same letter, Mr. President, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. So, Mr. President, we have a man here that I do not come to praise, but I come to state that from the record, the man—his attainments, his intelligence, his undoubted dedication and solid patriotic motives—fills the bill.

He is accepting this position, if it is finally reached by him, as a solemn obligation and because of his responsibilities as a citizen of the United States. He is coming in response to the call of the President of the United States.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. Will the Senator yield me half a minute?

Mr. THURMOND. Yes.

Mr. STENNIS. I have said the Senate would be amply justified in approving this nomination. Moreover, I think the office is such that there ought to be as large a vote of confirmation here as the Senate could possibly give. I hope the Senate does that.

I thank the Senator for yielding to me.

EXHIBIT 1

THE WHITE HOUSE,

Washington, December 18, 1975.

HON. JOHN C. STENNIS,

Chairman, Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As we both know, the Nation must have a strong and effective foreign intelligence capability. Just over two weeks ago, on December 7th while in Pearl Harbor, I said that we must never drop our guard nor unilaterally dismantle our defenses. The Central Intelligence Agency is essential to maintaining our national security.

I nominated Ambassador George Bush to be CIA Director so we can now get on with appropriate decisions concerning the intelligence community. I need—and the Nation needs—his leadership at CIA as we rebuild and strengthen the foreign intelligence community in a manner which earns the confidence of the American people.

Ambassador Bush and I agree that the Nation's immediate foreign intelligence needs

must take precedence over other considerations and there should be continuity in the CIA leadership. Therefore, if Ambassador Bush is confirmed by the Senate as Director of Central Intelligence, I will not consider him as my Vice Presidential running mate in 1976.

He and I have discussed this in detail. In fact, he urged that I make this decision. This says something about the man and about his desire to do this job for the Nation.

Thank you, Mr. Chairman, for your efforts on behalf of Ambassador Bush's nomination. I will deeply appreciate your efforts to expedite approval of this nominee by your Committee and the full Senate.

Sincerely,

GERALD R. FORD.

Mr. McINTYRE. Mr. President, I yield 10 minutes to the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator from New Hampshire.

Mr. President, before I begin my remarks, I ask unanimous consent that, during the vote on the Bush nomination, Douglas Racine of my staff be granted privilege of the floor.

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

Mr. LEAHY. Mr. President, for more than 1 year the Nation has been subjected to a seemingly endless litany of abuses of power by the Central Intelligence Agency. Assassination attempts, interference in the internal politics of friendly governments, and other covert activities in addition to illegal domestic activities which strike at the heart of our personal liberties have been reported ad nauseum. The fact is that the CIA is crippled, unable to perform the crucial tasks for which it was created.

I am firm in my conviction that the congressional investigations of the CIA that have exposed those abuses have been necessary. They were not meant to destroy the CIA. I do not believe that any Senator desires that. We all recognize that the CIA must be capable of continuing its intelligence-gathering activities. It would be naive to think that a country with the military power and global responsibilities of the United States could survive without an intelligence community. These investigations were meant to uncover the wrongdoings of the past and the weaknesses of the present so that such incidents can be prevented in the future; and more important, so that public confidence in the Agency can be restored.

Because of the past year's revelations, public confidence in the CIA has been virtually destroyed. The public has seen the legitimate functions of the CIA subverted by the political manipulations of Presidents, Republicans and Democrats. Improper activities against foreign governments and political groups have been undertaken at the whim of CIA officials or under Presidential directive. Accurate intelligence information has gone unheeded because it conflicted with the policy goals of various administrations, Republican and Democrat. The CIA has too often been a political tool of Presidents, rather than the intelligence-gathering tool it was intended to be when created by the Congress in 1947.

In fact, public confidence in most of our governmental institutions has suf-



ferred greatly in the last 10 years. Having been deceived by the official lies surrounding American involvement in Vietnam and the deceit and corruption of Watergate, the American people are justifiably cynical about their Government.

One of our first priorities must be the restoration of trust in our traditional institutions—a trust that is deserved. The CIA must be rebuilt, both as an effective agency of Government, and as an institution worthy of public support. One cannot be done without the other. The CIA must again be perceived as an efficient intelligence-gathering agency rather than an elite arm of the administration. Public support of American foreign policy objectives requires public support of the CIA, which is so intricately involved in the formulation of that policy. The success of arms limitations agreements requires accurate verification of information. The size of our defense budget is largely dependent on the magnitude of the Soviet military effort—an assessment that must be accurate and unbiased. The American people must feel confident that these decisions, and a host of others, are being based on efficient and honest intelligence-gathering, if we expect them to support our foreign and defense policies and goals.

The Director of the CIA, the most visible symbol of that agency, must be a person capable of successfully completing this rebuilding effort in an atmosphere that is perceived as free from any and all political considerations. Like Caesar's wife, he must be above suspicion. And that is the problem confronting us by this nomination. For the fact is that in the nomination of Ambassador Bush we are facing a problem of perception as much as of fact.

Mr. President, I have been greatly troubled by this nomination. In the course of the hearings in the Armed Services Committee or elsewhere, I have heard nothing that indicates that George Bush is anything but a highly professional and honest man. He has earned an excellent reputation in all of his previous agency of Government, and as an insti-public positions. He served with distinction in the House of Representatives. For almost any other position that the Senate must give its consent to, I would not oppose his confirmation. In ordinary times I might not oppose his confirmation as CIA Director. But these are not ordinary times.

The job of Director of the Central Intelligence Agency, along with that of FBI Director, demands more than an honest, capable, and professional person, even though it demands all of these attributes. It demands someone who will be perceived by the public as free from political pressures in rebuilding the Agency. In normal times this alone would not, in my opinion, disqualify someone with a political background from the job. But in these times, I must conclude that a highly partisan political background is an insurmountable obstacle for this post.

The distinguished chairman of the Armed Services Committee told Ambassador Bush at the hearing that if he was using the directorship of the CIA as

a stepping stone to the vice presidency, he would question his judgment. Mr. President, if he or if anyone were using it as a stepping stone to the vice presidency, I would question his sanity. But that is really not the issue.

Obviously, the CIA needs a director who will be independent of the White House, a person who can resist pressures from all outside sources. The nature of the job, that of providing the President and his foreign policy advisors with objective analyses of events in areas of the world of interest to the United States, demands that high degree of independence.

Not only must the director of the CIA be independent in fact; he must also have the appearance of independence. The public must perceive him as a professional, not a political ally of the President. In my opinion this is a sine qua non for confirmation. George Bush obviously does not satisfy that essential requirement.

Mr. President, this should not necessarily rule out everybody who has been involved in politics. However, Ambassador Bush does not have an ordinary political background. We are not talking about a man who has simply served as an elected official; we are talking about a man who has served as national chairman of one of our two great political parties. We are considering the confirmation of a man who has been nominated by the President out of a desire, as the President himself put it, to have "one of his boys," a member of his team, as Director of the CIA.

The fact that the President has removed Ambassador Bush from consideration as his running mate this year does not diminish the fact that he has been and remains a leader of his party—and I might add a capable one.

Mr. President, I believe that this nomination, if confirmed, would reaffirm the cynicism already rampant among the American people. It will be perceived as yet another example of politics as usual. And politics as usual has resulted in Vietnam, Watergate, FBI abuses, and CIA abuses. It is time to begin putting an end to that prevailing attitude in this country.

As we consider this nomination, we must keep in mind that public opinion of the CIA has reached its nadir. This nomination does not begin to change that negative impression; in fact, from what I hear from my constituents, it only reinforces it. The rejection of this nomination should not and would not be viewed as an affront to Ambassador Bush, a fine public servant. It would be perceived as a concrete manifestation of the intent of Congress to rebuild the CIA and to restore to it the confidence and trust of the American people.

I thank my distinguished colleague from New Hampshire. I yield back whatever remaining time I have.

Mr. McINTYRE. May I ask the Senator to expand a little bit on the reaction he has had from some of his constituents to this nomination?

Mr. LEAHY. I have made it a point to let the people in Vermont know how I feel about this particular nomination in

visits back home, in mailings, and on radio talk shows. As the Senator from New Hampshire knows, I do not come from a State which is noted for being heavily anti-Republican. In fact, I am the first member of my party ever to be elected to the Senate from that State.

Mr. McINTYRE. May I interrupt to add my congratulations. I hope that many more Senators who share the concern of the Senator from Vermont come to the Chamber.

Mr. LEAHY. I thank the Senator.

I will tell the Senator that the people in Vermont are very concerned about this nomination. I think the people in Vermont are strongly behind the idea that the CIA and FBI are necessary institutions of our Government, but they have been very, very concerned about the revelations they have heard. They feel that both of these agencies have been badly damaged by misconduct, by improper activities, and they want to see them restored to a position of trust.

I used the expression here of politics as usual. I heard that time and time again from Vermonters, including many people I would consider basically conservative Republican Vermonters. They are all very concerned. They feel that this nomination just masks some kind of a political reward. That is the way it is perceived.

Mr. McINTYRE. Mr. President, I want to thank the distinguished Senator from Vermont for his fine statement. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Will the Senator yield 7 minutes?

Mr. TOWER. I yield 7 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the pending nomination of Mr. Bush as Director of Central Intelligence. It is my belief that he would fulfill well the difficult job of managing the CIA in the present environment promulgated by numerous events.

Mr. Bush has the individual traits necessary for such a high position. He is a man of integrity, extraordinary ability and intellect. He has already brought these substantial capabilities to bear in several positions of great responsibility: First, as the recent U.S. liaison chief with the Peoples Republic of China, and prior to that as U.S. Ambassador to the United Nations.

#### BROAD EXPERIENCE

These high appointments came following his service in the U.S. House of Representatives and as National Chairman of the Republican Party. Earlier he was a successful manager of a petroleum company. Further, contrary to some expressed viewpoints, I weigh his tenure as Chairman of the Republican National Committee as an asset in assuming the CIA directorship. Some of the difficulties which the CIA has encountered might have been avoided had more political judgment been brought to bear. Mr. Bush himself made it clear in his confirmation hearings that political partisanship has no place in the CIA post, but he felt that his political experience would be an asset once he assumes Directorship of the CIA.

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## IMPRESSED COMMITTEE

Frankly, when he appeared before our committee I have rarely seen a witness carry the day, so to speak, and was the impression of integrity and competence which he portrayed to the members. His frank handling of sensitive areas of questioning, and his sound views on gathering, management and use of intelligence obviously won him some votes after what appeared to be various reservations based upon his political background.

The high regard in which he was held by the committee obviously had something to do with the request from some of the members that the President state in writing that Ambassador Bush would not be offered the post of Vice President later in the year. While continuity was given as the reason for tenure, I doubt this would have been required of a man of lesser ability than the nominee now under consideration by this body.

## POLITICAL RESERVATIONS

Frankly, I do not agree with stated viewpoints of some of my colleagues that the fact of past political activity on the part of the nominee has discredited him in the eyes of the public. I have not seen, certainly in my own mail, nor heard of any other Senators receiving significant public opposition to his appointment. The mail I have received on the CIA has deplored the public disclosure of highly sensitive CIA matters from congressional sources.

Further, earlier this week even the Washington Post published an article stating the public was shocked and dismayed by the placing on the public record in the Congress of highly sensitive matters. These revelations, often from unnamed sources, involved covert and other secret activities approved by Presidents elected from both major political parties. That is where the public concern lies, on disclosures which are tearing down the CIA, not upon the selection of this highly competent man to repair the damage of this overexposure.

At this point in my remarks, Mr. President, I ask unanimous consent to have printed in the RECORD an article in the January 23, 1976, issue of the Washington Post entitled "Climate Is Changing for 'Reform' of CIA."

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

CLIMATE IS CHANGING FOR "REFORM" OF CIA  
(By Laurence Stern)

A drastically altered political climate will greet outgoing Central Intelligence Agency Director William E. Colby when he appears on Capitol Hill today to offer his prescription for reorganizing the intelligence community.

Just a few months ago there were predictions of major legislative surgery for the CIA—talk of ending covert operations, splitting off the analytical and operational branches of the agency, relocating the director to put him in the White House.

Now the forces for maintenance of the status quo are emerging as the Senate Government Operations Committee moves into the law-drafting stage of the intelligence controversy, which has been liveliest subject of political interest in Washington since the Watergate scandals.

Traditional congressional intramural politics, for example, are now coming into play on the intelligence reform issue.

Some congressional observers saw this as the underlying reason for the announcement by Sen. John G. Tower (R-Tex.) Wednesday that he opposes formation of a new oversight committee to monitor the intelligence community.

Tower urged instead that the oversight function be left in the custody of the Armed Services committees, which have performed it for more than a quarter of a century in a spirit of clubby toleration. As the second-ranking Republican on the Senate Armed Services Committee, Tower enjoys a position of influence on that panel.

The White House and intelligence community would gladly settle for that arrangement in place of the present conger of six congressional committees that have a consultative role on CIA matters.

In the Senate there is a growing consensus for separate House and Senate oversight committees rather than a single joint panel. The fear among Senate advocates of tighter congressional control is that a joint committee bill might perish in the House or in conference.

The administration favors a joint committee approach to minimize the number of congressional staff personnel involved, since staffers are regarded by the intelligence professionals as potential leakers of national security secrets. It would also reduce the number of trips required between the CIA's Langley headquarters and Capitol Hill, where Colby has spent a larger portion of his tenure than any of his predecessors in the directorship.

The one issue upon which virtual unanimity has developed between administration officials and members of Congress is the demand for stronger punitive action against those in government and even in journalism who make public classified material.

It was in this spirit, perhaps, that Sen. Charles H. Percy (R-Ill.) asked one of yesterday's witnesses, former CIA official David Phillips, for a full explanation, of Britain's Official Secrets Act, which imposes far-ranging official censorship over a wide range of governmental action—not only of a national security nature—and makes disclosure punishable by criminal prosecution.

Colby is supporting a legislative proposal that would impose criminal punishment on government employees for divulging classified information during or after their active service.

There are also strong punitive provisions for disclosure of government secrets proposed in the bill known as S.1, which would recodify the U.S. Criminal Code and is awaiting action in the Senate.

One congressional participant in the intelligence "reform" process now under way prophesied that the net effect of the legislative labor on the intelligence issue will be to produce "an American official secrets act and no reform."

## SOUND INTELLIGENCE VIEWS

Mr. THURMOND. Now turning away from the politics of this nomination, I would like to point out some of the more substantive issues which came out of the hearings. Mr. Bush made it clear he saw the need for a strong intelligence community, but one which would in no way abuse its power.

He maintained the CIA should stay strictly in the area of foreign intelligence and coordinate the activities of the other agencies so involved. Mr. Bush also noted the culmination of these efforts would be to provide the President and the National Security Council objec-

tive analysis, and in cases where strong differences in opinion may occur such differences would be footnoted.

He stated that he would take seriously the Director's responsibility to protect intelligence sources and unauthorized disclosure. Further, he pledged to work out a relationship with the Congress which would meet the legitimate and necessarily expanded oversight responsibilities of the Congress.

## CAN WORK WITH CONGRESS

Mr. President, the position is one of great importance, and I do not wish to raise any personal point with any of my colleagues. Each is entitled to his own views and has an obligation to his constituents to represent them in that way. However, it is my feeling that a man with experience in the Congress, where most of the complaints are being heard, may well be able to deal more effectively with the serious problems now facing the CIA.

Further, his roles as Ambassador to the United Nations and Liaison Chief to the Peoples Republic of China certainly should have given him a realistic idea of the issues of other countries in which the United States has a national security concern.

Therefore, based upon the recognized integrity and competence of the nominee, I urge the Senate to view this nomination in the most objective light possible, as the new Director of this Agency needs strong congressional support if he is to meet the problems ahead.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. GARY HART. I thank the Senator from New Hampshire.

Mr. President, on November 3, 1975, President Ford announced his intention to nominate George Bush to be Director of Central Intelligence. Despite my respect and admiration for the man, I must oppose his nomination. He is, simply, the wrong man for this job.

The CIA must stay out of politics. The appointment of a partisan politician to be Director of the CIA will create a bad precedent. Although I have no reason to believe that Mr. Bush would politicize the CIA or bend intelligence judgments to meet political needs, we might not be as fortunate with future political Directors of the CIA.

The CIA has had eight Directors since it was created in 1947. Three—Roscoe Hillenkoetter, Walter Bedell Smith, and William Raborn—have come from the military. Two—Richard Helms and William Colby—have come from within the CIA. Three—Allen Dulles, John McCone, and James Schlesinger—have come from distinguished private and government careers. None has come from political life. This tradition should be maintained.

The appointment of Mr. Bush is a disservice to the CIA. The Agency is at a critical period in its history. It has conducted illegal domestic activities in this country. It has been misused, and abused, by American Presidents. It has been the subject of investigations, by a Presidential commission and two congressional

select committees, for almost a year. It has been in the headlines for a much longer period. Its future role and responsibilities are in doubt.

At this critical time, the CIA must have a noncontroversial, full-time Director. This Director must be able to restore morale to the Agency and guide it through the difficult months ahead. Despite President Ford's statement that Mr. Bush would not be his running mate in 1976, I have serious doubts whether Mr. Bush would be retained as Director of the CIA should a Democrat be inaugurated in January 1977. I fail to see how a Democratic President could keep a former chairman of the Republican Party on as Director of the CIA. I can see, and would expect to see, a Democrat retain a respected, nonpolitical CIA Director. Mr. Bush's confirmation as Director will, therefore, leave the Agency in a state of uncertainty about its future leadership. This is a mistake.

I oppose Mr. Bush's nomination for another reason. I simply do not agree with his views on CIA covert action. During his confirmation hearings Mr. Bush stated that, as Director of the CIA, he would not rule out attempts to overthrow constitutionally elected governments. In his words

I think we should tread very carefully on governments that are constitutionally elected.

Mr. Bush believes our adversaries play rough, and they do. He appears to believe that we must, on occasion, play by their rules. I do not agree. During the Senate select committee's assassination inquiry, we uncovered a document written in 1954 by the Doolittle Commission. The Commission had been formed to advise the President on CIA covert activities. The introduction to the Commission's report stated that this country may have to adopt tactics "more ruthless than [those] employed by the enemy" in order to meet the threat from hostile nations. I reject this philosophy, but apparently Mr. Bush does not.

Mr. Bush's views on legislative involvement in covert action decisions also concern me. He appears to believe that covert action decisions are among the President's "inherent powers" and that Congress should be informed, but not consulted, about covert operations. During his confirmation hearings Mr. Bush stated as follows:

I think it is the obligation of the President to determine the covert activities and I would say after plenty of adequate consultation with the NSC and representatives of the intelligence community, but I think he must make that decision and I do not think it ought to be a joint decision . . . I think that is what the Presidents are elected to do.

Mr. Bush does believe that Congress should be informed of covert operations. But when Congress should be informed is another matter. He does not believe that Congress should be informed simultaneously with the President's decision to go ahead with a covert operation. When I asked him during the confirmation hearings when Congress should be informed, he stated:

I would say timely notification but I would not want to tell you that I thought that should be done simultaneous with the President making a decision. . . . I think there are some areas where the President has those inherent powers and he should be allowed to proceed.

I reject Mr. Bush's concept of the President's inherent powers to proceed in covert operations without prior consultation with Congress.

President Ford made a mistake in nominating George Bush to be Director of the CIA. Mr. Bush is not prepared for the job. During his 2 days of confirmation hearings Mr. Bush repeatedly stated that he could not answer specific questions because he had not been briefed. The President should have appointed a man who has some, although not necessarily extensive, background in intelligence so that he would not be starting on the ground floor.

In 1947 Allen Dulles stated:

Appointment as Chief of Central Intelligence should be somewhat comparable to appointment to high judicial office, and should be equally free from interference due to political changes.

The appointment of Mr. Bush does not conform to this good advice.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GARY HART. Mr. President, will the Senator yield another minute?

Mr. McINTYRE. I yield 1 additional minute.

Mr. GARY HART. The Rockefeller Commission made a number of comments concerning the Director of Central Intelligence. The Commission stated:

The best assurance against misuse of the Agency lies in the appointment to that position [Director of the CIA] of persons with the judgment, courage, and independence to resist improper pressure and importuning, whether from the White House, within the Agency, or elsewhere.

The Commission recommended that:

Persons appointed to the position of Director of Central Intelligence should be individuals of stature, independence, and integrity.

Mr. Bush's stature and integrity are not in question. His independence, due to his political past and possible future, is. It is this appearance of possible lack of independence which raises serious doubts about the President's judgment in appointing George Bush to be Director of the CIA. One of the reasons President Ford gave for firing William Colby was that he wanted his "own team." Mr. Colby was not a member of Mr. Ford's "team."

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. McINTYRE. I yield to the Senator 1 additional minute.

Mr. GARY HART. I thank the Senator. Apparently, the President believes Mr. Bush will be a good "team" member. I do not believe this quality is appropriate for the Director of the CIA. Setting the precedent of having good "team" members in the CIA is a dangerous one. It is likely to be abused, if not now, then in the future.

I thank the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield myself 2 minutes.

Will the Senator from Colorado respond to a question or two that I have?

Mr. GARY HART. I am glad to respond.

Mr. McINTYRE. Mr. President, it is my understanding that the Senator from Colorado has served now for a year on the Select Committee to Study Governmental Operations with respect to intelligence activities. Is it permissible for the Senator to tell me in open forum how large is the CIA? How many individuals?

Mr. GARY HART. I think it is a matter of public record that the total employee rolls of the CIA are in the neighborhood of 15,000.

Mr. McINTYRE. Fifteen thousand.

I asked that question because they refused to tell us in a telephone call. Perhaps that was not the right way to go about it.

Let me ask the Senator another question. I, too, was struck by President Ford's desire to have his own team, as he expressed it, and I certainly could understand why a President, in the difficult job that he has, would want that. But is it the conception of the Senator from Colorado that the posts of Director of the CIA and the Director of the FBI are like Cabinet posts? Does the Senator conceive them to be like Cabinet posts?

Mr. GARY HART. The position of Director of Central Intelligence is unique. It was designed to be a position directly responsible to the President of the United States. During the past year in which the Select Committee on Intelligence has looked into the intelligence community, we have seen too many occasions under both parties and several administrations where that peculiar relationship between the President—the White House—and the CIA has been abused and misused.

Unfortunately, a lot of the abuse and criticism that the CIA has received has not been the responsibility or the fault of the CIA. It has been because of the direct pressure from the White House, as I say, under various administrations and both political parties.

It is because of that kind of pressure that I certainly feel that I must strongly oppose this nomination.

We should do everything we can to break that link, the kind of political pressure that the President can bring on that appointee.

Mr. McINTYRE. Mr. President, I yield myself as much time as I need.

I say to my good friend from Colorado that I never will be able to forget the incident in which Mr. Ehrlichman called the Deputy Director of the CIA, then, I believe, a Major General Cushman, and said, in effect, he was sending a man over and to take care of his needs. That man was Howard Hunt.

The questions that were asked by that assistant director were very minor. He did not question the authority because he

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testified that he knew that the call was from, in effect, the President. All Mr. Hunt wanted was a red wig, a device to put in his mouth to change his voice, and a false identification. He received it.

One of the things that bears so heavily on my mind is to think that some of our Presidents in the past have utilized this unique Central Intelligence Agency, as the Senator from Colorado points out, not for foreign intelligence purposes but to pursue domestic political ends.

That is something that this Congress has to stop, and I am sure that the Senator from Colorado agrees.

Mr. GARY HART. If the Senator will yield for a comment, the problem with this nomination is it runs cross grain to the findings of our committee that we have been involved in for the last year. If there is one central discovery that our committee has made throughout all of its investigations of attempted assassinations of foreign leaders, abuses of authority here at home, surveillance of American citizens, attempts to overthrow foreign governments, and everything else, it is that one cannot politicize the intelligence community. It is absolutely the worst possible thing that can happen.

I agree with every one of those who say that we have the highest kind of talent capability in our Central Intelligence Agency. These people are professionals. They believe in what they are doing. They are performing a tremendous service to their country.

The problem of morale at that Agency and the degree to which the investigations of that Agency have contributed to those problems are certainly unfortunate because of the degree to which they may have taken people's minds away from their jobs. Absolutely 99 percent, close to 100 percent, of the people at the CIA are dedicated nonpolitical people trying to do a professional job.

To link up the White House with the Central Intelligence Agency through political connections of this sort, that were certainly not intended when that Agency was created, would do more to continue that low morale than anything else we could do. It would be absolutely the worst step that we could take.

If this were a Democratic President nominating a Democratic politician for that position, I would be taking the very same position.

Mr. McINTYRE. I thank my good friend from Colorado and I shall take 2 minutes right now.

Mr. President, in my inquiry of other colleagues as to how they might vote on this issue, I have been met with the question why should politicians be disqualified automatically? Do they not have qualities which could be useful in this job?

Some of our colleagues have felt reluctant to oppose Mr. Bush simply because, as they say, he is a politician and simply for "appearances sake." It is, I suppose, the choice of words which bothers them, because no one wants to be accused of judging someone on the basis of "appearances" and not the facts.

But I challenge any of our colleagues to dispute the fact of the wide mistrust of the CIA, the fact of its internal de-

moralization, and the fact of the public's suspicion of politicians in general and Congress in particular. I challenge anyone to deny that a "team player," a custodial appointment, is precisely what the Agency cannot afford at this time.

In these circumstances, at this time in the life of the Agency, it is absolutely vital that there be no question about the need to insulate the Director from partisan political considerations. I stress the public perception of the Agency so much because we cannot have a rehabilitation of the Agency without a restoration of public confidence. The two are inseparable: You will not have one without the other.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I commend the distinguished majority leader, who, with his typical nonpartisan attitude at the right time, with his typical sense of fairness, carefully thinking through and researching a subject as important as the current subject, has come to a conclusion, has forthrightly stated his position, and has made unequivocally clear how he stands on this issue. His support of George Bush at this time is typical. It is typical of his long and distinguished career in public service.

So far as I know, none of my colleagues who are opposing the nomination of George Bush has questioned his character, intelligence, or ability. The thrust of the arguments against his nomination concerns his role as a politician. Not that his political activities or political record have been questioned, either. The only complaint is that he is a politician who has been a Member of the House, a candidate for the Senate, and a chairman of his party's national committee.

It is said that politics must be kept out of the CIA, and with this we can all agree.

But are all politicians, regardless of their character, intelligence, and ability and regardless of other experience in public service, to be considered ineligible to head an intelligence agency and to coordinate the work of the intelligence community?

George Bush has been more than a political man. In fact, he has had three careers in public service: One, as an elected public official; second, as a politician and party chairman; and, third, as a very distinguished diplomat. His diplomatic service, while briefer, has been more recent. To my knowledge, it was generally accepted that he had done an excellent job as Ambassador and Permanent U.N. Representative at the United Nations. Similarly, his service as Chief of the U.S. Liaison Office in Peking has been widely praised. Neither assignment was an easy one or blessed by favorable circumstances, yet George Bush performed with honor, with discretion, and with grace in both.

As I recall there were some rumblings

when he was named to represent our country at the U.N. It was said then that George Bush was a politician and business man. But, in view of his success in two major diplomatic posts, it can no longer be said that he is only a political man. His ability to adjust rapidly and well to diplomatic service gives us ample reason to conclude that he is a man of talents who can apply those talents effectively in many fields of public service.

I have no doubt of George Bush's ability to undertake the new assignment for which he has been nominated, and to do it well. His understanding of, and sympathy with, the oversight role of Congress will be especially helpful to us as we seek to bring the intelligence apparatus under control. Moreover, in working with the White House and with Congress, his diplomatic experience will serve him well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield the Senator 2 additional minutes.

Mr. PERCY. Mr. President, I have been reaffirmed in this belief as over the past week I have been privileged, together with Senator RIBICOFF, our chairman, and other members of the Committee on Government Operations, to conduct hearings, now that the Church committee is winding up its affairs and will be making a final report on recommendations, to hear witnesses testify as to what they think we should do. I have probed with such men as Mr. Colby, John McCone, former heads of the Agency, have met with Mr. Kelley, head of the FBI, and this morning with Secretary Ellsworth, to determine what particular talents are needed at this time. I am reinforced in my belief that George Bush possesses many of those talents, if not all of them, that are now going to be required in this particular stage of history in this vital Agency.

The question of his availability for another political role this election year has been resolved, unfortunately, to the detriment of my party. But the larger national interest has been served by enabling George Bush to assume this great, new responsibility. I feel that we are very fortunate in having a man of his caliber to be Director of Central Intelligence at this crucial time in the life of this agency, so vital to the security of our Nation.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have listened with interest to the arguments presented by the opponents of George Bush. I respect the reasoning behind those arguments, but I do not agree with them.

Yes, George Bush has had a political background. I knew him before he had a political background. I have known him all through the years that he was engaged in politics and then in business. The man has not changed a bit.

The question that comes to my mind is this: Does the term "politician" connote something evil that is going to fol-



low throughout the rest of our lives? I do not agree with that, because I know many men and women who have served in politics, served well, and have gone on to serve their communities and their States and their businesses with equal success. I will not say that this holds across the board, but it does to a large extent.

"Politician" means a person skilled in the art of politics. A doctor is skilled in the art of medicine. An economist is skilled in the art of understanding the economy.

With his skill as a politician, George Bush also is skilled as a businessman, a very successful, more or less self-made businessman, in Texas. He is a family man and he is a religious man. But I think the most important thing to remember is that he is a successful man.

Mr. President, if there is one thing we need a lot of in politics and in Government, it is more people who have had success in life in something other than the mere profession of politics. This job—and I say this after having served on the Intelligence Committee for a year—needs the particular talents that Mr. Bush has: the ability to understand a new assignment, the ability to apply his integrity, and the ability to see that the job is run in a proper way.

I admit that, as a member of the committee and as a Senator, I might have preferred to have had George Bush bubble up from the bottom, through the whole chain of command of the CIA, but that is not possible. We do not see that happen. We do not see it happen in the Post Office. We do not see it happen in any other division of Government. The job always has been given to someone who it was thought could do the job.

There is one thing that these hearings have said to me. I may be in the minority in saying this. Everything that the CIA has done that has brought discredit on the CIA was done at the orders of the White House. I repeat that—done at the orders of the White House. We have spent months and months trying to hide that, but we cannot. In fact, I recall that several members of the CIA, when asked under oath, "Would you lie to protect the Office of President?" All said, "Yes." It means more to them to see the White House protected, evidently, than whether or not their own names come out of it all right.

So here is a case, I think, in which Mr. Bush's particular talents—yes, even including his experience in politics—will stand him well; because, knowing politics, he will be better able—when the President tries to talk the next CIA group into something that might be considered morally wrong by many Americans—to point out to the President, in a political sense, why it is wrong.

I do not want to see the charge stand any longer against the CIA that they and they alone have been responsible for everything that has gone on for which they have been discredited. I do not think we have a finer man serving the American people than Mr. William Colby.

I think the former heads of the CIA have all been exemplary men who have merely done their jobs. Their jobs are now catching the attention of the press,

I guess mainly because the press has not much more to worry about right now. So, Mr. President, I hope that this body will approve Mr. Bush. If he has one thing against him, it is that he has been a successful American. For that reason, many of our colleagues—I hope not too many—seem to feel that he would not make a good head of the CIA, or the fact that he has been a politician might stand against him. Mr. President, if that is the case, none of us has a very bright future.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, I shall start by limiting my support to the words of the distinguished Senator from Colorado (Mr. GARY HART), whose statement was considerably more articulate and formalized than mine will be.

First of all, I have never heard anything from Mr. Bush's friends or his business associates except the very highest praise. I think it is regrettable that the President would send the nomination of a man who is so highly esteemed to this body for this position and cause me, in my own mind, to be forced to cast a vote against his nomination simply because I think the precedent is too devastating for the Senate to accept.

It was interesting to me that the President sent the name of John Paul Stevens to this body as his choice for the Supreme Court, and not one dissenting vote was cast against the appointment. I heard many of my colleagues say, "Why cannot the President send men of that caliber, whom everybody in the Senate can support wholeheartedly and be very happy about? Why is the Senate placed in the position of not being able to applaud the President in every instance for his discretion?" I regret, as I say, that the President now forces me to vote against a man whom I could support for almost any other position within the President's appointment power. But Mr. President, I think the precedent is simply too critical.

I think there is a degree of professionalism that this unique position as head of the CIA requires that would be missing. So far as politics are concerned, I have no doubt that if the next President happens to be a Democrat, one of the first orders of business will be to ask Mr. Bush for his resignation. I have known the past four Democratic Party chairpersons, all fine people. So far as I know, their thoughts and their ideals are no less noble than Mr. Bush's. But I want to go on record now as saying that I would not support any of them, should anyone of them be nominated, for such a unique position, which simply must be above all suspicion of political ties or influence.

I was interested in the Armed Services Committee, which, as you know, voted Mr. Bush's confirmation out by a vote of 9 to 4. I respect that committee. They asked him about his possible candidacy for the Vice Presidency. Apparently, it took some time to get both Mr. Bush and the President to agree that he would

not be a candidate for Vice President. It occurs to me that this was a rather strange request, coming after the known fact of Mr. Bush's strong partisan party affiliation. The President's reply certainly was not the litmus test for me. But I notice that the majority of the committee said that after questioning Mr. Bush, they had concluded he would be able to rise above partisan politics. Mr. President, I think that is a burden which neither the President nor this body should ask him to bear.

I thank the distinguished Senator from New Hampshire for the time.

Mr. MCINTYRE. I thank the Senator from Arkansas for his fine statement.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield 3 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, it is my privilege and pleasure to support the nomination of George Bush to be Director of the Central Intelligence Agency. A considerable part of my professional career the last few years has been devoted to matters of concern relating to the security and well-being of this country. The Presidency as an institution, the intelligence community as it now exists, law enforcement agencies as they relate to the fundamental welfare of the country and the rights of individual citizens are all significantly influenced by the Agency Mr. Bush will head. My concern in these respects has been the direct outgrowth and product of that unhappy—indeed, that dreadful—time in our national life that we refer to as Watergate. In that inquiry into the allegations of malfeasance and nonfeasance on the part of the President of the United States and his associates, and, later, of the CIA and other law enforcement agencies, I have had occasion more than once to turn my attention to what went wrong, and how to avoid such wrongs in the future. Mr. President, if I can make any general statement in that respect, it would be that the institution of the Presidency, the White House, Congress, and indeed, the executive departments of Government, including the intelligence community and particularly the CIA, could have been well served by the leavening influence, the common sense, and the judgment of those who have involved themselves in the political affairs of this Nation.

In a word, Mr. President, I do not view George Bush's engagement in partisan political activities in the least as a disability to serve as CIA Director. On the other hand, in those weeks and probably, in those years ahead, when we consider how to go about restructuring our intelligence and law enforcement agencies, to insure that they are amenable to our constitutional processes and dedicated to the protection of the freedom of this country and of individual rights, I, personally, will feel more comfortable if someone is CIA Director who does understand American politics.

This would not be so had the President chosen someone who was a professional politician, steeped in the ways and traditions of party organization and structure. But that is not the case of

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George Bush. George Bush is, first and foremost, a patriot. He is a great citizen, a successful businessman, a distinguished legislator. He has been the servant of the President of the United States in many capacities, not the least of which has been his excellent representation of this country in the People's Republic of China.

I rather surmise that George Bush never wanted this job. I would guess further that he may not have wanted to be national Republican chairman when he was so chosen.

Mr. GOLDWATER. Will the Senator yield?

Mr. BAKER. But I rather suspect that in both cases, he responded to an urgent need and sincere request from the President.

Mr. GOLDWATER. If the Senator will yield, the Senator is absolutely correct on that point of his not wanting to be national chairman. I sat at the White House and phoned him at the request of President Nixon and had to twist his arm both ways to get him to say yes.

Mr. BAKER. I am happy for that confirmation. I suspected as much. I know Mr. Bush to be one of that handful of Americans in both parties whom Presidents have turned to repeatedly in times of stress—when they needed undoubted authority—to lead a Government department or agency out of its travail to higher ground. That is the character of which George Bush is made.

I have many views on this subject. I think, for instance, that the DCI ought not to be head of the CIA. That is too important a job. I think the Director of Central Intelligence ought to be a separate job to coordinate the Presidential responsibility for these functions to and from all of the 62 agencies of Government that have some intelligence or law enforcement-related activities. Even if we had already done that, I can think of no one I would pick before I would pick George Bush. It will be my pleasure to vote for his confirmation.

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the Senator from Delaware (Mr. BIDEN).

Mr. BIDEN. I rise to join Senator McIntyre and others who oppose George Bush to be Director of the Central Intelligence Agency. In doing so, I do not question his ability, his experience, or his character, but I do criticize the appropriateness of the nomination.

I feel it is unfortunate in at least two practical aspects. In the first place—and I shall be brief—if there is any one thing that the Rockefeller Commission, the Senate select committee, and other investigative efforts of the past year or more have clearly demonstrated, it is that there must be a depoliticization of the CIA, and that that objective is a sorely needed one. As for the particular nomination before us, I think it does just the opposite. Given Mr. Bush's highly political career and identification he, in my opinion, is the wrong appointment, for the wrong job, at the wrong time.

Revelations of past misconduct on the part of the CIA and of past administrations have created at least a serious question in the minds of many people in the

American public as to whether or not the CIA is anything from being worthwhile to useful.

I happen to believe it is both worthwhile and useful. I happen to believe there is a need for CIA to regain at least part of the lost confidence on the part of this body, Congress as a whole, but, most importantly, the American people. In this time of so-called confidence-building, it seems to me it is inappropriate that we, in fact, pick a man to head up that agency who may very well be able to completely disassociate himself from political activity, who may promise not to run for Vice President if chosen, who may do all these things and may actually be the best possible fellow we could, in the abstract, pick for the job, and completely take himself out of politics, but I think in these times it is going to be very difficult to convince the American people that this, in fact, is being done, almost whatever he does, no matter how well he extricates himself from his prior number of years of deep involvement with partisan politics.

The times call for confidence-building, not politics: the Congress and the American people must have confidence in the effective intelligence function our Nation needs.

To accomplish this, there must be confidence that the CIA will never again be used as a political instrument.

There must be confidence that the Director of Central Intelligence is a forcefully independent figure who can say no to any Presidential views of the world reality which do not accord at all with the hard, dispassionate facts of national intelligence: And who can say no to any remedial covert operations which—as has sadly occurred in the past—the President, or his chief foreign policy lieutenant, or the covert operators may be touting with more enthusiasm than far-sighted judgment.

The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a highly respected nonpolitical figure out of national life, rather than one of the President's "guys."

The second reason why I think it is important that we not confirm Mr. Bush to head up the CIA is that it suggests a continuance, in my opinion, of virtually unaccountable executive action in the field of covert activities.

Mr. Bush has testified in committee that U.S. covert paramilitary operations abroad can be a good thing on occasion in helping to install governments we happen to like, and that timely notification of Congress will suffice, after the fact of the covert operation's initiation.

I happen to prefer, for example, the statement of our colleague, Senator MATHIAS, given earlier this month to the City Club of San Diego when he said:

The unfortunate and ill-advised involvement of the United States in Angola would not have occurred if the issue had been fully and carefully considered, and if congressional advice had been sought before our recent involvement began.

In view of Mr. Bush's testimony, I fear that in confirming his appointment we, in the Congress, will simply be acquiesc-

ing in more bypassing of advice and consent, and more faits accomplis with respect to covert adventures, and more appropriations without representation.

We, in Congress, have had enough of this invisible government, I think, whether rogue elephant CIA's or administrations. It seems to me we need a man in that job or a woman in that job, who, in fact, has a different basic philosophy with regard to that issue. I do not think we can accept that continued conduct of that Agency in the manner in which we have come to learn that it has been conducted.

I would add, parenthetically, it seems also we are heaping a lot of blame on the CIA these days, and forgetting that a Democratic President was there for a considerable portion of the time and, apparently, knew a good deal about what was going on at the time. The more we learn, the more I become convinced that the CIA did less and less, in fact, without Presidents knowing what was occurring.

But, be that as it may, it is time that we, in fact, move that very, very important agency back to a position of prominence and confidence.

I, for example, in my limited experience here in the U.S. Senate have found, as a member of the Foreign Relations Committee, that whenever I asked for advice from the CIA I got a whole lot straighter scoop than I did when I went to the Defense Department to get anything, and I think the CIA is a very valuable outfit.

But, I think, by our turning around and having a Director who so clearly is identified with partisan politics and with being one of the President's "guys," we are making a real mistake. I think the American public is—and I know I am—looking for somebody in whom I would feel confident that if, in fact, the President suggested something in the covert field, for example, which the Director thought it was not in fact a very sensible thing, that he would just flat out tell the President, "No, I don't like it; I won't do that."

To sum it all up, I think it is important that we have a man of not only integrity which, I think, Mr. Bush is, but one with a nonpartisan record, and with a demonstrable capacity to tell the President that he thinks he is all wet, and stand up the President of the United States, when need be, to do that.

On those grounds, I am going to vote against Mr. Bush's confirmation to head up the CIA.

I thank the Senator from New Hampshire for yielding to me.

Mr. MCINTYRE. I thank my good friend from Delaware for expressing his opinion on the matter at issue.

Mr. TOWER. Mr. President, I yield myself 2 minutes.

Mr. GOLDWATER. Mr. President, will the Senator yield 1 minute to me to answer the Senator from Delaware? Just one brief statement.

Mr. TOWER. I yield to the Senator.

Mr. GOLDWATER. I wanted to comment on one statement the Senator from Delaware made. One of the first and strongest suggestions that President Nixon step down came from George

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Bush when he was chairman of the Republican Party, and I can tell you that takes a lot of what we call "guts."

Mr. TOWER. Mr. President, at least two speakers this afternoon have referred to Mr. Bush's views on covert action as the reason for rejecting his nomination.

Mr. President, the question of covert action and Mr. Bush's views on covert action is really only marginally relevant, because covert action is indeed an instrument of foreign policy and has been authorized by succeeding presidents of both parties as a matter of continuing American foreign policy conduct for the last 25 to 30 years.

Now, should Congress decide that there be no more covert action or should the President of the United States decide that covert action is not a proper tool of diplomacy, then it would not make any difference what the DCI's views on covert action were because he would be bound not to engage in any covert action. So this is a policy matter that could be widely debated on the floor.

I do not know whether the majority of this Senate believes in covert action or a majority opposes it, but that is a policy matter which could be resolved by debate in the Senate, and I think ought not to be considered in the context of the consideration of the qualifications of Mr. Bush to be DCI.

The PRESIDING OFFICER (Mr. CASE). Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. JOHNSTON. Mr. President, I rise in opposition to the nomination and, in so doing, I would like to point out that this is the first nomination I have ever opposed, if there has been any other, and it has not been more than one nomination, and I do not recall which one that was.

I do so not out of any feeling of lack of ability or integrity or any of those qualities that are usually associated with a nominee. I have the utmost confidence from everything I have heard about Mr. Bush, but one thing I do know, Mr. President, that is very clear about Mr. Bush: He has been a politician and he either will be a politician or at least at this particular time he looks like one.

Now, Mr. President, as a full-time politician and a body among politicians, I do not want to denigrate the word "politician" or bring discredit upon our name. To the contrary, I think the word and the profession of politics is the highest calling there is. It is what makes democracy work.

But, Mr. President, the Director of the CIA is the most sensitive position we have perhaps in this Government in the sense that every item, every issue upon which this Director gives advice is right at the heart of the most delicate and greatly conflicting political issues we have in this country.

Defense spending. An annual and very strong debate we have every year on the

floor of this Senate and the question is, What is the Russian threat?

Now, who is going to be giving us the advice on that but the Director of the Central Intelligence Agency? And if he is echoing the same line as the President is, he is going to be suspect if he is in politics.

Angola. This is an issue on which there are two very strong and conflicting views. We ought to have advice on Angola from the best nonpolitical man we can get.

Just the other day on the Israeli question, we had testimony from the Director of the Central Intelligence Agency, on the question of whether, in fact, Israel is threatened; whether they should, in fact, have a billion and a half dollars; what their relative standing and relative strength is with respect to the Arab world.

It is the strongest kind of political issue we can get with great overtones and great implications, all through the political spectrum.

Mr. Bush has been in politics, I dare say he may be again. But we should neither get a man who is today in politics, or one who is likely to be in politics in the future, or one who is concerned about proving that he is nonpolitical.

I think sometimes it is just as bad to have to lean over backwards, one way or the other, to prove or disprove something as it is to be guilty of it.

I well recall a very good friend of mine who is a judge, at all levels of the court, and I have never had a judge rule against me as many times as this particular judge. In my judgment, he was leaning way over backwards to try to prove he was being objective to his good friend.

Mr. President, we do not want that kind of a man as Director of the Central Intelligence Agency, someone who is trying to prove he is nonpolitical. We do not want a man who is political.

I just hope that the Senate will turn down this nomination and find any other position in Government for Mr. Bush for which he is admirably suited other than Director of the Central Intelligence Agency.

Let us get our advice from someone whose political future in no way hinges upon the decisions he makes as the Director of the CIA.

I thank my good friend from New Hampshire.

Mr. MCINTYRE. Mr. President, I thank the Senator from Louisiana for his fine statement in support of what I think is a very important issue.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I would not take any more time except that I know this is a highly important office.

With the greatest deference for everyone, I just do not see how the political charge can be raised here in view of the outstanding fact that everyone praises Mr. Bush for his integrity, his character, his honor, and his proven capability. But some raise some kind of a possibility here, because of the political offices he has

held, that he would be a political man to the great detriment of the country.

I know that is a sincere belief, but does it stand up under the facts of life in the present instance, passing on both the man and his politics?

I told him in the beginning, "You are not going to ride through the Senate on the fine reputation of your father who served here, and many of us knew him."

He quickly said that he was not expecting that, and I was convinced he was not.

But talking about appointing a man because formerly he has been in political life, I have jotted down several of the recent Chief Justices of the United States—certainly an important office, the highest in the judicial branch of the Government.

I start with Mr. Taft, a former President of the United States, appointed Chief Justice of the United States, the highest office in the other pinnacle.

Chief Justice Hughes—I believe he followed Mr. Taft—a former Cabinet member, former Governor of New York, a former commissioner somewhere, I do not remember just where, outstanding in every office he held, outstanding as Chief Justice.

Chief Justice Stone, former Attorney General of the United States—I do not remember now what other offices he held. I think he had been attorney general of his home State.

Chief Justice Fred Vinson, former Member of the House of Representatives. I do not know if he was chairman of the party or not, but he was certainly active and vigorous in the party. A fine, outstanding Chief Justice of the United States.

I am referring here to men from both parties.

Chief Justice Warren, former Governor of California, former attorney general of California, served many years. He served many years and helped rewrite the law to a large extent.

And we have the present Chief Justice on the judicial branch.

Mr. President, I say with emphasis this charge, so-called, is not founded. I ask my friend from New Hampshire, a very valuable Member of this body and of our Armed Services Committee, where is there in the record the slightest scintilla of evidence that this man, Mr. Bush, was not frank, and candid, truthful, and spontaneous with our committee in his answers?

There will not be anything in the record, except that he did have the fullest of frankness and candor.

I have not heard anything in the cloakrooms, or up and down the aisles, or anywhere else, that scores him on anything less than complete honesty, frankness, candor, and sincerity, with the firmest kind of promises, I think sincerely given, that he is going to try to do a hard, tough job in the very finest way that he possibly can.

I will say now, it is no idle thing, unless a man is convinced, strongly convinced that he should vote "no." It is no idle thing, although every Senator has the right to vote as he pleases, to cast a "no" vote here against a nominee, a man with

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a record like this, for this highly important, essential, and sensitive office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I will just use half a minute.

I was not harking on to the Senator from New Hampshire or anyone else.

If anyone else can point out in the record or off the record any kind of a charge that this man, Mr. Bush, has been anything less than frank and honest in answering these questions, let him bring it forth and let it be debated.

I thank the Senator for yielding to me and we will wait for the answers.

The PRESIDING OFFICER. The situation as to time is as follows: The Senator from New Hampshire has 13 minutes, the Senator from Texas has 18 minutes.

Mr. MCINTYRE. Mr. President, I yield myself 1 minute to reply to my distinguished chairman in bringing up the example of the Supreme Court Justices. It does not gibe with the uniqueness of the CIA.

All of those distinguished Presidents who made appointments to the Supreme Court had a right to make appointments to project the judicial philosophy of the person who named them and the Senate which have approved them.

But remember, Mr. President, a Supreme Court Justice has life tenure in a separate branch of the Government. He is less vulnerable to the pressures that we have seen exerted on the CIA Director, and he operates under tradition and the Constitution and in the open.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. I yield back the remainder of my time.

Mr. TOWER. I yield 2 minutes to the distinguished Senator from New York.

Mr. BUCKLEY. I thank my friend from Texas.

I just want to say a couple of words, Mr. President. It seems to me we should stop putting people in automatic categories, drawing conclusions which may or may not have justification, and start thinking about personal qualifications that are well known, start thinking about a person's total career and what he has exhibited in that career.

It happens I have known George Bush for 20 or 30 years. I happen to have the highest respect for his intelligence. He has proven his ability as an administrator in the hardest kind, the most competitive kind, of business. He has been a public servant. I have never heard anyone suggesting that he would ever stoop to political deals and things of that sort at the expense of this country. I believe we have every reason to believe and have confidence in the kind of job he will do as the head of this extraordinarily important nonpolitical Agency.

If it is a disqualification to be involved in politics and then to be in the CIA, then we are going to have to exclude a lot of people. The fact that he may at one time have been national chairman of the Republican Party simply does not add up to a disqualification. What is far more important is to get somebody who is proven, whom we all know, whom we all have reason to have confidence in, than to play this kind of game.

I believe by the same token we can get anybody who has never been involved in politics directly in a line position and have that position far more pliable than George Bush is capable of being.

I urge his confirmation and I hope it will be a very, very substantial majority.

I thank my friend from Texas.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 10 minutes at this time to the distinguished Senator from Idaho, the chairman of the Special Committee on Intelligence.

Mr. CHURCH. Mr. President, after President Harry Truman retired from the White House, he was consulted, and kept informed on the affairs of the Nation through briefings from time to time by various Government officials. At one such meeting held in the Truman Library during the Johnson administration, representatives of the Central Intelligence Agency were present. Among them was Enno Knoche, executive assistant to Gen. Marshall Carter, then Deputy Director of Central Intelligence. As Mr. Knoche recalls, the former President interrupted the briefing at one point to reminisce about the early days of his Presidency. He spoke of the reasons for the establishment of the CIA. When he first became President, he said he was often denied important intelligence held by the State Department and the Pentagon. The handling procedures and policy biases of these two institutional behemoths prevented him from receiving the steady flow of accurate and objective information he needed to guide the Nation.

Thus, in 1947, President Truman set up the Central Intelligence Agency to pull together basic and unbiased intelligence on foreign affairs required by the Presidency. The former President told his visitors:

This was the major purpose for establishing the Agency.

Rather than rely upon the military and the State Department to provide his intelligence requirements, Mr. Truman wanted an independent agency capable of complete objectivity and able to resist all partisan and policy pressures which might be brought to bear by various groups inside and outside the Government. So, from its very birth, the Central Intelligence Agency was meant to support the ideal of providing the Presidency with totally disinterested information.

This original intention has been strongly reiterated by the various past Directors of the Agency. Allen Dulles, perhaps the most well known of the early Directors, stressed that the duty of the CIA was—

To weigh facts, and to draw conclusions from those facts, without having either the facts or the conclusions warped by the inevitable and even proper prejudices of the men whose duty it is to determine policy and who, having once determined a policy, are too likely to be blind to any facts which might tend to prove the policy to be faulty.

Concluded Dulles:

The Central Intelligence Agency should have nothing to do with policy.

A more recent reaffirmation of this tradition of independence came from Gen. Vernon Walters, second-in-command at the Agency now and during the Watergate crisis. During the impeachment inquiry, he testified about a meeting he had with John Dean in 1972. At the meeting, General Walters told Dean that—

Any attempt to involve the Agency in the stifling of this (Watergate) affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disservice to the President. I will not be a party to it, and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

And so, the CIA resisted the pressures from the White House to stifle the FBI investigation of the Watergate affair. The saving tradition of professionalism and independence for the CIA was wisely preserved in a most trying moment.

Today, the Senate faces a test of its own regarding the political neutrality and professionalism of the Central Intelligence Agency. How peculiar it is that we are even being asked to confirm as CIA Director an individual whose past record of political activism and partisan ties to the President contradict the very purpose of political impartiality and objectivity for which the Agency was created. Were Harry Truman once again at his desk in this Chamber, his voice would ring out in indignation against this ill-advised appointment.

Indeed, how can any of us vote "aye" on this nomination? We may be tempted to do so by the personal charm of George Bush and by his demonstrated competence in other Government jobs. But the personality of George Bush is not the question we face today. The central issue is whether he is the right individual to safeguard the tradition of intelligence objectivity espoused by President Truman in 1947 and carried forward since that time.

Is the appointment of one of the President's close political allies the proper way to perpetuate this ideal? I think not. We are not talking about an appointment to the Post Office Department. We are here to deliberate the future direction of our largest Civilian Intelligence agency—and at the very time when the Congress is in the throes of reforming all the intelligence services. If we approve this partisan appointment, what impression will our action make within the Government and throughout the country?

The answer is easily found in the chorus of voices from across the land expressing strong opposition to this perversion of CIA neutrality and independence. For example, Ernest Gellhorn, dean of the College of Law at Arizona State University and senior counsel on the Rockefeller Commission, wrote in the Washington Post last week that:

Presidential abuse of the (CIA) can be avoided by taking note of the Rockefeller Commission's conclusions that persons appointed director possess, among other qualities, "The independence to resist improper pressure, whether from the White House, within the Agency or elsewhere."

Mr. Gellhorn concluded that:

This recommendation would seem to preclude the appointment of one of the Presi-



dent's political associates, and, in particular, George W. Bush, the director-designate, who so recently served as a national party chairman.

President Ford chose to ignore this key recommendation from his own Commission on the CIA.

Journalists of various ideological persuasions have also expressed their emphatic disapproval of the Bush nomination. Tom Braden, himself a former CIA officer, wrote in a column entitled "George Bush Bad Choice for CIA Job" that:

The appointment looks bad at a time when public confidence in the CIA is such that everything about it should look good.

Columnist George F. Will has raised a thought-provoking scenario in one of his recent columns. He wrote:

It is possible to imagine situations in which the CIA would be pressured to suppress inconvenient information, or to report things convenient to the political purposes of an administration.

Imagine an administration looking to the next election and determined to celebrate detente as its finest achievement. Imagine that the administration is excessively anxious to achieve another strategic arms agreement with the Soviet Union.

Suppose the administration triumphantly signed an agreement limiting the number of strategic vehicles—missiles and bombers—on each side. Critics might say the limit is a false ceiling. Critics might charge that the limit is as high as the Soviet Union can or wants to go during the term of the agreement. Therefore, the agreement is an empty exercise, a limit that does not limit . . .

Then the Administration would appreciate a CIA report arguing that the Soviet Union has the ability to surpass the limit in the near future, and would do so if there were no agreement.

What would be the response of a long-standing and deeply dedicated political ally of the President when asked to prepare reports which would help the fortunes of the White House and his party? George Will concluded that Ambassador Bush at the CIA would be "the wrong kind of guy at the wrong place at the wrong time."

The conservative journalists Rowland Evans and Robert Nowak, in their column entitled "Overlooked Political Realities," also noted that—

The Bush nomination is regarded by some intelligence experts as another grave morale deflator. They reason that any identified politician, no matter how resolved to be politically pure, would aggravate the CIA's credibility gap. Instead of an identified politician like Bush . . . what is needed they feel, is a respected non-politician, perhaps from business or the academic world.

**THE PRESIDING OFFICER.** The Senator's 10 minutes have expired.

Mr. MCINTYRE. I yield the Senator 2 minutes.

Mr. CHURCH. Under pressure from the Congress, the President removed Mr. Bush from consideration as a Vice-Presidential running mate this year; but this gesture hardly resolved the basic problems with this nomination. Mr. Bush made it clear during his recent confirmation hearings before the Senate Armed Services Committee that his future political ambitions are anything, but extinct. They have merely entered a stage of

dormancy. One must agree with the Washington Post editorial board, which spoke against the Bush nomination in a recent editorial, arguing persuasively that the directorship of the CIA should not be regarded as a political parking spot.

The most critical question we face is how to guarantee the independence of our foremost civilian intelligence service. Since the CIA will be no more impartial than its Director, we should be sure that the person selected has demonstrated the qualities of independence and non-partisanship.

The new Director should be someone with the strength of resolution to tell the President: "I believe your premise to be wrong, for it is refuted by the unvarnished facts gathered by the CIA." This is the vital role that the Central Intelligence Agency can play in our Government, but it will work only if the Director is immune to political pressure. The President should not have been looking for a "team player." In this position, he needs someone with the sound and disinterested judgment of an experienced and highly professional referee.

This does not mean that individuals with political backgrounds must be automatically eliminated from consideration for this job. On the contrary, men like John Sherman Cooper and Elliot Richardson—with their keen judgment, established independence, and restrained partisanship—could serve well in such a post, I am sure. What it does mean is that we must avoid placing in charge of the CIA any individual too deeply embroiled in partisan politics, too intertwined with the political destiny of the President, himself.

The strongly partisan, political background of George Bush should eliminate his candidacy, in my view. We ought to consider carefully the harm this appointment will cause the whole effort to reform and strengthen the Central Intelligence Agency.

**THE PRESIDING OFFICER.** The Senator's 2 minutes have expired, and all time of the opponents has expired.

Mr. TOWER. Mr. President, I will be delighted to yield an addition minute of my time to the Senator from Idaho.

Mr. CHURCH. I thank the Senator. The prospects for starting afresh are good, and I have viewed the chances to restore public trust in the CIA with considerable optimism. But this is no way to begin the restoration. No new set of laws, no new guiding principles—regardless of how skillfully drawn—will restore this trust if the credentials of the new Director raise serious questions of propriety.

Today, the Senate can grievously weaken the independent stature of the CIA, or it can vote to continue the worthy tradition of political neutrality and professionalism espoused by Harry Truman and Allen Dulles.

I sincerely hope that we show good judgment, reject this nomination and demand from the President a more impartial candidate.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, I have only my own testimony to offer my colleagues, and I do it with some diffidence, and yet with a feeling that perhaps this is a viewpoint that ought to be expressed.

The conclusion I have reached is this: That we ought not to make any office in our land so exalted, so mystical, so esoteric as to require a person far above ordinary human beings. That is not good sense. The Senator from Texas has said the same thing in more cultivated and literate language.

But this is really the point: I will not, by refusing to vote for a first-rate man for this job, suggest that the job requires a super human being. If it does, there is something wrong with our country and our institutions. It requires competence, it requires integrity, it requires all those fine qualities which this nominee has in abundance, as everyone recognizes. It does not require a superman, and if it did, then that office ought to be abolished. There is no reason for this country to rely upon supermen, and its institutions ought not to be so constructed as to require them.

I think this nomination should be confirmed, and I shall vote with great pleasure and happiness in the affirmative.

Mr. GOLDWATER. Mr. President, will the Senator yield me 2 minutes?

Mr. TOWER. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Just to respond to a couple of points raised by my good friend from Idaho.

I might say I do not know the political affiliation, if they had any, of any of the past heads of the CIA. Yet all of the recent ones have succumbed to the pressure of the President to do things that they told me in their own minds they knew were wrong, but nevertheless the President wanted them done.

I think it is time we put a man in there who has and has shown the courage to stand up and tell a President exactly what he thinks is wrong with what the President is doing; and that is exactly what George Bush is going to do.

Another point my friend made was to list a long line of writers, including Mr. Tom Braden, whose wife has just gotten a rather lucrative political job. All of those columnists, writers, and newspapers that he has talked about as representing the people would be opposed to anything a Republican President ever did, even if he recited the Lord's Prayer every morning.

The biggest poll that I have seen, the biggest Gallup poll as to interest in this whole subject, is 7 percent. I have not received a piece of mail in my office—and I have not received much mail on this subject—that opposes George Bush. I would much rather listen to the people than listen to the biased opinions of persons who are opposed to anything Republicans do.

So again I hope this body will vote unanimously in favor of Mr. Bush.

Mr. TOWER. Mr. President, we have heard a great deal today to the effect that the position of DCI is too sensitive to be politicized, and I agree it should not be. But we cannot proceed on the assumption that it will be politicized if

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Mr. Bush is appointed. He has proved to have a singular capability for dealing with issues and events in a bipartisan way and a nonpartisan way.

I think the most telling point that has been made here today was the point made by my distinguished colleague, the ranking Republican on the Committee on Foreign Relations (Senator CASE), when he said: Is there any job in this American democracy which requires a superman? Is there something wrong with our institutions because our institutions were devised to be governed, managed, and subjected to the decision-making process participated in by men of normal human foibles and weaknesses?

I cannot really get too excited about this business of politicizing a sensitive job when I recollect when he came to office in 1961 our late revered President John F. Kennedy appointed his brother as Attorney General. There was no great outcry about that. Robert Kennedy was a man of extraordinary ability, although of limited background in legal practice. He was enormously close to his brother. He presided over the Justice Department within which is included the FBI which does not gather external intelligence but gathers internal intelligence. There was no outcry about that or the overpoliticization of this sensitive position, and he was indeed, in many instances a contact point with the CIA and, according to testimony, not always with the DCI but sometimes with subordinate officers. There was no outcry, and I would be the last to be critical of that.

So what is the real fear that we raise here? I think it is certainly more imagined than real. It is that of partisanship because he is a former chairman of the Republican National Committee. I think that that is less subject to the charge of partisanship than the fact that partisans in Congress authorized themselves to investigate the activities of the intelligence-gathering community.

My distinguished friend from Idaho, the chairman of the select committee, has, I think, made every endeavor to prevent the committee from engaging in partisan exercises, and I know that he has been highly resentful that the committee has been charged with partisanship from time to time. He is concerned about perceptions. I certainly cannot conceive of the Bush appointment—

The PRESIDING OFFICER. Will the Senator suspend? May we have order in the Chamber, please?

Mr. TOWER. I cannot conceive of the Bush appointment being perceived as any more partisan than a congressional investigation of the intelligence-gathering community.

There have been accusations made from without to the effect that the Select Committee in the Senate engaged in some degree of cover-up. There have been suggestions that perhaps the committee was a little bit tougher on the Eisenhower and Nixon administrations than on the Kennedy and Johnson administrations. If that be true it is not wit-

tingly that that was done. I have defended the committee and defended the committee's bipartisanship and its non-partisanship. I have defended the committee against charges of cover-up for political reasons.

But what is it then, if we have indeed been bipartisan and nonpartisan, that gives the members of the select committee of the U.S. Senate some kind of superior morality in terms of ordering its conduct along lines of neutrality and nonpartisanship?

Everyone has said that George Bush is a man of superior character and ability. He has served in the Congress of the United States. As the distinguished Senator from Montana, our distinguished majority leader, has said, every Senator must be presumed to be equal with every other Senator in terms of good conscience and ability in the voice he raises in this Chamber. I think we would have to extend that further to say that the same qualifications that are necessary in a good Senator are necessary in a good Congressman.

The record of George Bush in the House of Representatives is clear. He was, in his first term in Congress, appointed to the Ways and Means Committee of the House, the first freshman Congressman in 50 years to be appointed to that important and sensitive committee. I happen to know that the Republican leadership in the House selected carefully the Members who went on the Ways and Means Committee. They could not be men who were mere partisan hell-raisers. They had to be men who could weigh issues at times in a judicious manner, free of partisan considerations.

George Bush made a distinguished record there and was loved and admired by men of various political parties and political persuasions.

Mr. GARY HART. Mr. President, will the Senator yield for a question?

Mr. TOWER. I will yield in a moment. And no one has accused political considerations of entering into George Bush's conduct of the country's business in his capacity as our Ambassador to the United Nations and our special representative to the People's Republic of China.

If we are so concerned about politicization of sensitive matters, we should never undertake to investigate sensitive matters here in Congress because we are admittedly a body of partisanship.

We recognize partisanship by drawing a line down the middle of the Senate Chamber and putting the Republicans on one side and the Democrats on the other. It gets increasingly difficult to put all the Democrats on that side because of the increasing numbers of them. We hope to remedy that and ease their discomfort of being crowded this year. We recognize the majority and minority leadership.

Can we then presume to say that we are nonpolitical and nonpartisan, when we undertake to deal with the sensitive problems of the day?

The arguments of politicization of the Agency and the partisanship of the Director who would simply do his President's bidding, I think all fall of their own weight. We have had Presidents be-

fore who picked their intimates as DCIs. John McCone was certainly a close personal associate of President Kennedy. He was highly regarded by him and had to be regarded as a personal ally. Yet John McCone was a fine DCI, a good one. Admiral Rayburn was a personal pick of President Johnson. He was someone without intelligence background, but a man who the President felt he could trust. We have precedent for this kind of thing. That then becomes a nonargument.

I think in the final analysis we have to make the decision on the basis of the question: Is, indeed, Mr. Bush qualified? He is, because this is a job that requires superior managerial ability and that he has proven. Senator GOLDWATER has noted George Bush's experience in business. He is a man of considerable intelligence and erudition, one who is capable of marshaling masses of facts and reducing them to manageable proportions and drawing conclusions. George Bush is such a man of proven intelligence and ability.

Mr. GARY HART. Mr. President, will the Senator yield for a question?

Mr. TOWER. And further there is the question: Does he have the character? Indeed he has the character and has proven that, and no one has denied that he has.

I will yield to my friend from Colorado for a question providing he makes it short because we are about 30 seconds away from the time to vote.

ADDITIONAL STATEMENTS SUBMITTED ON NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. KENNEDY. Mr. President, I would like to join my distinguished colleagues, Senators CULVER, JOHNSTON, LEAHY, MCINTYRE and others in opposing confirmation of Ambassador George Bush as Director of Central Intelligence.

In general, I believe that a President should have a wide latitude in selecting officials to staff his administration. And I have no basic reservations about Ambassador Bush's competence and ability to discharge the official duties of this office.

But this is no ordinary time in the history of the U.S. Government, and particularly in the history of the Central Intelligence Agency and U.S. intelligence activities in general. For the past few years, we have seen a growing crisis of public credibility in government, especially in regard to the U.S. intelligence community. Two special committees of the Congress are currently engaged in sorting out the past performance and behavior of our intelligence agencies, and in helping to craft much-needed reforms so that abuses of power will come to an end, and so that our intelligence community will genuinely serve the needs and interests of our Nation.

In the recent past, the CIA was used for partisan political purposes. Those acts severely undercut the credibility, the morale, and the effectiveness of that agency to fulfill its legitimate purposes.

It is imperative that a new Director of Central Intelligence should be above question, above reproach. Most important, he or she must be someone who will

inspire the confidence of the administration, the Congress, and the American people at this critical time. There must be no doubt that the person holding this office will remain aloof from partisan politics, and no question of his or her ability to act solely in the interests of reforming the intelligence process and restoring public confidence in the CIA.

While I recognize and acknowledge the accomplishments of Ambassador Bush in the Congress, at the United Nations, and as our representative to the People's Republic of China, I believe that his recent role as chairman of the national committee of a national political party, will make it difficult for him to fulfill the vital task of restoring public confidence in the probity and integrity of our intelligence community, following needed reforms.

Mr. President, in taking this position on Ambassador Bush's nomination, I do not question his integrity or ability to discharge the responsibilities of high Government office. But I concur with my distinguished colleagues that this is the wrong appointment for the Office of Director of Central Intelligence at this time. And I urge the Senate to reject this nomination.

Mr. MONDALE. Mr. President, the nomination of Mr. George Bush to be Director of the Central Intelligence Agency has become a major point of controversy because of the argument that building public confidence in our Government means that politicians must be excluded from such sensitive positions as CIA Director.

I do not share this view. To participate in politics is to exercise our freedom. It is one of our most fundamental rights. It must be encouraged, not maligned.

To be a practicing politician is to be sensitized to what is acceptable to the American people. It trains us to respect the governmental institutions for which we are responsible. It demands a measure of proportion and restraint. It imposes the discipline of public accountability. I believe these are the qualities we very much need in our Government and, in particular, the CIA.

I believe no post in our Government—including the CIA—should be placed off limits to those who may have held elective office. The investigation of the Select Committee into the abuses and the failings of the Central Intelligence Agency and the rest of the intelligence community does little to encourage confidence in the nonpoliticians who have held that post in the past.

Perhaps if past Directors of our intelligence and investigative agencies had stood for elective office, had gone through the political experience of trying to be responsive to the American people, they might have had the good sense and proportion to say "no" to the many abuses we have uncovered.

In short, Mr. Bush's past political activities should not disqualify him from holding this important post. But if Mr. Bush's political past presents few concerns regarding his fitness for this office, his possible political future presents a great many. Many speakers today have

ably articulated these concerns and they are ones which I fully share.

The President first indicated that he regarded Mr. Bush as a serious possibility for the Republican Vice Presidential nomination in 1976, and Mr. Bush himself has indicated since his appointment that he maintains a continuing interest in elective public office. When this became an issue, the President backed away but Mr. Bush has not. He has said nothing about his ambitions for seeking further elective office—even in this election year.

It is precisely this possibility that troubles me deeply, and it is for this reason I will oppose Mr. Bush's confirmation.

I do not believe we should confirm as Director of the Central Intelligence Agency someone who may be off campaigning in a few short months. The necessary task of our investigations has subjected the Agency to turmoil enough. Now we are entering the most critical period as we seek to make changes to remedy the problems of the intelligence community. For this the CIA needs a fulltime Director, not one who may be gone a year from now either because he has a new office or a new boss.

And the first priority of a new Director must be the Nation's future not his own.

It is the traditional responsibility of the Senate, when viewing appointments made by the Executive, to assure there is no conflict of interest. This is what I think many speakers today have been driving at. The issue is not the integrity of politicians: it is the potential conflict of interest.

The CIA Director must be objective. He must be willing to give a subjective bad news. He must be willing to say "no" to things which would exceed CIA's authority or the authority granted the President. He must be prepared to level with the Congress, even when the intelligence information does not square with the policies of the executive branch or the interest of his party.

If, indeed, Mr. Bush intends to go from service with the CIA to further national office, I believe that he could not fulfill those functions properly. There would be the inevitable suspicion that his actions and advice, however honorably motivated they might in fact be, were premised on or at least tempered by their possible effect on his own political future. Mr. Bush might even be unconscious of the tempering process, but if he maintained political ambition it would surely take place. And even if it did not, many people would never believe it. It would be a classic case of conflict of interest, and as will all such cases, appearance is as important as reality.

For that reason, I called upon Mr. Bush to renounce any candidacy for elective office at the national level for at least 2 years following his tenure as Director of CIA. In my view, 2 years was the minimum time for Mr. Bush to put his political career in trust.

Mr. Bush has not seen fit to take this step. So, in all conscience, Mr. President, I cannot support him.

Mr. DURKIN. Mr. President, much of the debate on the nomination of George Bush to be CIA Director has centered on his prospects for the Republican Vice Presidential nomination.

Many Members of this Senate announced reservations on the nomination based on that possibility. But when finally assured by the White House that Mr. Bush was somehow out of the running for the No. 2 spot, many of the reservations melted away.

That was an unfortunate turn in the debate, and one, I suspect, orchestrated by the supporters of the Bush nomination. The possibility of the Vice Presidential candidacy was a strawman set up for the Senate to knock down—to give the impression that the President was a compromising man most interested in taking politics out of the CIA.

Nothing could be further from the truth. I think the record shows quite clearly that Ambassador Bush is no more qualified to run the Central Intelligence Agency than I am.

One commentator put it succinctly:

The only thing that Bush has in common with top CIA officials is his prep school and Ivy League education.

Or put another way, Mr. Bush appears to be a member of that powerful elite which has an amazing ability to keep itself in positions of influence in Washington irrespective of changes in administrations, public sentiment, or public policy. The Nation has said it is fed up with the "buddy system" which has grown up in Washington, Mr. President. But the Bush nomination will only increase the public distrust.

George Bush has a history of over-weening loyalty to the politically powerful. He was a member of the class of 1966, the first Republican ever to hold a congressional seat from Houston. But he willingly sacrificed his two-term seat to Richard Nixon's off year election campaign to eliminate his political enemies from the Senate in 1970. Failing his attempt to defeat the junior Senator from Texas (Mr. BENTSEN), Mr. Bush accepted the Richard Nixon consolation prize of 1971—the ambassadorship to the United Nations.

Taking his cues from the White House, Mr. Bush there argued vehemently against the United Nations admission of China, until the rug was again pulled out from under him by Henry Kissinger's announcement of the quasi-recognition of the People's Republic of China. Later, in a superbly ironic move, Bush was appointed diplomatic liaison to China.

Between these jobs, Mr. Bush spent 2 years presiding over the decline of the Republican Party at the hands of a beleaguered Richard Nixon, culminating in the 1974 congressional elections.

Despite these setbacks urged upon him by designing politicians, Mr. Bush has never become bitter. In fact, when asked by the New York Times if he was loathe to leave the U.N. position in 1972 to assume leadership of a floundering Republican National Committee, he replied that when asked to do something by the President, "In my kind of system of civics, you ought to do it."

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That is it in a nutshell, Mr. President. Mr. Bush's self-avowed political devotion and self-promotion raises grave doubts about his ability to keep his head above the political waters.

What is equally disturbing, however, is the way the President perceives the problem in Langley. To him, it appears to be one of public relations—restoring public confidence in a worthwhile intelligence agency. If this were so, Mr. Bush would be the ideal person to handle the problem. But the revelations of the past year tell me that it is not appearances or perceptions which need mending at the CIA, so much as it is procedures, activities, and attitudes.

During the past 25 years, the CIA has overstepped its bounds at both ends of its jurisdiction, cutting a swath through foreign governments either with little or no executive oversight, or directly on Presidential orders without the knowledge of even concerned Members of the Cabinet. That is the Central Intelligence problem, and it necessitates total revision of the cold war stance of the CIA. It requires a director capable of guiding the Agency down that narrow path which lies between the roles of rogue elephant and Presidential pawn which the Agency has assumed from time to time. In light of the magnitude of this problem, I think Mr. Ford has seriously undershot the mark in his recall of Ambassador Bush to be CIA Director.

Yesterday, Mr. William Colby stepped down as CIA Director after a rocky 1975. Mr. Colby may not have enjoyed the most cordial relations with Congress or even mutual trust—he was tainted from the start by his leadership of Operation Phoenix in Vietnam, became impatient with Congress' resurgent interest in oversight, and just yesterday renewed charges that Congress could not keep a secret. But I point out that it was Mr. Colby who also brought most of the news of the CIA's bad deeds to the attention of the two congressional committees, and who attempted to implement regulations to prevent further impropriety. His suggestions on reform were forthright and based on unexcelled knowledge of the Agency. It was premature to dismiss him.

Mr. Bush's break-in period at the CIA would now, in my opinion, seriously if not irreversibly jog the continuity of the Agency's directorship. As Senator JOHN CULVER pointed out during the Armed Services Committee hearings, the change of horses will come directly in midstream with less than a year to go before the elections and a possible change of the administration. The next CIA Director ought to be someone who would be qualified to stay on under an administration of either party, Mr. CULVER said. I agree. Given the moral and organizational problems facing the CIA, further shakeups at the top of the Agency in the critical months ahead would greatly impede our intelligence operations, which have always been among the best in the world.

Mr. Ford said he wants one of "his guys" at the CIA, just as he wants one of "his guys" at Defense and Commerce. But the CIA is not just another Cabinet

department, and the CIA directorship is not a political position to be rotated with Presidents and political ambitions. We do not need independent czars heading our most delicate agencies, as was the case at the FBI. But let us not go to the opposite extreme.

Finally, Mr. President, Mr. Bush's attitude toward foreign policy gives one pause. In his testimony, the nominee refused to fore swear the use of CIA funds for operations to destabilize or topple foreign governments—an act that would be considered tantamount to war if some nation did it to us. To quote from Mr. Bush's testimony:

I can't tell you there would never be support for a coup d'etat.

Senator GARY HART, taken somewhat aback by the response, followed with a question concerning the Ambassador's willingness to target a legitimately chosen government. Mr. HART asked:

What if it is a constitutionally elected government?

Replied Mr. Bush evasively:

I think we should tread very, very carefully on governments that are constitutionally elected. . . . After all, that is what we are trying to promote around the world.

Mr. President, I feel that Mr. Ford has betrayed the opportunity to reform our intelligence community with the appointment of a political crony. It is time, once and for all, to break the connection between the CIA and the Republican National Committee.

In its report to the President, the Rockefeller Commission emphasized that—

The proper function of the Agency must depend in large part on the character of the Director of the Central Intelligence Agency. The best assurance against misuse of the Agency lies in the appointment to that position of persons with judgment, courage and independence to resist improper pressure and importuning, whether from the White House, within the Agency or elsewhere.

It seems to me Mr. Ford has ignored some good advice.

I ask my colleagues to vote down the nomination of George Bush to be Director of the Central Intelligence Agency.

Mr. DOLE. Mr. President, I am pleased to vote for confirmation today of George Bush as Director of the Central Intelligence Agency. Ambassador Bush and I have been good friends for a number of years, and our association has convinced me of his unquestionable qualification for the heavy responsibilities of this position.

George Bush is a planner—he is a coordinator—he is an administrator. These traits so necessary to capable leadership have been reflected throughout his many years of experience as a successful businessman, a Congressman from Texas, U.S. Ambassador to the United Nations, National Republican Committee Chairman, and—most recently—as U.S. Envoy to the Peoples Republic of China. Without question, the Director of the CIA in the months ahead must possess an extraordinary ability with all of these skills in order to fulfill the expectations of the Nation, the Congress, and the Agency itself.

## ABOVE REPROACH

Of no lesser importance is the noteworthy fact that George Bush has, throughout his varied career, kept himself above reproach in domestic matters, and he has earned the respect of the many foreign governments with which he has come in contact. Perhaps at this time more than ever, it is vital that the Director of our intelligence network possess the esteem and high regard of both his countrymen and the rest of the world. In addition, his personal intelligence and affability, as well as his casual manner, should make him one of the more personable heads that this intelligence agency has had to date.

## ASSET TO THE AGENCY

All of these characteristics can do no less than contribute to an improved image for the CIA, as well as to bolster the morale within the Agency at a time it is particularly needed. Furthermore, as a former Member of Congress himself, George Bush understands the role of this representative body and its need "to know," particularly in relation to certain nonpublic activities undertaken by the intelligence system. In this respect, I feel certain that the Ambassador will be a particular asset to the Agency, not only with regard to its administrative apparatus, but also with regard to its relationship with Congress and the public.

The Directorship of the Central Intelligence Agency can hardly be considered a "political springboard," or even a point of personal advancement for a man who has already had such a colorful career in so many fields of public service. Truly, Mr. Bush is to be commended for his willingness to accept what is sure to be, in many respects, a "thankless" job, but one that is so vital to the security of our Nation.

I am certain that George Bush will perform the duties of this position with the energy and dedication the job requires, that he will bring honor upon his Agency and his Nation, and that he will in all ways prove to be an outstanding choice for Director of the CIA. It is my hope that the Senate will act promptly in confirming the nomination of George Bush for this vital role in our national security.

Mr. HUDDLESTON. Mr. President, I have decided, after much thought and with some reluctance, that I must vote against the nomination of George Bush to be Director of Central Intelligence.

I have met Mr. Bush on several occasions and find him to be an affable, intelligent, and dedicated public servant. I believe that there are many positions of responsibility in Government that he might hold and hold with distinction, as he did his post in China.

But, as a member of the Select Committee to Study Government Operations with respect to intelligence activities, I have had the opportunity to examine in depth the various intelligence agencies and their activities, and I do not believe that the CIA should have as its head at this time a person whose prior offices have included among the most political in our Government and a person without experience in the intelligence community.



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When Mr. Bush was first nominated, I expressed concern about the possibility of injecting any partisanship into intelligence gathering and analysis. As I noted then, the Central Intelligence Agency—

By its nature, demands objectivity and non-partisanship as the price of performing well . . . Intelligence estimates and reports based on political policy and political aims make bad intelligence reports and estimates. And, they make bad policy. What we must strive for is objective intelligence, straightforward information which policymakers can evaluate and from which they can develop alternatives. It is in deciding the alternatives that political considerations, if they are to be brought in at all, should surface. But, in any event, they should result from intelligence, not form it.

I am confident that Mr. Bush would do his best to guarantee a nonpartisan approach, and in another time, in another atmosphere, that might work; but in today's time and today's atmosphere, I do not believe that is sufficient. The best of intentions, the best of approaches will not eradicate a political taint which derives not only from Mr. Bush's prior service in a very political position but also from the President's own words when he explained his reasons for removing Mr. Colby and Mr. Schlesinger.

I appreciate the President's desire to have on his staff persons he feels comfortable with, those he believes will be members of his team. In terms of personal staff and Cabinet posts, these could be valid reasons for change, but I do not believe the same applies to the Central Intelligence Agency. Political influence has no place there. The idea of playing on the President's team should be totally foreign, especially at this time.

A strong and effective intelligence agency is imperative to our security. There is no conceivable way we could do without one. All our intelligence agencies, particularly the Central Intelligence Agency, are passing through a difficult time. Discussions of abuses, which must obviously be identified and prevented in the future, have nevertheless obscured appreciation of the very important role which the agency plays and which must, of necessity in many instances, be kept secret. In such a situation it is certainly understandable that morale might be low among the host of dedicated men and women in the intelligence agencies who must wonder exactly what they are supposed to do and whether or not they will be supported by their own government and people when they do it. Such a situation can persist only so long and not undermine our vital intelligence functions. The time has come to mend, to repair.

These are obviously considerations of time and place. But coupled with the very real need to maintain an independent agency, an agency without a political taint either in appearance or substance, they demand that special requirements be placed upon the type of person who should serve as head of the agency.

Intelligence work is sophisticated, complex, difficult. It requires someone with at least a working familiarity with the various aspects, and it requires, es-

pecially at this time in our history, a person without highly partisan connections, who can restore the confidence not only of the American people but also of the many dedicated professionals in the service.

Mr. HELMS. It gives me no pleasure to question the wisdom of the nomination of George Bush to be Director of Central Intelligence. Both the nominee and the President who nominated him are friends of mine.

But the advice-and-consent responsibility of Senators is a duty which I take very seriously. I do not feel that the Bush nomination is a suitable one, regardless of my affection for him personally. Therefore, I cannot in good conscience vote to approve it.

In doing so I do not deprecate Mr. Bush in any way. I simply feel that, under the prevailing circumstances, it would be far better for him to serve in another capacity. George Bush is a very pleasant and affable man. I assume that he will be confirmed regardless of my vote, and I wish him well. I have never considered myself impossible of error, and I hope that my doubts about this particular nomination will prove to have been unfounded.

Mr. McGEE. Mr. President, serious questions have arisen as to the political desirability of the Senate approving the nomination of George Bush to the Director of the Central Intelligence Agency.

The objections stem from the fact that George Bush once served as national chairman of the Republican Party. Somehow, this is supposed to make him less capable of directing our Nation's intelligence efforts in an effective and impartial manner.

Mr. President, I have to voice my strong disagreement with the critics, because I believe they have chosen to ignore the public service of George Bush and the invaluable contributions he has made to our Government on a broad front.

I recall, all too well, the reservations expressed when George Bush was nominated to be our Ambassador to the United Nations. At that time, the critics were pointing to the fact that he did not have the international experience to assume the responsibility commensurate with assuming that key position. Yet, as a delegate from the U.S. Senate to the 27th General Assembly of the United Nations, I can personally testify to his superb performance as our Ambassador to the U.N. George Bush demonstrated his exceptional talent and skill in establishing a close and effective rapport with all missions represented at the United Nations. Most important was his close working relationship with representatives of the less developed nations. It was a time when we were listening to the grievances of these nations, expressing our reservations when we believed their perceptions of our policy to be incorrect, but in the end, achieving an atmosphere of mutual respect and cooperation on issues important to our national concern.

George Bush recognized the need for the United States to be sensitive to the less-developed nations and to spend time within the context of the United Nations

system in working with these nations—that they were much too important to shove on the back burner in the conduct of our policy.

When George Bush resigned as Ambassador to the United Nations, he left that position commanding the respect of U.N. supporters as being one of the most effective Ambassadors of our time, because of the special skill and sensitivity he had brought to bear on his responsibility. He assumed the chairmanship of the Republican Party at a most difficult time—Watergate. I believe few in either party—Republican or Democrat—would disagree that he filled that role in a very statesmanlike manner.

As chairman of the National Republican Party, we continued our relationship as two individuals who were vitally concerned over the effectiveness of our participation in the United Nations. In particular was our mutual concern over placing this Nation back into compliance with U.N. sanctions against Rhodesia. His assistance was invaluable in our successful effort in the Senate during December 1974 to repeal the so-called Byrd amendment. While it was not in the definition of his responsibilities as chairman of the Republican Party, George Bush, nevertheless, continued his active pursuit of policies aimed at strengthening the U.S. role in the United Nations. Not once during his service as chairman of the Republican Party did he lose his sense of urgency or commitment to the United Nations as an important aspect of our foreign policy considerations.

It was due to these attributes that he became our representative to the People's Republic of China. Once again, the nomination was criticized on the basis that it was too sensitive a post to be given to a man who had been chairman of the Republican Party. Yet once again, George Bush demonstrated to his critics that he was more than equal to the task. He was held in high regard by the Chinese and served with distinction.

In my estimation, what is needed in the Central Intelligence Agency is not a Director with a background deeply rooted in the intelligence service—Agent A, B, or C. For example, most of the career professionals are suspect anyway, because of various hearings conducted by congressional committees and the reports filed by these committees. What the CIA needs is a proven and skillful administrator with a sense of public responsibility. This means a man sensitive to both the public and political processes of our Government and one who understands the division of responsibility within these processes. George Bush is such a man and the type of individual the Service will require for the next several years if we are able to piece together again a responsible and necessary intelligence service.

I would urge my colleagues to judge George Bush on the basis of his public record and the effective manner in which he has risen to the challenges of public service in the past. This is the only criteria by which we should judge whether or not he is capable of assuming the responsibilities of this critical position. If the judgments are made on this basis,

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then I believe my colleagues will agree that the ledger book comes out strongly in favor of George Bush. His past service as chairman of the Republican Party is completely irrelevant to the issue.

Mr. PHILIP A. HART. Mr. President, I shall vote against the confirmation of George H. Bush to be Director of Central Intelligence.

While I usually have voted to confirm the person a President, Democrat or Republican, wanted in his administration, I have done so for those positions primarily concerned with carrying out the President's programs. I have argued that the President should have the people he wants to assist in such efforts, and that the caliber of the appointments and their effectiveness will be judged at the next election.

However, that view does not extend to nominees to Federal courts or to Federal regulatory agencies. Neither the courts nor regulatory agencies should be involved in promoting the political program of an administration. Just as their task is different from that of a Cabinet office, so too is the task of the Director of the CIA.

Certainly, recent revelations of wrongdoings and misjudgments by our intelligence agencies are proof of what happens when such an agency bends to the partisan concerns of the administration in power.

Because of those abuses, public confidence in the CIA is at low ebb. To restore that confidence, the CIA needs a Director who, in fact and appearance, has the background, temperament, and ambition to withstand political requests, suggestions, or concerns which could lead the Agency away from its proper and important task—the gathering and reporting of accurate information.

This need is important not only to rebuild the confidence that the CIA will no longer pursue paths which led to proven misdeeds, but also to build confidence that the information the Agency reports is free of partisan political concerns and consideration.

Certainly no one can predict how a person will handle the pressures swirling around such a post as CIA Director. However, we can determine the appearance a particular nominee will bring to a job.

Whatever qualifications Mr. Bush may have for handling the technical responsibilities of the job, his background as a highly placed political aid—who, understandably, perhaps, never expressed a critical judgment of President Nixon while chairman of the National Republican Party—with political ambitions for the future makes him the wrong person to do the job of restoring public confidence in the Agency.

There are, I am sure, other individuals who possess talents equal, or perhaps superior, to those of Mr. Bush who would bring to the office the experience and background which would help restore confidence that the Agency is pursuing its assigned task and only its assigned task in an effective way.

For that reason, I will vote against the confirmation of Mr. Bush.

The post requires a "superman or superwoman." There are occasions when certain posts should be filled by one who has not been the national chairman of one of our major political parties. The FBI is one. The CIA is another.

Mr. MUSKIE. Mr. President, in light of the debate surrounding the nomination of George Bush to be Director of Central Intelligence, I wish to set out for the Record my reasons for supporting Mr. Bush's nomination.

In the first place, I do not find in Mr. Bush's background or Government service any serious suggestion that he is other than a man of integrity, and I do not believe that opponents of his nomination suggest otherwise. Mr. Bush has served as a Member of Congress, as our Ambassador to the United Nations, and as U.S. representative in Peking. His effective discharge of these important official responsibilities has never been questioned.

It has been suggested, however, that Mr. Bush's political activities have somehow rendered him unfit to serve as Director of the Central Intelligence Agency at a time when the integrity of that institution itself is under attack.

Mr. President, I take the other view. It seems to me that the CIA should be managed by someone who has a sense of how the American system operates, by someone who has some respect for the role of Congress as overseer of the operation of the Federal Government, and as representative of the political values in which Americans believe.

Mr. President, I believe that the Senate, in confirming Mr. Bush's nomination, should go on record in imposing on him a special responsibility. Should he be confirmed, I hope he will understand that the Congress is confirming him not only because it believes in his integrity, but also because it believes in his commitment to Congress' role in the oversight and administration of our intelligence activities.

On that understanding and hope, I plan to vote for Mr. Bush.

Mr. HASKELL. Mr. President, today I would like to state why I oppose the nomination of George Bush as Director of the Central Intelligence Agency. It was a considered decision and was with some reluctance that I came to this conclusion.

Without question, Mr. Bush has rendered to this country dedicated and valuable public service in a number of very responsible Government posts. He is a conscientious citizen who has served two terms in the Congress of the United States and twice was a candidate for the office of Senator. For 2 years he filled the position of chairman of the Republican National Committee where he regularly participated in meetings of the President's Cabinet. Mostly recently, he handled the sensitive mission as chief of the U.S. Liaison Office for the People's Republic of China.

Mr. President, I do not call into question the qualifications of Mr. Bush to

serve this country in high-level posts. I call into question the nomination of a man who has been deeply immersed in partisan politics for more than a decade to the most sensitive and nonpolitical Agency within our Government, the CIA.

This nominee who has been and will continue to be considered for the highest public offices in this country will be placed in a position beyond limitations of human nature. Mr. Bush will be required to present to high-level personnel, including the President and the National Security Council, the views and recommendations of the intelligence community with objectivity and without allowing the ever-present domestic political consequences to influence his judgment.

The select committee investigating our intelligence gathering agencies has revealed abuse after abuse over the past year which have shaken the confidence of the American people. They are not certain in their own minds that these agencies can obey the law, can limit their activities to foreign intelligence and most importantly, can refrain from involving themselves in partisan politics. Confirmation of Mr. Bush will not contribute to rekindling of confidence that the CIA is moving along the proper road to correct its mistakes of the past.

We all recognize the deep disenchantment of American people with institutions they feel have not served their interests. To place a politician in charge of an agency that needs insulation from politics and to expect the American people to trust our decision, will demonstrate profound insensitivity to the demands of our constituency and needs of our representative government.

Mr. CULVER. Mr. President, I will vote against the nomination of George Bush as CIA Director. I will do this without a shadow of prejudice against Mr. Bush or any doubts as to his integrity and ability. I simply do not believe that he is the proper nominee for the leadership of the Central Intelligence Agency at this sensitive point in that Agency's history and at this critical time in our national life.

I also have the utmost respect for the right of a President to staff his administration with qualified persons of his choice where there is no overriding reason in the public interest for opposition. In this case, in my judgment, there is such clear-cut reason. The qualifications called for in the CIA directorship at this time are unique and stand apart from credentials adequate for other high public offices.

The United States must have a strong, independent, and effective intelligence capability, free from policy bias and unmistakably deserving of public trust. Any nomination for Director which raises significant public doubt or disagreement only serves to delay the necessary process of rebuilding and reforming the CIA.

In his letter to the Armed Services Committee regarding the nomination, President Ford cited the importance of strengthening public confidence in the CIA and maintaining continuity in its leadership. Unfortunately, this particular nomination is likely to have a contrary result since it raises suspicions of political bias and the prospect of short tenure.

With regard to tenure, we have learned in the case of both the FBI and CIA that directors should not become so entrenched that they grow stronger than passing administrations. But we have also learned that constant turnover or easy susceptibility to political changes is likewise destructive of the office.

The CIA is awaiting its fourth Director in only 3 years. And there is a strong chance that the elections next November will lead to another nomination for the position. Such a rate of turnover hinders the development of effective leadership and the restoration of public confidence and policy continuity in the CIA.

We are in imperative need of a Director who can restore intelligence to its rightful and proper place in our national security system. Unfortunately, the way this nomination was made and the inevitable political overtones of the appointment at this time have not contributed to that objective. In many ways, the nomination and the circumstances in which it was made, are an injustice to Mr. Bush.

In my view, it was unfair to deprive Mr. Bush of his constitutional birthright to be a candidate for Vice President or any other office as a condition to assuming this post. For me, this obscures rather than clarifies the central point as to why this honest and able man is not the right person for this particular post at this particular time.

I believe that the nominee should be a man or woman whom the next administration would consider for its choice for Director—someone qualified, independent, and nonpartisan enough to be able to provide more than transitional service. The Director should be immune to improper influence from even the highest places in our Government. As the Rockefeller commission put it, the CIA Director should have "the independence to resist improper pressure, whether from the White House, or elsewhere."

I subscribe to no dogmas about what sort of person should hold this office. There may, for example, be real advantages at times in having a Director who has not been an intelligence professional.

But I do know that the intelligence community now requires leadership with the power to command public trust and with a background as far from the substance or even the appearance of political partisanship as it is possible to get. A competent caretaker is not enough. The next Director must be a builder, a strong leader completely dedicated to the compelling needs of this particular job. He must command the allegiance of those who work in intelligence and the complete confidence of a nation that depends on the Agency's clear devotion to high standards of performance and fidelity to constitutional principles.

Thus, despite my high personal regard for Mr. Bush, I believe that overriding considerations of public interest must prevail in the selection of the CIA Director at this critical juncture in the Agency's history.

Mr. DOMENICI, Mr. President, I have the highest regard for Mr. Bush's integrity and am very confident of his capability to handle this very difficult position. We need now to get on with the

difficult job of straightening out our intelligence activities by giving it the direction it needs and must have quickly.

Nonetheless, I support this nomination reluctantly. The Central Intelligence Agency is in desperate need of new leadership that can restore and calm the public confidence so necessary to the CIA in fulfilling its critical role of protecting this great but vulnerable democracy in the harsh reality of the world today. My reluctance stems from my feeling that Mr. Bush may not be the wisest choice for this position. I am convinced that George Bush is a dedicated American with proven leadership qualities and the requisite degree of administrative abilities, but I also feel there were many equally well-qualified individuals with a less partisan background. In my opinion, the Nation would have been better served by removing any linkage between leadership of the CIA and partisan politics.

However, with the President's assurances, along with Mr. Bush's, that he will not be in contention for the Vice Presidency in 1976, I believe his proven record of successful accomplishment of difficult assignments shows he can do this job effectively. In addition, it may be that his congressional background and political sensitivity will prove to be an asset for this position. In fact, this background may well provide the necessary oversight link we have been searching for.

Mr. CRANSTON, Mr. President, I rise to oppose the nomination of George Bush to be the Director of the Central Intelligence Agency and the head of the entire intelligence community. I do so without making any judgments about Mr. Bush's character or his abilities. I do so without caring about his party affiliation. Indeed, I have supported almost all appointments to high office by the two recent Republican administrations since coming to the Senate in 1963. I have sometimes championed Republicans for major appointments, when I thought they were qualified for the position at issue.

There are two major reasons why I will vote against the Bush nomination:

My opposition to Mr. Bush was not personal and I sincerely hope he does a good job. I opposed his confirmation, because he is such a controversial figure that he is virtually certain to be replaced within a year if there is a change in administrations—if a Democrat is elected President in November or even if some Republican other than President Ford is elected. That means by this time next year the CIA will probably have its fifth change in leadership in 4 years. That is a terrible rate of turnover at a time when the CIA, more than ever before, needs steady, stable direction for a rebuilding process so it can properly perform its vital intelligence gathering functions.

At a time when the CIA will be undergoing constructive reforms it needs at the top someone who can impart an air of stability and continuity. If the employees of the Agency see George Bush as a temporary Director, his leadership is less likely to be effective. If the other intelligence agencies see Bush as

no longer for the job, they will not take him seriously and the product of the Agency will not count for what it should in the total scheme of things. If the public sees him as a short-term holder of a most sensitive job, then it will wonder about what he is doing to keep his job or where he will try to land next.

Finally, Mr. President, I oppose the nomination, because of the conviction in the arguments of the four members of the Armed Services Committee who voted against Bush after hearing his testimony. They are Senators MCINTYRE, LEAHY, HART, and CULVER. Three of these Senators stated under "Minority Views":

To confirm Mr. Bush would set an unwise precedent for future nominations to this most sensitive post. \* \* \* George Bush is a man of integrity and ability. We intend no adverse reflection on his character. But he has been nominated to the wrong position at the wrong time.

I would have been pleased to have had the opportunity to vote for a noncontroversial nominee; a person with knowledge of foreign policy and the defense; someone who was so outstanding as to merit the enthusiastic support of all of us and who would be kept on by our next President, no matter who that President may be.

Mr. MCINTYRE, Mr. President, my colleagues on this issue have presented their arguments so eloquently and effectively I see no need to summarize.

Instead, I would like to address directly three reservations most frequently cited or implied by those who hesitate to vote against confirmation of this nominee.

The first is the understandable reluctance to deny the President the appointee he wants. I share that reluctance. But I also share the Washington Star's conviction that the least desirable trait for a CIA Director at this time and under these circumstances is that he be identified as one of the President's "guys" with a disposition for "team play." What is needed is a man the public immediately perceives to be—again in the Star's words—"a hard-bitten naysayer who says the unsayable and bucks the trend of wishful thinking."

I would not presume to name that man. But surely this Nation has more than one James Schlesinger.

The second reservation cited by those who hesitate to vote "nay" on this nomination is an understandable reluctance to deny a sensitive post to a man because of his partisan political background.

Again, I share that same reluctance. And in another time, and under different circumstances, Mr. Bush's background would not inspire me to vote against his confirmation. But while there is admittedly some unfairness in discriminating against him for that reason at this time, there is, in my judgment, infinitely more unfairness in foisting his nomination upon an American public sick to death of suspect politics and richly deserving of a CIA Director in whom they can put their immediate trust and confidence.

The third reason offered or implied by those who are reluctant to vote for confirmation is closely tied to the second.

There is a hypersensitive fear that re-

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fusal to confirm will further denigrate politics and politicians at a time when restoration of esteem for both is so imperative.

But is it truly realistic to believe that a vote for confirmation will elevate the present dismal level of that esteem?

Let us be frank. We all know what can be read—rightly or wrongly—into this nomination: political cronyism and the desire of the White House to have a compatible custodian in charge of an agency under heavy fire. And we all know what could be read—rightly or wrongly—into confirmation of this nominee: clubby in-house loyalty, old school ties, and the image of politicians of every persuasion banding together to protect and advance one of "their own," regardless of the public interest.

An unfair reading? We can think so. But what really counts is how the public reads it.

So, I ask this of my colleagues. I ask them to imagine walking down the streets of their respective hometowns. I ask them to imagine seeking out town leaders whose character and integrity are unquestioned. I ask them to imagine asking those town leaders what they think of the prudence and the propriety of this nomination at this time and under these circumstances.

And then I ask my colleagues to ask themselves whether a yea vote or a nay vote will better serve the Nation, better serve the people, better serve the CIA, and better serve the cause of restoring respect and esteem to politics and politicians.

**THE PRESIDING OFFICER** (Mr. GOLDWATER). All time has expired.

The question is, Will the Senate advise and consent to the nomination of George Bush, of Texas, to be Director of Central Intelligence? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. WEICKER (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON), the Senator from Rhode Island (Mr. PELL), and the Senator from Florida (Mr. CHILES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Wyoming (Mr. HANSEN) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 10 Ex.]

## YEAS—64

Allen  
Baker  
Bartlett  
Beall

Bellmon  
Bentsen  
Brook  
Brooke

Buckley  
Burdick  
Byrd,  
Harry F., Jr.

Byrd, Robert C.  
Cannon  
Case  
Curtis  
Dole  
Domenici  
Eagleton  
Eastland  
Fannin  
Fong  
Garn  
Glenn  
Goldwater  
Gravel  
Griffin  
Hartke  
Hatfield  
Hathaway

Abourezk  
Biden  
Bumpers  
Church  
Clark  
Cranston  
Culver  
Durkin  
Ford

Hruska  
Humphrey  
Jackson  
Javits  
Laxalt  
Long  
Mansfield  
Mathias  
McClellan  
McClure  
McGee  
McGovern  
Montoya  
Moss  
Muskie  
Nunn  
Packwood  
Pastore

## NAYS—27

Hart, Gary  
Hart, Philip A.  
Haskell  
Heims  
Huddleston  
Inouye  
Johnston  
Kennedy  
Leahy

Pearson  
Fercy  
Randolph  
Ribicoff  
Roth  
Scott, Hugh  
Scott,  
William L.  
Sparkman  
Stafford  
Stennis  
Stevens  
Stevenson  
Taft  
Tammage  
Thurmond  
Tower  
Young

Magnuson  
McIntyre  
Metcalf  
Mondale  
Morgan  
Nelson  
Proxmire  
Stone  
Williams

## ANSWERED "PRESENT"—1

Weicker

## NOT VOTING—8

Bayh  
Chiles  
Hansen

Hollings  
Peil  
Schweiker

Symington  
Tunney

So the nomination was confirmed.

Mr. TOWER. I move to reconsider the vote by which the nomination was agreed to.

Mr. HRUSKA and Mr. THURMOND moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. I ask unanimous consent that the President be notified of the confirmation of the nomination.

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

## LEGISLATIVE SESSION

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BAKER). The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the Senator from South Carolina (Mr. HOLLINGS) to attend the Canada-United States Interparliamentary Conference, to be held in Key Biscayne, Fla., January 29-February 2, 1976.

## MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 961) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 961, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 961), the Magnuson Fisheries Management and Conservation Act of 1976.

The Senate resumed the consideration of the bill.

## MESSAGE FROM THE HOUSE—HEW APPROPRIATIONS

A message from the House of Representatives was communicated to the Senate by Mr. Berry, one of its reading clerks.

The PRESIDING OFFICER. Without objection, the Chair now directs that the message from the House, together with the President's veto message to the House, be printed in the RECORD and spread on the Journal.

JANUARY 27, 1976.

The House of Representatives having proceeded to reconsider the bill (H.R. 8069) entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

To the House of Representatives:

I return without my approval H.R. 8069, the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1976.

As you know, I have just vetoed H.R. 5579, which would have extended for six months the temporary tax cut due to expire on New Year's Eve, because it was not accompanied by a limit on Federal spending for the next fiscal year. H.R. 8069 is a classic example of the unchecked spending which I referred to in my earlier veto message.

H.R. 8069 would provide nearly \$1 billion more in spending authority than I had requested. Not only would the \$45 billion total in this bill add significantly to the already burdensome Federal deficits expected this year and next, but the individual increases themselves are unjustified, unnecessary, and unwise. This bill is, therefore, inconsistent with fiscal discipline and with effective restraint on the growth of government.

I am not impressed by the argument that H.R. 8069 is in line with the Congress' second concurrent resolution on the budget and is, therefore, in some sense proper. What this argument does not say is that the resolution, which expresses the Congress' view of appropriate budget restraint, approves a \$50 million, or 15 percent, increase in Federal spending in one year. Such an increase is not appropriate budget restraint.

Effective restraint on the growth of the Federal Government requires effective limits on the growth of Federal spending. This bill provides an opportunity for such limitation. By itself, this bill would add \$382 million to this year's deficit and would make next year's deficit \$372 million more than if my recommendations had been adopted. In addition, the increases provided for this year would raise expectations for next year's budget and make the job of restraining spending that much more difficult. Thus, this bill would contribute to excessive deficits and needless inflationary pressures.

Furthermore, if this bill became law, it would increase permanent Federal employment by 8,000 people. I find it most difficult to believe the majority of the American people favor increasing the number of employees on the Federal payroll, whether by Congress-

sional direction or by other means. On the contrary, I believe the overwhelming majority agree with my view that there are already too many employees in the Federal Government.

I am returning this bill without my signature and renewing my request to the Congress to approve a ceiling on Federal spending as the best possible Christmas present for the American people.

GERALD R. FORD.

THE WHITE HOUSE, December 19, 1975.

TIME LIMITATION AGREEMENT—DEBATE ON OVER-RIDE OF VETO OF HEW APPROPRIATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, will the Senator from California yield to me?

Mr. CRANSTON. I do not have the floor yet.

Mr. ROBERT C. BYRD. The Senator has. I just yielded.

Mr. President, I ask unanimous consent, the request having been cleared on both sides of the aisle, that when the Senate returns to the Chamber tomorrow following the joint meeting in the House of Representatives, there be 1 hour of debate on the override of the Presidential veto of the HEW appropriations bill, the time to be equally divided between Mr. MAGNUSON and Mr. BROOKE, and that a vote then occur.

The PRESIDING OFFICER. Is there objection?

The Chair hears none. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. tomorrow.

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

Mr. CRANSTON. Mr. President, I yield to the Senator from Kentucky without losing my right to the floor.

#### STARLING AND BLACKBIRD CONTROL IN KENTUCKY AND TENNESSEE

Mr. HUDDLESTON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 11510.

Mr. GRIFFIN. Mr. President, does this require unanimous consent?

The PRESIDING OFFICER. Unanimous consent is required.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? If not, it is so ordered.

The PRESIDING OFFICER laid before the Senate H.R. 11510, an act to provide for starling and blackbird control in Kentucky and Tennessee.

Mr. HUDDLESTON. Mr. President, this is identical legislation to the legislation which the Senate passed by unanimous consent this morning. I ask unanimous consent that we proceed to its immediate consideration and passage.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice by its title, and

the Senate will proceed to its consideration.

The bill is open to amendment. If there be no amendment to be proposed, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the Senate action in passing S. 2873 be vacated and that S. 2873 be indefinitely postponed.

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

Mr. HUDDLESTON. Mr. President, I move that the vote by which the House bill was passed be reconsidered.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. I thank the Senator from California.

#### MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 981) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Jonathan Fleming, Christine Cohagen, and William Jackson, of my staff, have the privilege of the floor during all phases of this amendment.

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

AMENDMENT NO. 1331

Mr. CRANSTON. Mr. President, I send to the desk an amendment No. 1331, co-sponsored by Senator GRIFFIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 29, between lines 12 and 13, insert the following:

"(7) The Convention on Fishing and Conservation of the Living Resources of the High Seas and the decision of the International Court of Justice in the 1974 Fisheries Jurisdiction case affirm the special interest a coastal nation has in the conservation of the coastal and anadromous stocks of fish on the high seas adjacent to its territorial sea.

"(8) All nations engaged in a fishery have an obligation under international law to negotiate in good faith toward achieving necessary conservation measures for the stocks which they exploit.

"(9) There is a right in international law for a coastal nation to adopt emergency conservation measures appropriate to coastal and anadromous stocks of fish in any area of the high seas adjacent to its territorial sea if negotiations to that effect with other na-

tions concerned have not led to agreement within 6 months, and if such conservation measures are based on appropriate scientific findings and do not discriminate against foreign fishermen.

"(10) The Convention on Fishing and Conservation of the Living Resources of the High Seas provides appropriate procedures for the establishment of emergency conservation measures.

"(11) Scientific findings indicate that certain coastal and anadromous stocks in areas of the high seas adjacent to the United States territorial sea are depleted and other such stocks are in danger of depletion unless proper conservation measures are applied.

"(12) Until an effective international agreement on fishery management and jurisdiction can be negotiated and either provisionally or finally implemented, the United States should take necessary measures consistent with international law that are urgently required for the conservation of fisheries stocks."

On page 29, line 13, strike "(7)" and insert in lieu thereof "(13)".

On page 29, lines 14 and 15, strike "the fishery resources subject to the jurisdiction of the United States" and insert in lieu thereof "fishery resources".

On page 29, line 22, strike "by declaring" and insert in lieu thereof a semicolon.

On page 29, strike lines 23 through 25.

On page 30, strike lines 1 through 5.

On page 30, line 6, strike "(3)" and insert in lieu thereof "(2)".

On page 30, line 9, strike the period and insert in lieu thereof "; and".

On page 30, between lines 9 and 10, insert a new paragraph as follows:

"(3) to direct the Secretary of Commerce and the Secretary of State to proceed in accordance with article 7 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, to put into effect such measures of conservation and management as are necessary to protect stocks of coastal and anadromous fish in areas off the coast of the United States until such time as an effective international agreement on fishery management and jurisdiction can be negotiated and put into provisional or final effect."

On page 30, line 22, strike all after "fish" and insert in lieu thereof "; and".

On page 30, strike lines 23 and 24.

On page 30, strike lines 3 through 6 and insert in lieu thereof the following:

"(9) 'fisheries zone' means the zone established pursuant to the Act of October 14, 1966 (16 U.S.C. 1091-1094), contiguous to the territorial sea of the United States;"

On page 37, line 14, strike "and".

On page 37, line 22, strike the period and insert in lieu thereof "; and".

On page 37, after line 22, insert the following:

"(25) 'contracting party' means any government party to an international fishery agreement."

Beginning on page 38, line 3, strike everything down through line 10 on page 45 and insert in lieu thereof the following:

#### FISHERY CONSERVATION

"SEC 101. (a) The Secretary is directed, in coordination with the Secretary of State and in accordance with the provisions of section 203 of this Act, to promulgate regulations necessary to conserve the productivity of the living resources of the sea in areas adjacent to the territorial sea of the United States which the Secretary determines will result in the optimum overall biological, economic, and social benefits. Such regulations shall apply simultaneously and equally to all vessels and fishermen taking, either intentionally or as an incidental catch, regulated fish stocks.

"(b) Any regulation promulgated pursuant to this section may designate zones



S 604

## CONGRESSIONAL RECORD — SENATE

January 27, 1976

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## RECESS UNTIL 12:45 P.M.

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the Senate stand in recess until 12:45 p.m. today.

There being no objection, the Senate, at 11:18 a.m., recessed until 12:45 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. Ford).

## QUORUM CALL

The PRESIDING OFFICER. The Chair suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## EXTENSION OF TIME FOR FILING REPORT

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the Committee on Armed Services and the Committee on Foreign Relations may have until midnight tonight to file a report on House Joint Resolution 549, dealing with the covenant with the Northern Mariana Islands.

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

Mr. MANSFIELD, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McINTYRE, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. GLENN). Without objection, it is so ordered.

## EXECUTIVE SESSION—NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will now go into executive session to consider the nomination of Mr. George Bush to be Director of Central Intelligence.

The clerk will state the nomination.

The assistant legislative clerk read as follows:

Nomination, Central Intelligence, George Bush of Texas, to be the Director.

The PRESIDING OFFICER. Debate on this nomination is limited to 2 hours to be equally divided and controlled by the Senator from South Carolina (Mr. THURMOND) and the Senator from New Hampshire (Mr. McINTYRE) with the vote thereon to occur at 3 p.m.

The Senator from New Hampshire.

Mr. McINTYRE, Mr. President, I ask unanimous consent that two members of my staff, Mrs. Elizabeth Webber and David LaRoche be granted the privileges of the floor during this debate.

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

Mr. McINTYRE, Mr. President, I yield myself 5 minutes.

Mr. President, yesterday in this Chamber I expressed my reasons for opposing the confirmation of Mr. George H. Bush as Director of the Central Intelligence Agency.

I said that the appointment of so clearly perceived a political figure to direct the rebuilding of this Agency would undercut two self-evident priorities:

First. The need to restore CIA probity by insuring the Agency's future adherence to its statutory purpose and by insulating the Agency from political corruption of that purpose.

Second. And, equally important, the need to convince the American people that the restoration effort is sincere and that the end result can be trusted.

We are about to vote on this matter, Mr. President, but I would like to take a few minutes to emphasize those fundamental considerations.

The majority report on the nomination makes two important points:

First. That whoever is named to this post must be insulated from political considerations if he or she is to be effective and objective in intelligence gathering, and that he or she must use the substantial and secret power of the office scrupulously within the law, even when political or personal interests may pressure otherwise.

Second. That the intelligence community, the Congress, and the American people must always have full confidence in the character of the Director of Central Intelligence.

Can anyone in this Chamber question those objectives? They are from the majority report on this nomination.

If the answer is "no," as it ought to be, then why, I ask, did the President choose this particular moment in the CIA history to nominate an individual so certain to inspire skepticism?

Why now, of all times, does he ask us to break the 27-year history precedent of nonpolitical Directors of the CIA?

This is not a routine Executive appointment wherein the President's desire for a "team player" has some legitimacy.

This is not a Cabinet appointment wherein the nominee is expected to serve his President as an instrument of Executive policy and power.

This is not even comparable to the nomination of a Supreme Court Justice, wherein the President's desire for an appointee who shares his court philosophy is understandable and precedented, and where the ultimate independence of the justice is carefully insulated by tradition and the Constitution.

No, my colleagues, this nomination is for the directorship of an agency whose functions are vital, yet difficult to reconcile with the values of a free people under the best of circumstances. And with all the evidence of abuses by and

of the agency, these are surely not the best of circumstances.

To confirm any nominee to this post at any time requires an act of faith on the part of each Member of this body, acting in behalf of the public at large.

To confirm this nominee, at this time, under these circumstances demands more than an act of faith, it requires an insensitivity to public skepticism over the prudence and propriety of the nomination itself.

In short, Mr. President, the nomination of a clearly perceived political personage to insure the purpose and protect the integrity of an agency so recently vulnerable to political subordination does not inspire public confidence. It simply raises suspicion, doubts, and cynicism at a time when the CIA desperately needs trust, faith, and confidence.

One more point, Mr. President.

Should he be confirmed, Mr. Bush will be the fourth CIA Director in only 3 years.

When it considered the nomination, the committee addressed the important question of tenure, and properly stressed the need for continuity of leadership at this critical stage in the life of the agency.

The majority of the committee was satisfied on this point when the President took Mr. Bush off the list of Vice Presidential possibilities, ostensibly assuring us that the nominee would occupy the post at least through the upcoming campaign.

But if extended tenure is a real consideration, as I believe it is, how is that concept served by confirming a political person in that post during a Presidential election year?

Where is the guaranty of tenure beyond January 20, 1977, if anyone other than Mr. Ford is sworn in as President? Where is the guaranty of tenure there?

And where does this leave the CIA? Can the prospect of a political appointee as Director, and all that this portends, improve morale within a demoralized Agency any more than it can inspire public confidence outside the Agency?

I fear not, Mr. President. I fear not.

In conclusion, then, I urge my colleagues to weigh very carefully the precedent we are being asked to set today and to ask themselves whether this nomination is, in fact, in the best interests of the CIA or will in any way enhance public confidence in the Agency . . . or, for that matter, in the Senate of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS, Mr. President, will the the Senator yield me 6 minutes? I understand the Senator from South Carolina has control of the time.

Mr. THURMOND. I yield 6 minutes to the Senator from Mississippi.

Mr. STENNIS, Mr. President, this nomination before the Senate, for Director of Central Intelligence is, of course, one of overwhelming importance. The nominee is Mr. George Bush, as is well known.

After hearings in December last the Committee on Armed Services voted 12 to 4 to favorably report this nomination.

January 27, 1976

## CONGRESSIONAL RECORD — SENATE

S 603

modernizing of the antiquated arbitrary hodge-podge that is our present criminal justice system. If there ever was a counsel of despair, of throwing out the baby with the bath water, it is the suggestion in your editorial that S. 1 be abandoned rather than amended, as it easily can be to remedy its defects."

*Is prison forever to be the only method of punishing crime?*

He than gave a sampling of the numerous improvements incorporated in S. 1 which would be jettisoned if the Journal's counsel were followed:

"A rational scale of penalties under which like offenses are subject to like sentences;

"Systematic distinction between first offenders and multiple or professional criminals;

"Appellate review of abuse of discretion in sentencing;

"An improved basis for extraditing criminals who flee the country;

A system of compensation for victims of violent crime;

"The first democratically adopted statement of the aims of the criminal justice system for the guidance of courts, enforcement officials and correctional agencies."

Professor Schwartz concluded:

"In short, although there are a dozen specific amendments required to make S. 1 acceptable, the overall aim and substantial accomplishment of the bill is to promote respect for the law by making the law respectable. The reform of the federal criminal code should be rescued, not killed."

H.R. 10850

Belatedly, on November 20, 1975, Representatives Kastenmeier (D. Wisc.), Mikva (D. Ill.) and Edwards (D. Cal.) introduced H.R. 10850, a new bill to revise Title 18 which was prepared in large part by the American Civil Liberties Union. It tracks S. 1 closely, and departs materially from the bill only in the relatively few areas where major disagreement by the ACLU with the Senate bill was only to be expected. The provisions in question deal with: the insanity defense, treatment of classified material, marijuana, the sentencing structure, death sentence, obscenity and the like. It may be anticipated that the liberal view of the framers of H.R. 10850 may incite as violent opposition from conservative elements inside and outside of Congress as some of the repressive measures of S. 1 did from the liberals.

The introduction of the ACLU legislation is bound to increase the polarization among members of Congress and hurt the cause of revision, yet two points may be made in its favor. The bill follows the provision numbering of S. 1 and consequently makes easy an examination of the sections in which the sponsors of the two bills run at cross purposes. More importantly, a comparison should bring out forcefully how much agreement resides on each side with respect to the vast majority of the provisions of both bills. Only on a limited number of highly controversial issues does significant disagreement exist.

#### THE ABA CONTRIBUTION

At the 1975 annual meeting of the American Bar Association, the Section of Criminal Justice secured virtually unanimous approval by the House of Delegates of a resolution endorsing S. 1 in principle, subject to a series of thirty-eight suggested amendments. In a few instances the Section preferred the counterpart section of H.R. 333; in several it disapproved of the S. 1 provision in its entirety (treatment of the insanity defense, control of prostitution, crime in federal enclaves); but in most the S. 1 approach was approved, subject to amendments to make it conform to the Standards Relating to the Administration of Criminal Justice. Very few of the proposed amendments could be characterized as sweeping.

The Section of Criminal Justice studied the Brown Report and S. 1 over a period of four years. It is certainly to be commended for its recognition of the importance of pursuing federal criminal law revision, and unquestionably its proposed amendments would strengthen and improve the Senate bill. Yet its recommendations and the action of the House of Delegates are disappointing in several important respects.

The subject matter of S. 1 deserved something more than a mere legalistic analysis of the language of a complex bill. One may well wonder how helpful anyone could find the main paragraph of the long resolution of the House of Delegates. It reads in part as follows:

"Be it resolved . . . that the American Bar Association endorses in principle the provisions of S. 1 and its counterpart H.R. 3907, now pending in the 94th Congress, 1st Session, as a desirable basis for the reform of the federal criminal laws; noting however that the Commission on Correctional Facilities and Services urges the particular importance of amendments to reflect the general principles set out in Recommendations 23, 31, 33 and 34 in Appendix A hereto and the relevant sections of the ABA Standards Relating to the Administration of Criminal Justice. . . ."

Furthermore, the most criticized omissions or inclusions of S. 1 are almost ignored. The ABA takes no position on the absence of provision for gun control; it has ducked the question of capital punishment, taking refuge in the fact that it is *sub judice* in the Supreme Court; it has withheld recommendations on the S. 1 handling of the drug problem, pending a study by the association "in depth." In addition, the Section report, and consequently the House of Delegates' action, fails to call attention to the important fact that the vast majority of the bill provisions constitute law reform that is virtually beyond controversy. The ABA criticism and simultaneous support of S. 1 cannot be dismissed as unhelpful, but the Association has done considerably less than sound a tocsin summoning Congress to get on with essential legislation without further delay.

#### THE BAR'S RESPONSIBILITY

In light of the wreckage that crime is causing throughout the country (one family out of every four victimized); of the financial burden that crime and its prevention imposes upon us annually (around \$10) billion, or a tenth of the gross national product); and of the unique capability of lawyers to provide leadership in a field in which they have more expertise than almost all others, the apparent lack of concern of the profession is difficult to explain.

We are apparently ready to stand by and allow Congress to resolve some of the most important criminal law issues of our times with scarcely a word of advice, support, or even opposition, from the organized bar. Within the framework of revision of Title 18 as a whole, rest among others the following great questions of the day:

Are sentences of imprisonment to be left, as heretofore, to the whim of a judge who may be guided entirely by the theory that only severity of punishment will block crime, or should sentencing be placed on a more uniform, scientific basis conforming to modern principles of penology?

Should we continue to fight drug abuse only with the savagery of heavy punishment, or with up-to-date principles of crime prevention and control?

Do victimless crimes and minor infractions of law deserve the inordinate share of police time and effort now devoted to them at the cost of serious diminution of the protection of society from crimes of violence?

Must we continue to suffer the present annual slaughter by homicide rather than

give up the absolute right of everyone to bear all kinds of arms for whatever purpose?

Is prison forever to be the only method of punishing crime, or might a modern scientific effort be made to utilize probation as a supplementary method?

Must we accept recidivism as unconquerable rather than try to arrest it by a whole-hearted system of rehabilitation?

The mere delineation of those issues should make clear how hopeless it would be to expect a single piece of legislation to resolve every one of them satisfactorily. It seems obvious that several of the questions demand separate legislation carefully drafted and followed by time for what may be prolonged debate. To attempt to package all the solutions in an omnibus treatment, as have the framers of S. 1 and H.R. 10850, simply invites the possible rejection by Congress of any revision whatever.

It is here that one might have expected the leadership of the profession to offer guidance to the Congress. Instead of being content to stand by and witness the crushing of death of this important legislation between the extremists of the right and those of the left, the American Bar Association might well have called for the elimination of the controversial provisions and the enactment of the portions of S. 1 on which nearly everyone can agree.

That is not to say that the provisions of the code governing wiretapping, drug abuse, capital punishment, obscenity and gun control should be ignored. Obviously, they are in great need of reexamination and revision. The bar should call for new legislation in those areas without delay. There is no persuasive reason, however, why the other portions of Title 18 should be hung up until agreement on the controversial portions is reached.

#### MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 961) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum without the time being taken from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

Who yields time? We are under controlled time.

Under the previous consent agreement, debate on any amendment, except an amendment based on article VII of the Conservation Treaty of 1968, on which there shall be 3 hours of debate, with only 1½ hours of that time to be utilized today, shall be limited to 1 hour with 10 minutes on any debatable motion or appeal.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

January 27, 1976

## CONGRESSIONAL RECORD — SENATE

S 605

I judge, Mr. President, that probably there would have been a unanimous report had there not been this question about whether Mr. Bush could conceivably be a candidate for Vice President of the United States, along with Mr. Ford as President.

But before we get to that; I support this nomination on the basis of the character, the integrity, and the proven ability and judgment of this nominee.

I have seen a good many of them come and go.

I have not had a chance to know Mr. Bush personally in the past. I knew him on a kind of official basis, but not intimately at all.

I talked to him for an hour and a half in my office after this nomination came in and I ask all the questions I could think of. The responses not only satisfied me as to these qualifications that I have mentioned, but I was most favorably impressed with the man, as a man of candor, frankness, aptness, and ability.

His background is well known by now as a successful representative of the Government in various capacities where he served. He spent 4 years in the House of Representatives, which is a fine experience, indeed. I think that helped prepare him for other posts in the executive branch, and is certainly not anything that would disqualify a man.

He has had a business career in Texas which was exacting and demanding. He emerged from that in a successful way.

His services in diplomatic assignments impressed me very much. He was Ambassador to the United Nations in 1971. Those were trying and telling days for the United Nations. The war in Vietnam was still a very active and disturbing event for the United States and a worldwide event of the greatest concern.

He went from there to be chief of the liaison office in the People's Republic of China where he effectively performed his duties.

I did not hear one iota of real criticism of his services in all these positions, either on the record or off the record.

I am not here to praise anyone. He is no friend of mine. This is strictly an official function.

There was a question raised about this job—Director of the Central Intelligence Agency—as a stepping stone to the Vice Presidential candidacy. I told him, and later said in open hearings in the committee, that if I thought he did not have any more political and governmental judgment than to think that service as Director of Central Intelligence would be promoting him, recommending him in any way, for Vice President of the United States—if that was his judgment, or lack of it—I would vote against him for Director of Central Intelligence.

Because, politically, I do not think there is any doubt—there is no doubt in my mind—that it would be a great handicap, a great handicap to his becoming a candidate, much less being elected, as Vice President of the United States.

Anyone that wanted to had the right to ask the question, I am not critical of that. But I admired his answer when asked if he would promise not to be a

candidate for Vice President. He respectfully declined to make any binding assertion of that kind.

Mr. President, may I have an additional 2 minutes?

Mr. THURMOND. Mr. President, I yield 2 additional minutes to the Senator.

Mr. STENNIS. I admired his attitude and openly approved it and I approve it now.

He said "no," that he would not make any such promise. He would not bargain away any part, or one iota of his citizenship in such a way, just to be approved for this appointment or any other appointment.

As I say, I am glad he answered that way. I would have thought less of him had he not. But as it worked out, the development came from the other direction. The President of the United States wrote to me as chairman of the committee and for the committee. I have a letter here dated the 18th of December 1975, which we put into the record of the hearings.

I ask unanimous consent that a copy of the same letter, Mr. President, be printed in the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. So, Mr. President, we have a man here that I do not come to praise, but I come to state that from the record, the man—his attainments, his intelligence, his undoubted dedication and solid patriotic motives—fills the bill.

He is accepting this position, if it is finally reached by him, as a solemn obligation and because of his responsibilities as a citizen of the United States. He is coming in response to the call of the President of the United States.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. Will the Senator yield me half a minute?

Mr. THURMOND. Yes.

Mr. STENNIS. I have said the Senate would be amply justified in approving this nomination. Moreover, I think the office is such that there ought to be as large a vote of confirmation here as the Senate could possibly give. I hope the Senate does that.

I thank the Senator for yielding to me.

## EXHIBIT 1

THE WHITE HOUSE,  
Washington, December 18, 1975.

Hon. JOHN C. STENNIS,  
Chairman, Armed Services Committee, U.S.  
Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As we both know, the Nation must have a strong and effective foreign intelligence capability. Just over two weeks ago, on December 7th while in Pearl Harbor, I said that we must never drop our guard nor unilaterally dismantle our defenses. The Central Intelligence Agency is essential to maintaining our national security.

I nominated Ambassador George Bush to be CIA Director so we can now get on with appropriate decisions concerning the intelligence community. I need—and the Nation needs—his leadership at CIA as we rebuild and strengthen the foreign intelligence community in a manner which earns the confidence of the American people.

Ambassador Bush and I agree that the Nation's immediate foreign intelligence needs

must take precedence over other considerations and there should be continuity in the CIA leadership. Therefore, if Ambassador Bush is confirmed by the Senate as Director of Central Intelligence, I will not consider him as my Vice Presidential running mate in 1976.

He and I have discussed this in detail. In fact, he urged that I make this decision. This says something about the man and about his desire to do this job for the Nation.

Thank you, Mr. Chairman, for your efforts on behalf of Ambassador Bush's nomination. I will deeply appreciate your efforts to expedite approval of this nominee by your Committee and the full Senate.

Sincerely,

GERALD R. FORD.

Mr. MCINTYRE. Mr. President, I yield 10 minutes to the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator from New Hampshire.

Mr. President, before I begin my remarks, I ask unanimous consent that, during the vote on the Bush nomination, Douglas Racine of my staff be granted privilege of the floor.

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

Mr. LEAHY. Mr. President, for more than 1 year the Nation has been subjected to a seemingly endless litany of abuses of power by the Central Intelligence Agency. Assassination attempts, interference in the internal politics of friendly governments, and other covert activities in addition to illegal domestic activities which strike at the heart of our personal liberties have been reported ad nauseum. The fact is that the CIA is crippled, unable to perform the crucial tasks for which it was created.

I am firm in my conviction that the congressional investigations of the CIA that have exposed those abuses have been necessary. They were not meant to destroy the CIA. I do not believe that any Senator desires that. We all recognize that the CIA must be capable of continuing its intelligence-gathering activities. It would be naive to think that a country with the military power and global responsibilities of the United States could survive without an intelligence community. These investigations were meant to uncover the wrongdoings of the past and the weaknesses of the present so that such incidents can be prevented in the future; and more important, so that public confidence in the Agency can be restored.

Because of the past year's revelations, public confidence in the CIA has been virtually destroyed. The public has seen the legitimate functions of the CIA subverted by the political manipulations of Presidents, Republicans and Democrats. Improper activities against foreign governments and political groups have been undertaken at the whim of CIA officials or under Presidential directive. Accurate intelligence information has gone unheeded because it conflicted with the policy goals of various administrations, Republican and Democrat. The CIA has too often been a political tool of Presidents, rather than the intelligence-gathering tool it was intended to be when created by the Congress in 1947.

In fact, public confidence in most of our governmental institutions has suf-



ferred greatly in the last 10 years. Having been deceived by the official lies surrounding American involvement in Vietnam and the deceit and corruption of Watergate, the American people are justifiably cynical about their Government.

One of our first priorities must be the restoration of trust in our traditional institutions—a trust that is deserved. The CIA must be rebuilt, both as an effective agency of Government, and as an institution worthy of public support. One cannot be done without the other. The CIA must again be perceived as an efficient intelligence-gathering agency rather than an elite arm of the administration. Public support of American foreign policy objectives requires public support of the CIA, which is so intricately involved in the formulation of that policy. The success of arms limitations agreements requires accurate verification of information. The size of our defense budget is largely dependent on the magnitude of the Soviet military effort—an assessment that must be accurate and unbiased. The American people must feel confident that these decisions, and a host of others, are being based on efficient and honest intelligence-gathering, if we expect them to support our foreign and defense policies and goals.

The Director of the CIA, the most visible symbol of that agency, must be a person capable of successfully completing this rebuilding effort in an atmosphere that is perceived as free from any and all political considerations. Like Caesar's wife, he must be above suspicion. And that is the problem confronting us by this nomination. For the fact is that in the nomination of Ambassador Bush we are facing a problem of perception as much as of fact.

Mr. President, I have been greatly troubled by this nomination. In the course of the hearings in the Armed Services Committee or elsewhere, I have heard nothing that indicates that George Bush is anything but a highly professional and honest man. He has earned an excellent reputation in all of his previous agency of Government, and as an institutional positions. He served with distinction in the House of Representatives. For almost any other position that the Senate must give its consent to, I would not oppose his confirmation. In ordinary times I might not oppose his confirmation as CIA Director. But these are not ordinary times.

The job of Director of the Central Intelligence Agency, along with that of FBI Director, demands more than an honest, capable, and professional person, even though it demands all of these attributes. It demands someone who will be perceived by the public as free from political pressures in rebuilding the Agency. In normal times this alone would not, in my opinion, disqualify someone with a political background from the job. But in these times, I must conclude that a highly partisan political background is an insurmountable obstacle for this post.

The distinguished chairman of the Armed Services Committee told Ambassador Bush at the hearing that if he was using the directorship of the CIA as

a stepping stone to the vice presidency, he would question his judgment. Mr. President, if he or if anyone were using it as a stepping stone to the vice presidency, I would question his sanity. But that is really not the issue.

Obviously, the CIA needs a director who will be independent of the White House, a person who can resist pressures from all outside sources. The nature of the job, that of providing the President and his foreign policy advisors with objective analyses of events in areas of the world of interest to the United States, demands that high degree of independence.

Not only must the director of the CIA be independent in fact; he must also have the appearance of independence. The public must perceive him as a professional, not a political ally of the President. In my opinion this is a sine qua non for confirmation. George Bush obviously does not satisfy that essential requirement.

Mr. President, this should not necessarily rule out everybody who has been involved in politics. However, Ambassador Bush does not have an ordinary political background. We are not talking about a man who has simply served as an elected official; we are talking about a man who has served as national chairman of one of our two great political parties. We are considering the confirmation of a man who has been nominated by the President out of a desire, as the President himself put it, to have "one of his boys," a member of his team, as Director of the CIA.

The fact that the President has removed Ambassador Bush from consideration as his running mate this year does not diminish the fact that he has been and remains a leader of his party—and I might add a capable one.

Mr. President, I believe that this nomination, if confirmed, would reaffirm the cynicism already rampant among the American people. It will be perceived as yet another example of politics as usual. And politics as usual has resulted in Vietnam, Watergate, FBI abuses, and CIA abuses. It is time to begin putting an end to that prevailing attitude in this country.

As we consider this nomination, we must keep in mind that public opinion of the CIA has reached its nadir. This nomination does not begin to change that negative impression; in fact, from what I hear from my constituents, it only reinforces it. The rejection of this nomination should not and would not be viewed as an affront to Ambassador Bush, a fine public servant. It would be perceived as a concrete manifestation of the intent of Congress to rebuild the CIA and to restore to it the confidence and trust of the American people.

I thank my distinguished colleague from New Hampshire. I yield back whatever remaining time I have.

Mr. MCINTYRE. May I ask the Senator to expand a little bit on the reaction he has had from some of his constituents to this nomination?

Mr. LEAHY. I have made it a point to let the people in Vermont know how I feel about this particular nomination in

visits back home, in mailings, and on radio talk shows. As the Senator from New Hampshire knows, I do not come from a State which is noted for being heavily anti-Republican. In fact, I am the first member of my party ever to be elected to the Senate from that State.

Mr. MCINTYRE. May I interrupt to add my congratulations. I hope that many more Senators who share the concern of the Senator from Vermont come to the Chamber.

Mr. LEAHY. I thank the Senator.

I will tell the Senator that the people in Vermont are very concerned about this nomination. I think the people in Vermont are strongly behind the idea that the CIA and FBI are necessary institutions of our Government, but they have been very, very concerned about the revelations they have heard. They feel that both of these agencies have been badly damaged by misconduct, by improper activities, and they want to see them restored to a position of trust.

I used the expression here of politics as usual. I heard that time and time again from Vermonters, including many people I would consider basically conservative Republican Vermonters. They are all very concerned. They feel that this nomination just masks some kind of a political reward. That is the way it is perceived.

Mr. MCINTYRE. Mr. President, I want to thank the distinguished Senator from Vermont for his fine statement. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Will the Senator yield 7 minutes?

Mr. TOWER. I yield 7 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the pending nomination of Mr. Bush as Director of Central Intelligence. It is my belief that he would fulfill well the difficult job of managing the CIA in the present environment promulgated by numerous events.

Mr. Bush has the individual traits necessary for such a high position. He is a man of integrity, extraordinary ability and intellect. He has already brought these substantial capabilities to bear in several positions of great responsibility: First, as the recent U.S. liaison chief with the Peoples Republic of China, and prior to that as U.S. Ambassador to the United Nations.

#### BROAD EXPERIENCE

These high appointments came following his service in the U.S. House of Representatives and as National Chairman of the Republican Party. Earlier he was a successful manager of a petroleum company. Further, contrary to some expressed viewpoints, I weigh his tenure as Chairman of the Republican National Committee as an asset in assuming the CIA directorship. Some of the difficulties which the CIA has encountered might have been avoided had more political judgment been brought to bear. Mr. Bush himself made it clear in his confirmation hearings that political partisanship has no place in the CIA post, but he felt that his political experience would be an asset once he assumes Directorship of the CIA.

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## IMPRESSED COMMITTEE

Frankly, when he appeared before our committee I have rarely seen a witness carry the day, so to speak, and was the impression of integrity and competence which he portrayed to the members. His frank handling of sensitive areas of questioning, and his sound views on gathering, management and use of intelligence obviously won him some votes after what appeared to be various reservations based upon his political background.

The high regard in which he was held by the committee obviously had something to do with the request from some of the members that the President state in writing that Ambassador Bush would not be offered the post of Vice President later in the year. While continuity was given as the reason for tenure, I doubt this would have been required of a man of lesser ability than the nominee now under consideration by this body.

## POLITICAL RESERVATIONS

Frankly, I do not agree with stated viewpoints of some of my colleagues that the fact of past political activity on the part of the nominee has discredited him in the eyes of the public. I have not seen, certainly in my own mail, nor heard of any other Senators receiving significant public opposition to his appointment. The mail I have received on the CIA has deplored the public disclosure of highly sensitive CIA matters from congressional sources.

Further, earlier this week even the Washington Post published an article stating the public was shocked and dismayed by the placing on the public record in the Congress of highly sensitive matters. These revelations, often from unnamed sources, involved covert and other secret activities approved by Presidents elected from both major political parties. That is where the public concern lies, on disclosures which are tearing down the CIA, not upon the selection of this highly competent man to repair the damage of this overexposure.

At this point in my remarks, Mr. President, I ask unanimous consent to have printed in the RECORD an article in the January 23, 1976, issue of the Washington Post entitled "Climate Is Changing for 'Reform' of CIA."

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

CLIMATE IS CHANGING FOR "REFORM" OF CIA  
(By Laurence Stern)

A drastically altered political climate will greet outgoing Central Intelligence Agency Director William E. Colby when he appears on Capitol Hill today to offer his prescription for reorganizing the intelligence community.

Just a few months ago there were predictions of major legislative surgery for the CIA—talk of ending covert operations, splitting off the analytical and operational branches of the agency, relocating the director to put him in the White House.

Now the forces for maintenance of the status quo are emerging as the Senate Government Operations Committee moves into the law-drafting stage of the intelligence controversy, which has been liveliest subject of political interest in Washington since the Watergate scandals.

Traditional congressional intramural politics, for example, are now coming into play on the intelligence reform issue.

Some congressional observers saw this as the underlying reason for the announcement by Sen. John G. Tower (R-Tex.) Wednesday that he opposes formation of a new oversight committee to monitor the intelligence community.

Tower urged instead that the oversight function be left in the custody of the Armed Services committees, which have performed it for more than a quarter of a century in a spirit of clubby toleration. As the second-ranking Republican on the Senate Armed Services Committee, Tower enjoys a position of influence on that panel.

The White House and intelligence community would gladly settle for that arrangement in place of the present congeries of six congressional committees that have a consultative role on CIA matters.

In the Senate there is a growing consensus for separate House and Senate oversight committees rather than a single joint panel. The fear among Senate advocates of tighter congressional control is that a joint committee bill might perish in the House or in conference.

The administration favors a joint committee approach to minimize the number of congressional staff personnel involved, since staffers are regarded by the intelligence professionals as potential leakers of national security secrets. It would also reduce the number of trips required between the CIA's Langley headquarters and Capitol Hill, where Colby has spent a larger portion of his tenure than any of his predecessors in the directorship.

The one issue upon which virtual unanimity has developed between administration officials and members of Congress is the demand for stronger punitive action against those in government and even in journalism who make public classified material.

It was in this spirit, perhaps, that Sen. Charles H. Percy (R-Ill.) asked one of yesterday's witnesses, former CIA official David Phillips, for a full explanation, of Britain's Official Secrets Act, which imposes far-ranging official censorship over a wide range of governmental action—not only of a national security nature—and makes disclosure punishable by criminal prosecution.

Colby is supporting a legislative proposal that would impose criminal punishment on government employees for divulging classified information during or after their active service.

There are also strong punitive provisions for disclosure of government secrets proposed in the bill known as S.1, which would recodify the U.S. Criminal Code and is awaiting action in the Senate.

One congressional participant in the intelligence "reform" process now under way prophesied that the net effect of the legislative labor on the intelligence issue will be to produce "an American official secrets act and no reform."

## SOUND INTELLIGENCE VIEWS

Mr. THURMOND. Now turning away from the politics of this nomination, I would like to point out some of the more substantive issues which came out of the hearings. Mr. Bush made it clear he saw the need for a strong intelligence community, but one which would in no way abuse its power.

He maintained the CIA should stay strictly in the area of foreign intelligence and coordinate the activities of the other agencies so involved. Mr. Bush also noted the culmination of these efforts would be to provide the President and the National Security Council objec-

tive analysis, and in cases where strong differences in opinion may occur such differences would be footnoted.

He stated that he would take seriously the Director's responsibility to protect intelligence sources and unauthorized disclosure. Further, he pledged to work out a relationship with the Congress which would meet the legitimate and necessarily expanded oversight responsibilities of the Congress.

## CAN WORK WITH CONGRESS

Mr. President, the position is one of great importance, and I do not wish to raise any personal point with any of my colleagues. Each is entitled to his own views and has an obligation to his constituents to represent them in that way. However, it is my feeling that a man with experience in the Congress, where most of the complaints are being heard, may well be able to deal more effectively with the serious problems now facing the CIA.

Further, his roles as Ambassador to the United Nations and Liaison Chief to the Peoples Republic of China certainly should have given him a realistic idea of the issues of other countries in which the United States has a national security concern.

Therefore, based upon the recognized integrity and competence of the nominee, I urge the Senate to view this nomination in the most objective light possible, as the new Director of this Agency needs strong congressional support if he is to meet the problems ahead.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. GARY HART. I thank the Senator from New Hampshire.

Mr. President, on November 3, 1975, President Ford announced his intention to nominate George Bush to be Director of Central Intelligence. Despite my respect and admiration for the man, I must oppose his nomination. He is, simply, the wrong man for this job.

The CIA must stay out of politics. The appointment of a partisan politician to be Director of the CIA will create a bad precedent. Although I have no reason to believe that Mr. Bush would politicize the CIA or bend intelligence judgments to meet political needs, we might not be as fortunate with future political Directors of the CIA.

The CIA has had eight Directors since it was created in 1947. Three—Roscoe Hillenkoetter, Walter Bedell Smith, and William Raborn—have come from the military. Two—Richard Helms and William Colby—have come from within the CIA. Three—Allen Dulles, John McCone, and James Schlesinger—have come from distinguished private and government careers. None has come from political life. This tradition should be maintained.

The appointment of Mr. Bush is a disservice to the CIA. The Agency is at a critical period in its history. It has conducted illegal domestic activities in this country. It has been misused, and abused, by American Presidents. It has been the subject of investigations, by a Presidential commission and two congressional

select committees, for almost a year. It has been in the headlines for a much longer period. Its future role and responsibilities are in doubt.

At this critical time, the CIA must have a noncontroversial, full-time Director. This Director must be able to restore morale to the Agency and guide it through the difficult months ahead. Despite President Ford's statement that Mr. Bush would not be his running mate in 1976, I have serious doubts whether Mr. Bush would be retained as Director of the CIA should a Democrat be inaugurated in January 1977. I fail to see how a Democratic President could keep a former chairman of the Republican Party on as Director of the CIA. I can see, and would expect to see, a Democrat retain a respected, nonpolitical CIA Director. Mr. Bush's confirmation as Director will, therefore, leave the Agency in a state of uncertainty about its future leadership. This is a mistake.

I oppose Mr. Bush's nomination for another reason. I simply do not agree with his views on CIA covert action. During his confirmation hearings Mr. Bush stated that, as Director of the CIA, he would not rule out attempts to overthrow constitutionally elected governments. In his words

I think we should tread very carefully on governments that are constitutionally elected.

Mr. Bush believes our adversaries play rough, and they do. He appears to believe that we must, on occasion, play by their rules. I do not agree. During the Senate select committee's assassination inquiry, we uncovered a document written in 1954 by the Doolittle Commission. The Commission had been formed to advise the President on CIA covert activities. The introduction to the Commission's report stated that this country may have to adopt tactics "more ruthless than [those] employed by the enemy" in order to meet the threat from hostile nations. I reject this philosophy, but apparently Mr. Bush does not.

Mr. Bush's views on legislative involvement in covert action decisions also concern me. He appears to believe that covert action decisions are among the President's "inherent powers" and that Congress should be informed, but not consulted, about covert operations. During his confirmation hearings Mr. Bush stated as follows:

I think it is the obligation of the President to determine the covert activities and I would say after plenty of adequate consultation with the NSC and representatives of the intelligence community, but I think he must make that decision and I do not think it ought to be a joint decision . . . I think that is what the Presidents are elected to do.

Mr. Bush does believe that Congress should be informed of covert operations. But when Congress should be informed is another matter. He does not believe that Congress should be informed simultaneously with the President's decision to go ahead with a covert operation. When I asked him during the confirmation hearings when Congress should be informed, he stated:

I would say timely notification but I would not want to tell you that I thought that should be done simultaneous with the President making a decision. . . . I think there are some areas where the President has those inherent powers and he should be allowed to proceed.

I reject Mr. Bush's concept of the President's inherent powers to proceed in covert operations without prior consultation with Congress.

President Ford made a mistake in nominating George Bush to be Director of the CIA. Mr. Bush is not prepared for the job. During his 2 days of confirmation hearings Mr. Bush repeatedly stated that he could not answer specific questions because he had not been briefed. The President should have appointed a man who has some, although not necessarily extensive, background in intelligence so that he would not be starting on the ground floor.

In 1947 Allen Dulles stated:

Appointment as Chief of Central Intelligence should be somewhat comparable to appointment to high judicial office, and should be equally free from interference due to political changes.

The appointment of Mr. Bush does not conform to this good advice.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GARY HART. Mr. President, will the Senator yield another minute?

Mr. McINTYRE. I yield 1 additional minute.

Mr. GARY HART. The Rockefeller Commission made a number of comments concerning the Director of Central Intelligence. The Commission stated:

The best assurance against misuse of the Agency lies in the appointment to that position [Director of the CIA] of persons with the judgment, courage, and independence to resist improper pressure and importuning, whether from the White House, within the Agency, or elsewhere.

The Commission recommended that:

Persons appointed to the position of Director of Central Intelligence should be individuals of stature, independence, and integrity.

Mr. Bush's stature and integrity are not in question. His independence, due to his political past and possible future, is. It is this appearance of possible lack of independence which raises serious doubts about the President's judgment in appointing George Bush to be Director of the CIA. One of the reasons President Ford gave for firing William Colby was that he wanted his "own team." Mr. Colby was not a member of Mr. Ford's "team."

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. McINTYRE. I yield to the Senator 1 additional minute.

Mr. GARY HART. I thank the Senator. Apparently, the President believes Mr. Bush will be a good "team" member. I do not believe this quality is appropriate for the Director of the CIA. Setting the precedent of having good "team" members in the CIA is a dangerous one. It is likely to be abused, if not now, then in the future.

I thank the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield myself 2 minutes.

Will the Senator from Colorado respond to a question or two that I have?

Mr. GARY HART. I am glad to respond.

Mr. McINTYRE. Mr. President, it is my understanding that the Senator from Colorado has served now for a year on the Select Committee to Study Governmental Operations with respect to intelligence activities. Is it permissible for the Senator to tell me in open forum how large is the CIA? How many individuals?

Mr. GARY HART. I think it is a matter of public record that the total employee rolls of the CIA are in the neighborhood of 15,000.

Mr. McINTYRE. Fifteen thousand.

I asked that question because they refused to tell us in a telephone call. Perhaps that was not the right way to go about it.

Let me ask the Senator another question. I, too, was struck by President Ford's desire to have his own team, as he expressed it, and I certainly could understand why a President, in the difficult job that he has, would want that. But is it the conception of the Senator from Colorado that the posts of Director of the CIA and the Director of the FBI are like Cabinet posts? Does the Senator conceive them to be like Cabinet posts?

Mr. GARY HART. The position of Director of Central Intelligence is unique. It was designed to be a position directly responsible to the President of the United States. During the past year in which the Select Committee on Intelligence has looked into the intelligence community, we have seen too many occasions under both parties and several administrations where that peculiar relationship between the President—the White House—and the CIA has been abused and misused.

Unfortunately, a lot of the abuse and criticism that the CIA has received has not been the responsibility or the fault of the CIA. It has been because of the direct pressure from the White House, as I say, under various administrations and both political parties.

It is because of that kind of pressure that I certainly feel that I must strongly oppose this nomination.

We should do everything we can to break that link, the kind of political pressure that the President can bring on that appointee.

Mr. McINTYRE. Mr. President, I yield myself as much time as I need.

I say to my good friend from Colorado that I never will be able to forget the incident in which Mr. Ehrlichman called the Deputy Director of the CIA, then, I believe, a Major General Cushman, and said, in effect, he was sending a man over and to take care of his needs. That man was Howard Hunt.

The questions that were asked by that assistant director were very minor. He did not question the authority because he

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testified that he knew that the call was from, in effect, the President. All Mr. Hunt wanted was a red wig, a device to put in his mouth to change his voice, and a false identification. He received it.

One of the things that bears so heavily on my mind is to think that some of our Presidents in the past have utilized this unique Central Intelligence Agency, as the Senator from Colorado points out, not for foreign intelligence purposes but to pursue domestic political ends.

That is something that this Congress has to stop, and I am sure that the Senator from Colorado agrees.

Mr. GARY HART. If the Senator will yield for a comment, the problem with this nomination is it runs cross grain to the findings of our committee that we have been involved in for the last year. If there is one central discovery that our committee has made throughout all of its investigations of attempted assassinations of foreign leaders, abuses of authority here at home, surveillance of American citizens, attempts to overthrow foreign governments, and everything else, it is that one cannot politicize the intelligence community. It is absolutely the worst possible thing that can happen.

I agree with every one of those who say that we have the highest kind of talent capability in our Central Intelligence Agency. These people are professionals. They believe in what they are doing. They are performing a tremendous service to their country.

The problem of morale at that Agency and the degree to which the investigations of that Agency have contributed to those problems are certainly unfortunate because of the degree to which they may have taken people's minds away from their jobs. Absolutely 99 percent, close to 100 percent, of the people at the CIA are dedicated nonpolitical people trying to do a professional job.

To link up the White House with the Central Intelligence Agency through political connections of this sort, that were certainly not intended when that Agency was created, would do more to continue that low morale than anything else we could do. It would be absolutely the worst step that we could take.

If this were a Democratic President nominating a Democratic politician for that position, I would be taking the very same position.

Mr. MCINTYRE. I thank my good friend from Colorado and I shall take 2 minutes right now.

Mr. President, in my inquiry of other colleagues as to how they might vote on this issue, I have been met with the question why should politicians be disqualified automatically? Do they not have qualities which could be useful in this job?

Some of our colleagues have felt reluctant to oppose Mr. Bush simply because, as they say, he is a politician and simply for "appearances sake." It is, I suppose, the choice of words which bothers them, because no one wants to be accused of judging someone on the basis of "appearances" and not the facts.

But I challenge any of our colleagues to dispute the fact of the wide mistrust of the CIA, the fact of its internal de-

moralization, and the fact of the public's suspicion of politicians in general and Congress in particular. I challenge anyone to deny that a "team player," a custodial appointment, is precisely what the Agency cannot afford at this time.

In these circumstances, at this time in the life of the Agency, it is absolutely vital that there be no question about the need to insulate the Director from partisan political considerations. I stress the public perception of the Agency so much because we cannot have a rehabilitation of the Agency without a restoration of public confidence. The two are inseparable: You will not have one without the other.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I commend the distinguished majority leader, who, with his typical nonpartisan attitude at the right time, with his typical sense of fairness, carefully thinking through and researching a subject as important as the current subject, has come to a conclusion, has forthrightly stated his position, and has made unequivocally clear how he stands on this issue. His support of George Bush at this time is typical. It is typical of his long and distinguished career in public service.

So far as I know, none of my colleagues who are opposing the nomination of George Bush has questioned his character, intelligence, or ability. The thrust of the arguments against his nomination concerns his role as a politician. Not that his political activities or political record have been questioned, either. The only complaint is that he is a politician who has been a Member of the House, a candidate for the Senate, and a chairman of his party's national committee.

It is said that politics must be kept out of the CIA, and with this we can all agree.

But are all politicians, regardless of their character, intelligence, and ability and regardless of other experience in public service, to be considered ineligible to head an intelligence agency and to coordinate the work of the intelligence community?

George Bush has been more than a political man. In fact, he has had three careers in public service: One, as an elected public official; second, as a politician and party chairman; and, third, as a very distinguished diplomat. His diplomatic service, while briefer, has been more recent. To my knowledge, it was generally accepted that he had done an excellent job as Ambassador and Permanent U.N. Representative at the United Nations. Similarly, his service as Chief of the U.S. Liaison Office in Peking has been widely praised. Neither assignment was an easy one or blessed by favorable circumstances, yet George Bush performed with honor, with discretion, and with grace in both.

As I recall there were some rumblings

when he was named to represent our country at the U.N. It was said then that George Bush was a politician and business man. But, in view of his success in two major diplomatic posts, it can no longer be said that he is only a political man. His ability to adjust rapidly and well to diplomatic service gives us ample reason to conclude that he is a man of talents who can apply those talents effectively in many fields of public service.

I have no doubt of George Bush's ability to undertake the new assignment for which he has been nominated, and to do it well. His understanding of, and sympathy with, the oversight role of Congress will be especially helpful to us as we seek to bring the intelligence apparatus under control. Moreover, in working with the White House and with Congress, his diplomatic experience will serve him well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield the Senator 2 additional minutes.

Mr. PERCY. Mr. President, I have been reaffirmed in this belief as over the past week I have been privileged, together with Senator RUBINOFF, our chairman, and other members of the Committee on Government Operations, to conduct hearings, now that the Church committee is winding up its affairs and will be making a final report on recommendations, to hear witnesses testify as to what they think we should do. I have probed with such men as Mr. Colby, John McCone, former heads of the Agency, have met with Mr. Kelley, head of the FBI, and this morning with Secretary Ellsworth, to determine what particular talents are needed at this time. I am reinforced in my belief that George Bush possesses many of those talents, if not all of them, that are now going to be required in this particular stage of history in this vital Agency.

The question of his availability for another political role this election year has been resolved, unfortunately, to the detriment of my party. But the larger national interest has been served by enabling George Bush to assume this great, new responsibility. I feel that we are very fortunate in having a man of his caliber to be Director of Central Intelligence at this crucial time in the life of this agency, so vital to the security of our Nation.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have listened with interest to the arguments presented by the opponents of George Bush. I respect the reasoning behind those arguments, but I do not agree with them.

Yes, George Bush has had a political background. I knew him before he had a political background. I have known him all through the years that he was engaged in politics and then in business. The man has not changed a bit.

The question that comes to my mind is this: Does the term "politician" connote something evil that is going to fol-



low throughout the rest of our lives? I do not agree with that, because I know many men and women who have served in politics, served well, and have gone on to serve their communities and their States and their businesses with equal success. I will not say that this holds across the board, but it does to a large extent.

"Politician" means a person skilled in the art of politics. A doctor is skilled in the art of medicine. An economist is skilled in the art of understanding the economy.

With his skill as a politician, George Bush also is skilled as a businessman, a very successful, more or less self-made businessman, in Texas. He is a family man and he is a religious man. But I think the most important thing to remember is that he is a successful man.

Mr. President, if there is one thing we need a lot of in politics and in Government, it is more people who have had success in life in something other than the mere profession of politics. This job—and I say this after having served on the Intelligence Committee for a year—needs the particular talents that Mr. Bush has: the ability to understand a new assignment, the ability to apply his integrity, and the ability to see that the job is run in a proper way.

I admit that, as a member of the committee and as a Senator, I might have preferred to have had George Bush bubble up from the bottom, through the whole chain of command of the CIA, but that is not possible. We do not see that happen. We do not see it happen in the Post Office. We do not see it happen in any other division of Government. The job always has been given to someone who it was thought could do the job.

There is one thing that these hearings have said to me. I may be in the minority in saying this. Everything that the CIA has done that has brought discredit on the CIA was done at the orders of the White House. I repeat that—done at the orders of the White House. We have spent months and months trying to hide that, but we cannot. In fact, I recall that several members of the CIA, when asked under oath, "Would you lie to protect the Office of President?" All said, "Yes." It means more to them to see the White House protected, evidently, than whether or not their own names come out of it all right.

So here is a case, I think, in which Mr. Bush's particular talents—yes, even including his experience in politics—will stand him well; because, knowing politics, he will be better able—when the President tries to talk the next CIA group into something that might be considered morally wrong by many Americans—to point out to the President, in a political sense, why it is wrong.

I do not want to see the charge stand any longer against the CIA that they and they alone have been responsible for everything that has gone on for which they have been discredited. I do not think we have a finer man serving the American people than Mr. William Colby.

I think the former heads of the CIA have all been exemplary men who have merely done their jobs. Their jobs are now catching the attention of the press,

I guess mainly because the press has not much more to worry about right now. So, Mr. President, I hope that this body will approve Mr. Bush. If he has one thing against him, it is that he has been a successful American. For that reason, many of our colleagues—I hope not too many—seem to feel that he would not make a good head of the CIA, or the fact that he has been a politician might stand against him. Mr. President, if that is the case, none of us has a very bright future.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Arkansas.

Mr. BUMBERS. Mr. President, I shall start by limiting my support to the words of the distinguished Senator from Colorado (Mr. GARY HART), whose statement was considerably more articulate and formalized than mine will be.

First of all, I have never heard anything from Mr. Bush's friends or his business associates except the very highest praise. I think it is regrettable that the President would send the nomination of a man who is so highly esteemed to this body for this position and cause me, in my own mind, to be forced to cast a vote against his nomination simply because I think the precedent is too devastating for the Senate to accept.

It was interesting to me that the President sent the name of John Paul Stevens to this body as his choice for the Supreme Court, and not one dissenting vote was cast against the appointment. I heard many of my colleagues say, "Why cannot the President send men of that caliber, whom everybody in the Senate can support wholeheartedly and be very happy about? Why is the Senate placed in the position of not being able to applaud the President in every instance for his discretion?" I regret, as I say, that the President now forces me to vote against a man whom I could support for almost any other position within the President's appointment power. But Mr. President, I think the precedent is simply too critical.

I think there is a degree of professionalism that this unique position as head of the CIA requires that would be missing. So far as politics are concerned, I have no doubt that if the next President happens to be a Democrat, one of the first orders of business will be to ask Mr. Bush for his resignation. I have known the past four Democratic Party chairpersons, all fine people. So far as I know, their thoughts and their ideals are no less noble than Mr. Bush's. But I want to go on record now as saying that I would not support any of them, should anyone of them be nominated, for such a unique position, which simply must be above all suspicion of political ties or influence.

I was interested in the Armed Services Committee, which, as you know, voted Mr. Bush's confirmation out by a vote of 9 to 4. I respect that committee. They asked him about his possible candidacy for the Vice Presidency. Apparently, it took some time to get both Mr. Bush and the President to agree that he would

not be a candidate for Vice President. It occurs to me that this was a rather strange request, coming after the known fact of Mr. Bush's strong partisan party affiliation. The President's reply certainly was not the litmus test for me. But I notice that the majority of the committee said that after questioning Mr. Bush, they had concluded he would be able to rise above partisan politics. Mr. President, I think that is a burden which neither the President nor this body should ask him to bear.

I thank the distinguished Senator from New Hampshire for the time.

Mr. MCINTYRE. I thank the Senator from Arkansas for his fine statement.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield 3 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, it is my privilege and pleasure to support the nomination of George Bush to be Director of the Central Intelligence Agency. A considerable part of my professional career the last few years has been devoted to matters of concern relating to the security and well-being of this country. The Presidency as an institution, the intelligence community as it now exists, law enforcement agencies as they relate to the fundamental welfare of the country and the rights of individual citizens are all significantly influenced by the Agency Mr. Bush will head. My concern in these respects has been the direct outgrowth and product of that unhappy—indeed, that dreadful—time in our national life that we refer to as Watergate. In that inquiry into the allegations of malfeasance and nonfeasance on the part of the President of the United States and his associates, and, later, of the CIA and other law enforcement agencies, I have had occasion more than once to turn my attention to what went wrong, and how to avoid such wrongs in the future. Mr. President, if I can make any general statement in that respect, it would be that the institution of the Presidency, the White House, Congress, and indeed, the executive departments of Government, including the intelligence community and particularly the CIA, could have been well served by the leavening influence, the common sense, and the judgment of those who have involved themselves in the political affairs of this Nation.

In a word, Mr. President, I do not view George Bush's engagement in partisan political activities in the least as a disability to serve as CIA Director. On the other hand, in those weeks and probably, in those years ahead, when we consider how to go about restructuring our intelligence and law enforcement agencies, to insure that they are amenable to our constitutional processes and dedicated to the protection of the freedom of this country and of individual rights, I, personally, will feel more comfortable if someone is CIA Director who does understand American politics.

This would not be so had the President chosen someone who was a professional politician, steeped in the ways and traditions of party organization and structure. But that is not the case of

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George Bush. George Bush is, first and foremost, a patriot. He is a great citizen, a successful businessman, a distinguished legislator. He has been the servant of the President of the United States in many capacities, not the least of which has been his excellent representation of this country in the People's Republic of China.

I rather surmise that George Bush never wanted this job. I would guess further that he may not have wanted to be national Republican chairman when he was so chosen.

Mr. GOLDWATER. Will the Senator yield?

Mr. BAKER. But I rather suspect that in both cases, he responded to an urgent need and sincere request from the President.

Mr. GOLDWATER. If the Senator will yield, the Senator is absolutely correct on that point of his not wanting to be national chairman. I sat at the White House and phoned him at the request of President Nixon and had to twist his arm both ways to get him to say yes.

Mr. BAKER. I am happy for that confirmation. I suspected as much. I know Mr. Bush to be one of that handful of Americans in both parties whom Presidents have turned to repeatedly in times of stress—when they needed undoubted authority—to lead a Government department or agency out of its travail to higher ground. That is the character of which George Bush is made.

I have many views on this subject. I think, for instance, that the DCI ought not to be head of the CIA. That is too important a job. I think the Director of Central Intelligence ought to be a separate job to coordinate the Presidential responsibility for these functions to and from all of the 62 agencies of Government that have some intelligence or law enforcement-related activities. Even if we had already done that, I can think of no one I would pick before I would pick George Bush. It will be my pleasure to vote for his confirmation.

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the Senator from Delaware (Mr. BIDEN).

Mr. BIDEN. I rise to join Senator McIntyre and others who oppose George Bush to be Director of the Central Intelligence Agency. In doing so, I do not question his ability, his experience, or his character, but I do criticize the appropriateness of the nomination.

I feel it is unfortunate in at least two practical aspects. In the first place—and I shall be brief—if there is any one thing that the Rockefeller Commission, the Senate select committee, and other investigative efforts of the past year or more have clearly demonstrated, it is that there must be a depoliticization of the CIA, and that that objective is a sorely needed one. As for the particular nomination before us, I think it does just the opposite. Given Mr. Bush's highly political career and identification he, in my opinion, is the wrong appointment, for the wrong job, at the wrong time.

Revelations of past misconduct on the part of the CIA and of past administrations have created at least a serious question in the minds of many people in the

American public as to whether or not the CIA is anything from being worthwhile to useful.

I happen to believe it is both worthwhile and useful. I happen to believe there is a need for CIA to regain at least part of the lost confidence on the part of this body, Congress as a whole, but, most importantly, the American people. In this time of so-called confidence-building, it seems to me it is inappropriate that we, in fact, pick a man to head up that agency who may very well be able to completely disassociate himself from political activity, who may promise not to run for Vice President if chosen, who may do all these things and may actually be the best possible fellow we could, in the abstract, pick for the job, and completely take himself out of politics, but I think in these times it is going to be very difficult to convince the American people that this, in fact, is being done, almost whatever he does, no matter how well he extricates himself from his prior number of years of deep involvement with partisan politics.

The times call for confidence-building, not politics: the Congress and the American people must have confidence in the effective intelligence function our Nation needs.

To accomplish this, there must be confidence that the CIA will never again be used as a political instrument.

There must be confidence that the Director of Central Intelligence is a forcefully independent figure who can say no to any Presidential views of the world reality which do not accord at all with the hard, dispassionate facts of national intelligence: And who can say no to any remedial covert operations which—as has sadly occurred in the past—the President, or his chief foreign policy lieutenant, or the covert operators may be touting with more enthusiasm than far-sighted judgment.

The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a highly respected nonpolitical figure out of national life, rather than one of the President's "guys."

The second reason why I think it is important that we not confirm Mr. Bush to head up the CIA is that it suggests a continuance, in my opinion, of virtually unaccountable executive action in the field of covert activities.

Mr. Bush has testified in committee that U.S. covert paramilitary operations abroad can be a good thing on occasion in helping to install governments we happen to like, and that timely notification of Congress will suffice, after the fact of the covert operation's initiation.

I happen to prefer, for example, the statement of our colleague, Senator MATHIAS, given earlier this month to the City Club of San Diego when he said:

The unfortunate and ill-advised involvement of the United States in Angola would not have occurred if the issue had been fully and carefully considered, and if congressional advice had been sought before our recent involvement began.

In view of Mr. Bush's testimony, I fear that in confirming his appointment we, in the Congress, will simply be acquiesc-

ing in more bypassing of advice and consent, and more faits accomplis with respect to covert adventures, and more appropriations without representation.

We, in Congress, have had enough of this invisible government, I think, whether rogue elephant CIA's or administrations. It seems to me we need a man in that job or a woman in that job, who, in fact, has a different basic philosophy with regard to that issue. I do not think we can accept that continued conduct of that Agency in the manner in which we have come to learn that it has been conducted.

I would add, parenthetically, it seems also we are heaping a lot of blame on the CIA these days, and forgetting that a Democratic President was there for a considerable portion of the time and, apparently, knew a good deal about what was going on at the time. The more we learn, the more I become convinced that the CIA did less and less, in fact, without Presidents knowing what was occurring.

But, be that as it may, it is time that we, in fact, move that very, very important agency back to a position of prominence and confidence.

I, for example, in my limited experience here in the U.S. Senate have found, as a member of the Foreign Relations Committee, that whenever I asked for advice from the CIA I got a whole lot straighter scoop than I did when I went to the Defense Department to get anything, and I think the CIA is a very valuable outfit.

But, I think, by our turning around and having a Director who so clearly is identified with partisan politics and with being one of the President's "guys," we are making a real mistake. I think the American public is—and I know I am—looking for somebody in whom I would feel confident that if, in fact, the President suggested something in the covert field, for example, which the Director thought it was not in fact a very sensible thing, that he would just flat out tell the President, "No, I don't like it; I won't do that."

To sum it all up, I think it is important that we have a man of not only integrity which, I think, Mr. Bush is, but one with a nonpartisan record, and with a demonstrable capacity to tell the President that he thinks he is all wet, and stand up the President of the United States, when need be, to do that.

On those grounds, I am going to vote against Mr. Bush's confirmation to head up the CIA.

I thank the Senator from New Hampshire for yielding to me.

Mr. MCINTYRE. I thank my good friend from Delaware for expressing his opinion on the matter at issue.

Mr. TOWER. Mr. President, I yield myself 2 minutes.

Mr. GOLDWATER. Mr. President, will the Senator yield 1 minute to me to answer the Senator from Delaware? Just one brief statement.

Mr. TOWER. I yield to the Senator.

Mr. GOLDWATER. I wanted to comment on one statement the Senator from Delaware made. One of the first and strongest suggestions that President Nixon step down came from George



Bush when he was chairman of the Republican Party, and I can tell you that takes a lot of what we call "guts."

Mr. TOWER. Mr. President, at least two speakers this afternoon have referred to Mr. Bush's views on covert action as the reason for rejecting his nomination.

Mr. President, the question of covert action and Mr. Bush's views on covert action is really only marginally relevant, because covert action is indeed an instrument of foreign policy and has been authorized by succeeding presidents of both parties as a matter of continuing American foreign policy conduct for the last 25 to 30 years.

Now, should Congress decide that there be no more covert action or should the President of the United States decide that covert action is not a proper tool of diplomacy, then it would not make any difference what the DCI's views on covert action were because he would be bound not to engage in any covert action. So this is a policy matter that could be widely debated on the floor.

I do not know whether the majority of this Senate believes in covert action or a majority opposes it, but that is a policy matter which could be resolved by debate in the Senate, and I think ought not to be considered in the context of the consideration of the qualifications of Mr. Bush to be DCI.

The PRESIDING OFFICER (Mr. CASE). Who yields time?

Mr. MCINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. JOHNSTON. Mr. President, I rise in opposition to the nomination and, in so doing, I would like to point out that this is the first nomination I have ever opposed, if there has been any other, and it has not been more than one nomination, and I do not recall which one that was.

I do so not out of any feeling of lack of ability or integrity or any of those qualities that are usually associated with a nominee. I have the utmost confidence from everything I have heard about Mr. Bush, but one thing I do know, Mr. President, that is very clear about Mr. Bush: He has been a politician and he either will be a politician or at least at this particular time he looks like one.

Now, Mr. President, as a full-time politician and a body among politicians, I do not want to denigrate the word "politician" or bring discredit upon our name. To the contrary, I think the word and the profession of politics is the highest calling there is. It is what makes democracy work.

But, Mr. President, the Director of the CIA is the most sensitive position we have perhaps in this Government in the sense that every item, every issue upon which this Director gives advice is right at the heart of the most delicate and greatly conflicting political issues we have in this country.

Defense spending. An annual and very strong debate we have every year on the

floor of this Senate and the question is, What is the Russian threat?

Now, who is going to be giving us the advice on that but the Director of the Central Intelligence Agency? And if he is echoing the same line as the President is, he is going to be suspect if he is in politics.

Angola. This is an issue on which there are two very strong and conflicting views. We ought to have advice on Angola from the best nonpolitical man we can get.

Just the other day on the Israeli question, we had testimony from the Director of the Central Intelligence Agency, on the question of whether, in fact, Israel is threatened: whether they should, in fact, have a billion and a half dollars; what their relative standing and relative strength is with respect to the Arab world.

It is the strongest kind of political issue we can get with great overtones and great implications, all through the political spectrum.

Mr. Bush has been in politics, I dare say he may be again. But we should neither get a man who is today in politics, or one who is likely to be in politics in the future, or one who is concerned about proving that he is nonpolitical.

I think sometimes it is just as bad to have to lean over backwards, one way or the other, to prove or disprove something as it is to be guilty of it.

I will recall a very good friend of mine who is a judge, at all levels of the court, and I have never had a judge rule against me as many times as this particular judge. In my judgment, he was leaning way over backwards to try to prove he was being objective to his good friend.

Mr. President, we do not want that kind of a man as Director of the Central Intelligence Agency, someone who is trying to prove he is nonpolitical. We do not want a man who is political.

I just hope that the Senate will turn down this nomination and find any other position in Government for Mr. Bush for which he is admirably suited other than Director of the Central Intelligence Agency.

Let us get our advice from someone whose political future in no way hinges upon the decisions he makes as the Director of the CIA.

I thank my good friend from New Hampshire.

Mr. MCINTYRE. Mr. President, I thank the Senator from Louisiana for his fine statement in support of what I think is a very important issue.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I would not take any more time except that I know this is a highly important office.

With the greatest deference for everyone, I just do not see how the political charge can be raised here in view of the outstanding fact that everyone praises Mr. Bush for his integrity, his character, his honor, and his proven capability. But some raise some kind of a possibility here, because of the political offices he has

held, that he would be a political man to the great detriment of the country.

I know that is a sincere belief, but does it stand up under the facts of life in the present instance, passing on both the man and his politics?

I told him in the beginning, "You are not going to ride through the Senate on the fine reputation of your father who served here, and many of us knew him."

He quickly said that he was not expecting that, and I was convinced he was not.

But talking about appointing a man because formerly he has been in political life, I have jotted down several of the recent Chief Justices of the United States—certainly an important office, the highest in the judicial branch of the Government.

I start with Mr. Taft, a former President of the United States, appointed Chief Justice of the United States, the highest office in the other pinnacle.

Chief Justice Hughes—I believe he followed Mr. Taft—a former Cabinet member, former Governor of New York, a former commissioner somewhere, I do not remember just where, outstanding in every office he held, outstanding as Chief Justice.

Chief Justice Stone, former Attorney General of the United States—I do not remember now what other offices he held. I think he had been attorney general of his home State.

Chief Justice Fred Vinson, former Member of the House of Representatives. I do not know if he was chairman of the party or not, but he was certainly active and vigorous in the party. A fine, outstanding Chief Justice of the United States.

I am referring here to men from both parties.

Chief Justice Warren, former Governor of California, former attorney general of California, served many years. He served many years and helped rewrite the law to a large extent.

And we have the present Chief Justice on the judicial branch.

Mr. President, I say with emphasis this charge, so-called, is not founded.

I ask my friend from New Hampshire, a very valuable Member of this body and of our Armed Services Committee, where is there in the record the slightest scintilla of evidence that this man, Mr. Bush, was not frank and candid, truthful, and spontaneous with our committee in his answers?

There will not be anything in the record, except that he did have the fullest of frankness and candor.

I have not heard anything in the cloakrooms, or up and down the aisles, or anywhere else, that scores him on anything less than complete honesty, frankness, candor, and sincerity, with the firmest kind of promises, I think sincerely given, that he is going to try to do a hard, tough job in the very finest way that he possibly can.

I will say now, it is no idle thing, unless a man is convinced, strongly convinced that he should vote "no." It is no idle thing, although every Senator has the right to vote as he pleases, to cast a "no" vote here against a nominee, a man with

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a record like this, for this highly important, essential, and sensitive office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I will just use half a minute.

I was not harking on to the Senator from New Hampshire or anyone else.

If anyone else can point out in the record or off the record any kind of a charge that this man, Mr. Bush, has been anything less than frank and honest in answering these questions, let him bring it forth and let it be debated.

I thank the Senator for yielding to me and we will wait for the answers.

The PRESIDING OFFICER. The situation as to time is as follows: The Senator from New Hampshire has 13 minutes, the Senator from Texas has 18 minutes.

Mr. MCINTYRE. Mr. President, I yield myself 1 minute to reply to my distinguished chairman in bringing up the example of the Supreme Court Justices. It does not gibe with the uniqueness of the CIA.

All of those distinguished Presidents who made appointments to the Supreme Court had a right to make appointments to project the judicial philosophy of the person who named them and the Senate which have approved them.

But remember, Mr. President, a Supreme Court Justice has life tenure in a separate branch of the Government. He is less vulnerable to the pressures that we have seen exerted on the CIA Director, and he operates under tradition and the Constitution and in the open.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. I yield back the remainder of my time.

Mr. TOWER. I yield 2 minutes to the distinguished Senator from New York.

Mr. BUCKLEY. I thank my friend from Texas.

I just want to say a couple of words, Mr. President. It seems to me we should stop putting people in automatic categories, drawing conclusions which may or may not have justification, and start thinking about personal qualifications that are well known, start thinking about a person's total career and what he has exhibited in that career.

It happens I have known George Bush for 20 or 30 years. I happen to have the highest respect for his intelligence. He has proven his ability as an administrator in the hardest kind, the most competitive kind, of business. He has been a public servant. I have never heard anyone suggesting that he would ever stoop to political deals and things of that sort at the expense of this country. I believe we have every reason to believe and have confidence in the kind of job he will do as the head of this extraordinarily important nonpolitical Agency.

If it is a disqualification to be involved in politics and then to be in the CIA, then we are going to have to exclude a lot of people. The fact that he may at one time have been national chairman of the Republican Party simply does not add up to a disqualification. What is far more important is to get somebody who is proven, whom we all know, whom we all have reason to have confidence in, than to play this kind of game.

I believe by the same token we can get anybody who has never been involved in politics directly in a line position and have that position far more pliable than George Bush is capable of being.

I urge his confirmation and I hope it will be a very, very substantial majority.

I thank my friend from Texas. The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield 10 minutes at this time to the distinguished Senator from Idaho, the chairman of the Special Committee on Intelligence.

Mr. CHURCH. Mr. President, after President Harry Truman retired from the White House, he was consulted and kept informed on the affairs of the Nation through briefings from time to time by various Government officials. At one such meeting held in the Truman Library during the Johnson administration, representatives of the Central Intelligence Agency were present. Among them was Enno Knoche, executive assistant to Gen. Marshall Carter, then Deputy Director of Central Intelligence. As Mr. Knoche recalls, the former President interrupted the briefing at one point to reminisce about the early days of his Presidency. He spoke of the reasons for the establishment of the CIA. When he first became President, he said he was often denied important intelligence held by the State Department and the Pentagon. The handling procedures and policy biases of these two institutional behemoths prevented him from receiving the steady flow of accurate and objective information he needed to guide the Nation.

Thus, in 1947, President Truman set up the Central Intelligence Agency to pull together basic and unbiased intelligence on foreign affairs required by the Presidency. The former President told his visitors:

This was the major purpose for establishing the Agency.

Rather than rely upon the military and the State Department to provide his intelligence requirements, Mr. Truman wanted an independent agency capable of complete objectivity and able to resist all partisan and policy pressures which might be brought to bear by various groups inside and outside the Government. So, from its very birth, the Central Intelligence Agency was meant to support the ideal of providing the Presidency with totally disinterested information.

This original intention has been strongly reiterated by the various past Directors of the Agency. Allen Dulles, perhaps the most well known of the early Directors, stressed that the duty of the CIA was—

To weigh facts, and to draw conclusions from those facts, without having either the facts or the conclusions warped by the inevitable and even proper prejudices of the men whose duty it is to determine policy and who, having once determined a policy, are too likely to be blind to any facts which might tend to prove the policy to be faulty.

Concluded Dulles:  
The Central Intelligence Agency should have nothing to do with policy.

A more recent reaffirmation of this tradition of independence came from Gen. Vernon Walters, second-in-command at the Agency now and during the Watergate crisis. During the impeachment inquiry, he testified about a meeting he had with John Dean in 1972. At the meeting, General Walters told Dean that—

Any attempt to involve the Agency in the stifling of this (Watergate) affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disservice to the President. I will not be a party to it, and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

And so, the CIA resisted the pressures from the White House to stifle the FBI investigation of the Watergate affair. The saving tradition of professionalism and independence for the CIA was wisely preserved in a most trying moment.

Today, the Senate faces a test of its own regarding the political neutrality and professionalism of the Central Intelligence Agency. How peculiar it is that we are even being asked to confirm as CIA Director an individual whose past record of political activism and partisan ties to the President contradict the very purpose of political impartiality and objectivity for which the Agency was created. Were Harry Truman once again at his desk in this Chamber, his voice would ring out in indignation against this ill-advised appointment.

Indeed, how can any of us vote "aye" on this nomination? We may be tempted to do so by the personal charm of George Bush and by his demonstrated competence in other Government jobs. But the personality of George Bush is not the question we face today. The central issue is whether he is the right individual to safeguard the tradition of intelligence objectivity espoused by President Truman in 1947 and carried forward since that time.

Is the appointment of one of the President's close political allies the proper way to perpetuate this ideal? I think not. We are not talking about an appointment to the Post Office Department. We are here to deliberate the future direction of our largest Civilian Intelligence agency—and at the very time when the Congress is in the throes of reforming all the intelligence services. If we approve this partisan appointment, what impression will our action make within the Government and throughout the country?

The answer is easily found in the chorus of voices from across the land expressing strong opposition to this perversion of CIA neutrality and independence. For example, Ernest Gellhorn, dean of the College of Law at Arizona State University and senior counsel on the Rockefeller Commission, wrote in the Washington Post last week that:

Presidential abuse of the (CIA) can be avoided by taking note of the Rockefeller Commission's conclusions that persons appointed director possess, among other qualities, "The independence to resist improper pressure, whether from the White House, within the Agency or elsewhere."

Mr. Gellhorn concluded that:  
This recommendation would seem to preclude the appointment of one of the Presi-

dent's political associates, and, in particular, George W. Bush, the director-designate, who so recently served as a national party chairman.

President Ford chose to ignore this key recommendation from his own Commission on the CIA.

Journalists of various ideological persuasions have also expressed their emphatic disapproval of the Bush nomination. Tom Braden, himself a former CIA officer, wrote in a column entitled "George Bush Bad Choice for CIA Job" that:

The appointment looks bad at a time when public confidence in the CIA is such that everything about it should look good.

Columnist George F. Will has raised a thought-provoking scenario in one of his recent columns. He wrote:

It is possible to imagine situations in which the CIA would be pressured to suppress inconvenient information, or to report things convenient to the political purposes of an administration.

Imagine an administration looking to the next election and determined to celebrate detente as its finest achievement. Imagine that the administration is excessively anxious to achieve another strategic arms agreement with the Soviet Union.

Suppose the administration triumphantly signed an agreement limiting the number of strategic vehicles—missiles and bombers—on each side. Critics might say the limit is a false ceiling. Critics might charge that the limit is as high as the Soviet Union can or wants to go during the term of the agreement. Therefore, the agreement is an empty exercise, a limit that does not limit . . .

Then the Administration would appreciate a CIA report arguing that the Soviet Union has the ability to surpass the limit in the near future, and would do so if there were no agreement.

What would be the response of a long-standing and deeply dedicated political ally of the President when asked to prepare reports which would help the fortunes of the White House and his party? George Will concluded that Ambassador Bush at the CIA would be "the wrong kind of guy at the wrong place at the wrong time."

The conservative journalists Rowland Evans and Robert Nowak, in their column entitled "Overlooked Political Realities," also noted that—

The Bush nomination is regarded by some intelligence experts as another grave morale deflator. They reason that any identified politician, no matter how resolved to be politically pure, would aggravate the CIA's credibility gap. Instead of an identified politician like Bush . . . what is needed they feel, is a respected non-politician, perhaps from business or the academic world.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. MCINTYRE. I yield the Senator 2 minutes.

Mr. CHURCH. Under pressure from the Congress, the President removed Mr. Bush from consideration as a Vice-Presidential running mate this year; but this gesture hardly resolved the basic problems with this nomination. Mr. Bush made it clear during his recent confirmation hearings before the Senate Armed Services Committee that his future political ambitions are anything, but extinct. They have merely entered a stage of

dormancy. One must agree with the Washington Post editorial board, which spoke against the Bush nomination in a recent editorial, arguing persuasively that the directorship of the CIA should not be regarded as a political parking spot.

The most critical question we face is how to guarantee the independence of our foremost civilian intelligence service. Since the CIA will be no more impartial than its Director, we should be sure that the person selected has demonstrated the qualities of independence and non-partisanship.

The new Director should be someone with the strength of resolution to tell the President: "I believe your premise to be wrong, for it is refuted by the unvarnished facts gathered by the CIA." This is the vital role that the Central Intelligence Agency can play in our Government, but it will work only if the Director is immune to political pressure. The President should not have been looking for a "team player." In this position, he needs someone with the sound and disinterested judgment of an experienced and highly professional referee.

This does not mean that individuals with political backgrounds must be automatically eliminated from consideration for this job. On the contrary, men like John Sherman Cooper and Elliot Richardson—with their keen judgment, established independence, and restrained partisanship—could serve well in such a post, I am sure. What it does mean is that we must avoid placing in charge of the CIA any individual too deeply embroiled in partisan politics, too intertwined with the political destiny of the President, himself.

The strongly partisan, political background of George Bush should eliminate his candidacy, in my view. We ought to consider carefully the harm this appointment will cause the whole effort to reform and strengthen the Central Intelligence Agency.

The PRESIDING OFFICER. The Senator's 2 minutes have expired, and all time of the opponents has expired.

Mr. TOWER. Mr. President, I will be delighted to yield an additional minute of my time to the Senator from Idaho.

Mr. CHURCH. I thank the Senator. The prospects for starting afresh are good, and I have viewed the chances to restore public trust in the CIA with considerable optimism. But this is no way to begin the restoration. No new set of laws, no new guiding principles—regardless of how skillfully drawn—will restore this trust if the credentials of the new Director raise serious questions of propriety.

Today, the Senate can grievously weaken the independent stature of the CIA, or it can vote to continue the worthy tradition of political neutrality and professionalism espoused by Harry Truman and Allen Dulles.

I sincerely hope that we show good judgment, reject this nomination and demand from the President a more impartial candidate.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. Mr. President, I have only my own testimony to offer my colleagues, and I do it with some diffidence, and yet with a feeling that perhaps this is a viewpoint that ought to be expressed.

The conclusion I have reached is this: That we ought not to make any office in our land so exalted, so mystical, so esoteric as to require a person far above ordinary human beings. That is not good sense. The Senator from Texas has said the same thing in more cultivated and literate language.

But this is really the point: I will not, by refusing to vote for a first-rate man for this job, suggest that the job requires a super human being. If it does, there is something wrong with our country and our institutions. It requires competence, it requires integrity, it requires all those fine qualities which this nominee has in abundance, as everyone recognizes. It does not require a superman, and if it did, then that office ought to be abolished. There is no reason for this country to rely upon supermen, and its institutions ought not to be so constructed as to require them.

I think this nomination should be confirmed, and I shall vote with great pleasure and happiness in the affirmative.

Mr. GOLDWATER. Mr. President, will the Senator yield me 2 minutes?

Mr. TOWER. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Just to respond to a couple of points raised by my good friend from Idaho.

I might say I do not know the political affiliation, if they had any, of any of the past heads of the CIA. Yet all of the recent ones have succumbed to the pressure of the President to do things that they told me in their own minds they knew were wrong, but nevertheless the President wanted them done.

I think it is time we put a man in there who has and has shown the courage to stand up and tell a President exactly what he thinks is wrong with what the President is doing; and that is exactly what George Bush is going to do.

Another point my friend made was to list a long line of writers, including Mr. Tom Braden, whose wife has just gotten a rather lucrative political job. All of those columnists, writers, and newspapers that he has talked about as representing the people would be opposed to anything a Republican President ever did, even if he recited the Lord's Prayer every morning.

The biggest poll that I have seen, the biggest Gallup poll as to interest in this whole subject, is 7 percent. I have not received a piece of mail in my office—and I have not received much mail on this subject—that opposes George Bush. I would much rather listen to the people than listen to the biased opinions of persons who are opposed to anything Republicans do.

So again I hope this body will vote unanimously in favor of Mr. Bush.

Mr. TOWER. Mr. President, we have heard a great deal today to the effect that the position of DCI is too sensitive to be politicized, and I agree it should not be. But we cannot proceed on the assumption that it will be politicized if

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Mr. Bush is appointed. He has proved to have a singular capability for dealing with issues and events in a bipartisan way and a nonpartisan way.

I think the most telling point that has been made here today was the point made by my distinguished colleague, the ranking Republican on the Committee on Foreign Relations (Senator CASE), when he said: Is there any job in this American democracy which requires a superman? Is there something wrong with our institutions because our institutions were devised to be governed, managed, and subjected to the decision-making process participated in by men of normal human foibles and weaknesses?

I cannot really get too excited about this business of politicizing a sensitive job when I recollect when he came to office in 1961 our late revered President John F. Kennedy appointed his brother as Attorney General. There was no great outcry about that. Robert Kennedy was a man of extraordinary ability, although of limited background in legal practice. He was enormously close to his brother. He presided over the Justice Department within which is included the FBI which does not gather external intelligence but gathers internal intelligence. There was no outcry about that or the overpoliticization of this sensitive position, and he was indeed, in many instances a contact point with the CIA and, according to testimony, not always with the DCI but sometimes with subordinate officers. There was no outcry, and I would be the last to be critical of that.

So what is the real fear that we raise here? I think it is certainly more imagined than real. It is that of partisanship because he is a former chairman of the Republican National Committee. I think that that is less subject to the charge of partisanship than the fact that partisans in Congress authorized themselves to investigate the activities of the intelligence-gathering community.

My distinguished friend from Idaho, the chairman of the select committee, has, I think, made every endeavor to prevent the committee from engaging in partisan exercises, and I know that he has been highly resentful that the committee has been charged with partisanship from time to time. He is concerned about perceptions. I certainly cannot conceive of the Bush appointment.

The PRESIDING OFFICER. Will the Senator suspend? May we have order in the Chamber, please?

Mr. TOWER. I cannot conceive of the Bush appointment being perceived as any more partisan than a congressional investigation of the intelligence-gathering community.

There have been accusations made from without to the effect that the Select Committee in the Senate engaged in some degree of cover-up. There have been suggestions that perhaps the committee was a little bit tougher on the Eisenhower and Nixon administrations than on the Kennedy and Johnson administrations. If that be true it is not wit-

tingly that that was done. I have defended the committee and defended the committee's bipartisanship and its non-partisanship. I have defended the committee against charges of cover-up for political reasons.

But what is it then, if we have indeed been bipartisan and nonpartisan, that gives the members of the select committee of the U.S. Senate some kind of superior morality in terms of ordering its conduct along lines of neutrality and nonpartisanship?

Everyone has said that George Bush is a man of superior character and ability. He has served in the Congress of the United States. As the distinguished Senator from Montana, our distinguished majority leader, has said, every Senator must be presumed to be equal with every other Senator in terms of good conscience and ability in the voice he raises in this Chamber. I think we would have to extend that further to say that the same qualifications that are necessary in a good Senator are necessary in a good Congressman.

The record of George Bush in the House of Representatives is clear. He was, in his first term in Congress, appointed to the Ways and Means Committee of the House, the first freshman Congressman in 50 years to be appointed to that important and sensitive committee. I happen to know that the Republican leadership in the House selected carefully the Members who went on the Ways and Means Committee. They could not be men who were mere partisan hell-raisers. They had to be men who could weigh issues at times in a judicious manner, free of partisan considerations.

George Bush made a distinguished record there and was loved and admired by men of various political parties and political persuasions.

Mr. GARY HART. Mr. President, will the Senator yield for a question?

Mr. TOWER. I will yield in a moment. And no one has accused political considerations of entering into George Bush's conduct of the country's business in his capacity as our Ambassador to the United Nations and our special representative to the People's Republic of China.

If we are so concerned about politicization of sensitive matters, we should never undertake to investigate sensitive matters here in Congress because we are admittedly a body of partisanship.

We recognize partisanship by drawing a line down the middle of the Senate Chamber and putting the Republicans on one side and the Democrats on the other. It gets increasingly difficult to put all the Democrats on that side because of the increasing numbers of them. We hope to remedy that and ease their discomfort of being crowded this year. We recognize the majority and minority leadership.

Can we then presume to say that we are nonpolitical and nonpartisan, when we undertake to deal with the sensitive problems of the day?

The arguments of politicization of the Agency and the partisanship of the Director who would simply do his President's bidding, I think all fall of their own weight. We have had Presidents be-

fore who picked their intimates as DCIs. John McCone was certainly a close personal associate of President Kennedy. He was highly regarded by him and had to be regarded as a personal ally. Yet John McCone was a fine DCI, a good one. Admiral Rayburn was a personal pick of President Johnson. He was someone without intelligence background, but a man who the President felt he could trust. We have precedent for this kind of thing. That then becomes a nonargument.

I think in the final analysis we have to make the decision on the basis of the question: Is, indeed, Mr. Bush qualified? He is, because this is a job that requires superior managerial ability and that he has proven. Senator GOLDWATER has noted George Bush's experience in business. He is a man of considerable intelligence and erudition, one who is capable of marshaling masses of facts and reducing them to manageable proportions and drawing conclusions. George Bush is such a man of proven intelligence and ability.

Mr. GARY HART. Mr. President, will the Senator yield for a question?

Mr. TOWER. And further there is the question: Does he have the character? Indeed he has the character and has proven that, and no one has denied that he has.

I will yield to my friend from Colorado for a question providing he makes it short because we are about 30 seconds away from the time to vote.

ADDITIONAL STATEMENTS SUBMITTED ON NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. KENNEDY. Mr. President, I would like to join my distinguished colleagues, Senators CULVER, JOHNSTON, LEAHY, MCINTYRE and others in opposing confirmation of Ambassador George Bush as Director of Central Intelligence.

In general, I believe that a President should have a wide latitude in selecting officials to staff his administration. And I have no basic reservations about Ambassador Bush's competence and ability to discharge the official duties of this office.

But this is no ordinary time in the history of the U.S. Government, and particularly in the history of the Central Intelligence Agency and U.S. intelligence activities in general. For the past few years, we have seen a growing crisis of public credibility in government, especially in regard to the U.S. intelligence community. Two special committees of the Congress are currently engaged in sorting out the past performance and behavior of our intelligence agencies, and in helping to craft much-needed reforms so that abuses of power will come to an end, and so that our intelligence community will genuinely serve the needs and interests of our Nation.

In the recent past, the CIA was used for partisan political purposes. Those acts severely undercut the credibility, the morale, and the effectiveness of that agency to fulfill its legitimate purposes.

It is imperative that a new Director of Central Intelligence should be above question, above reproach. Most important, he or she must be someone who will



inspire the confidence of the administration, the Congress, and the American people at this critical time. There must be no doubt that the person holding this office will remain aloof from partisan politics, and no question of his or her ability to act solely in the interests of reforming the intelligence process and restoring public confidence in the CIA.

While I recognize and acknowledge the accomplishments of Ambassador Bush in the Congress, at the United Nations, and as our representative to the People's Republic of China, I believe that his recent role as chairman of the national committee of a national political party, will make it difficult for him to fulfill the vital task of restoring public confidence in the probity and integrity of our intelligence community, following needed reforms.

Mr. President, in taking this position on Ambassador Bush's nomination, I do not question his integrity or ability to discharge the responsibilities of high Government office. But I concur with my distinguished colleagues that this is the wrong appointment for the Office of Director of Central Intelligence at this time. And I urge the Senate to reject this nomination.

Mr. MONDALE. Mr. President, the nomination of Mr. George Bush to be Director of the Central Intelligence Agency has become a major point of controversy because of the argument that building public confidence in our Government means that politicians must be excluded from such sensitive positions as CIA Director.

I do not share this view. To participate in politics is to exercise our freedom. It is one of our most fundamental rights. It must be encouraged, not maligned.

To be a practicing politician is to be sensitized to what is acceptable to the American people. It trains us to respect the governmental institutions for which we are responsible. It demands a measure of proportion and restraint. It imposes the discipline of public accountability. I believe these are the qualities we very much need in our Government and, in particular, the CIA.

I believe no post in our Government—including the CIA—should be placed off limits to those who may have held elective office. The investigation of the Select Committee into the abuses and the failings of the Central Intelligence Agency and the rest of the intelligence community does little to encourage confidence in the nonpoliticians who have held that post in the past.

Perhaps if past Directors of our intelligence and investigative agencies had stood for elective office, had gone through the political experience of trying to be responsive to the American people, they might have had the good sense and proportion to say "no" to the many abuses we have uncovered.

In short, Mr. Bush's past political activities should not disqualify him from holding this important post. But if Mr. Bush's political past presents few concerns regarding his fitness for this office, his possible political future presents a great many. Many speakers today have

ably articulated these concerns and they are ones which I fully share.

The President first indicated that he regarded Mr. Bush as a serious possibility for the Republican Vice Presidential nomination in 1976, and Mr. Bush himself has indicated since his appointment that he maintains a continuing interest in elective public office. When this became an issue, the President backed away but Mr. Bush has not. He has said nothing about his ambitions for seeking further elective office—even in this election year.

It is precisely this possibility that troubles me deeply, and it is for this reason I will oppose Mr. Bush's confirmation.

I do not believe we should confirm as Director of the Central Intelligence Agency someone who may be off campaigning in a few short months. The necessary task of our investigations has subjected the Agency to turmoil enough. Now we are entering the most critical period as we seek to make changes to remedy the problems of the intelligence community. For this the CIA needs a fulltime Director, not one who may be gone a year from now either because he has a new office or a new boss.

And the first priority of a new Director must be the Nation's future not his own.

It is the traditional responsibility of the Senate, when viewing appointments made by the Executive, to assure there is no conflict of interest. This is what I think many speakers today have been driving at. The issue is not the integrity of politicians; it is the potential conflict of interest.

The CIA Director must be objective. He must be willing to give a President bad news. He must be willing to say "no" to things which would exceed CIA's authority or the authority granted the President. He must be prepared to level with the Congress, even when the intelligence information does not square with the policies of the executive branch or the interest of his party.

If, indeed, Mr. Bush intends to go from service with the CIA to further national office, I believe that he could not fulfill those functions properly. There would be the inevitable suspicion that his actions and advice, however honorably motivated they might in fact be, were premised on or at least tempered by their possible effect on his own political future. Mr. Bush might even be unconscious of the tempering process, but if he maintained political ambition it would surely take place. And even if it did not, many people would never believe it. It would be a classic case of conflict of interest, and as will all such cases, appearance is as important as reality.

For that reason, I called upon Mr. Bush to renounce any candidacy for elective office at the national level for at least 2 years following his tenure as Director of CIA. In my view, 2 years was the minimum time for Mr. Bush to put his political career in trust.

Mr. Bush has not seen fit to take this step. So, in all conscience, Mr. President, I cannot support him.

Mr. DURKIN. Mr. President, much of the debate on the nomination of George Bush to be CIA Director has centered on his prospects for the Republican Vice Presidential nomination.

Many Members of this Senate announced reservations on the nomination based on that possibility. But when finally assured by the White House that Mr. Bush was somehow out of the running for the No. 2 spot, many of the reservations melted away.

That was an unfortunate turn in the debate, and one, I suspect, orchestrated by the supporters of the Bush nomination. The possibility of the Vice Presidential candidacy was a strawman set up for the Senate to knock down—to give the impression that the President was a compromising man most interested in taking politics out of the CIA.

Nothing could be further from the truth. I think the record shows quite clearly that Ambassador Bush is no more qualified to run the Central Intelligence Agency than I am.

One commentator put it succinctly:

The only thing that Bush has in common with top CIA officials is his prep school and Ivy League education.

Or put another way, Mr. Bush appears to be a member of that powerful elite which has an amazing ability to keep itself in positions of influence in Washington irrespective of changes in administrations, public sentiment, or public policy. The Nation has said it is fed up with the "buddy system" which has grown up in Washington, Mr. President. But the Bush nomination will only increase the public distrust.

George Bush has a history of overwearing loyalty to the politically powerful. He was a member of the class of 1966, the first Republican ever to hold a congressional seat from Houston. But he willingly sacrificed his two-term seat to Richard Nixon's off year election campaign to eliminate his political enemies from the Senate in 1970. Failing his attempt to defeat the junior Senator from Texas (Mr. BENTSEN), Mr. Bush accepted the Richard Nixon consolation prize of 1971—the ambassadorship to the United Nations.

Taking his cues from the White House, Mr. Bush there argued vehemently against the United Nations admission of China, until the rug was again pulled out from under him by Henry Kissinger's announcement of the quasi-recognition of the People's Republic of China. Later, in a superbly ironic move, Bush was appointed diplomatic liaison to China.

Between these jobs, Mr. Bush spent 2 years presiding over the decline of the Republican Party at the hands of a beleaguered Richard Nixon, culminating in the 1974 congressional elections.

Despite these setbacks urged upon him by designing politicians, Mr. Bush has never become bitter. In fact, when asked by the New York Times if he was loathe to leave the U.N. position in 1972 to assume leadership of a floundering Republican National Committee, he replied that when asked to do something by the President, "In my kind of system of civics, you ought to do it."

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That is it in a nutshell, Mr. President. Mr. Bush's self-avowed political devotion and self-promotion raises grave doubts about his ability to keep his head above the political waters.

What is equally disturbing, however, is the way the President perceives the problem in Langley. To him, it appears to be one of public relations—restoring public confidence in a worthwhile intelligence agency. If this were so, Mr. Bush would be the ideal person to handle the problem. But the revelations of the past year tell me that it is not appearances or perceptions which need mending at the CIA, so much as it is procedures, activities, and attitudes.

During the past 25 years, the CIA has overstepped its bounds at both ends of its jurisdiction, cutting a swath through foreign governments either with little or no executive oversight, or directly on Presidential orders without the knowledge of even concerned Members of the Cabinet. That is the Central Intelligence problem, and it necessitates total revision of the cold war stance of the CIA. It requires a director capable of guiding the Agency down that narrow path which lies between the roles of rogue elephant and Presidential pawn which the Agency has assumed from time to time. In light of the magnitude of this problem, I think Mr. Ford has seriously undershot the mark in his recall of Ambassador Bush to be CIA Director.

Yesterday, Mr. William Colby stepped down as CIA Director after a rocky 1975. Mr. Colby may not have enjoyed the most cordial relations with Congress or even mutual trust—he was tainted from the start by his leadership of Operation Phoenix in Vietnam, became impatient with Congress' resurgent interest in oversight, and just yesterday renewed charges that Congress could not keep a secret. But I point out that it was Mr. Colby who also brought most of the news of the CIA's bad deeds to the attention of the two congressional committees, and who attempted to implement regulations to prevent further impropriety. His suggestions on reform were forthright and based on unexcelled knowledge of the Agency. It was premature to dismiss him.

Mr. Bush's break-in period at the CIA would now, in my opinion, seriously if not irreversibly jog the continuity of the Agency's directorship. As Senator JOHN CULVER pointed out during the Armed Services Committee hearings, the change of horses will come directly in midstream with less than a year to go before the elections and a possible change of the administration. The next CIA Director ought to be someone who would be qualified to stay on under an administration of either party, Mr. CULVER said. I agree. Given the moral and organizational problems facing the CIA, further shakeups at the top of the Agency in the critical months ahead would greatly impede our intelligence operations, which have always been among the best in the world.

Mr. Ford said he wants one of "his guys" at the CIA, just as he wants one of "his guys" at Defense and Commerce. But the CIA is not just another Cabinet

department, and the CIA directorship is not a political position to be rotated with Presidents and political ambitions. We do not need independent czars heading our most delicate agencies, as was the case at the FBI. Let us not go to the opposite extreme.

Finally, Mr. President, Mr. Bush's attitude toward foreign policy gives one pause. In his testimony, the nominee refused to fore swear the use of CIA funds for operations to destabilize or topple foreign governments—an act that would be considered tantamount to war if some nation did it to us. To quote from Mr. Bush's testimony:

I can't tell you there would never be support for a coup d'etat.

Senator GARY HART, taken somewhat aback by the response, followed with a question concerning the Ambassador's willingness to target a legitimately chosen government. Mr. HART asked:

What if it is a constitutionally elected government?

Replied Mr. Bush evasively:

I think we should tread very, very carefully on governments that are constitutionally elected. . . . After all, that is what we are trying to promote around the world.

Mr. President, I feel that Mr. Ford has betrayed the opportunity to reform our intelligence community with the appointment of a political crony. It is time, once and for all, to break the connection between the CIA and the Republican National Committee.

In its report to the President, the Rockefeller Commission emphasized that—

The proper function of the Agency must depend in large part on the character of the Director of the Central Intelligence Agency. The best assurance against misuse of the Agency lies in the appointment to that position of persons with judgment, courage and independence to resist improper pressure and importuning, whether from the White House, within the Agency or elsewhere.

It seems to me Mr. Ford has ignored some good advice.

I ask my colleagues to vote down the nomination of George Bush to be Director of the Central Intelligence Agency.

Mr. DOLE. Mr. President, I am pleased to vote for confirmation today of George Bush as Director of the Central Intelligence Agency. Ambassador Bush and I have been good friends for a number of years, and our association has convinced me of his unquestionable qualification for the heavy responsibilities of this position.

George Bush is a planner—he is a coordinator—he is an administrator. These traits so necessary to capable leadership have been reflected throughout his many years of experience as a successful businessman, a Congressman from Texas, U.S. Ambassador to the United Nations, National Republican Committee Chairman, and—most recently—as U.S. Envoy to the Peoples Republic of China. Without question, the Director of the CIA in the months ahead must possess an extraordinary ability with all of these skills in order to fulfill the expectations of the Nation, the Congress, and the Agency itself.

## ABOVE REPROACH

Of no lesser importance is the noteworthy fact that George Bush has, throughout his varied career, kept himself above reproach in domestic matters, and he has earned the respect of the many foreign governments with which he has come in contact. Perhaps at this time more than ever, it is vital that the Director of our intelligence network possess the esteem and high regard of both his countrymen and the rest of the world. In addition, his personal intelligence and affability, as well as his casual manner, should make him one of the more personable heads that this intelligence agency has had to date.

## ASSET TO THE AGENCY

All of these characteristics can do no less than contribute to an improved image for the CIA, as well as to bolster the morale within the Agency at a time it is particularly needed. Furthermore, as a former Member of Congress himself, George Bush understands the role of this representative body and its need "to know," particularly in relation to certain nonpublic activities undertaken by the intelligence system. In this respect, I feel certain that the Ambassador will be a particular asset to the Agency, not only with regard to its administrative apparatus, but also with regard to its relationship with Congress and the public.

The Directorship of the Central Intelligence Agency can hardly be considered a "political springboard," or even a point of personal advancement for a man who has already had such a colorful career in so many fields of public service. Truly, Mr. Bush is to be commended for his willingness to accept what is sure to be, in many respects, a "thankless" job, but one that is so vital to the security of our Nation.

I am certain that George Bush will perform the duties of this position with the energy and dedication the job requires, that he will bring honor upon his Agency and his Nation, and that he will in all ways prove to be an outstanding choice for Director of the CIA. It is my hope that the Senate will act promptly in confirming the nomination of George Bush for this vital role in our national security.

Mr. HUDDLESTON. Mr. President, I have decided, after much thought and with some reluctance, that I must vote against the nomination of George Bush to be Director of Central Intelligence.

I have met Mr. Bush on several occasions and find him to be an affable, intelligent, and dedicated public servant. I believe that there are many positions of responsibility in Government that he might hold and hold with distinction, as he did his post in China.

But, as a member of the Select Committee to Study Government Operations with respect to intelligence activities, I have had the opportunity to examine in depth the various intelligence agencies and their activities, and I do not believe that the CIA should have as its head at this time a person whose prior offices have included among the most political in our Government and a person without experience in the intelligence community.



When Mr. Bush was first nominated, I expressed concern about the possibility of injecting any partisanship into intelligence gathering and analysis. As I noted then, the Central Intelligence Agency—

By its nature, demands objectivity and non-partisanship as the price of performing well . . . Intelligence estimates and reports based on political policy and political aims make bad intelligence reports and estimates. And, they make bad policy. What we must strive for is objective intelligence, straightforward information which policymakers can evaluate and from which they can develop alternatives. It is in deciding the alternatives that political considerations, if they are to be brought in at all, should surface. But, in any event, they should result from intelligence, not form it.

I am confident that Mr. Bush would do his best to guarantee a nonpartisan approach, and in another time, in another atmosphere, that might work; but in today's time and today's atmosphere, I do not believe that is sufficient. The best of intentions, the best of approaches will not eradicate a political taint which derives not only from Mr. Bush's prior service in a very political position but also from the President's own words when he explained his reasons for removing Mr. Colby and Mr. Schlesinger.

I appreciate the President's desire to have on his staff persons he feels comfortable with, those he believes will be members of his team. In terms of personal staff and Cabinet posts, these could be valid reasons for change, but I do not believe the same applies to the Central Intelligence Agency. Political influence has no place there. The idea of playing on the President's team should be totally foreign, especially at this time.

A strong and effective intelligence agency is imperative to our security. There is no conceivable way we could do without one. All our intelligence agencies, particularly the Central Intelligence Agency, are passing through a difficult time. Discussions of abuses, which must obviously be identified and prevented in the future, have nevertheless obscured appreciation of the very important role which the agency plays and which must, of necessity in many instances, be kept secret. In such a situation it is certainly understandable that morale might be low among the host of dedicated men and women in the intelligence agencies who must wonder exactly what they are supposed to do and whether or not they will be supported by their own government and people when they do it. Such a situation can persist only so long and not undermine our vital intelligence functions. The time has come to mend, to repair.

These are obviously considerations of time and place. But coupled with the very real need to maintain an independent agency, an agency without a political taint either in appearance or substance, they demand that special requirements be placed upon the type of person who should serve as head of the agency.

Intelligence work is sophisticated, complex, difficult. It requires someone with at least a working familiarity with the various aspects, and it requires, es-

pecially at this time in our history, a person without highly partisan connections, who can restore the confidence not only of the American people but also of the many dedicated professionals in the service.

Mr. HELMS. It gives me no pleasure to question the wisdom of the nomination of George Bush to be Director of Central Intelligence. Both the nominee and the President who nominated him are friends of mine.

But the advice-and-consent responsibility of Senators is a duty which I take very seriously. I do not feel that the Bush nomination is a suitable one, regardless of my affection for him personally. Therefore, I cannot in good conscience vote to approve it.

In doing so I do not deprecate Mr. Bush in any way. I simply feel that, under the prevailing circumstances, it would be far better for him to serve in another capacity. George Bush is a very pleasant and affable man. I assume that he will be confirmed regardless of my vote, and I wish him well. I have never considered myself impossible of error, and I hope that my doubts about this particular nomination will prove to have been unfounded.

Mr. McGEE. Mr. President, serious questions have arisen as to the political desirability of the Senate approving the nomination of George Bush to the Director of the Central Intelligence Agency.

The objections stem from the fact that George Bush once served as national chairman of the Republican Party. Somehow, this is supposed to make him less capable of directing our Nation's intelligence efforts in an effective and impartial manner.

Mr. President, I have to voice my strong disagreement with the critics, because I believe they have chosen to ignore the public service of George Bush and the invaluable contributions he has made to our Government on a broad front.

I recall, all too well, the reservations expressed when George Bush was nominated to be our Ambassador to the United Nations. At that time, the critics were pointing to the fact that he did not have the international experience to assume the responsibility commensurate with assuming that key position. Yet, as a delegate from the U.S. Senate to the 27th General Assembly of the United Nations, I can personally testify to his superb performance as our Ambassador to the U.N. George Bush demonstrated his exceptional talent and skill in establishing a close and effective rapport with all missions represented at the United Nations. Most important was his close working relationship with representatives of the less developed nations. It was a time when we were listening to the grievances of these nations, expressing our reservations when we believed their perceptions of our policy to be incorrect, but in the end, achieving an atmosphere of mutual respect and cooperation on issues important to our national concern.

George Bush recognized the need for the United States to be sensitive to the less-developed nations and to spend time, within the context of the United Nations

system, in working with these nations—that they were much too important to shove on the back burner in the conduct of our policy.

When George Bush resigned as Ambassador to the United Nations, he left that position commanding the respect of U.N. supporters as being one of the most effective Ambassadors of our time, because of the special skill and sensitivity he had brought to bear on his responsibility. He assumed the chairmanship of the Republican Party at a most difficult time—Watergate. I believe few in either party—Republican or Democrat—would disagree that he filled that role in a very statesmanlike manner.

As chairman of the National Republican Party, we continued our relationship as two individuals who were vitally concerned over the effectiveness of our participation in the United Nations. In particular was our mutual concern over placing this Nation back into compliance with U.N. sanctions against Rhodesia. His assistance was invaluable in our successful effort in the Senate during December 1974 to repeal the so-called Byrd amendment. While it was not in the definition of his responsibilities as chairman of the Republican Party, George Bush, nevertheless, continued his active pursuit of policies aimed at strengthening the U.S. role in the United Nations. Not once during his service as chairman of the Republican Party did he lose his sense of urgency or commitment to the United Nations as an important aspect of our foreign policy considerations.

It was due to these attributes that he became our representative to the People's Republic of China. Once again, the nomination was criticized on the basis that it was too sensitive a post to be given to a man who had been chairman of the Republican Party. Yet once again, George Bush demonstrated to his critics that he was more than equal to the task. He was held in high regard by the Chinese and served with distinction.

In my estimation, what is needed in the Central Intelligence Agency is not a Director with a background deeply rooted in the intelligence service—Agent A, B, or C. For example, most of the career professionals are suspect anyway, because of various hearings conducted by congressional committees and the reports filed by these committees. What the CIA needs is a proven and skillful administrator with a sense of public responsibility. This means a man sensitive to both the public and political processes of our Government and one who understands the division of responsibility within these processes. George Bush is such a man and the type of individual the Service will require for the next several years if we are able to piece together again a responsible and necessary intelligence service.

I would urge my colleagues to judge George Bush on the basis of his public record and the effective manner in which he has risen to the challenges of public service in the past. This is the only criteria by which we should judge whether or not he is capable of assuming the responsibilities of this critical position. If the judgments are made on this basis,

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then I believe my colleagues will agree that the ledger book comes out strongly in favor of George Bush. His past service as chairman of the Republican Party is completely irrelevant to the issue.

Mr. PHILIP A. HART. Mr. President, I shall vote against the confirmation of George H. Bush to be Director of Central Intelligence.

While I usually have voted to confirm the person a President, Democrat or Republican, wanted in his administration, I have done so for those positions primarily concerned with carrying out the President's programs. I have argued that the President should have the people he wants to assist in such efforts, and that the caliber of the appointments and their effectiveness will be judged at the next election.

However, that view does not extend to nominees to Federal courts or to Federal regulatory agencies. Neither the courts nor regulatory agencies should be involved in promoting the political program of an administration. Just as their task is different from that of a Cabinet office, so too is the task of the Director of the CIA.

Certainly, recent revelations of wrongdoings and misjudgments by our intelligence agencies are proof of what happens when such an agency bends to the partisan concerns of the administration in power.

Because of those abuses, public confidence in the CIA is at low ebb. To restore that confidence, the CIA needs a Director who, in fact and appearance, has the background, temperament, and ambition to withstand political requests, suggestions, or concerns which could lead the Agency away from its proper and important task—the gathering and reporting of accurate information.

This need is important not only to rebuild the confidence that the CIA will no longer pursue paths which led to proven misdeeds, but also to build confidence that the information the Agency reports is free of partisan political concerns and consideration.

Certainly no one can predict how a person will handle the pressures swirling around such a post as CIA Director. However, we can determine the appearance a particular nominee will bring to a job.

Whatever qualifications Mr. Bush may have for handling the technical responsibilities of the job, his background as a highly placed political aid—who, understandably, perhaps, never expressed a critical judgment of President Nixon while chairman of the National Republican Party—with political ambitions for the future makes him the wrong person to do the job of restoring public confidence in the Agency.

There are, I am sure, other individuals who possess talents equal, or perhaps superior, to those of Mr. Bush who would bring to the office the experience and background which would help restore confidence that the Agency is pursuing its assigned task and only its assigned task in an effective way.

For that reason, I will vote against the confirmation of Mr. Bush.

The post requires a "superman or superwoman." There are occasions when certain posts should be filled by one who has not been the national chairman of one of our major political parties. The FBI is one. The CIA is another.

Mr. MUSKIE. Mr. President, in light of the debate surrounding the nomination of George Bush to be Director of Central Intelligence, I wish to set out for the Record my reasons for supporting Mr. Bush's nomination.

In the first place, I do not find in Mr. Bush's background or Government service any serious suggestion that he is other than a man of integrity, and I do not believe that opponents of his nomination suggest otherwise. Mr. Bush has served as a Member of Congress, as our Ambassador to the United Nations, and as U.S. representative in Peking. His effective discharge of these important official responsibilities has never been questioned.

It has been suggested, however, that Mr. Bush's political activities have somehow rendered him unfit to serve as Director of the Central Intelligence Agency at a time when the integrity of that institution itself is under attack.

Mr. President, I take the other view. It seems to me that the CIA should be managed by someone who has a sense of how the American system operates, by someone who has some respect for the role of Congress as overseer of the operation of the Federal Government, and as representative of the political values in which Americans believe.

Mr. President, I believe that the Senate, in confirming Mr. Bush's nomination, should go on record in imposing on him a special responsibility. Should he be confirmed, I hope he will understand that the Congress is confirming him not only because it believes in his integrity, but also because it believes in his commitment to Congress' role in the oversight and administration of our intelligence activities.

On that understanding and hope, I plan to vote for Mr. Bush.

Mr. HASKELL. Mr. President, today I would like to state why I oppose the nomination of George Bush as Director of the Central Intelligence Agency. It was a considered decision and was with some reluctance that I came to this conclusion.

Without question, Mr. Bush has rendered to this country dedicated and valuable public service in a number of very responsible Government posts. He is a conscientious citizen who has served two terms in the Congress of the United States and twice was a candidate for the office of Senator. For 2 years he filled the position of chairman of the Republican National Committee where he regularly participated in meetings of the President's Cabinet. Mostly recently, he handled the sensitive mission as chief of the U.S. Liaison Office for the People's Republic of China.

Mr. President, I do not call into question the qualifications of Mr. Bush to

serve this country in high-level posts. I call into question the nomination of a man who has been deeply immersed in partisan politics for more than a decade to the most sensitive and nonpolitical Agency within our Government, the CIA.

This nominee who has been and will continue to be considered for the highest public offices in this country will be placed in a position beyond limitations of human nature. Mr. Bush will be required to present to high-level personnel, including the President and the National Security Council, the views and recommendations of the intelligence community with objectivity and without allowing the ever-present domestic political consequences to influence his judgment.

The select committee investigating our intelligence gathering agencies has revealed abuse after abuse over the past year which have shaken the confidence of the American people. They are not certain in their own minds that these agencies can obey the law, can limit their activities to foreign intelligence and most importantly, can refrain from involving themselves in partisan politics. Confirmation of Mr. Bush will not contribute to rekindling of confidence that the CIA is moving along the proper road to correct its mistakes of the past.

We all recognize the deep disenchantment of American people with institutions they feel have not served their interests. To place a politician in charge of an agency that needs insulation from politics and to expect the American people to trust our decision, will demonstrate profound insensitivity to the demands of our constituency and needs of our representative government.

Mr. CULVER. Mr. President, I will vote against the nomination of George Bush as CIA Director. I will do this without a shadow of prejudice against Mr. Bush or any doubts as to his integrity and ability. I simply do not believe that he is the proper nominee for the leadership of the Central Intelligence Agency at this sensitive point in that Agency's history and at this critical time in our national life.

I also have the utmost respect for the right of a President to staff his administration with qualified persons of his choice where there is no overriding reason in the public interest for opposition. In this case, in my judgment, there is such clear-cut reason. The qualifications called for in the CIA directorship at this time are unique and stand apart from credentials adequate for other high public offices.

The United States must have a strong, independent, and effective intelligence capability, free from policy bias and unmistakably deserving of public trust. Any nomination for Director which raises significant public doubt or disagreement only serves to delay the necessary process of rebuilding and reforming the CIA.

In his letter to the Armed Services Committee regarding the nomination, President Ford cited the importance of strengthening public confidence in the CIA and maintaining continuity in its leadership. Unfortunately, this particular nomination is likely to have a contrary result since it raises suspicions of political bias and the prospect of short tenure.

With regard to tenure, we have learned in the case of both the FBI and CIA that directors should not become so entrenched that they grow stronger than passing administrations. But we have also learned that constant turnover or easy susceptibility to political changes is likewise destructive of the office.

The CIA is awaiting its fourth Director in only 3 years. And there is a strong chance that the elections next November will lead to another nomination for the position. Such a rate of turnover hinders the development of effective leadership and the restoration of public confidence and policy continuity in the CIA.

We are in imperative need of a Director who can restore intelligence to its rightful and proper place in our national security system. Unfortunately, the way this nomination was made and the inevitable political overtones of the appointment at this time have not contributed to that objective. In many ways, the nomination and the circumstances in which it was made, are an injustice to Mr. Bush.

In my view, it was unfair to deprive Mr. Bush of his constitutional birthright to be a candidate for Vice President or any other office as a condition to assuming this post. For me, this obscures rather than clarifies the central point as to why this honest and able man is not the right person for this particular post at this particular time.

I believe that the nominee should be a man or woman whom the next administration would consider for its choice for Director—someone qualified, independent, and nonpartisan enough to be able to provide more than transitional service. The Director should be immune to improper influence from even the highest places in our Government. As the Rockefeller commission put it, the CIA Director should have "the independence to resist improper pressure, whether from the White House, or elsewhere."

I subscribe to no dogmas about what sort of person should hold this office. There may, for example, be real advantages at times in having a Director who has not been an intelligence professional.

But I do know that the intelligence community now requires leadership with the power to command public trust and with a background as far from the substance or even the appearance of political partisanship as it is possible to get. A competent caretaker is not enough. The next Director must be a builder, a strong leader completely dedicated to the compelling needs of this particular job. He must command the allegiance of those who work in intelligence and the complete confidence of a nation that depends on the Agency's clear devotion to high standards of performance and fidelity to constitutional principles.

Thus, despite my high personal regard for Mr. Bush, I believe that overriding considerations of public interest must prevail in the selection of the CIA Director at this critical juncture in the Agency's history.

Mr. DOMENICI. Mr. President, I have the highest regard for Mr. Bush's integrity and am very confident of his capability to handle this very difficult position. We need now to get on with the

difficult job of straightening out our intelligence activities by giving it the direction it needs and must have quickly.

Nonetheless, I support this nomination reluctantly. The Central Intelligence Agency is in desperate need of new leadership that can restore and calm the public confidence so necessary to the CIA in fulfilling its critical role of protecting this great but vulnerable democracy in the harsh reality of the world today. My reluctance stems from my feeling that Mr. Bush may not be the wisest choice for this position. I am convinced that George Bush is a dedicated American with proven leadership qualities and the requisite degree of administrative abilities, but I also feel there were many equally well-qualified individuals with a less partisan background. In my opinion, the Nation would have been better served by removing any linkage between leadership of the CIA and partisan politics.

However, with the President's assurances, along with Mr. Bush's, that he will not be in contention for the Vice Presidency in 1976, I believe his proven record of successful accomplishment of difficult assignments shows he can do this job effectively. In addition, it may be that his congressional background and political sensitivity will prove to be an asset for this position. In fact, this background may well provide the necessary oversight link we have been searching for.

Mr. CRANSTON. Mr. President, I rise to oppose the nomination of George Bush to be the Director of the Central Intelligence Agency and the head of the entire intelligence community. I do so without making any judgments about Mr. Bush's character or his abilities. I do so without caring about his party affiliation. Indeed, I have supported almost all appointments to high office by the two recent Republican administrations since coming to the Senate in 1969. I have sometimes championed Republicans for major appointments, when I thought they were qualified for the position at issue.

There are two major reasons why I will vote against the Bush nomination:

My opposition to Mr. Bush was not personal and I sincerely hope he does a good job. I opposed his confirmation, because he is such a controversial figure that he is virtually certain to be replaced within a year if there is a change in administrations—if a Democrat is elected President in November or even if some Republican other than President Ford is elected. That means by this time next year the CIA will probably have its fifth change in leadership in 4 years. That is a terrible rate of turnover at a time when the CIA, more than ever before, needs steady, stable direction for a rebuilding process so it can properly perform its vital intelligence gathering functions.

At a time when the CIA will be undergoing constructive reforms it needs at the top someone who can impart an air of stability and continuity. If the employees of the Agency see George Bush as a temporary Director, his leadership is less likely to be effective. If the other Intelligence agencies see Bush as

no longer for the job, they will not take him seriously and the product of the Agency will not count for what it should in the total scheme of things. If the public sees him as a short-term holder of a most sensitive job, then it will wonder about what he is doing to keep his job or where he will try to land next.

Finally, Mr. President, I oppose the nomination, because of the conviction in the arguments of the four members of the Armed Services Committee who voted against Bush after hearing his testimony. They are Senators McINTYRE, LEAHY, HART, and CRUVER. Three of these Senators stated under "Minority Views":

To confirm Mr. Bush would set an unwise precedent for future nominations to this most sensitive post. \* \* \* George Bush is a man of integrity and ability. We intend no adverse reflection on his character. But he has been nominated to the wrong position at the wrong time.

I would have been pleased to have had the opportunity to vote for a noncontroversial nominee: a person with knowledge of foreign policy and the defense; someone who was so outstanding as to merit the enthusiastic support of all of us and who would be kept on by our next President, no matter who that President may be.

Mr. McINTYRE. Mr. President, my colleagues on this issue have presented their arguments so eloquently and effectively I see no need to summarize.

Instead, I would like to address directly three reservations most frequently cited or implied by those who hesitate to vote against confirmation of this nominee.

The first is the understandable reluctance to deny the President the appointee he wants. I share that reluctance. But I also share the Washington Star's conviction that the least desirable trait for a CIA Director at this time and under these circumstances is that he be identified as one of the President's "guys" with a disposition for "team play." What is needed is a man the public immediately perceives to be—again in the Star's words—"a hard-bitten naysayer who says the unsayable and bucks the trend of wishful thinking."

I would not presume to name that man. But surely this Nation has more than one James Schlesinger.

The second reservation cited by those who hesitate to vote "nay" on this nomination is an understandable reluctance to deny a sensitive post to a man because of his partisan political background.

Again, I share that same reluctance. And in another time, and under different circumstances, Mr. Bush's background would not inspire me to vote against his confirmation. But while there is admittedly some unfairness in discriminating against him for that reason at this time, there is, in my judgment, infinitely more unfairness in listing his nomination upon an American public sick to death of suspect politics and richly deserving of a CIA Director in whom they can put their immediate trust and confidence.

The third reason offered or implied by those who are reluctant to vote for confirmation is closely tied to the second.

There is a hypersensitive fear that re-

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fusal to confirm will further denigrate politics and politicians at a time when restoration of esteem for both is so imperative.

But is it truly realistic to believe that a vote for confirmation will elevate the present dismal level of that esteem?

Let us be frank. We all know what can be read—rightly or wrongly—into this nomination: political cronyism and the desire of the White House to have a compatible custodian in charge of an agency under heavy fire. And we all know what could be read—rightly or wrongly—into confirmation of this nominee: clubby in-house loyalty, old school ties, and the image of politicians of every persuasion banding together to protect and advance one of "their own," regardless of the public interest.

An unfair reading? We can think so. But what really counts is how the public reads it.

So, I ask this of my colleagues. I ask them to imagine walking down the streets of their respective hometowns. I ask them to imagine seeking out town leaders whose character and integrity are unquestioned. I ask them to imagine asking those town leaders what they think of the prudence and the propriety of this nomination at this time and under these circumstances.

And then I ask my colleagues to ask themselves whether a yea vote or a nay vote will better serve the Nation, better serve the people, better serve the CIA, and better serve the cause of restoring respect and esteem to politics and politicians.

The PRESIDING OFFICER (Mr. GOLDWATER). All time has expired.

The question is, Will the Senate advise and consent to the nomination of George Bush, of Texas, to be Director of Central Intelligence? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. WEICKER (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Missouri (Mr. SYMINGTON) is absent because of illness.

I further announce that, if present and voting, the Senator from Missouri (Mr. SYMINGTON), the Senator from Rhode Island (Mr. PELL), and the Senator from Florida (Mr. CHILES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Wyoming (Mr. HANSEN) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—64

Allen	Bellmon	Buckley
Baker	Bentsen	Burdick
Bartlett	Brock	Byrd
Beall	Brooke	Harry F., Jr.

Byrd, Robert C.	Hruska	Pearson
Cannon	Humphrey	Percy
Case	Jackson	Randolph
Curtis	Javits	Ribicoff
Dole	Laxalt	Roth
Domenici	Long	Scott, Hugh
Eagleton	Mansfield	Scott,
Eastland	Mathias	William L.
Fannin	McClellan	Sparkman
Fong	McClure	Stafford
Garn	McGee	Stennis
Glenn	McGovern	Stevens
Goldwater	Montoya	Stevenson
Gravel	Moss	Taft
Griffin	Muskie	Taimadge
Hartke	Nunn	Thurmond
Hatfield	Packwood	Tower
Hathaway	Pastore	Young

NAYS—27

Abourezk	Hart, Gary	Magnuson
Biden	Hart, Philip A.	McIntyre
Bumpers	Haskell	Metcalf
Church	Hems	Mondale
Clark	Huddleston	Morgan
Cranston	Inouye	Nelson
Culver	Johnston	Proxmire
Durkin	Kennedy	Stone
Ford	Leahy	Williams

ANSWERED "PRESENT"—1

Weicker

NOT VOTING—8

Bayh	Hollings	Symington
Chiles	Pell	Tunney
Hansen	Schweiker	

So the nomination was confirmed.

Mr. TOWER. I move to reconsider the vote by which the nomination was agreed to.

Mr. HRUSKA and Mr. THURMOND moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. I ask unanimous consent that the President be notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BAKER). The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the Senator from South Carolina (Mr. HOLLINGS) to attend the Canada-United States Interparliamentary Conference, to be held in Key Biscayne, Fla., January 29–February 2, 1976.

MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 961) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 961, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 961), the Magnuson Fisheries Management and Conservation Act of 1976.

The Senate resumed the consideration of the bill.

MESSAGE FROM THE HOUSE—HEW APPROPRIATIONS

A message from the House of Representatives was communicated to the Senate by Mr. Berry, one of its reading clerks.

The PRESIDING OFFICER. Without objection, the Chair now directs that the message from the House, together with the President's veto message to the House, be printed in the RECORD and spread on the Journal.

JANUARY 27, 1976.

The House of Representatives having proceeded to reconsider the bill (H.R. 8069) entitled "An Act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

To the House of Representatives:

I return without my approval H.R. 8069, the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1976.

As you know, I have just vetoed H.R. 5579, which would have extended for six months the temporary tax cut due to expire on New Year's Eve, because it was not accompanied by a limit on Federal spending for the next fiscal year. H.R. 8069 is a classic example of the unchecked spending which I referred to in my earlier veto message.

H.R. 8069 would provide nearly \$1 billion more in spending authority than I had requested. Not only would the \$45 billion total in this bill add significantly to the already burdensome Federal deficits expected this year and next, but the individual increases themselves are unjustified, unnecessary, and unwise. This bill is, therefore, inconsistent with fiscal discipline and with effective restraint on the growth of government.

I am not impressed by the argument that H.R. 8069 is in line with the Congress' second concurrent resolution on the budget and is, therefore, in some sense proper. What this argument does not say is that the resolution, which expresses the Congress' view of appropriate budget restraint, approves a \$50 million, or 15 percent, increase in Federal spending in one year. Such an increase is not appropriate budget restraint.

Effective restraint on the growth of the Federal Government requires effective limits on the growth of Federal spending. This bill provides an opportunity for such limitation. By itself, this bill would add \$382 million to this year's deficit and would make next year's deficit \$372 million more than if my recommendations had been adopted. In addition, the increases provided for this year would raise expectations for next year's budget and make the job of restraining spending that much more difficult. Thus, this bill would contribute to excessive deficits and needless inflationary pressures.

Furthermore, if this bill became law, it would increase permanent Federal employment by 8,000 people. I find it most difficult to believe the majority of the American people favor increasing the number of employees on the Federal payroll, whether by Congress-

sional direction or by other means. On the contrary, I believe the overwhelming majority agree with my view that there are already too many employees in the Federal Government.

I am returning this bill without my signature and renewing my request to the Congress to approve a ceiling on Federal spending as the best possible Christmas present for the American people.

GERALD R. FORD.

THE WHITE HOUSE, December 19, 1975.  
TIME LIMITATION AGREEMENT—DEBATE ON OVERRIDE OF VETO OF HEW APPROPRIATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, will the Senator from California yield to me?

Mr. CRANSTON. I do not have the floor yet.

Mr. ROBERT C. BYRD. The Senator has. I just yielded.

Mr. President, I ask unanimous consent, the request having been cleared on both sides of the aisle, that when the Senate returns to the Chamber tomorrow following the joint meeting in the House of Representatives, there be 1 hour of debate on the override of the Presidential veto of the HEW appropriations bill, the time to be equally divided between Mr. MAGNUSON and Mr. BROOKE, and that a vote then occur.

The PRESIDING OFFICER. Is there objection?

The Chair hears none. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. tomorrow.

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

Mr. CRANSTON. Mr. President, I yield to the Senator from Kentucky without losing my right to the floor.

#### STARLING AND BLACKBIRD CONTROL IN KENTUCKY AND TENNESSEE

Mr. HUDDLESTON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 11510.

Mr. GRIFFIN. Mr. President, does this require unanimous consent?

The PRESIDING OFFICER. Unanimous consent is required.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? If not, it is so ordered.

The PRESIDING OFFICER laid before the Senate H.R. 11510, an act to provide for starling and blackbird control in Kentucky and Tennessee.

Mr. HUDDLESTON. Mr. President, this is identical legislation to the legislation which the Senate passed by unanimous consent this morning. I ask unanimous consent that we proceed to its immediate consideration and passage.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice by its title, and

the Senate will proceed to its consideration.

The bill is open to amendment. If there be no amendment to be proposed, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the Senate action in passing S. 2873 be vacated and that S. 2873 be indefinitely postponed.

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

Mr. HUDDLESTON. Mr. President, I move that the vote by which the House bill was passed be reconsidered.

Mr. MAGNUSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. I thank the Senator from California.

#### MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The Senate continued with the consideration of the bill (S. 961) to extend pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Jonathan Fleming, Christine Cohagen, and William Jackson, of my staff, have the privilege of the floor during all phases of this amendment.

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

#### AMENDMENT NO. 1331

Mr. CRANSTON. Mr. President, I send to the desk an amendment No. 1331, co-sponsored by Senator GRIFFIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 29, between lines 12 and 13, insert the following:

"(7) The Convention on Fishing and Conservation of the Living Resources of the High Seas and the decision of the International Court of Justice in the 1974 Fisheries Jurisdiction case affirm the special interest a coastal nation has in the conservation of the coastal and anadromous stocks of fish on the high seas adjacent to its territorial sea.

"(8) All nations engaged in a fishery have an obligation under international law to negotiate in good faith toward achieving necessary conservation measures for the stocks which they exploit.

"(9) There is a right in international law for a coastal nation to adopt emergency conservation measures appropriate to coastal and anadromous stocks of fish in any area of the high seas adjacent to its territorial sea if negotiations to that effect with other na-

tions concerned have not led to agreement within 6 months, and if such conservation measures are based on appropriate scientific findings and do not discriminate against foreign fishermen.

"(10) The Convention on Fishing and Conservation of the Living Resources of the High Seas provides appropriate procedures for the establishment of emergency conservation measures.

"(11) Scientific findings indicate that certain coastal and anadromous stocks in areas of the high seas adjacent to the United States territorial sea are depleted and other such stocks are in danger of depletion unless proper conservation measures are applied.

"(12) Until an effective international agreement on fishery management and jurisdiction can be negotiated and either provisionally or finally implemented, the United States should take necessary measures consistent with international law that are urgently required for the conservation of fisheries stocks."

On page 29, line 13, strike "(7)" and insert in lieu thereof "(13)".

On page 29, lines 14 and 15, strike "the fishery resources subject to the jurisdiction of the United States" and insert in lieu thereof "fishery resources".

On page 29, line 22, strike "by declaring" and insert in lieu thereof a semicolon.

On page 29, strike lines 29 through 35.

On page 30, strike lines 1 through 5.

On page 30, line 6, strike "(3)" and insert in lieu thereof "(2)".

On page 30, line 9, strike the period and insert in lieu thereof "; and".

On page 30, between lines 9 and 10, insert a new paragraph as follows:

"(3) to direct the Secretary of Commerce and the Secretary of State to proceed in accordance with article 7 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, to put into effect such measures of conservation and management as are necessary to protect stocks of coastal and anadromous fish in areas off the coast of the United States until such time as an effective international agreement on fishery management and jurisdiction can be negotiated and put into provisional or final effect."

On page 30, line 22, strike all after "fish" and insert in lieu thereof "; and".

On page 30, strike lines 23 and 24.

On page 35, strike lines 3 through 6 and insert in lieu thereof the following:

"(9) 'fisheries zone' means the zone established pursuant to the Act of October 14, 1966 (16 U.S.C. 1091-1094), contiguous to the territorial sea of the United States;"

On page 37, line 14, strike "and".

On page 37, line 22, strike the period and insert in lieu thereof "; and".

On page 37, after line 22, insert the following:

"(25) 'contracting party' means any government party to an international fishery agreement."

Beginning on page 38, line 3, strike everything down through line 10 on page 45 and insert in lieu thereof the following:

#### FISHERY CONSERVATION

"Sec. 101. (a) The Secretary is directed, in coordination with the Secretary of State and in accordance with the provisions of section 203 of this Act, to promulgate regulations necessary to conserve the productivity of the living resources of the sea in areas adjacent to the territorial sea of the United States which the Secretary determines will result in the optimum overall biological, economic, and social benefits. Such regulations shall apply simultaneously and equally to all vessels and fishermen taking, either intentionally or as an incidental catch, regulated fish stocks.

"(b) Any regulation promulgated pursuant to this section may designate zones



*10 I Confirmation*

# Senate

TUESDAY, JANUARY 27, 1976

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

## PRAYER

The Reverend Dr. A. Knighton Stanley, pastor, People's Congregational Church, Washington, D.C., and executive director, Office of Bicentennial Programs, District of Columbia, offered the following prayer:

Speak to our hearts, O God our Father, as spirit makes itself known to spirit; speak to us, and help our hearts to hear. Guide us, O Lord, that we may recognize Thy voice whenever conscience summons us to courage, whenever duty calls us to a higher dedication, whenever companionship brings comfort and friendship manifests Thy love. So lead us beyond the shining monuments of our precious heritage, that we may know a new awakening of the spirit, a new growth toward both that unity and that individuality which leads us on toward Thee in this Bicentennial Year and throughout the third century of our mighty Nation. Be Thou our guide, that we may go forward with minds enlightened by Thy wisdom, with hearts healed of doubt and cleansed of discouragement, and with souls warmed by Thy love and aflame with Thy will. In Thy holy name we pray. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 26, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes.

## ORDER FOR RECOGNITION OF SENATOR MORGAN ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. MORGAN today be vitiated, and that it be transferred to Thursday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Maryland (Mr. MATHIAS) is recognized for not to exceed 15 minutes.

## NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. MATHIAS. Mr. President, this afternoon the Senate will consider the nomination of George Bush to be the Director of the Central Intelligence Agency.

I have to say, Mr. President, that I consider the nomination of George Bush as Director of the Central Intelligence Agency to be a regrettable nomination. I think it is an imposition on the Senate, I think it is an imposition on the Central Intelligence Agency, and not least of all, I think it is an imposition on George Bush. I have told the President personally that I feel that in sending this nomination to the Senate, he has posed for me one of the most difficult questions that I have confronted in 15 years of congressional service.

My concern is not that George Bush might become a candidate for Vice President. As a matter of fact, I would be glad to vote for him for Vice President. In 1968 I urged that he be considered for the Republican ticket, although at that time he was a freshman Member of the House of Representatives. In any event, he has publicly disqualified himself from political activity in the foreseeable future. Nor do I think that George Bush would use the powers of the Director of the CIA to manipulate domestic politics to foster such a candidacy to the advantage of the incumbent party. The mere suspicion that he would do so would be enough to disqualify him without further debate; but he is an honorable man, and I do not harbor any such suspicion.

It is not George Bush's future that concerns me about his nomination. It is his past that I worry about.

It seems to me that in his past George Bush has acquired an obstacle to his confirmation that is virtually insurmountable. It is all the more difficult for him, because, I suspect, that it was not a voluntary acquisition. I refer, of course, to his term as chairman of the Republican National Committee.

As a member of the Select Committee to Study Intelligence Operations I have learned more than a little about the intelligence business. It is highly subjective and very sensitive. Nuances matter. Appearances are important.

To place at the head of CIA any person who has previously been at the head of a partisan political organization is singularly inappropriate. It negates the concept that intelligence is something apart from ordinary political activity;

that it requires unusual intellectual application and extraordinary discipline and restraint not found in ordinary governmental agencies. It raises the question within the agency as to whether common political practices such as log rolling, back slapping, and compromise are to be the order of the day at Langley. It raises the question outside the Agency as to whether we have altered our original view that intelligence operations, at least in theory, ought to be committed to a priesthood bound by vows of political chastity.

In short it makes the Agency suspect. And the CIA is one agency of Government which, like Caesar's wife Pompeia, cannot afford to be suspected. When viewing the Agency we can be a little more understanding of Julius Caesar's harsh judgment that " \* \* \* I will not that my wife be so much as suspected."

This is the problem for George Bush, but it is by no means a personal problem. It is a disqualification which to my mind would apply to all chairman of political parties, forever barring them from two specific offices of public trust: the directorships of the CIA and of the FBI. It is a disqualification that would operate impersonally to disqualify Lawrence O'Brien, Ray Bliss, Fred Harris, or Henry Jackson should any speculative President ever think of them as potential directors. I think if the rule were to be logically and consistently applied, it could disqualify George Bush.

This is a very hard conclusion for me to reach, because for me it is a personal problem. George and Barbara Bush are personal friends. They have been loyal when times were difficult and good company when there was a chance to relax and enjoy a few happy hours.

It is a decision of the sort that tears Senators apart; but to make the choice and cast a vote on a matter as critical as this on the basis of friendship and amiability would be to suggest that our Government can no longer make decisions grounded on hard facts. If this were the whole story, I would have to vote against George Bush's confirmation notwithstanding my affection for him.

But it is not the whole story. We are not acting under normal circumstances. My work on the select committee has given me some insight into the enormous and agonizing current problems of the intelligence community.

The CIA is in some degree in disarray. Its activities have been disrupted. The safety of its personnel is more than normally in jeopardy. The morale of the Agency must be restored. A reorganization and revitalization of the Agency is necessary at once if the Government is to obtain the information it requires to insure the security and welfare of the American people. The lessons learned

from the cathartic experience through which the Agency has passed must be put into practice without delay. Any prolonged further agitation within and about the Agency could delay the process of reconstruction beyond the danger point. Eyebrows raised in both friendly and hostile foreign governments would become serious doubts and the essential element of confidence could slip away from us.

So this then is the real dilemma of the situation. The Senate must choose between taking a step that is generally conceded to be dubious or even wrong in principle, or the Senate must uphold principle at the very real risk of creating a serious chink in our national armor, and it is not an easy choice.

I think it should be noted that it is not a choice of George Bush's making either in its remote origin or in its immediate impact. He was reluctant to surrender his post as Ambassador at the United Nations to become chairman of the Republican National Committee. He did so because he was pressed by President Nixon, and very few Americans can withstand an urgent personal draft by the President of the United States.

I do not have a sense at this time that his appointment as Director of the CIA represents the fulfillment of any deep personal wish or cherished personal ambition. I believe that it also is the response to a Presidential draft.

The Senate ought to have a different choice, or better yet, ought not to be confronted with this one at all. If the President's advisers were more faithful to his real interests, I do not think that we would be faced with this issue. But such a wish cannot be entertained in the real world. We are faced with it and must deal with it.

The need for an effective intelligence service is both real and urgent. The months that would be required to recruit and investigate a new Director and to nominate and confirm him is time that we may not have. A continuing proper public debate over the conduct of our intelligence operations could become a very noisy and nasty political brawl if we add at this time a new controversy over the rejection of the President's nominee for Director.

The risk of further deterioration of our intelligence capacity is just too great.

The nomination of George Bush will have to be confirmed with all of the reservations that I have tried to express, because it seems to me that his confirmation represents the lesser of two evils.

At least we are aware of the existence of the taint of partisan politics. We have surfaced it, we have identified it, and we have raised the alarm about it. We know it is there and certainly George Bush knows it is there. It can be monitored, and it will be closely observed both within and without the Central Intelligence Agency.

On the other hand, the extent of the risk involved in a new confrontation cannot be estimated. Mr. Colby has delivered his valedictory, and he is ready to leave. His bags are packed.

The eruption of new factors and new issues, if this debate is continued, is pre-

dictable, but their form and shape and the time they would consume is not predictable. It is too hard to guess what might be involved, and the stakes are too high to permit us a guessing game.

I shall, therefore, with reservations, vote to confirm the nomination of George Bush to be the Director of the Central Intelligence Agency.

Mr. MANSFIELD. Mr. President, I have listened with interest to the well thought-out conscientious remarks of the distinguished Senator from Maryland. When I use the word "conscientious" I use it in its best sense because if there is a conscientious Senator in this body, it is the Senator from Maryland (Mr. MATHIAS).

Recognizing all the questions which he has raised, it is my intention, nevertheless, to vote for the confirmation of George Bush to succeed Mr. William E. Colby, as Director of the CIA. I do so on the basis of his service in the House of Representatives, on the basis of his services as the U.S. Ambassador to the United Nations, and on the basis of his services as the chief of the U.S. Liaison Office to the People's Republic of China.

The question has been raised about his position as chairman of the Republican National Committee. I have given that consideration. To the best of my knowledge, while he was chairman of that committee, that committee was not involved in any way, shape, or form with the Watergate affair.

Perhaps a politician in that job might be a good thing, if he is a respected and honored member of that species. We have not had any politicians heading the CIA up to this time but rather non-politicians, and it is through some of them that some of the difficulties, now being investigated and inquired into, have arisen. I have an idea that what the select committee, the so-called Church-Tower committee, has been able to do will serve as a warning to the CIA, in general, and to the man, in particular, who heads it, and that there will be nothing more in the way of shenanigans in the years ahead.

I think that George Bush will go into that position, if he is confirmed by the Senate, with the knowledge that he is, in a certain sense, on the spot, and he will bend over backwards to perform, to the best of his ability, in line with what he considers to be the intent, not of a President, but of Congress.

Incidentally, may I say that I believe there has been too much emphasis on the CIA in the hearings conducted by the Church-Tower committee and not enough emphasis on the intelligence community, in general, where we will find most of the personnel and, I would not doubt, most of the expenditures as well, even though since 1969 all the intelligence agencies, with a few exceptions, have reduced their personnel by something on the order of 43 percent.

I do not approve of the names of CIA members being published in the newspapers. It is a horrendous thing to do because, in an underworld phrase, it, in effect, puts a "finger" on them and makes them more vulnerable. But I do anticipate that, if the Senate confirms Mr.

Bush, he will perform with integrity and understanding, and that the lessons of the Church-Tower committee will not be lost on him, especially, to repeat, or on the agency, in general.

Speaking of the Church-Tower committee, I wish to compliment the members of that committee because that committee has not been responsible for any leaks—and I have inquired into this matter—during the whole tenure of its existence. By and large it has acted on a basis of unanimity. The only split was last week when there were divergent views between the chairman and the ranking Republican member as to what kind of an oversight committee should be created once the Church-Tower committee goes out of existence.

Mr. President, it would be my hope that such responsibilities would not revert back again to only the three subcommittees, because they have not done a very good job in exercising their responsibility of oversight, and that is a conservative statement.

I hope that a standing committee of the Senate will be selected and, if possible, the House agreeing, a joint committee, to the end that there can be a better rapport between Congress and the CIA and the other intelligence agencies; to the end that, where the facts support it, those agencies can be supported; to the end that unfair charges against them can be done away with or faced up to in instances where they are unable to speak for themselves.

So it is with no trepidation on my part that I support the President's nomination of George Bush to the office of Director of the Central Intelligence Agency. His will not be an easy job.

I am delighted that the Senator from Maryland has made the statement he has, because that, too, will serve as a warning and that, too, I believe, will strengthen George Bush in the position which he will assume if Congress sees fit to confirm the nomination of the President.

#### ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed beyond 11 a.m., with statements therein limited to 5 minutes each.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. FORD. Mr. President, I ask unanimous consent that Bill Wester of my staff be allowed the privileges of the floor for the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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Such statements tell me far more than statistics and sophisticated analyses that we are now reaping the bitter fruits of an expanding Government whose growth we have nourished in war and peace for more than four decades.

The issue before us is not, of course, the elimination of governmental regulation. Regulations are necessary consequences of living under the rule of law in any society. The basic issue, as I see it, is whether laws and regulations should evolve in gradual response to needs clearly perceived by the majority of citizens or whether they should be forced upon a society by a minority, entrenched in bureaucratic power, that believes that it alone possesses the vision of the good society.

It is my view, Mr. President, that in the area of economic regulation much of our present frustration is the result of excessive power wielded in the 1930's and 1940's by public officials captivated by theories of economic planning and collectivist economic organization.

Since the 1940's, economic regulation has continued to expand. It is being imposed by such new instruments of regulatory power as the Occupational Safety and Health Administration, the Environmental Protection Agency, and the Equal Employment Opportunity Commission.

These new agencies are not dedicated to the relatively limited economic purposes of the more established economic regulators. Under the guise of consumer protection, equal opportunity and similar goals, they also contribute to expanding social regulation, and link hands with the numerous rulemaking and enforcing bureaus and offices which inhabit the labyrinthian structures of such larger organizations as the Departments of Health, Education and Welfare, and Housing and Urban Development.

These new regulatory forces are largely the offspring of the social engineering mentality which dominated the Federal Government in the 1960's. The inevitable consequence of that mentality has been the erection agency by agency, law by law, and regulation by regulation, of what Caspar Weinberger, the former Secretary of Health, Education and Welfare, accurately characterized as a massive welfare state which now intrudes deeply into the lives and personal freedoms of all Americans.

In eloquent terms Mr. Weinberger, who grappled for many months with the formidable regulatory forces of the Department, summed up the unfortunate circumstances created by unnecessary social regulation in the human resources field. Furthermore, he correctly pointed to the responsibility which Congress must bear for provoking these circumstances:

The entire human resources field is under the lash of Federal law—doctor, hospital, teacher, college president, student, voluntary agency, city hall and State capital. All of these are subject to the steadily increasing intrusion of the Congress—which requires that drastic and often unnecessary regulations be adopted by the Executive Branch.

Similar remarks could be used to describe the circumstances surrounding environmental protection, occupational

safety, highway safety, and virtually any field of human activity in our society.

Mr. President, we cannot point to any one individual or institution as the instigator of our present predicament. The Congress does bear a large but scarcely exclusive responsibility.

Perhaps, Mr. President, the liberties which we have long enjoyed led many to believe that our Nation was immune to self-imposed oppression through excessive governmental regulation. Certainly, there has been great reluctance in many quarters to concede that we have not been sufficiently alert to a steady erosion of liberty. Now, here we stand, conscious as a people of our folly but reluctant to hold ourselves accountable for it.

As a people we must blame ourselves. We have no 20th century equivalent of George III upon whom we can heap our grievances. We cannot declare independence from ourselves. The time has come to choose between drifting toward even greater restrictions in our liberties or reshaping our public institutions so that they serve rather than constrain liberty. These are the terms of public discourse in the months ahead.

This will mean, as other Senators have forcefully argued in recent months, that the Congress must begin to weigh rigorously the costs and benefits of proposed legislation. They must be weighed not only in economic terms but, more importantly, in terms of enlarging the sphere of personal liberty and of strengthening our Federal and free enterprise systems.

We are a great nation. No power on Earth can attempt to tyrannize us except at the price of its own destruction. But we have learned that we are well on the way to tyrannizing ourselves by both design and default.

We know where to start. The President is well aware of the dangers of overregulation. He has initiated a reexamination of the role of Federal regulatory agencies and has proposed specific legislation to the Congress.

The President's proposal in his state of the Union address to consolidate and decentralize to State and local government administration a myriad of Federal social programs, has powerful implications for constructive change.

The restructuring of agencies and Federal programs cannot be approached, in my judgment, simply as an exercise in the mechanics of Government administration. For too many years fundamental questions of principle about the character and scope of our liberties have been avoided in legislative debates, when such questions should have been of paramount concern. The convenience of pragmatic accommodations, the fragmentation of issues in the congressional committee system, the proliferation of interest groups in our society, and the like, have permitted us to ignore or conceal the growth of the welfare state.

Action is necessary by State and local governments as well. Federal rulemaking has stimulated a great deal of complementary regulation by State and local governments. They, too, have a large role to play in restoring our freedoms. I am pleased to note that there are signs of

action. One such instance is consideration by the National Association of State Attorneys General of measures to eliminate regulatory activities that add to consumer costs by restricting competition.

Mr. President, I ask unanimous consent that there be printed at the conclusion of my remarks an article from the Omaha World-Herald of January 2, 1976, the article describes this State level initiative.

It has been a pleasure to participate in this discussion and I look forward to the series of regulatory reform discussions planned for the weeks ahead.

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

## STATES EXPECTED TO WIELD "CUTTING EDGE" IN REGULATION

(By Darwin Olofson)

WASHINGTON.—States may be in a mood and position to do more than the federal government to eliminate regulatory activities that are blamed for adding to consumer costs by restricting competition.

"I don't know whether the real changes are going to take place on a national level or begin to develop on a state-by-state basis," said Raymond Marvin, Washington representative of the National Association of Attorneys General.

"I think probably on the latter," he added.

Federal regulatory agencies have been under fire for many months, with some of the heaviest barrages coming from President Ford, who contends that government regulations are adding billions of unnecessary dollars each year to the cost of goods and services.

With considerable fanfare, Ford has sent Congress legislation to relax federal regulation of the airline, railroad, trucking and bus industries. Many of the proposals are being opposed by the regulated industries, whose clout on Capitol Hill makes deregulation prospects doubtful at best.

The furor in Washington has all but obscured the issue of regulation at the state level by state agencies.

"Anticompetitive practices fostered by state government regulation almost make the federal government look like an evangelist for economic efficiency," says Johnathan Rose, a deputy assistant attorney general in the Justice Department's antitrust division.

State restraints on competition range from occupational licensing laws to codes of ethics that prohibit advertising, from prohibitions on competitive bidding to the granting of exclusive franchises, according to Rose, who has a longer list.

Marvin said state attorneys general in about the past two years have been taking a closer look at such practices.

"A lot of things are going on, state by state," he said, adding:

"This is an area that is attracting increasing attention of state enforcement officials. It will develop at a faster pace in the next couple of years, I would imagine."

The executive committee of the National Association of Attorneys General is considering calling a conference on state regulatory activities, Marvin said.

He said state antitrust laws are the "cutting edge" against anticompetitive regulatory practices by state agencies.

State attorneys general are in a position to keep the cutting edge sharp, he added, because they are the state's chief lawyer and in most cases serve as counsel to state regulatory agencies.

Atty. Gen. William Brown of Ohio has brought suit against a state agency, "one of

his own clients," claiming that it violated the antitrust law in imposing certain rules governing engineers and architects, according to Marvin.

He described the suit as a "landmark case" and an example "of what is going to be happening on the state level."

The Federal Trade Commission has filed a brief in the case in support of the Ohio Attorney General.

"They (the FTC) view it as a watershed case at the state level," Marvin said.

Efforts at deregulation in Washington have had a spurring effect on states with their own regulatory problems, he said, but at least some states already had begun to take corrective actions.

Earlier this month, the National Commission on Productivity and Work Quality said in its report that uneconomic regulatory activities were not a federal phenomenon.

"The commission wishes to emphasize, however, that the complexity of these issues should not cause us to lose sight of the counter-productive rules, regulations and procedures existing at all levels of government and in the private sector. . . ." it said

#### REGULATION, CIVIL LIBERTY, AND PERSONAL FREEDOM

Mr. HARRY F. BYRD, JR. Mr. President, as we reflect on the nature of our Government and the structure of our society, I believe it is imperative for each American to review his priorities with respect to his individual freedoms, his government, and the direction each will take in the years ahead.

I salute my colleagues for creating the forum today from which such a dialog of reassessment can be begun.

As I travel throughout Virginia, one common theme of concern I hear time and again is "there is too much government" and "there is too much Federal interference and control of our daily affairs."

The people of Virginia are a freedom-loving, independent-minded people. From the inception of this great Union of States, they have constantly sought to control their own destinies, without outside interference or involvement.

It is, therefore, with both amazement and indignation that the people of Virginia have seen Federal bureaucrats attempt to control Virginia's institutions of higher education by demanding that the Governor ignore his constitutional and statutory responsibilities and yield to their dictates.

These self-appointed guardians of social change have insisted that Virginia ignore the high standards of educational quality in her State-supported institutions of higher learning, implementing instead the quota-oriented programs of "affirmative action," which have been more correctly termed "the putrid backwash of all the tired social engineering schemes of the centuries."

I believe the great majority of Americans find this form of government repellant to their basic ideals of justice and decency. In its zeal to eradicate discrimination, the Federal regulators have employed the very vice they seek to eliminate.

It is saddening that the Federal Government advocates quotas; it is shock-

ing that Federal agencies and departments demand them.

Insistence upon the same type of discredited social theory can be seen in the continued quest of the Federal Government to use forced busing to achieve an artificial racial balance in our public schools.

The people across this land have stated unequivocally their feelings on this matter:

Forced busing is wrong.

It is unjust.

It is unfair.

Yet, in the face of overwhelming opposition by people of all races and walks of life, in the face of clear evidence that forced busing is a detriment to a quality education, and in the face of the repudiation of forced busing by its principle exponent in the mid-1960's, Dr. James S. Coleman, the Government continues to demand forced busing and to oppose any responsible legislative restriction on that discriminatory practice.

Clearly, these are not examples of representative government or of government existing to insure the protection of constitutional guarantees to its beneficiaries, the people.

Rather, these are examples of government which has become estranged from the people it is supposed to represent and to serve. It has swung from the protection of individual liberties to the imposition of preferential treatment.

Where have we erred that this condition should now exist? I believe it is in the failure to observe the strictures like the one espoused by Mr. Justice Brandeis in 1928:

Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

Reasonable minds may have no quarrel with the lofty ideas which motivate Federal officials. But agreement with their aims does not mean endorsement of their means.

I cannot think of a more important function of Government than to insure the domestic peace and tranquility for its citizens. Indeed, without internal social order and observance of the laws made for the mutual benefit of all, no society—no government—could exist for long.

But this does not mean that the Government has a free hand to protect us from all harm—real or imagined. The blatant abuses of our constitutionally protected freedoms by officers of our Government—of privacy, of freedom, of association, and of religion, and of the right to be secure from unreasonable searches and seizures—which have jarred our sensibilities in recent years are a vivid reminder that liberty is not self-perpetuating.

Our liberty must be jealously guarded and constantly nurtured, lest it be stifled and smothered by the promises and policies of those regulators who would do our thinking and acting for us—in the name of "freedom."

#### ORDER TRANSFERRING TIME OF SENATOR ROBERT C. BYRD TO SENATOR MCINTYRE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to me under the order previously entered be allotted to Mr. MCINTYRE in my stead.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Hampshire (Mr. MCINTYRE) is recognized for not to exceed 15 minutes.

#### THE CIA AND THE APPEARANCE OF PROBITY

Mr. MCINTYRE. Mr. President, I intend to oppose the confirmation of Mr. George H. Bush as Director of the Central Intelligence Agency.

I will do this without malice toward the nominee, and with considerable reluctance, for I recognize that the separation of powers, political accountability, simple courtesy, and good will persuasively argue that a Chief Executive should have the privilege of staffing his administration with people of his choice.

In more than 13 years in the Senate, I have consented to hundreds of appointments made by two Republican Presidents. On only seven occasions over those years have I voted against the Chief Executive's nominations, doing so in each instance only because my perception of what was in the national interest so sharply differed from the President's that I could not in conscience assent to his wishes.

And now, in the nomination of Mr. Bush to direct the CIA, we have another such instance.

Let me make this clear, Mr. President: I do not oppose Mr. Bush.

To the best of my knowledge, the nominee is an honest, conscientious citizen who has served with grace and some measure of distinction in a number of responsible positions. And in another time and under different circumstances he might well bring similar distinction to the office for which he is now being considered.

But this is not "another" time nor other circumstances, and what I oppose is Mr. Bush's nomination for this office at this time and under these circumstances.

It is my firm belief that this nomination is an insensitive affront to the American people, and in a very real sense a gross disservice to Mr. Bush, who did not fashion a situation that makes his nomination so untimely and inappropriate.

A great institution, an institution most of us see as indispensable to our security, is in a shambles, brought to that sorry state by its own misdeeds, misdeeds the nominee himself has described as "outrageous and morally offensive."

But it is not my purpose to use this forum to excoriate the CIA, Mr. President. Indeed, everything considered, it would be patronizing and graceless for me to do so. For hindsight, indignation, and self-righteousness ill become those of us who—in the midst of the cold war and under the convenient rationale of

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security—so willingly yielded slack rein to that agency.

By defaulting in our oversight responsibilities, we not only encouraged abuses by the CIA, Mr. President, we encouraged abuses of the CIA.

It was we who chose to ignore the Agency's growing habit of citing dubious ends to justify odious means.

It was we who stood mutely by while the agency slipped its statutory bonds to engage in repugnant, bizarre, embarrassing, and counterproductive activities that not only cost us dearly in world respect and good will but flaunted the law, the Bill of Rights and the very value system of our free and open society.

But it was also we, Mr. President, who in our apathy and dereliction left the agency so vulnerable to subornation by self-serving political leaders—and it is this unhappy fact that is at the heart of the issue before us.

Upon us, it seems to me, falls a very special burden, Mr. President. Upon us—far more than upon those more recently who have come to this Chamber—falls the responsibility of rebuilding what we in our carelessness and insensitivity let collapse upon itself. And I speak not only of the Central Intelligence Agency—but of the public trust and confidence in that institution's character, integrity, and purpose.

At this crucial moment in our history—surrounded as we are with endless evidence of mass disenchantment, disillusion, cynicism, and bitterness—surely, Mr. President, restoring the appearance of probity in an institution with such demonstrated potential for abuse is every bit as important as restoring the fact of probity.

I need not remind this body that public trust and confidence in the CIA is now at its lowest level in 27 years. But let me express my own conviction that this collapse of confidence was brought on not only by exposure of CIA misdeeds, but by the painful realization that some of these misdeeds were encouraged by political leaders who sought not an intelligence advantage over a foreign adversary, but a political advantage over their domestic critics and the opposition party.

Mr. President, I am sure the public has no inclination to excuse the CIA's consent to being compromised.

But I am equally certain the public rightly holds the corrupter more accountable than those who were corrupted.

If I am right, that it was the politicizing of the CIA that cost it the most in trust and credibility then, Mr. President, the nomination of George H. Bush—the first political person ever advanced for the office of CIA Director—is, indeed, an appallingly insensitive affront to the American people!

Mr. President, the people understand that information is power.

A good many understand that the Central Intelligence Agency is the preeminent repository of information.

They understand that by this fact it can also be the preeminent dispensary of power.

And they rightly deserve every possi-

ble assurance that the information gathered by the CIA will never again be compromised or exploited to enhance the political power of those who have access to and authority over the agency and its officers.

Mr. President, I am not a cynic. But I hope I am a realist.

Feeling as I do, it matters not that Mr. Bush would forego partisan politics during his tenure.

It matters not that President Ford has removed him from the list of Vice Presidential possibilities. Indeed, it matters not that the nominee sincerely believes, as he apparently does, that he could forcefully and objectively present to the President and the National Security Council the findings and views of the intelligence community, that he could make his recommendations "without political tilt," that without regard to existing or future policy he could present "cold, hard and truthful" intelligence estimates, that he would demand the highest ethical standards of those within the intelligence community, and that he would see to it that the CIA "stays in foreign intelligence business."

At this time and in these circumstances, all of this matters not, Mr. President. What matters is the people's perception of the necessity, the propriety and the prudence of this nomination. And can you, can I, can anyone in this Chamber look at the history of political subordination of the CIA and truly expect the American people to put the same measure of trust in an agency Director so clearly identified with politics, as you might, or I might?

This is asking too much, Mr. President, this is asking far too much of a people whose trust in their leadership, their institutions, their national purpose and direction, has been shaken so badly and so often in so compressed a period of time.

And it was not necessary to ask that of them, Mr. President. To me it is a transparent absurdity that given the sensitivity of the issue Mr. Ford could not find another nominee of equal ability—and less suspect credentials—than the former national chairman of the President's political party.

I do not believe a person with a political background should be disqualified automatically from serving as Director of a politically sensitive agency. Indeed, as Mr. Bush has pointed out, political people should—and usually do—understand and appreciate the concept of accountability to the people.

But surely this sensitivity is not unique to politicians, Mr. President, and surely, everything considered, this is not the time to break a 27-year precedent of nonpolitical Directors of the Central Intelligence Agency.

Some have raised the point that the wrongdoings of the CIA occurred under nonpolitical Directors seeming to imply that had these Directors been political people they might better have resisted the pressures from on high to commit the misdeeds.

Whatever the dubious merit of that argument, Mr. President, who could ex-

pect an American public so soured on political misadventures to accept it?

Still others, sensitive to this massive disenchantment with politics, have argued that refusal to confirm a political person to direct a sensitive agency further denigrates politics at a time when respect for it needs to be restored.

I, too, long to see that respect restored Mr. President, but it occurs to me that we who practice the art of politics and hold it in personal esteem ought to be particularly chary these days of any action that would bring it under even more suspicion.

And it seems to me that in asking us to confirm his choice for CIA Director, Mr. Ford is inviting us to further defame the art we practice.

For if we do as he asks, we will in effect be telling the American people that the best way to rebuild a responsible CIA and to insulate it against future political corruption is to put a politician in charge of it.

The people will not believe that.

They will not believe it; they will hold us as accountable for offending their sensibilities as they will hold Mr. Ford; they will stay disenchanting with politics and politicians—and they will hold back their trust in the CIA.

For my part, I do not want to see a vitally necessary agency further weakened by the appointment of a Director who rightly or wrongly, will be suspect by an understandably skeptical American people, Mr. President.

It would be sadly ironic if we were to consent to an appointment that could shatter whatever remains of the appearance of CIA probity at the very time that we begin our efforts to restore the fact of probity.

Increased congressional oversight and institutional reform can and must rebuild the CIA into an effective agency—an agency that adheres to its statutory purpose and functions within the constitutional, legal, and value framework of a free and open society.

But all that effort will go for naught, Mr. President, if the American people are discouraged at the outset from believing in the sincerity of the effort and trusting the end result.

And discouraged they will be if we confirm this nominee at this time under these circumstances.

Mr. President, the strong reservations I have expressed over this nomination are shared by observers in the media who span the spectrum of political philosophies, and to illustrate this contention I ask unanimous consent that an editorial from the November 18 edition of the Washington Post, an editorial from the December 17 edition of the Washington Star, and a November 12 column by George F. Will appear in that order at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 18, 1975]

THE BUSH APPOINTMENT

"In the final analysis," the Rockefeller CIA commission reported to President Ford a few months ago, "the proper functioning of



the Agency must depend in large part on the character of the Director of Central Intelligence." The report went on: "The best assurance against misuse of the Agency lies in the appointment to that position of persons with the judgment, courage, and independence to resist improper pressure and importuning, whether from the White House, within the Agency or elsewhere." That was good advice, taking into proper account the country's need—and CIA's need—to restore both the fact and the appearance of probity to an agency badly scarred by the Cold War and Watergate.

Mr. Ford, however, has rejected this advice. In nominating George Bush, a pleasant and able Republican politician currently serving as ambassador in Peking, he has selected a man who, for all of his qualities, would be on very few lists of "persons with the judgment, courage, and independence to resist improper pressure and importuning." Mr. Bush has been a loyal servant of several presidents—and of the Republican Party. He apparently would like to be Vice President, a post which is almost entirely the President's to bestow or withhold. On the basis of his record as Ambassador to the U.N., there are doubtless a great many jobs in government which he could do very well, but brief service as Director of Central Intelligence is not among them.

In fact, the next Director must do more than project an image of independence. He must join in the reshaping of the agency's mission, organization and relationship to Congress—matters of common concern to the Rockefeller Commission and to the Senate and House Intelligence inquiries. If it is necessary to ask whether a "political" CIA director could be expected to give his best judgment on intelligence issues with political implications, then one must also ask if a transient director would be around long enough to help make the necessary coming reforms. The post should not be regarded as a political parking spot. There is serious work to be done.

So Mr. Ford has a problem, or several problems. No sooner had he announced his lack of confidence in William Colby, the current director, than he was forced to ask him to stay on to get the agency through the congressional investigations. Mr. Bush, meanwhile, faces a delay of some months in his confirmation hearings, and possible rejection. Granted, filling high appointive posts in the last year of an administration is always tough. Mr. Ford still would have done better to let Mr. Colby stay through the investigations, and then to have sought a non-political worthy to take the helm at least until the elections. We mean no offense to Mr. Bush. But we fail to see why the Senate would wish to confirm him—or why, for that matter, he would want the job.

[From The Washington Star, Dec. 17, 1975]

#### NICE MAN, WRONG JOB

The Senate and its relevant committees must steel themselves for the unwelcome duty of putting sound principle first as they consider Ambassador George Bush's nomination to be chief of the Central Intelligence Agency.

Mr. Bush is a very nice man, without a trace of that arrogance or abrasiveness of manner that would make it easy to deny confirmation. Further, he is a former member of the House of Representatives, a member in good standing of the old boys' club whose promotion to executive appointments is usually treated with special consideration.

But really, Mr. Bush should not become director of the Central Intelligence Agency. We are sure that he means every pledge he has given to the Armed Services Committee about checking his political hat at the door, about not actively participating in party affairs,

about accepting the vice presidential nomination only if pressed.

Yet Mr. Bush, if confirmed for the CIA post, would be the first CIA director of unquestionably political provenance in its history. All his predecessors have been, in one way or another, intelligence professionals. That needn't be the rule. But there ought to be a negative rule here—as in the appointment of U.S. attorneys general—against the appointment of people with high party profiles.

All the recent studies of CIA abuses and misjudgments suggest that the single biggest threat to intelligence professionalism lies in the possibility of political manipulation. That manipulation has usually taken one of two forms. On its operational side, the intelligence agency becomes the prey of presidential whim—this or that regime, displeasing to the President, must be targeted for subversion or political sabotage. Or, on its intelligence-gathering side, the agency faces an intimidating reluctance in Presidents to receive and use information that goes against the grain of policy.

There was, for instance, no failure of evaluation by the CIA in Southeast Asia. The problem was that its sometimes gloomy assessments of the situation were not welcome to Presidents because they did not sound the expected note of optimism.

President Ford, defending the Bush appointment and others just after the so-called Sunday night massacre, made what is probably the best case against Mr. Bush. The President said he wanted people in the sensitive posts of defense secretary and CIA director with whom he felt at ease—his guys, members of his team.

On any list of 100 desirable traits in an intelligence chief, a disposition for team play would rank near the bottom. Admittedly, the CIA could benefit from a director with a feeling for public sensibilities and public relations. But it is infinitely more vital that he be a hard-bitten naysayer, a man who says the unsayable and when necessary bucks the trend of wishful thinking.

It is no insult to Mr. Bush, a fine public servant, to say that we have a great difficulty picturing him in that role in the inner councils of the Ford administration.

#### JUST ONE OF THE GUYS

(By George F. Will)

WASHINGTON.—When nominated to be director of the Central Intelligence Agency, George Bush said he did not think that being director would forever prevent him from seeking political office. Obviously he hopes it will not, and his hope was stoked by President Ford's declaration that Bush is not excluded from consideration as his 1973 running mate.

Bush may not have to worry about a CIA attachment becoming a political handicap. The Senate may refuse to confirm him.

Like some other ex-congressmen (he served two terms), Bush is one of Ford's guys, which is fine. But at the CIA he would be the wrong kind of guy at the wrong place at the worst possible time.

The CIA is under a cloud of dark suspicion based on proven misdeeds. The suspicion is that the CIA is a threat to civil liberties, and perhaps to tranquility, because it is insubordinate or otherwise immune to proper control.

But lack of control over the CIA is no longer the gravest problem. Congress, awakened from its long sleep, is alert to its oversight duties. And the executive branch, having been reminded of the law, can keep the CIA operating this side of criminality.

Today the most pressing problem is not to prevent the CIA from doing what is forbidden, it is to see that it does what it is sup-

posed to do, which is to gather and report accurate information.

But gathering and reporting are different operations. And it is possible to imagine situations in which the CIA would be pressured to suppress inconvenient information, or to report things convenient to the political purposes of an administration.

Imagine an administration looking to the next election and determined to celebrate détente as its finest achievements. Imagine that the administration is excessively anxious to achieve another strategic-arms agreement with the Soviet Union.

Suppose the administration triumphantly signed an agreement limiting the number of strategic vehicles—missiles and bombers—on each side. Critics might say the limit is a false ceiling. Critics might charge that the limit is as high as the Soviet Union can or wants to go during the term of the agreement. Therefore the agreement is an empty exercise, a limit that does not limit. (That is what Sen. Henry Jackson said about the 2,400-vehicle limit agreed to at Vladivostok.)

Then the administration would appreciate a CIA report arguing that the Soviet Union has the ability to surpass the limit in the near future, and would do so if there were no agreement.

Recent events have made it wise to worry about the possibility that the CIA will become compliant to political pressures in reporting intelligence information, especially information that might tarnish the image of détente.

Secretary of Defense Schlesinger, an apolitical man, was the foremost critic within the administration of Secretary of State Kissinger's policy in negotiating with the Soviet Union—sometimes called "the policy of preemptive concession." Ford wants to replace Schlesinger with Donald Rumsfeld, another vice presidential aspirant. Thus it is all the more imperative that the CIA be run by a man not susceptible to political considerations or pressures.

The problem with Bush is less that he has a political past than that he so obviously and avidly wants a political future.

As chairman of the Republican National Committee during Watergate, Bush was very considerate about the man who appointed him. In spite of all the available evidence, he never expressed independent judgments inconvenient to Richard Nixon.

It might be rash to expect Bush to display at the CIA a capacity for politically inconvenient independent in judging intelligence. That is why the Senate may ask Ford for another nominee.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 5 minutes each.

#### ADMINISTRATION OF OATHS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 520, H.R. 503.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 503) to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations.

NOMINATION OF GEORGE BUSH

JANUARY 6, 1976.—Ordered to be printed

Mr. TOWER, from the Committee on Armed Services,  
submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany the nomination of George Bush]

The Committee on Armed Services, to which was referred the nomination of George Bush, of Texas, to be Director of Central Intelligence, having considered the same, reports favorably thereon and recommends that the nomination be confirmed.

COMMITTEE ACTION

On December 18, 1975 the committee voted 12-4 to favorably report the nomination of Mr. Bush to be Director of Central Intelligence. The committee found Mr. Bush to be wholly qualified for this position. Among the factors the committee noted were his previous management experience in the business world, his public service as a Member of the House of Representatives, and his outstanding performance in high level, sensitive, diplomatic positions including that of Chief, U.S. Liaison Office of the People's Republic of China. In addition to this outstanding background the committee was convinced that Mr. Bush possesses the extraordinary integrity, ability and competence necessary for the Director of Central Intelligence. All of these factors are discussed hereafter in the report.

Those members voting in the affirmative were Senators Stennis, Symington, Jackson, Cannon, Byrd of Virginia, Thurmond, Tower, Goldwater, Scott of Virginia, Taft, and Bartlett; those members voting in the negative were Senators McIntyre, Culver, Hart of Colorado, and Leahy.

#### BACKGROUND

On November 3, 1975, the President announced the nomination of George Bush to be Director of Central Intelligence. The nomination was forwarded to the Senate on November 4th and referred to the Committee on Armed Services on the same date.

Due to his responsibilities in China as Chief, U.S. Liaison Office, People's Republic of China, Mr. Bush was unable to appear before the committee until December 15, 1975. The full committee met in open session on December 15, 1975 to hear Mr. Bush. On December 16, 1975 Senator Frank Church appeared before the committee to testify in opposition to the nomination of Mr. Bush. Various other witnesses then presented testimony in opposition to the nomination of Mr. Bush. Also, Mr. Bush again appeared before the committee on December 16, 1975.

On December 18, the committee met in executive session to deliberate on the nomination. After a full discussion, the committee voted in open session to recommend that the nomination of Mr. Bush to be Director of Central Intelligence be confirmed.

#### DIRECTORSHIP OF CENTRAL INTELLIGENCE

The position of Director of Central Intelligence is established in section 102(a) of the National Security Act of 1947.

By statute, the Director holds two positions. First, he is executive head of the Central Intelligence Agency and as such, he is responsible to the President and is the chief executive for the operation of the Central Intelligence Agency.

Second, the Director at the same time is the head of "central intelligence" under the direction of the National Security Council.

In this latter capacity, the Director is charged with the leadership of the entire foreign intelligence community including all foreign intelligence activities performed by any Government department or agency such as the Defense Department, State Department, and any other Government agency.

The Director of Central Intelligence serves as the Nation's chief intelligence officer and principal adviser to the President and the National Security Council on all foreign intelligence matters.

The National Security Act of 1947 prescribes various statutory restrictions, powers, and responsibilities for the Director of Central Intelligence.

For instance, because of the integral relationship and overlap of the intelligence community and the Defense Department, the law explicitly requires that the Director and Deputy Director of Central Intelligence shall not be military personnel at the same time and shall not be subject to military control. The Director of Central Intelligence is given special discretionary power to terminate the employment of any officer or employee of the CIA "whenever he shall deem such termination necessary or advisable in the interests of the United States".

Furthermore, the Director of Central Intelligence has the right of access to all intelligence of the U.S. Government for correlation, eval-

uation and dissemination including information of the FBI as may be essential to national security.

Finally, it should be noted that under law, "The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

In addition to those provisions set forth in the law itself, executive orders and practice have further underscored the overall leadership role of the Director of Central Intelligence in the foreign intelligence community.

#### QUALIFICATIONS

Mr. Bush has had a distinguished career in both private and public life.

In the private sector Mr. Bush acquired broad managerial experience as a cofounder and executive officer of the Zapata Petroleum Corporation.

The first public office for Mr. Bush was as a Member of the House of Representatives in the 90th and 91st Congress representing the 7th District of Texas. He also has twice been a candidate for the U.S. Senate.

In 1971 President Nixon nominated Mr. Bush to be the U.S. Ambassador to the United Nations. At that time, he appeared before the Senate Foreign Relations Committee and his nomination was subsequently confirmed in the Senate. In September 1974, Mr. Bush was appointed Chief, U.S. Liaison Office in the People's Republic of China. In both of these diplomatic posts Mr. Bush had an outstanding record of effective performance and valuable service for his country. Through these posts he gained substantial experience in foreign affairs and in the use of foreign intelligence.

Along with serving in these two important posts in the executive branch, Mr. Bush's broad experience included regular participation in cabinet meetings from 1971 to 1974.

In January 1973, Mr. Bush was appointed Chairman of the Republican National Committee.

Throughout his career, Mr. Bush has been actively involved in civic and charitable affairs both at the national and local level.

The committee is convinced that Mr. Bush possesses the extraordinary integrity, ability, and competence that are necessary to become Director of Central Intelligence.

#### ADDITIONAL CONSIDERATIONS

##### *Political Involvement*

The committee took special care in examining the implications that Mr. Bush's past and possible future political involvement might have on U.S. intelligence.

Perhaps more than any other part of the Government, the CIA and the foreign intelligence community must be insulated from partisan political considerations. To be effective, the product of the intelligence community must be rigorously objective and truthful. To exercise properly the substantial and secret power available to the intelligence community, the Director must be totally impartial and able to act

scrupulously within the law even when political or personal pressures may weigh otherwise. Thus, the Director must be a person of special integrity who clearly can rise above all partisan political pressures. Indeed the intelligence community, the Congress, and the American people must always have full confidence in the character of any Director of Central Intelligence.

Because of Mr. Bush's long and intimate involvement in party politics—he was, for example, Chairman of the Republican National Committee—the committee extensively probed Mr. Bush's ability to rise above partisan political considerations. Mr. Bush assured the committee that, if confirmed as Director of Central Intelligence, he would avoid all partisan politics. Mr. Bush's successful service in two sensitive diplomatic posts and his record of high character and integrity convinced the committee that he had the necessary qualities to resist any partisan political pressures as Director of Central Intelligence.

#### *Tenure*

As with all nominees the committee wanted some measure of confidence that Mr. Bush, if confirmed, would remain in the post of Director of Central Intelligence for a sufficiently long period to make a constructive contribution to the intelligence community. Particularly at this difficult and complicated time for the intelligence community, it is essential that there be as much continuity as possible in the directorship of Central Intelligence.

In view of this crucial need for continuity and sustained leadership in the U.S. foreign intelligence community, President Ford, in a letter to Senator Stennis as committee chairman (see p. 6), declared “. . . I will not consider him [George Bush] as my Vice Presidential running mate in 1976.”

With this expression from the President, as well as Mr. Bush's announced intention to stay in the job as long as the President wants him, the committee concluded that there was sufficient assurance that Mr. Bush would not prematurely leave the directorship of Central Intelligence.

#### *Views On Intelligence*

The committee questioned Mr. Bush about his views on intelligence. Mr. Bush expressed a strong belief in the importance of an intelligence capability and a conviction that the U.S. intelligence capability should be strengthened. At the same time, he stressed that he would take every step possible to ensure that the intelligence community would not abuse its power.

According to Mr. Bush, the U.S. intelligence community should stay strictly in the “foreign intelligence business.” It was Mr. Bush's view that the intelligence community should not be prohibited absolutely from engaging in certain covert operations, but that any such covert operations should comply strictly with the law. If confirmed as the Director of Central Intelligence, Mr. Bush pledged to work to raise the morale of the intelligence community and fairly represent strongly held differences within the intelligence community.

The committee found nothing in Mr. Bush's general views on intelligence that would render him unsuitable as Director of Central Intelligence.



WILLINGNESS TO TESTIFY

Mr. Bush was interrogated as to his willingness to appear and testify before Senate committees. Mr. Bush, consistent with the requirements of the Senate Democratic Conference, pledged to appear before Senate committees when requested.

CONFLICT OF INTEREST

The committee has determined that if a nominee is confirmed as Director of Central Intelligence, his financial holdings should not conflict with his performance of duties in that office. In a letter to the committee, Mr. Bush agreed to comply fully with committee rules regarding conflict of interest. In his case, compliance will mean disposing of, within 30 days after his confirmation, securities of certain companies which are variously related to U.S. intelligence activities.

The committee agreed that the arrangement set forth by Mr. Bush complies with committee rules regarding conflict of interest.

CONCLUSION

The committee believes that Mr. Bush is well qualified to be Director of Central Intelligence. The nomination is favorably reported and the committee recommends that the nomination be confirmed by the U.S. Senate.

LETTER FROM PRESIDENT GERALD R. FORD TO  
SENATOR JOHN C. STENNIS, COMMITTEE CHAIRMAN

THE WHITE HOUSE,  
*Washington, December 18, 1975.*

HON. JOHN C. STENNIS,  
*Chairman, Armed Services Committee,  
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As we both know, the Nation must have a strong and effective foreign intelligence capability. Just over two weeks ago, on December 7th while in Pearl Harbor, I said that we must never drop our guard nor unilaterally dismantle our defenses. The Central Intelligence Agency is essential to maintaining our national security.

I nominated Ambassador George Bush to be CIA Director so we can now get on with appropriate decisions concerning the intelligence community. I need—and the Nation needs—his leadership at CIA as we rebuild and strengthen the foreign intelligence community in a manner which earns the confidence of the American people.

Ambassador Bush and I agree that the Nation's immediate foreign intelligence needs must take precedence over other considerations and there should be continuity in the CIA leadership. Therefore, if Ambassador Bush is confirmed by the Senate as Director of Central Intelligence, I will not consider him as my Vice Presidential running mate in 1976.

He and I have discussed this in detail. In fact, he urged that I make this decision. This says something about the man and about his desire to do this job for the Nation.

Thank you, Mr. Chairman, for your efforts on behalf of Ambassador Bush's nomination. I will deeply appreciate your efforts to expedite approval of this nominee by your Committee and the full Senate.

Sincerely,

GERALD R. FORD.

### MINORITY VIEWS

We oppose the nomination of George Bush to be Director of the Central Intelligence Agency. We believe his nomination is ill-advised and inappropriate at this critical juncture in the history of the CIA. To confirm Mr. Bush would set an unwise precedent for future nominations to this most sensitive post.

We are concerned about the future of the CIA. Public support for the CIA is at the lowest point in the history of the agency. This lack of confidence is understandable, given the revelations of the past two years. But to those who recognize the necessity of accurate and reliable intelligence data, it represents a dangerous trend. We do not want to see an agency so vital to our national security further weakened by the appointment of a Director who has been professionally active in the political arena.

We commend President Ford for refusing to consider Ambassador Bush as a running-mate in 1976. But the matter of the Vice-Presidency is not the real issue here. Rightly, or wrongly, the public will be understandably suspicious of the potential for political abuse of the agency by a Director who once chaired one of the major political parties. We cannot, and should not, ignore this public reaction, for it can undermine the rebuilding of confidence so necessary if the CIA is to fulfill its proper role.

We are also concerned that Mr. Bush's nomination sets a precedent of political appointments to a post that should be completely insulated from political considerations. Mr. Bush has argued that his political background should be considered an asset in that it reflects a public sensitivity and an understanding of the concept of accountability. Certainly these are desirable qualities for a CIA Director, but these qualities are not possessed exclusively by politicians.

George Bush is a man of integrity and ability. We intend no adverse reflection on his character. But he has been nominated to the wrong position at the wrong time, and for the reasons stated, we must oppose his nomination.

THOMAS J. MCINTYRE,  
GARY HART,  
PATRICK J. LEAHY.

### MINORITY VIEW

I have the highest regard for George Bush as a person and as a public official, but I do not believe that he is the proper nominee for the directorship of the Central Intelligence Agency at this juncture in that agency's history and at this moment in our national life.

The United States must have a strong, independent, and effective intelligence capability, free from policy bias and deserving of public trust. Unfortunately, recent disclosures and allegations have embroiled the CIA in controversies which may well have hampered that agency's ability to do its proper job. Any nomination for Director which raises significant public doubt or disagreement only serves to delay the necessary process of rebuilding and reforming the CIA.

In his letter to the Armed Services Committee regarding the nomination, President Ford mentioned the importance of strengthening public confidence in the CIA and maintaining continuity in its leadership. Yet, ironically, this particular nomination is likely to have a contrary result since it raises suspicions of political bias and the prospect of short tenure.

We have learned in the case of both the FBI and CIA that directors should not become so entrenched that they grow stronger than passing administrations. But we have also learned that constant turnover or easy susceptibility to political changes is likewise destructive of the office.

The CIA is awaiting its fourth Director in only three years. And there is a strong chance that the elections next November will lead to another nomination for this position. Such personnel turbulence hinders the development of effective leadership and the restoration of public confidence and policy continuity in the CIA.

We are in need right now of a Director who can restore intelligence to its rightful and proper place in our national security system. Unfortunately, the way this nomination was made and the inevitable political overtones of this appointment at this time have not made that task easier.

In my view, it is unfair to deprive Mr. Bush of his constitutional birthright to be a candidate for Vice President or any other office as a condition of assuming this post. For me, this is an issue which obscures rather than clarifies our obligations.

At the present moment, I believe that the nominee for this post should be a man or woman whom the next administration would consider as its choice for Director—someone qualified, independent, and nonpartisan enough to be able to provide more than transitional service.

I hold no dogmas about what sort of person should hold this office. Indeed there may be real advantages at some times in having a Director who has not been an intelligence professional.

But I do know that the intelligence community now requires leadership of transcendent qualities of disinterestedness and the power to command public trust. It is not just a matter of finding a person who enjoys this President's confidence and the amiable assent of the Congress. The next Director must be a builder, not a curator. He cannot project even the appearance of partisan bias. He must command the allegiance of those who work in intelligence and the complete confidence of a nation that depends on this clear devotion to high standards of performance and fidelity to constitutional principles.

Thus, despite my high personal regard for this particular nominee, I believe that these broader considerations of public interest must prevail in judging a nomination for the post of CIA Director.

JOHN CULVER.

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**ROUTING AND RECORD SHEET**

SUBJECT: (Optional)

Executive Registry  
76-0202

FROM:

Acting Legislative Counsel

EXTENSION

NO.

DATE

14 January 1976

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	DATE	OFFICER'S INITIALS	
															RECEIVED	FORWARDED	
Director															1/15	1/15	mc/br
	OLC																A
			file Amb. Bush														

Attached for your information is the executive report on the nomination of Ambassador Bush.

As you requested, I have placed a call to him and will inform him when he returns the call that our most recent information is that the nomination will be voted on before 6 February and before the Congress recesses for the Lincoln/Washington holidays. Most of this depends upon Stennis' availability to rally the troops, availability which is questionable for the week of 19 January and he will be tied up the following week with Defense Procurement hearings which commence on 29 January, but he is scheduled to testify before the Senate Government Operations Committee on intelligence oversight on 2 February and no doubt would like to clear the nomination before the 6 February recess.

Acting Legislative Counsel

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17. [REDACTED] LEGISLATION Charles Lombard, Senate Aeronautical and Space Sciences Committee staff, called and we discussed legislative processing of the Hughes amendment to the Foreign Assistance Act. I told him we would provide him material on this subject.

18. [REDACTED] LIAISON Called Ambassador George Bush and informed him of our latest information on his confirmation.

19. [REDACTED] LIAISON Called Frank Sullivan, Senate Armed Services Committee staff, and reassured him our people were working on Soviet spending and manpower and we would definitely have something for him by early March, if not earlier.

25X1

21. [REDACTED] LEGISLATION George Gilbert, OMB, called on two matters of mutual interest. I told him the intelligence sources and methods package was being redone and that we would have it to him as soon as possible. He asked that I call him when it was prepared and he would give me the names and office numbers of Department of Justice and NSC officials to whom we should send the package. Gilbert suggested this procedure rather than OMB sending out the package because of the time constraints. I also informed Gilbert that I hoped the letter to the Senate Government Operations Committee on three congressional oversight bills would be signed by the Director today. Later in the day I phoned him to relate that we were forwarding by courier the letter in final form.

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10. [REDACTED] LIAISON Jack Brady, House International Relations Committee staff, called to ask for the return of all transcripts of Section 662 briefings for Representative Leo Ryan (D., Calif.) to review at 2:00 p.m. today. I told Brady we would get the transcripts up to him.

11. [REDACTED] LIAISON Called Jim Oliver, OMB, to alert him that the Director was going to call James Lynn, Director, OMB, on the release of our intelligence sources and methods package.

12. [REDACTED] LIAISON Frank Sullivan, Senate Armed Services Committee staff, called requesting an update on Soviet spending and manpower and I explained that we were pulling together a comprehensive paper on dollar/ruble comparisons, that manpower would be a part of it, but it will not be finished until March. I said we recognized that this may not be timely for Committee purposes and we were seeing what we can do to speed it up without sacrificing quality.

13. [REDACTED] LIAISON David Allen, Legislative Assistant to Senator Lloyd Bentsen (D., Texas), called and we further discussed legislation on the publication of the identity of CIA employees.

14. [REDACTED] LIAISON Called Jack Ticer, Senate Armed Services Committee staff, on the timing of Ambassador Bush's ~~confirmation~~. Ticer said because of the press of ~~other business~~ it looks as though the Senate vote most likely will not occur before the week of 2 February, but they are hopeful it will occur before Congress recesses on 6 February.

15. [REDACTED] LEGISLATION Called Jim Oliver, OMB, and further discussed the points he had raised on the intelligence sources and methods proposal.

16. [REDACTED] HEARING Bruce Van Voorst, on the staff of Senator Dick Clark (D., Iowa), called saying they believe Secretary Kissinger will appear before the Subcommittee on African Affairs, Senate Foreign Relations Committee, around the 26th of January, but Van Voorst will let us know definitely.

CONFIDENTIAL

25X1 [redacted] **CONFIDENTIAL**

Journal - Office of Legislative Counsel  
Wednesday - 14 January 1976

Page 2

25X1 5. [redacted] LIAISON Met with Jane McMullan, Senate Appropriations Committee staff, and provided her with a possible combination to a safe which the staff had had difficulty opening. It turned out that it was not the correct combination. I told Jane that we would look one more time to see if we could find anything on it.

While there, Guy McConnell, on the Committee's staff, advised that he was still working on corrections to Mr. Cary's two memos of the briefing of the Committee on 16 December 1975. I told him I would keep in touch with him on these.

25X1 6. [redacted] LIAISON Stopped by the Senate Armed Services Committee and picked up several copies of their report on Mr. Bush's nomination, 6 January 1976. While there, I confirmed with the staff that the Agency had made arrangements to ride the jacket on Mr. Bush's confirmation hearings.

25X1 7. [redacted] ADMINISTRATIVE - DELIVERIES  
Delivered to Susan Koch, on the staff of Senator Thomas F. Eagleton (D., Mo.), two copies of the Agency directory of officials of the People's Republic of China and one copy of our Chiefs of State publication, per her request.

25X1

25X1 [redacted] **CONFIDENTIAL**

25X1 [redacted] **CONFIDENTIAL**

Journal - Office of Legislative Counsel  
Friday - 16 January 1976

Page 3

25X1 7. [redacted] LIAISON Maggie Young, in the office of Representative Bob Wilson (R., Calif.), called wanting the address of the magazine Counterspy. The address was furnished.

25X1 8. [redacted] LIAISON Called Keith Mainland, Clerk & Staff Director, House Appropriations Committee, and he advised that Chairman George Mahon (D., Texas) had not signed the letter concerning steps needed to be taken to store sensitive material on the Hill.

25X1 9. [redacted] LEGISLATION Discussed further with David Allen, Legislative Aide to Senator Lloyd Bentsen (D., Texas), proposed legislation to protect against unauthorized disclosure the identity of Agency assets. Comments on the staff proposal, prepared by Jim Harris, OGC, were transmitted to Senator Bentsen's office later in the day.

25X1 10. [redacted] LIAISON Bob Wolthius, White House staff, called to alert us to a letter being sent by Jack Marsh, Counsellor to the President, to all departments and agencies not to schedule congressional briefings or press conferences in competition with the President's State of the Union message. The Director and Mr. Thuermer, Assistant to the Director, were advised.

25X1 11. [redacted] LIAISON Spoke with Clark McFadden, Senate Armed Services Committee staff, who was interested in a briefing on the capabilities of the cruise missile for himself and Larry Smith, also of the Committee staff. He said he had been advised that the Agency had done some analytical work on this topic.

Concerning the timing of Ambassador Bush's confirmation, McFadden said it looks like it would occur on the first week in February, but that it is possible that it would occur earlier.

McFadden confirmed that Chairman John Stennis (D., Miss.) would testify before the Senate Government Operations Committee probably on 2 February and he would like to review things with us after he and Ed Braswell, also of the Committee staff, have had a chance to finish their preliminary discussions with the Chairman.

25X1 [redacted] **CONFIDENTIAL**



(2)

SECRET

Journal - Office of Legislative Counsel  
Monday - 19 January 1976

Page 8

29. [redacted] LIAISON Emerson Brown, INR/  
State Department, called to discuss a proposed response to  
Senator Frank Moss (D., Utah) on the question of Agency use of  
clergy and in response to my request he LDX'd a copy of the proposal  
which has been sent to the DDO for coordination.

30. [redacted] LIAISON Carmen Schillabbi,  
in the office of Representative John P. Murtha (D., Pa.), called  
saying he had read the book KGB and had some questions which we  
discussed in general and he will forward a written request on the  
remaining questions.

[redacted]

32. [redacted] LIAISON Alerted John Martiny,  
Chief Counsel, House Post Office and Civil Service Committee, to  
the issues surrounding an allegation involving Agency classification  
and administration of the Pay Act requirements. I told him if this  
came to his attention, we would appreciate it if he would contact us  
for our side of the story, which I am sure he would do anyway, knowing  
that it was not the practice of their Committee to issue unbalanced  
publicity. Martiny thanked us for the alert.

33. [redacted] LIAISON Doris Connors, Senate  
Armed Services Committee staff, called indicating that the Ambassador  
Bush nomination may come up next Monday, 26 January. The  
Director and Ambassador Bush have been notified.

34. [redacted] LEGISLATION Charles Mitchell,  
Executive Secretary to Senator James Allen (D., Ala.), called to  
discuss a number of matters relating to the upcoming Senate Government  
Operations Committee hearings on congressional oversight.

[redacted]

GEORGE L. CARY  
Legislative Counsel

cc:

O/DDCI

Mr. Warner

Ex. Sec.

Mr. Thuermer

DDA

IC Staff

DDI

EA/DDO

DDS&T

Compt. [redacted]

Journal - Office of Legislative Counsel  
Monday - 5 January 1976

Page 2

5. (Unclassified - LLM) LIAISON On a referral of Charles Leppert, White House staff, called Representative Robert McClory (R., Ill.) and arranged to provide him the necessary documents to facilitate his attendance and that of his assistant, Paul Ahern, at the memorial services tomorrow for Mr. Welch, which I provided to Ahern later in the afternoon.

6. (Unclassified - LLM) LIAISON Met with Ed Braswell, Chief Counsel, Senate Armed Services Committee, and extended an invitation for himself, Committee staff, or any of the members of our CIA Subcommittee to attend the memorial services tomorrow for Mr. Welch. Unfortunately, none of the Senators are available and the staff will be traveling abroad with Braswell, leaving tomorrow.

Regarding the Senate's consideration of the Bush nomination, Braswell believes it is more probable that it would occur the week of 27 January rather than the week of 20 January.

7. (Unclassified - LLM) LIAISON Met with Bill Young, Legislative Assistant to Senator Claiborne Pell (D., R.I.), and provided him the necessary documents to facilitate the Senator's and his aide, Paul Goulding, to attend the memorial services for Mr. Welch tomorrow, which was the subject of discussions earlier in the day.

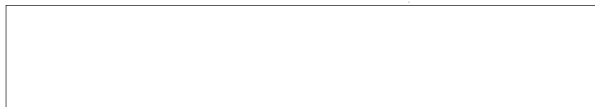
8. (Unclassified - LLM) LIAISON Advised the Senate Appropriations Committee, via Jane McMullan, of the Committee staff, of the memorial services tomorrow for Mr. Welch and to encourage the attendance by the staff or any members who might be in town.

9. (Unclassified - LLM) HEARING John Childers, Senate Government Operations Committee staff, called to again express his appreciation for the session he and Chuck Meissner, also of the Committee staff, had last week with our people on the oversight question. Childers indicated that Mr. Colby will probably be required to attend the hearing on 22 January and I said he had a prior commitment for that day. Childers said Ambassador Helms was also going to testify. In response to his query, I suggested he call [redacted] as a point of contact with NSA to arrange briefings similar to the one provided by the Agency.

10. (Unclassified - SK) EMPLOYMENT Mrs. Dorothy McDargh of Representative Edward Hutchinson's (R., Mich.) office called and requested brochures on employment for a constituent. I have provided the material.

CIA INTERNAL USE ONLY

*DC 2 confirmation*



CONFIDENTIAL

(33)

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 2 January 1976

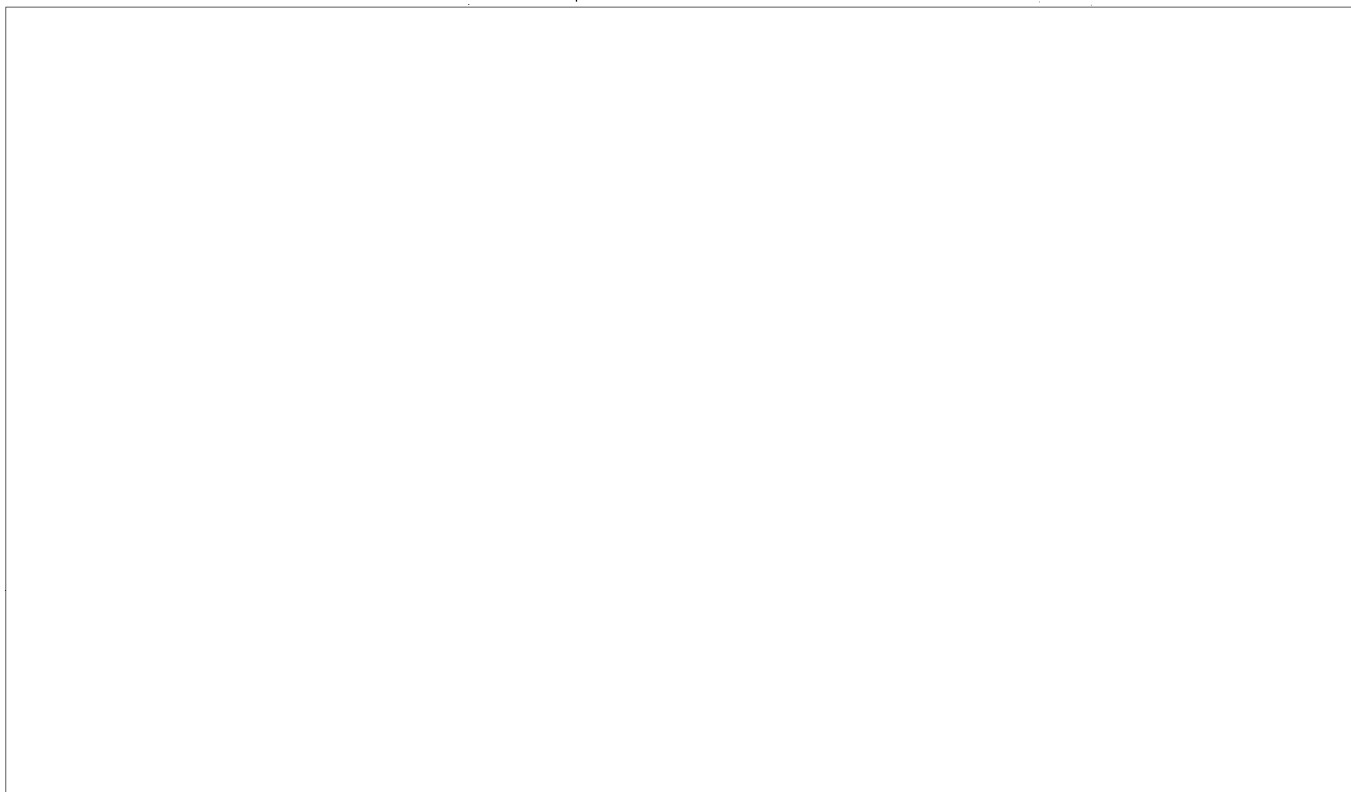
1.



ADMINISTRATIVE Mr. Hank Knoche

called to say that during his recent chat with Ambassador Bush, he and General Wilson discussed the upcoming budget hearings and the Ambassadors requested a list of the members of our Appropriations Subcommittees. I told Mr. Knoche that I had already provided the Ambassador with that information in the book I had left with him during my meeting, but I would be glad to send him additional copies, which I have done.

25X1



4.



LIAISON Called Bill Young, in the

office of Senator Claiborne Pell (D., R. I.), and provided him with the details of the funeral of Richard Welch, in response to his earlier request.



CONFIDENTIAL

E. J. IMPDET CL BY *[Signature]*

25X1

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Approved For Release 2007/12/28 : CIA-RDP90-01089R000100030002-8

*OLC Confirmation*

OLC 76-0182

20 January 1976

MEMORANDUM FOR:

REFERENCE : Your Memorandum dated 16 January 1976,  
subj: Briefing Schedule for Mr. Bush

As you know, I had an hour session with Ambassador Bush before the Christmas holidays. I see no need for further discussion from our standpoint, except to talk to him at his convenience about pending requests for Agency briefings. As I mentioned on the telephone, we already have a request for the Director to give a world wrap-up briefing to the Senate Armed Services Committee on Wednesday, 28 January 1976 and to also discuss Soviet defense spending. (As you recall, the Director gave Ed Proctor instructions at the morning meeting today to pull something together on this latter subject.)

George L. Cary  
Legislative Counsel

Distribution:

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~~1~~ - OLC/Subj

1 - OLC/Chrono

OLC/GLC/ksn (20 Jan 76)

25X1



January 16, 1976

MEMORANDUM FOR: DDS&T (Mr. Duckett)  
DDI (Mr. Proctor)  
DDO (Mr. Nelson)  
DDA (Mr. Blake)  
Executive Secretary (For DCI Senior Staff  
Components)

SUBJECT: Briefing Schedule for Mr. Bush

1. In order to organize Mr. Bush's schedule from 26 January on, it would be helpful if each of the above offices would prepare a list of those subjects on which a formal briefing for Mr. Bush is considered desirable.


2. The list should include the following information -- the subject, the briefer(s), and the length of time required.

3. Although the subjects should be listed in order of lessening priority, please do not request a specific day or hour for the briefing unless there are special, overriding considerations.

4. Note should be taken of arranging visits for Mr. Bush to installations controlled by each office.

5. Most briefings probably will take place at Mr. Bush's office in the Executive Office Building until such time as he is confirmed as DCI. If it is strongly preferred that a briefing take place at Headquarters, please so indicate.

6. I would appreciate the lists of briefing subjects by COB Tuesday, 20 January.

  
Executive Assistant to the DCI

25X1

STAT

**EXECUTIVE SECRETARIAT**  
**Routing Slip**

TO:		ACTION	INFO	DATE	INITIAL
	1	DCI			
	2	DDCI			
	3	S/MC			
	4	DDS&T			
	5	DDI			
	6	DDA			
	7	DDO			
	8	D/DCI/IC			
	9	D/DCI/NIO			
	10	GC			
	11	LC			
	12	IG			
	13	Compt			
	14	D/Pers			
	15	D/S			
	16	DTR			
	17	Asst/DCI			
	18	AO/DCI			
	19				
	20				
	21				
	22				
		SUSPENSE	Date _____		

Remarks:

**Please let me have any ideas -- by phone  
 is okay.**

19 January 1976

25X1

WASHINGTON POST

32)  
30 DEC 1975

*Rowland Evans and Robert Novak*

# Potential Problems For George Bush

Although unavoidably handicapped even before taking over as new director of the beleaguered Central Intelligence Agency (CIA), George Bush is being given a hard warning by intelligence and bureaucratic experts deeply concerned over the future of the CIA.

The warning: Both Congress and administration planners may try to separate the Director of Central Intelligence (DCI) from the on-the-spot control of CIA operations inside the cavernous CIA headquarters building at Langley, Va.

The strong advice that Bush block all such efforts is aimed at countering studies by the White House and congressional intelligence committees looking toward a new organizational set-up at CIA. One study, for example, would give the DCI a White House office and make him in effect an intelligence front man for the President, charged with soothing Congress and working the lecture circuit for a massive public relations effort to change voter perceptions of the tarnished CIA.

Bush is being warned that any such arrangement, separating the DCI from on-the-spot operational control of the CIA, would be calamitous, leading to power struggles with operational chiefs which DCI could not win.

Bush is saying nothing, but intimates are convinced he will fight any reorganization that would tend to limit the DCI's control.

But Bush will take over as DCI with multiple handicaps that could weaken him when confirmed by the Senate next month, dramatized by the fact that 20 or more votes will be cast against him--the first serious opposition to a new director.

These handicaps, all arising from Bush's partisan political background, should have been foreseen by President Ford or then White House staff chief Donald Rumsfeld (now Secretary of Defense) before Bush was named DCI in the Halloween massacre. That they weren't means that an immense burden has been added to Bush's formidable task of salvaging the CIA from its gravest disorder.

A footnote: Bush has been pointedly told that Rumsfeld, widely viewed as ambitious for the Republican vice presidential nomination next year, had no part in Mr. Ford's selection of Bush for the CIA. As DCI, Bush is out of contention for a spot on the 1976 ticket, thus enhancing the prospects of Rumsfeld and other contenders.

**CONFIDENTIAL**


DCI



ADDENDUM TO JOURNAL  
OFFICE OF LEGISLATIVE COUNSEL

Tuesday - 23 December 1975


25X1

1.  ADMINISTRATIVE Spent an hour with  
Ambassador Bush briefing him on our functions and current problems.

25X1

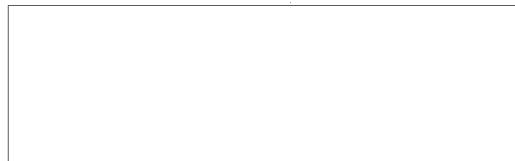


25X1

3.  TRAVEL I called Mr. Ackley, DOD, re  
the upcoming trip and he gave me an up-to-date itinerary and a revised list  
of members included in the trip. The trip is now officially a congressional  
delegation.

Mr. Ackley is handling the arrangements for those included in the trip.  
I provided him with my passport and he is going to arrange for the needed  
visas.

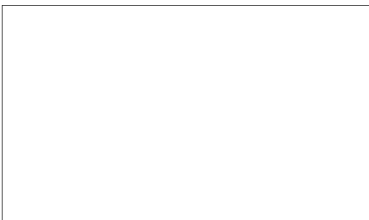
25X1



GEORGE L. CARY  
Legislative Counsel

cc:  
O/DDCI

25X1



IC Staff  
EA/DDO  
Comptroller

**CONFIDENTIAL**



25X1

**Page Denied**

Next 2 Page(s) In Document Denied

(31)

*DCI Confirmation*

December 20, 1975

MEMORANDUM FOR: Ambassador George Bush.

SUBJECT: Suggested Briefing Schedule

The attached schedule is suggested for your initial Agency briefings. You may wish to substitute one briefing for another; we will do our best to oblige.

Because you may have other commitments on 22 and 23 December, we have left 24 December open for briefings that might not have been completed on the previous days, or for as yet unscheduled briefings by Agency components listed below. For the scheduling of additional briefings, we would appreciate as much advance notice as possible.

[Redacted]  
Executive As [Redacted] t to the DCI

25X1

25X1

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SCHEDULE OF BRIEFINGS

<u>Date</u>	<u>Time</u>	<u>Location</u>	<u>Subject</u>	<u>Briefer</u>
Monday 22 Dec	11:00-12:00	Rm 179, EOB	Agency Intelligence Publications	Edward W. Proctor Deputy Director for Intelligence 25X1
	3:00-6:00	Rm 179; EOB	Investigations of CIA by House and Senate	[Redacted] Chief, Review Staff Hank Knoche, Associate Deputy Intelligence Community Staff 25X1 [Redacted] Review Staff
Tuesday 23 Dec	8:30-9:30	<del>Residence</del> Rm 179, EOB	Administrative Services Provided to the DCI; Other Personal Arrangements	John F. Blake Deputy Director for Administration
25X1	9:45-10:45	Residence	Legal Authorities Relating to the DCI	John S. Warner General Counsel
	11:00-12:00	<del>Residence</del>	Agency Congressional Relations	George L. Cary, Jr. Legislative Counsel
	2:00-3:00	<del>To Be Confirmed</del>	Agency Relations with the Media; Agency Information Policy	Angus M. Thuerner Assistant to the Director
	4:15-5:30	<del>To Be Confirmed</del>	Background of Recent Agency Problems ("Family Jewels"), and Remedial Directives	Donald F. Chamberlain Inspector General
Wednesday 24 Dec			Open for re-scheduling of above briefings, or for additional briefings you select.	

1  
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Beginning Monday, 29 December, we will provide three briefings on the general subject: "The DCI as Head of the Intelligence Community." Each briefing will take approximately two hours,

Subject

Briefer

The Intelligence Community and the Role of the DCI; the United States Intelligence Board (USIB) and Its Committees

Lt. Gen. Samuel V. Wilson  
Deputy to the DCI for the Intelligence Community

Current Studies of the Possible Re-Organization of the Community

Richard Lehman  
Director, Office of Strategic Research  
Directorate of Intelligence

The National Intelligence Officers: Their Functions, Including Their Role in the Production of National Intelligence Estimates

George A. Carver, Jr.  
Deputy to the DCI for National Intelligence Officers

- - - - -

After these three briefings have been completed, a series of six briefings, each taking approximately two hours and concerned with the general subject "The DCI as Head of the CIA," will be arranged:

CIA Programs, Budget, and Manpower; CIA Relations with OMB

John D. Iams, Comptroller

Organization of the DCI's Office and Its Functions

Benjamin C. Evans, Executive Secretary

The Directorate of Intelligence, Organization and Functions (Including Intelligence Support to the White House and the NSC)

Edward W. Proctor  
Deputy Director for Intelligence

The Directorate of Science and Technology, Organization and Function (Including Special Projects and the NRO)

Carl E. Duckett  
Deputy Director for Science and Technology

The Directorate of Administration, Organization and Function (Including Special Proprietaries)

John F. Blake  
Deputy Director for Administration

The Directorate of Operations, Organization and Function (Including WSAG and 40 Committee)

William E. Nelson  
Deputy Director for Operations

Detailed briefings of subordinate elements of CIA, including visits to Agency installations as well as visits to other elements of the Intelligence Community, then will be arranged.

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~~SECRET~~

NOTE:

Time

Assuming that the Ambassador can make approximately four hours per day available for these briefings, the great majority should be completed within 15 working days. A detailed schedule will be prepared in the near future. (It is understood that you will be out of Washington from 6 January to about 19 January.)

DCI and DDCI

Both Mr. Colby and General Walters will be available for consultations with the Ambassador whenever it is mutually convenient.

25X1  
Special  
Counsel

Special Counsel to the DCI, is on leave but will be available on Monday, 5 January, and thereafter.

Location of  
Briefings

We understand that all briefings will be held either in your EOB office or at your house, whichever is most convenient for you at the time.

<sup>3</sup>  
~~SECRET~~

THE WASHINGTON POST

DATE Dec 75

# Bush Nomination Cleared by Panel

By Walter Pincus

Washington Post Staff Writer

The Senate Armed Services Committee yesterday approved 12 to 4 the nomination of Ambassador George Bush to be director of the Central Intelligence Agency after President Ford said he would no longer consider Bush as a vice presidential running mate.

A letter containing Mr. Ford's assurance was delivered to Committee Chairman John C. Stennis (D-Miss.) just before the committee met to vote on the Bush nomination.

The Ford letter, according to Senate and White House sources, changed the votes of four senators who had been prepared to vote against recommending confirmation of the former GOP congressman who also served two years as Republican national chairman.

The prospect of an 8-to-8 deadlock set off a series of White House meetings that lasted through Wednesday afternoon and into the evening.

The question, according to a White House aide, was whether the Bush nomination should be withdrawn or whether the President should respond to a suggestion made Tuesday by committee member Henry M. Jackson



**GEORGE BUSH**  
...letter changes votes

(D-Wash.) and remove Bush from consideration for the 1976 ticket.

Bush met with the President three times during the Wednesday discussions, a White House aide reported.

Mr. Ford, in his letter to Stennis, said Bush "urged" that his name be eliminated from consideration as a candidate.

"This says something about the man and about his desire

See BUSH, A7, Col.3

# Approval Of Bush Advances

BUSH, From A1

to do this job for the nation," Mr. Ford wrote Stennis.

After facing two days of committee questioning on his political background and its implications for the CIA job, Bush reportedly told the President he respected the concern of senators who doubted his ability to remain independent with a chance at the vice presidential nomination hanging before him.

The votes against Bush were cast by Democrats Thomas McIntyre of New Hampshire, John C. Culver of Iowa, Gary Hart of Colorado and Patrick J. Leahy of Vermont. They expressed concern over the precedent of having a politician take over the CIA.

Culver said he did not want the CIA directorship to be held for only a short term. He added that he considers Bush will only serve a "transitional" period. He questioned whether a President taking office in January, 1977, if he were not Mr. Ford, would keep Bush at the CIA.

Bush has said publicly that he hopes to return to political life after he completes his tour of duty at the CIA. During his confirmation hearings Bush would commit himself to only two years at the CIA.

In his letter, Mr. Ford asked Stennis "to expedite approval" of Bush. William E. Colby is serving as CIA director until Bush is confirmed.

### Panel Backs Bush For C.I.A. as Ford Bars Political Bid

By NICHOLAS M. HORROCK  
Special to The New York Times

WASHINGTON, Dec. 18—The Senate Armed Services Committee voted today to approve the nomination of George Bush as Director of Central Intelligence, after President Ford ruled out the 51-year-old former member of Congress as a possible running mate in 1976.

The committee's 12-to-4 approval of Mr. Bush presumably assures his confirmation by the full Senate early next year, but several senior Congressional sources said that the political "cost" to President Ford was "excessive."

In ruling out Mr. Bush from consideration as a running mate, Mr. Ford reversed a position taken last November during an appearance on the television panel show "Meet the Press." At that time the President said he would not rule out Mr. Bush because "I don't think people with talents, individuals with capabilities and a record ought to be excluded

Continued on Page 30, Column 2

### Bush Backed to Direct C.I.A.; 1976 Race With Ford Is Barred

Continued From Page 1, Col. 6  
from any further public service."

Mr. Bush said today that he had not contemplated his future beyond service in the C.I.A. Since it was President Ford ruling out Mr. Bush as a running mate in 1976, rather than Mr. Bush making a pledge not to run, Mr. Bush presumably would be free to accept a Vice-Presidential nomination from any other Republican or Democrat. But there is no serious suggestion that one will be offered.

Mr. Ford's action today, however, was credited with getting the nomination four votes in the Armed Services Committee and thus permitting it to be reported to the Senate floor with the committee's recommendations.

Senator Frank Church, Democrat of Idaho, who is chairman of the Senate Select Committee on Intelligence and a leading opponent of Mr. Bush's nomination, said that though he would vote against confirmation, he would not lead a floor fight to halt the appointment.

Mr. Bush said in an interview that he hoped the President's action would remove "legitimate doubts of his willingness to concentrate on the intelligence post. He said he had "urged and supported" Mr. Ford's decision to take him out of the running. "I have no worries about my own future," he said.

Mr. Bush said he hoped that the full Senate could consider the matter before the Christmas recess, but that several Senators had told him that it was clear his appointment and several others would be held over until January.

#### Letter to Stennis

From the moment Mr. Bush was nominated in November to head the C.I.A., White House strategists have known that he faced stiff opposition from Democrats who believed his political background was unsuitable for the position.

But when the committee's public hearings on the nomination opened Monday, the opposition among Democrats to Mr. Bush seemed, one source said, "manageable," in the sense that the White House "had the votes to win in committee and on the floor."

By late Tuesday, however, the White House had learned that seven, and possibly eight, of the committee members would vote against Mr. Bush. The nominee met with Mr. Ford several times Wednesday for a total of about an hour and a half. It was the advice of White House strategists at those meetings that if Mr. Bush wanted to become C.I.A. direc-

tor without a massive battle and long delay in 1976, he must be willing to give up hopes of becoming Mr. Ford's running mate.

Senator Henry M. Jackson, Democrat of Washington, who is a committee member, had given the President a relatively graceful opening to deal with the situation the day before when he suggested that although Mr. Bush might not want to give up his "right" to run for the Vice-Presidency, Mr. Ford could simply rule him out. By 7 P.M. yesterday, the decision had been made and Mr. Ford drafted a letter to John C. Stennis, the Mississippi Democrat who is chairman of the committee.

"Ambassador Bush and I agree that the nation's immediate foreign intelligence needs must take precedence over other considerations and there should be continuity in the C.I.A. leadership," Mr. Ford's letter said in part. "Therefore if Ambassador Bush is confirmed by the Senate as Director of Central Intelligence, I will not consider him as my Vice-Presidential running mate in 1976."

The committee met shortly before 10 A.M. and debated some 45 minutes in closed session. It voted in public session and the President's letter was given to the press.

The core of objection to Mr. Bush has been that his partisan political background might create conflict of interest problems for a Director of Central Intelligence. And a possible Vice-Presidential candidacy raised the question that Mr. Bush might leave the C.I.A. in so short a time that his service would be, as Senator Jackson put it, "merely transient."

Responsible Republican Congressional sources believe that the White House made a "strategy error" in sending up Mr. Bush's name without being "immediately willing to forget the Vice-Presidential matter" and that it hurts the President's credibility on Capitol Hill when he has to reverse his position completely to get his nominee through.

If confirmed, Mr. Bush will be a departure from the kind of men chosen to head the C.I.A. in the past. He will be the first director with a strongly partisan political background since the agency was formed in 1947.

In addition to having served as a member of Congress from Texas, Mr. Bush was chairman of the Republican National Committee and United States ambassador to the United Nations before Mr. Ford sent him to the People's Republic of China as chief of the United States Liaison Office.

## CIA OPERATIONS CENTER

## NEWS SERVICE

Item No. \_\_\_\_\_

Ref. No. \_\_\_\_\_

## DISTRIBUTION II

UP-053

(BUSH)

(BY STEVE GERSTEL)

WASHINGTON (UPI) -- THE SENATE ARMED SERVICES COMMITTEE TODAY VOTED 12 TO 4 TO APPROVE THE NOMINATION OF GEORGE BUSH AS CIA DIRECTOR AFTER PRESIDENT FORD SAID HE WOULD NO LONGER CONSIDER BUSH ~~AS~~ A POSSIBLE VICE PRESIDENTIAL CANDIDATE.

UPI 12-18 11:08 RES

UP-055

ADD 1 BUSH; WASHINGTON

(UP-053)

SEN. JOHN STENNIS, D-MISS., THE COMMITTEE CHAIRMAN, READ THE LAST MINUTE LETTER FROM FORD IN WHICH THE PRESIDENT SAID BUSH HIMSELF HAD SUGGESTED HE NOT BE CONSIDERED FOR THE VICE PRESIDENTIAL POST IN 1976 SO THAT HE CAN PROCEED WITH THE JOB OF DIRECTING THE CIA.

"THIS SAYS SOMETHING OF THE MAN," FORD SAID IN HIS LETTER.

UPI 12-18 11:22 RES

UP-059

ADD 2 BUSH; WASHINGTON

BUSH'S CONFIRMATION BY THE COMMITTEE TO REPLACE WILLIAM COLBY HAD BEEN SERIOUSLY THREATENED BY FORD'S INSISTENCE THAT HE COULD NOT RULE OUT THE FORMER REPUBLICAN NATIONAL COMMITTEE CHAIRMAN AS A VICE PRESIDENTIAL POSSIBILITY IF FORD WON THE GOP NOMINATION NEXT YEAR.

BUSH MUST STILL FACE A FULL SENATE VOTE WHEN CONGRESS RETURNS FROM ITS CHRISTMAS RECESS JAN. 19, BUT AFTER TODAY'S COMMITTEE VERDICT BUSH IS EXPECTED TO BE CONFIRMED.

BUSH MET WITH FORD FOR 45 MINUTES AT THE WHITE HOUSE WEDNESDAY, ACCORDING TO SOURCES, SPARKING IMMEDIATE SPECULATION AMONG SENATORS THAT FORD WOULD RULE OUT BUSH AS A POTENTIAL CANDIDATE.

UPI 12-18 11:30 RES





## DOUBT IS VOICED ON BUSH APPROVAL

### Refusal to Bar 1976 Bid for Vice-Presidency Cited

Special to The New York Times

WASHINGTON, Dec. 17—The nomination of George Bush to be Director of Central Intelligence appeared to be in serious trouble in the Senate late today.

The Senate Armed Services Committee, which is considering Mr. Bush's nomination, scheduled a meeting for 9:30 A.M. tomorrow and several Senate sources predicted that as many as half the committee's members might vote against the 51-year-old former Texas Representative.

Meanwhile, Mr. Bush met late today with President Ford. During two days of hearings before the committee, Mr. Bush was asked to give up any chance to be nominated for the Vice Presidency as a prerequisite to Senate confirmation. He has steadfastly refused to do so.

White House sources would not comment on the meeting, but one of them noted:

"This is a crucial time for the C.I.A. and President Ford wants the man of his choice to head the agency." The implication was that Mr. Bush may relinquish his chances of becoming the Republican Vice-Presidential nominee.

#### Administration Confidence

The President could also, as Senator Henry M. Jackson, Democrat of Washington, a committee member, said yesterday, choose to rule Mr. Bush out of the race.

Administration sources said they believed that seven of the committee's 16 members planned to vote against Mr. Bush. Senate sources said that as many as eight might reject the

nomination. In either event, the close split in the Committee vote indicates that when the nomination reaches the floor it would face heavy opposition.

Among the Senators who announced against today were Howard W. Cannon, Democrat of Nevada, Thomas J. McIntyre, Democrat of New Hampshire, and Gary Hart, Democrat of Colorado. According to one Senate source, Senators Sam Nunn, a Georgia Democrat, and Stuart Symington, Democrat of Missouri, would also oppose Mr. Bush. Three other Democratic Senators—Patrick J. Leahy of Vermont, John C. Culver of Iowa and Mr. Jackson — an-

nounced their opposition earlier.

Administration sources said that in the "long run" they believed they had the votes to carry Mr. Bush through the Senate.

But they said that they believed the Democrats were trying to delay the appointment, which served to erode Mr. Bush's support and pushed the issue closer to the period of conventions and elections when his partisan background would stand out more.

At the earliest, the Senate would not vote on the nomination until January.

REMEMBER THE NEEDIEST!

DEC. 1975

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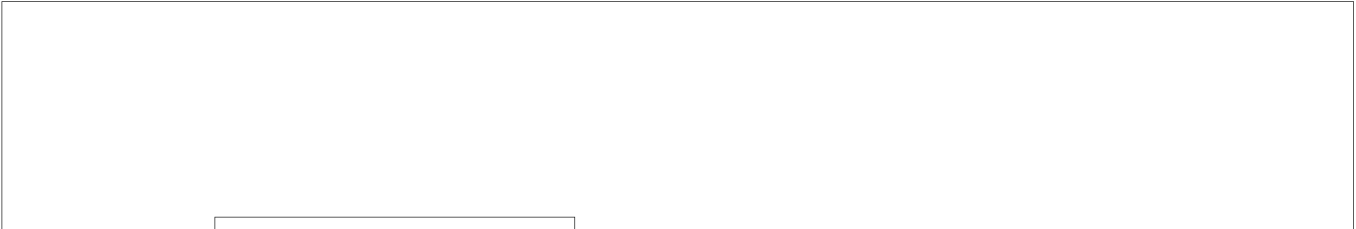


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ADDENDUM TO JOURNAL  
OFFICE OF LEGISLATIVE COUNSEL

Thursday - 18 December 1975

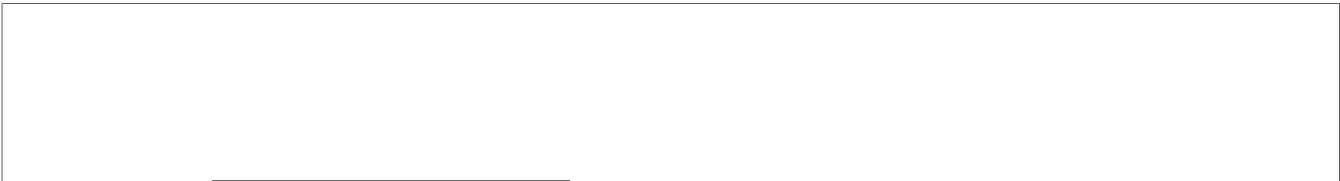
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2.  ADMINISTRATIVE Talked to Pete Roussel, NSC, and Russ Rourke, White House, about Ambassador Bush's confirmation hearings and the possibility of Senate action prior to the Christmas recess. Everyone is pushing hard on this, but it is still uncertain whether Ambassador Bush's nomination can be taken up on the Senate floor before the Congressional recess.

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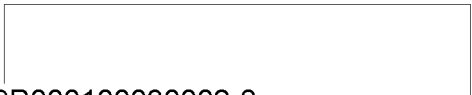


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4.  ADMINISTRATIVE Late in the day, I talked to Senator John Stennis (D., Miss.) and made a personal appeal to him on behalf of the Director on the hope that Ambassador Bush's nomination could be taken up on the Senate floor before the recess. Senator Stennis said that three Senators have insisted on their right to delay the consideration of the nomination for three days and while he (Senator Stennis) had hoped to get the nomination on the floor tomorrow, there is no way that he can interfere with the rights of those Senators, therefore, the nomination will have to be put off until after the Christmas recess. I advised the Director of the conversation with Senator Stennis.

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## Nice man, wrong job

The Senate and its relevant committees must steel themselves for the unwelcome duty of putting sound principle first as they consider Ambassador George Bush's nomination to be chief of the Central Intelligence Agency.

Mr. Bush is a very nice man, without a trace of that arrogance or abrasiveness of manner that would make it easy to deny confirmation. Further, he is a former member of the House of Representatives, a member in good standing of the old boys' club whose promotion to executive appointments is usually treated with special consideration.

But really, Mr. Bush should not become director of the Central Intelligence Agency. We are sure that he means every pledge he has given to the Armed Services Committee about checking his political hat at the door, about not actively participating in party affairs, about accepting the vice presidential nomination only if pressed.

Yet Mr. Bush, if confirmed for the CIA post, would be the first CIA director of unquestionably political provenance in its history. All his predecessors have been, in one way or another, intelligence professionals. That needn't be the rule. But there ought to be a negative rule here — as in the appointment of U. S. attorneys general — against the appointment of people with high party profiles.

All the recent studies of CIA abuses and misjudgments suggest that the single biggest threat to intelligence professionalism lies in the possibility of political manipulation. That manipulation has usually taken one of two forms. On its

operational side, the intelligence agency becomes the prey of presidential whim — this or that regime, displeasing to the President, must be targeted for subversion or political sabotage. Or, on its intelligence-gathering side, the agency faces an intimidating reluctance in Presidents to receive and use information that goes against the grain of policy.

There was, for instance, no failure of evaluation by the CIA in Southeast Asia. The problem was that its sometimes gloomy assessments of the situation were not welcome to Presidents because they did not sound the expected note of optimism.

President Ford, defending the Bush appointment and others just after the so-called Sunday night massacre, made what is probably the best case against Mr. Bush. The President said he wanted people in the sensitive posts of defense secretary and CIA director with whom he felt at ease — his guys, members of his team

On any list of 100 desirable traits in an intelligence chief, a disposition for team play would rank near the bottom. Admittedly, the CIA could benefit from a director with a feeling for public sensibilities and public relations. But it is infinitely more vital that he be a hard-bitten naysayer, a man who says the unsayable and when necessary bucks the trend of wishful thinking.

It is no insult to Mr. Bush, a fine public servant, to say that we have great difficulty picturing him in that role in the inner councils of the Ford administration.

# Jackson Suggests Ford Has Key to Bush Approval

By NICHOLAS M. HORROCK  
Special to The New York Times

WASHINGTON, Dec. 16— Senator Henry M. Jackson, Democrat of Washington, suggested today that President Ford might hold the key to getting smooth Senate confirmation for George Bush, his nominee to head the Central Intelligence Agency.

During his questioning of Mr. Bush before the Senate Armed Services Committee, Mr. Jackson remarked that "it seems to me the President has put you in a very awkward position" by declining to rule Mr. Bush out for consideration as a possible Vice-Presidential candidate.

The Senator, stressing the point several times, said that if Mr. Bush were indeed to accept the Vice-Presidential nomination it would mean he would serve as Director of Central Intelligence for only six months.

Later, he told newsmen that the "onus" was on Mr. Ford to rule Mr. Bush out and less upon Mr. Bush to turn down the post.

Mr. Bush agreed that he was in a predicament, saying, "Lord, I know I've got a heck of a problem." However, he has steadfastly refused to take himself out of consideration for the Vice-presidency to satisfy Senate critics.

## Doubt Ford Shift

Administration sources said today that there was no likelihood that Mr. Ford would change his position now. They have been deeply concerned that the Bush appointment might fall victim to delaying tactics by Senate Democrats and to a major floor fight.

The Armed Services Committee did not end formal questioning of Mr. Bush today, but Senator John C. Stennis, the Mississippi Democrat who heads the committee, said he believed most Senators had learned all they needed to know to make a decision. Even if the committee voted this week, the nomination would not come to the floor of the Senate until after the Christmas recess, in early January.

Senator Frank Church, the Idaho Democrat who heads the Senate Select Committee on Intelligence, appeared before the Armed Services Committee today in opposition to Mr. Bush's appointment. He called it "ill-advised" on the ground that Mr. Bush had a partisan political background and that he was unwilling to remove himself from consideration for Vice President.

## Foresees Grooming

"It appears as though the White House may be using this important post merely as a grooming room before he is brought on stage next year as a Vice-Presidential running mate," Senator Church said.

Under questioning by committee members, Mr. Church said that if Mr. Bush chose to rule himself out of the Vice-Presidential race, he would consider not leading a floor fight against him though he would still cast his vote against him.

He voiced concern that Mr. Bush had no established record of standing up to a President of his own party on any issue during his years of public service.

Later Mr. Bush disclosed that he had written to President

Nixon urging him to resign in the summer of 1974. This was the first time Mr. Bush had mentioned this incident in a public forum.

The matter had been reported in books about the Nixon Administration, according to Congressional sources.

## 2 Democrats Against

Two Democratic of the committee, Senators John C. Culver of Iowa and Patrick J. Leahy of Vermont, announced their intention to vote against Mr. Bush.

"There are few public positions, including the Vice-Presidency, for which I would not consider you an altogether suitable choice. But I do not feel that you are a proper nominee for the directorship of the Central Intelligence Agency at this juncture in its history and at this moment in our national life," Mr. Culver said.

He said, as did other Senators, that "we are in need now of a director who can restore intelligence to its rightful and proper place in our national security system," and that Mr. Bush's possibly temporary duty there would not serve that purpose.

The committee met later to consider the nomination of Robert Ellsworth as Deputy Secretary of Defense. Mr. Ellsworth pledged to look for ways of cutting spending on defense intelligence. Senator Stennis said he expected that Mr. Ellsworth's nomination would be approved and that he would be confirmed by the Senate.

REMEMBER THE NEEDIEST!

THE WASHINGTON POST

DATE 11-20-76

# Bush Won't Bar '76 Spot

By Walter Pincus

Washington Post Staff Writer

Ambassador George Bush yesterday refused to rule out accepting the 1976 Republican vice presidential nomination if it were offered, but said he would not seek any office if he is confirmed as Central Intelligence Agency director.

In the first day of Senate Armed Services Committee hearings on his nomination to head the CIA, the former congressman and GOP national chairman said he would "leave politics behind the minute I take on the new job ... not seek any office ... take no part directly or indirectly in any partisan political activities."

Bush added that if a "group comes forward promoting me for Vice President when I am director of the CIA, I will instruct them to cease such activity."

But, if the vice presidential nomination were offered without his having sought it, Bush said, "I cannot in all honesty tell you that I would not accept."

Chairman John C. Stennis (D-Miss.) told Bush, "You have gone as far as any man should go in that declaration," and several other senators agreed.

But Stennis indicated he has some concern over Bush's vice presidential desires when he said: "At a minimum it takes 12 months of intensive application to get on top of the (CIA director's) job." The Republican vice presidential nominee would be named within nine months of Bush's confirmation, should the Senate approve him.

Sen. Thomas McIntyre (D-N.H.) told Bush he thought the "key issue is your political background" and wondered "if it was appropriate for the President to appoint someone like you" at this time in the CIA's history.

"I do not want to see the agency director perceived by the public as a political person," McIntyre said.

In response, Bush said he should be judged on his own record. "I don't think this committee should knuckle under to appearances," he added.

Several senators asked Bush what he, as CIA director, would do in situations like those exposed during Watergate or in current congressional intelligence inquiries.

Bush said he opposes assassination of foreign leaders as "morally offensive." Assassinations are now prohibited by presidential directive, he said.

Asked what he would do if a President persisted in pressing such an operation, Bush said he would argue against it and if that failed, resign. In that situation, he added, he would report the incident to a congressional oversight committee.

Under questioning, Bush

would not say that he would oppose any other types of CIA clandestine operations overseas. "I can't tell you I would never support a coup d'etat," he said. He would "tread very very carefully on a government that was constitutionally elected," he added.

On a covert paramilitary operation such as that in Angola, Bush said, "I can see circumstances where it would be in the best interest of the U.S., its allies and neighboring countries." As for covert contributions to foreign political parties, he said, "I would never make a statement (that) it should never be done."

In a discussion with Sen. Gary Hart (D-Colo.), Bush said he would continue to keep congressional committees informed but said there are "things in intelligence that should be kept confidential" between the director and the President.

When Hart asked if Congress through some future intelligence oversight committee could be informed of a proposed covert operation—a reform now being discussed—Bush responded:

"I think it is an obligation of the President to determine covert activities after consultation with the National Security Council ... I don't think there has to be a group decision" with Congress.

Bush also called "ap-

palling" another CIA reform that has been proposed, that of placing covert operations in the State Department and leaving CIA with only intelligence-gathering and analysis functions. Such operations, Bush said, "should not be under policy-making bodies in peacetime."

Bush said the current congressional inquiries were not harming CIA, but several times he criticized "wanton disclosing of names of corporations associated with CIA ... and names of CIA agents" by former CIA employees.

To remedy that, he supported a change in the law that CIA director William E. Colby has proposed that would make it a crime to disclose information an individual learned while an employee of the CIA.

Asked what he would do if, hypothetically, President Ford sometime "down the campaign trail" asked him to get some dirt on Ronald Reagan, Bush responded, "I simply would say no," adding that "I couldn't conceive of the incumbent President doing that."

Two senators who have voiced strong reservations about Bush's political background, Sens. Henry M. Jackson (D-Wash.) and Frank Church (D-Idaho) are scheduled to take part in the Armed Services Committee hearings when they resume today.



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VIEW FROM THE NEWSROOM

# A CIA Agent's Story: How The Herald Got It

By LARRY JINKS  
Herald Executive Editor

Two months ago Bill Montalbano introduced me to Mike Ackerman at a restaurant on Biscayne Bay. We were there because Ackerman flatly refused to come to The Herald.

There was no way he would enter a newspaper office, he said. At that time, he was still on the payroll of the Central Intelligence Agency.

He appeared to be ill at ease, but he was sure of what he wanted to say. He had decided to quit the Central Intelligence Agency because he felt he could no longer do the job he was paid to do. And, he wanted to tell his story.

That's where Montalbano and I came in.

He and Ackerman had known each other when both were graduate students at Columbia in the early 1960's. They had talked once several years ago after Ackerman, whose mother lives here, had seen Montalbano's byline in The Herald.

GENERALLY WARY of the press, he trusted Bill — more or less. Generally wary of intelligence agents, Bill trusted Ackerman — more or less.

Ackerman had told Montalbano what he wanted to do. Montalbano expressed interest, and suggested the meeting with me.

If he quit, Ackerman asked us, was The Herald interested in printing his story?

Well, we were interested in talking about it — but we had reservations. What did he want to say? How could we be sure he was what he said he was? For that matter, how could we satisfy ourselves that his resignation and public statements were not themselves a CIA operation?



JINKS

AS WE TALKED he spoke angrily about CIA critics, including the press. He referred to Philip Agee, the turncoat agent who wrote a tell-all book about the agency, as a traitor. He argued passionately for the need of a sophisticated intelligence operation, including a capacity for covert operations, in today's world.

But he was almost as vigorous in criticizing some of the agency's activities. He thought many of the OSS generation of CIA leaders had been guilty of bad judgment and — with special contempt — a lack of professionalism. He expressed concern that the principles he had been taught as a young agent had been flouted by some of those who did the teaching.

We made it clear we were only interested in his story if it included a fair balance of his opinions, pro and con, and if he offered enough facts about his career to help our readers understand better how the agency operates.

HE WAS WILLING, with the clear stipulation that he would not violate his oath to the agency.

Since he was not a professional writer he was willing, too, to work with Montalbano in preparing his articles.

It was not too difficult to verify that Ackerman was who he said he was. We started with Montalbano's personal knowledge, and made full use of the kinds of contacts a news organization develops with even a supersecret government agency.

Tougher to deal with was the question of whether the resignation was a pretense, part of a planned defense of a CIA under assault. After all, we were dealing with a man who by his own account had been a skilled con man as a case officer.

ULTIMATELY, deciding that the resignation was for real was a matter of judgment — judgment based on logic, on investigation, on personal contact.

Neither Ackerman's name nor his position gives his words automatic weight. Many of his opinions are controversial, including his view of CIA history.

If the resignation were a ruse, its public nature would forever limit his ability to go back to doing what he did. His action is consistent with his personality and his longtime convictions. The facts we can check all hold together.

HIS STORY, told with Montalbano's help, begins in today's Herald. It offers a different perspective on the CIA, a deeply concerned insider's view.

At a time when the agency's future is being debated, we think it is a view worth presenting to our readers.

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65th Year — No. 109

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The Miami Herald is published daily

330 Pages

Final Edition  
50 Cents

## They're Leaving at Us in Moscow?

# Agent Quits in CIA in Anger

Report on CIA  
How Herold Got Story

By WILLIAM MONTALBANO

Herald Staff Writer

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WASHINGTON — One of America's brightest young spies, an earnest, committed professional who says he ran clandestine operations

on four continents in the last decade, has resigned in disgust from the CIA. He is paralyzed, he charges. They are laughing at us in Moscow and Havana. Even our friends don't trust us anymore. I quit because I could not longer do my job.

The spy is Mike Ackerman, a 34-year-old Michigan who writes computerized, classified, and is in his spare time and is more than of the Soviet Union than anything else on earth.

At the CIA has been undermined by its own mistakes by admitting politicians, by a lack of cooperation on the part of other government agencies, by elements of the press that have sacrificed national interest for sensationalism and by all American public interest in the needs of a professional intelligence service.

Ackerman says he had two special assignments: one in Africa and one in Europe. He says he has far exceeded clandestine operations in 20 countries — 12 in the Western Hemisphere, three in Africa and five in Europe.

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Turn to Page 14A Col. 1

# Angry Agent Cites Press, Politician

FROM PAGE 1

had to talk to somebody I would go see MI-6 (British intelligence) or the Mossad (Israeli intelligence.) That would not have been true a few years ago."

In his frustration, Ackerman believes he speaks not only for himself but also for other professional intelligence officers of his generation whose personal circumstances do not allow them to speak publicly. He feels that they are paying for mistakes made by another generation of intelligence officers.

In the trade, Ackerman was known as a "street man," slang for that small number of front-line spies who think on their feet, usually work alone and are at home in the back-alley world where intelligence is bought and sold.

HE WILL acknowledge by name only two countries where he worked: The Dominican Republic and Guyana. His service there under embassy cover is recorded in government documents available to the general public.

Ackerman argues that intelligence is an indispensable tool of any nation's foreign policy. In the case of the United States, he says, it is a vital counterweight to undercover operations regularly undertaken by Communist countries.

He defends covert action, the target of much of the recent outcry against the CIA, as a legitimate function of an intelligence agency when such action is in the national interest.

Today's CIA can no longer effectively carry out either clandestine intelligence-gathering or covert political action, he says.

"I decided to quit the day I met secretly with a Communist source who was risking his life to see me and I realized I could not guarantee his security.

"There was no way I could promise him that some irresponsible member of Congress or ex-employee wouldn't leak his information or that some reporter wouldn't blab it all over the front page.

"THAT IS the recent record. And that is a national tragedy."

The CIA must be allowed to work within secure boundaries, Ackerman insists.

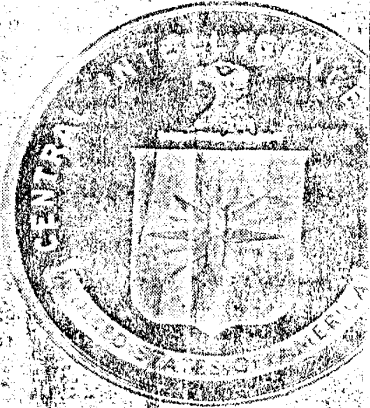
"There seems general agreement in this country that we shouldn't make public the details of the Polaris missile guidance system. Why is there not also a consensus about the operation of our principal intelligence agency? Without secrecy, a clandestine service cannot function."

In early May, from his post at a U.S. Embassy in Europe, Ackerman wrote the CIA director of personnel quitting the only job he has had since leaving college.

"I hereby resign from CIA effective 30 May 1973. I continue to support wholeheartedly the mission of the agency, but do not believe that the agency can fulfill that mission in the hostile political climate which currently prevails in our country. I have reached the regrettable conclusion that I can do more for my country and in support of its beliefs as a private citizen."

"The cynics will, no doubt, conclude that this is a CIA operation. It isn't. It's my operation. And anybody who listens to what I have to say will quickly discover there is nobody in the world who would sponsor bull-headed Mike Ackerman but me."

—Ackerman



lectual Marine, Ackerman fits the description:

In a lengthy series of interviews he emerged as hawkish, articulate, intelligent, somewhat rigid and entirely righteous in his convictions. He is both tense and intense.

He is the son of an immigrant Russian Jew from Besarabia and he is profoundly religious. Once, in order not to break cover, he posed as an Italian Jew to worship at a Latin American synagogue. Ackerman's mother, now widowed, keeps a kosher home in North Dade.

Ackerman was born in New York. He is a graduate of Dartmouth (magna cum laude) and earned a master's degree in political science at Columbia University before joining the CIA. (His master's thesis compared the Autenticos in Cuba with the Populares in Puerto Rico.)

After more than a decade of life in the shadows, Ackerman is now uneasy, squinting a bit in anticipation of the sunlight. It is his intellect, the wits by which he has lived as a spy, that he is relying on to see him through what he expects may be a difficult transition.

HIS PLANS are uncertain. He has about \$10,000 in pension money recovered from the government and some \$4,000 paid for unused leave time. Initially, at least, he will seek public forums.

Ackerman anticipates a credibility problem.

"The cynics will, no doubt, conclude that this is a CIA operation. It isn't. It's my operation. And anybody who listens to what I have to say will quickly discover there is nobody in the world who would sponsor bull-headed Mike Ackerman but me."

As avocations, Ackerman plays the stock market and writes about theology; last winter he had a story published under a pseudonym in The Jewish Spectator.

Ackerman does not smoke, and he drinks little, although he is an expert handicapper of Miami singles' bars. In one of them, he was once overwhelmed for the attentions of a girl by a competitor who told lurid stories of his career as a CIA agent.

HE WAS BORN Emanuel C. Ackerman, but chose Mike as a preferred first name when he joined the CIA because Emanuel is too uncommon.

aunts and uncles know him as Emanuel.

Ackerman's entire CIA career was spent in the Clandestine Services, which is known officially as the Deputy Directorate of Operations and is sometimes referred to by the media as the "Dirty Tricks Department."

The CS, as Ackerman calls it, runs covert operations and seeks intelligence from human sources. It is the most elite, the most secret and one of the smallest divisions of the CIA, most of the work of which deals with intelligence analysis from human sources such as technical journals and the products of electronic and photographic espionage.

"Bear" was the nickname tagged on Ackerman by his colleagues.

"Because of my Russian ancestry, I suppose, and because I tend to be sloppy and clumsy." A colleague, once writing a physical description of Ackerman, noted playfully: "apt to have ketchup stains on his tie and sleeves after lunch and dinner."

KEEPING HIS head straight is not one of those things that most concerns Ackerman.

"The greatest American intelligence officer who ever lived was a great, messy, shambling man who looked like Jackie Gleason with a mustache."

The CIA spokesman who acknowledged Ackerman's service said he had left the service "in the highest repute."

"He was an extremely well-thought-of operations officer with an excellent record," the spokesman said. "He was one of the youngest of his rank we've got here. It is unusual for an officer of his age to be so far ahead of the pack."

A high CIA executive, who has been publicly identified as such but prefers to remain anonymous in this instance, evaluated Ackerman this way:

"He gets extremely high marks for intellect and imagination and high marks for dedication. I rank him in the top 3 per cent among his peers in performance and in the top 10 per cent over-all."

Another CIA executive, now retired after 30 years in intelligence, was Miami station chief when Ackerman was based there.

"Ackerman was one of the most effective leaders I ever had," the retired officer said. "He was"

supervisors, now working in Latin America, said flatly:

"He is the best C.O. (case officer) I have ever met."

For the first part of his career, Ackerman says, he was a specialist in covert action operations. He helped to break Communist-led strikes, he funneled funds to the publisher of a moderate newspaper under attack, he helped a democratic action ward off Communist takeover of their political party.

Ackerman says his trademark was to work as a non-American. Once he posed as a hard-driving European fishing industry tycoon to penetrate a hostile embassy. Another time he pretended to be a Cuban Trotskyite to make contact with an African radical movement.

"My specialty was the last pitch to meet a source, try to establish relationship and then pitch him. I am a representative of U.S. intelligence and I think there are compelling reasons why you should cooperate with us."

"Sometimes you strike out. But if you bat 1,000 then you're pitching a winner, people."

"THE HIGHEST honor I ever received from my colleagues was the presence of a shell game for my birthday."

Ackerman believes in classical intelligence the way Bobby Fisher believes in chess. For Ackerman, the highest accolade is to be "professional." Being a spy, he says, is to practice a profession as honorable as it is old.

"When Moses needed spies to go into Canaan, he didn't pick just anybody. He chose 12 princes, including Joshua."

Intelligence says Ackerman is a cerebral game that demands more patience than glamor, more intellect than brawn. The popular image of a spy is so far from the real thing, he says, that real spies don't even read spy stories.

"I seldom carried a gun. The only training in firearms or unarmed combat I ever got was routine instruction in the Air Force."

"I never shot anybody, and I have never been shot at. Once I had to throw a block on a cop in Jamaica, but that was because I made a mistake. When I do that, it is usually to"

"I have never been arrested."

# Former Agent on Colby: Good Man in a Hard Job

Continued from Page 1.  
uted to our political institutions and not to William Colby.

HE DID HIS BEST in what was an impossible situation. He made significant strides in restoring public confidence in the CIA and in the process achieved for himself a degree of credibility with Congress, the press and the public at large which is quite remarkable for a CIA director in the current national mood.

At the same time Colby was zealous in defending the need to protect the secrecy of intelligence sources and techniques, if some information of this nature has been leaked by congressional investigating committees, he cannot be held responsible. Colby was less zealous in protecting information on the genesis of CIA covert action operations which could be embarrassing to administration officials, and particularly Secretary of State Henry Kissinger. I hope that this stance was not a factor in his dismissal.

Colby's public role is well-known and well-documented. What is not so widely understood is the role he played within the CIA. He has had great impact there, and I hope that impact will be a lasting one. Colby is a straight arrow. Whatever faults he may have, dishonesty and hypocrisy are not among them. He was exactly the right man to undertake an internal investigation and reform of the CIA.

Let there be no mistaking that it was Colby, and his immediate pre-

decessor, as CIA Director, James Schlesinger (who was, ironically, fired as defense secretary along with Colby) who first undertook extensive internal investigation of CIA improprieties, including illegal domestic forays and assassination plotting. Schlesinger and Colby were the ones who called upon any CIA employees who knew of improprieties to come forward and report them; and they did it long before

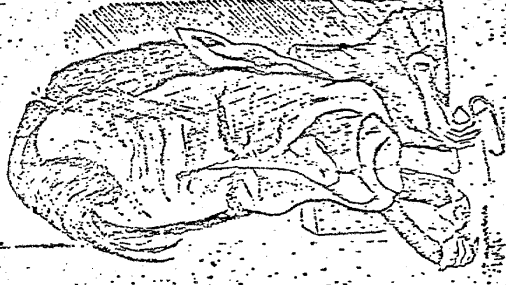
the external investigations began. They were the ones who ordered questionable practices ended and who instituted internal procedures to ensure against repetition of the misdeeds. They were the ones who institutionalized the new post-Watergate morality within the CIA.

THE SENATE and House Select Committees on intelligence, for all their noise and indignation, for all their damaging leaks and revelations, have not themselves uncovered or exposed any improprieties. They have merely publicized mistakes uncovered and corrected by Schlesinger and Colby.

In dismissing Colby, President Ford cited once again the vital role that the CIA plays in America's defense. But the fact remains that the timing of his action was disastrous for the CIA. It concerns the agency to face the crucial months in which the congressional investigations will be completed and reform legislation introduced and debated with less than effective leadership.

For an indefinite period Colby will remain to face Congress, the public and his own agency, as a lame-duck acting director in whom the President no longer has confidence. It is a measure of the man that he has agreed, after his unceremonious dismissal, to stay on and do his best.

And then the directorship will pass to a new man, George Bush, a political figure whose intelligence background is nil. It will be many months before Bush will be able to testify before Congress with the au-



George Bush

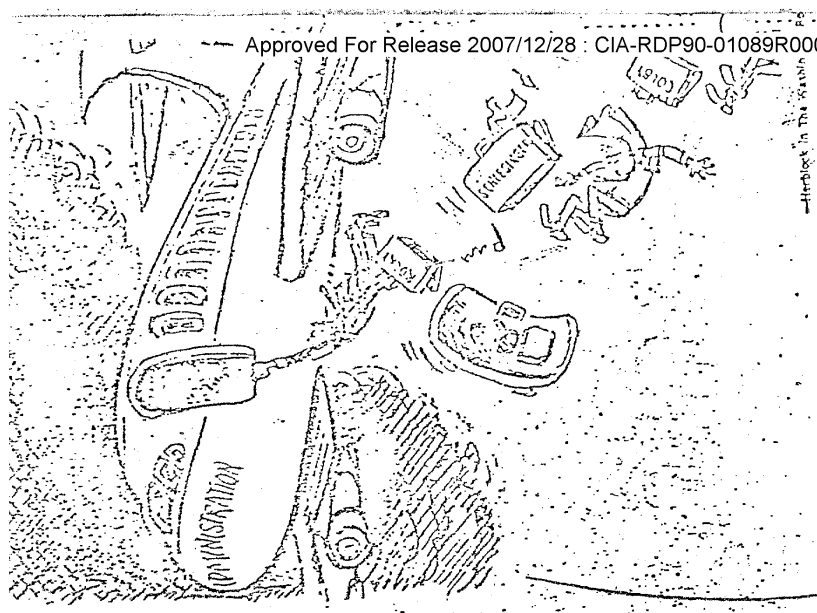
thority of William Colby, I doubt that he will ever achieve Colby's credibility. He is, after all, not above the political fray, as Colby is, but of it and in it.

The investigation of the CIA has long been too political. It was first politicized by the Senate Democratic leadership, which appointed to the chairmanship of its select committee Senator Frank Church, a presidential aspirant. Senator Church himself further politicized the investigation by his sensational public summaries of testimony offered at closed hearings and, subsequently, by his sponsorship of open hearings.

Now President Ford has responded in kind by his appointment of Bush, a former Republican national chairman. By this appointment the President has unquestionably turned the CIA into an issue for the 1976 presidential campaign.

THIS CAN ONLY hurt the CIA and the nation. There was a time in this country when the CIA was removed from politics. There was no partisan debate over the U-2 incident or even the ill-fated Bay of Pigs invasion. In those days we seemed to be able to close ranks when it was in our national interest to do so. Our leaders seemed to be able to put national security before partisan or personal interest. I believe that we were all the better for it.

I served in the CIA for two years during William Colby's directorship. I met him only once, and that was before he became director, to



...As we make our approach to 1976, you may notice a little turbulence...

brief him on a clandestine operation in which I was involved. I really didn't make his acquaintance as an individual. I knew him best through his public appearances.

He impressed me in those appearances as a loyal CIA man and a dedicated American patriot. He has gone his best to defend the CIA internally and to defend it from its external critics. I believe that his principal concern has been to pre-

serve intact as much of the operating capability as he could. He has carried out this mission knowing that his days as director were numbered and that, as so often the case in the CIA, his wards would be continued to his ever satisfaction he could personally derive from the quality of his service. I hope that today his satisfaction is profound.



# Viewpoint

SECTION 1  
The Miami Herald  
Sunday, Nov. 9, 1975

EDITORIALS • COMMENTARY • LOOKS

## Colby: 'History Will Judge Him Favorably'

By MIKE ACKERMAN  
Special To The Herald

There have been no bouquets and only a few kind words for William Colby since he was fired last week as director of the Central Intelligence Agency. President Ford, announcing his dismissal, noted only that Colby had ushered the CIA through a difficult period. This scant praise was the barest minimum which ordinary politeness would tolerate on such an occasion. Nor have others come forth to champion Colby. It's not surprising. After all, for Congress he has long been the adversary, stolidly defending CIA against an avalanche of accusations, some justified and some patently inaccurate. For those elements of the press which have made the destruction of the CIA their cause, he has been the enemy; the career intelligence officer, the professional conspirator, the amoral civil servant, the hit man in a business suit.

I THINK THAT history will judge William Colby much more kindly. He has performed to the best of his ability in what has been the most thankless of jobs, and he has had his moments. He has at

times been surprisingly effective as CIA's defender, in part because he has achieved what is for a man of his background and position a remarkable degree of credibility. Within the CIA itself, he has been an effective reformer. It is Colby more than anyone else who has sought out past CIA misdeeds, ended unwise practices, and set a new tone for the agency, a tone very much in line with post-Watergate American morality. Colby served as the director of the CIA for two and a half difficult years. When he took over the agency in May 1973, it was already under investigation by minority members of the Senate Watergate

*Mike Ackerman resigned from the CIA last May after 11 years as a clandestine agent. He explained the reasons for his resignation in a series which was published exclusively in The Miami Herald. He now lives in Miami.*

Committee, determined to prove that the CIA had played a direct role in organizing the break-in. It was not long after the crucial White House tape finally established that the agency had been a victim of Watergate and not a conspirator, that a new and stronger tide of journalistic, congressional and public criticism of the CIA was unleashed.

It fell to Colby to explain and to defend the embattled Agency. He could not win. His own role could not be other than sacrificial; it has long been apparent that Colby's tenure as CIA director would not be a long one. The Rockefeller Commission did not dismiss him with its recommendation that future CIA directors be sought from outside the career service of the agency.

COLBY WAS controversial even within the CIA itself. There were many within the clandestine services, especially at the more senior levels, who detested him. They were the old-style intelligence officers, from Colby's own generation, who believed that the agency's best response to congressional and public criticism would be to step up

it. He was decidedly more popular with the younger generation of CIA officers.

I was myself dubious about Colby for a long time. At the beginning of his directorship he seemed to me to be all too public. He let his hair down about intelligence techniques at off-the-record press briefings, and was stung when his background information appeared in print.

But he learned from his mistakes. As criticism of the CIA intensified he became increasingly effective as its defender. It is absurd to believe that the CIA could have stonewalled it. It had, through its own misdeeds, opened itself to public criticism and suspicion; it was incumbent upon the agency to clear its name and its record.

It would have been best for the CIA and the nation if the agency had been given to the opportunity to clear its name at congressional hearings conducted behind closed doors and summarized in a final public report. But if hearings were not conducted in this responsible manner, the failure must be attributed to Pogo.

Turn to Page 6



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Remarks:  
 Attached provided Ambassador Bush, per his inquiry.  
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16 December 1975

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16 DECEMBER 1975

# Church Asks Rejection of Bush

By Norman Kempster  
Washington Star Staff Writer

The chairman of the Senate Intelligence Committee said today that confirmation of George Bush as CIA director would "make a travesty out of our efforts to reform the CIA."

Sen. Frank Church, D-Idaho, said the CIA "will be no more independent and no more nonpolitical than its director."

Church, appeared as the chief opposition witness to Bush's confirmation at hearings conducted by the Senate Armed Services Committee. Because Church's committee is a temporary one, the Armed Services panel has jurisdiction over the appointment.

IT SEEMS LIKELY that in spite of opposition from Church and from David Cohen, president of Common Cause, the committee is ready to vote speedy approval of President Ford's selection of Bush as the successor to William E. Colby.

Church said he considered Bush to be too political for the job because of his previous service as Republican national chairman.

But Church said he would mute his opposition if Bush were to announce that he would not accept the

Republican vice presidential nomination next year. In an appearance before the committee yesterday, Bush said he would not participate in politics but he refused to say he would decline a spot on the GOP national ticket.

"We expect too much of human nature if we don't recognize the compromising position into which the director is placed if he has dangled before him the promise of high political office," Church said.

CHURCH, who prior to the hearing assured Bush there was "nothing personal" in his opposition, said that although he considers Bush to be both honorable and honest, the appointment of a former party chairman would produce a very bad appearance and perception of efforts to reform the CIA.

Sen. John Tower, R-Texas, who is both a member of the Armed Services Committee and vice chairman of Church's committee, remarked that the intelligence committee has been criticized as being a springboard for Church's presidential ambitions.

"Would not our investigation have more credibility if you were to foreswear any ambition to be Presi-

dent of the United States?" Tower asked.

"IF I BECOME a candidate for president, I would step down from the chairmanship of the committee," Church responded.

"Mr. Bush has said he would step down from the directorship of the CIA if he became a candidate for other office," Tower said.

"If the situations are comparable in your mind, I can't persuade you," Church replied.

The Idaho Democrat had said earlier that he would support Bush for a Cabinet post or for other primarily political offices but that the

CIA post should be divorced from politics.

Bush, Church said, would "grace the ticket" as GOP vice presidential nominee.

Cohen based Common Cause's opposition to Bush on the refusal of the former envoy to Peking to take himself out of the vice presidential picture.

"A CIA head who is ready to consider high elective office less than one year after his appointment will be perceived to service the short-term political needs of a sitting president rather than the duties of the agency and the best interests of the nation," Cohen said.

**NOMINATION OF GEORGE BUSH TO BE DIRECTOR  
OF CENTRAL INTELLIGENCE**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON ARMED SERVICES**  
**UNITED STATES SENATE**  
NINETY-FOURTH CONGRESS  
FIRST SESSION  
ON  
NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF  
CENTRAL INTELLIGENCE

DECEMBER 15 AND 16, 1975



Printed for the use of the Committee on Armed Services

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WASHINGTON : 1975

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## NOMINATION OF GEORGE BUSH TO BE DIRECTOR OF CENTRAL INTELLIGENCE

MONDAY, DECEMBER 15, 1975

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10:05 a.m., in room 1114, Dirksen Senate Office Building, Hon. John C. Stennis (chairman) presiding.

Present: Senators Stennis, Symington, McIntyre, Byrd of Virginia, Hart of Colorado, Leahy, Thurmond, Tower, Goldwater, and Bartlett.

Also present: T. Edward Braswell, Jr., chief counsel and staff director; W. Clark McFadden II, counsel; John T. Ticer, chief clerk; Phyllis A. Bacon, assistant chief clerk; Edward B. Kenney, John A. Goldsmith, Don A. Lynch, and Francis J. Sullivan, professional staff members; Roberta Ujakovich, research assistant; and Doris E. Connor, clerical assistant.

Also present: David A. Raymond, assistant to Senator Symington; Charles Stevenson, assistant to Senator Culver; Rick Inderfurth, assistant to Senator Hart; Doug Racine, assistant to Senator Leahy; and William L. Ball, assistant to Senator Tower.

The CHAIRMAN. Members of the committee, the chairman proposes that we receive a statement from Senator Tower of Texas, on behalf of the nominee, Mr. Bush of Texas. I have a short statement as chairman and then I will ask the gentleman from South Carolina, Senator Thurmond, for a brief statement. I understand Mr. Bush has a statement that I have not read, but I will call on him then. After that, we will proceed with questions.

We are pleased to have our visitors and we are also glad to have the press, radio, and television. Everyone will have to remain quiet, otherwise it will nullify the cause you have for being here. That will be a mutual undertaking for all of us and I am sure everyone will observe the rule. It is the price of staying in the hearing and I think it is a very cheap price to pay, especially when it serves your own purpose.

Senator Tower, we will be glad to recognize you, sir. You may proceed with your statement.

### STATEMENT OF THE HONORABLE JOHN TOWER, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator TOWER. Thank you, Mr. Chairman.

It is a great pleasure for me to be able to present to this committee, on which I am proud to serve, my fellow Texan, George Bush, who has been nominated for the Office of Director of Central Intelligence.



I believe that George Bush is eminently qualified. He is a native of New England, has a distinguished war record, received his formal education at Yale, then displayed the eminent good judgement to move to Texas, where he has spent all of his adult life.

Mr. Bush has been very successful in the areas of petroleum resources development and drilling, always public spirited and always involved in public affairs. He resigned his corporate responsibilities in 1966 to run for the House of Representatives. He was reelected without opposition in 1968. Mr. Bush has served as the permanent Representative to the United Nations, and he has served as chairman of the Republican National Committee. He has served as chief of the U.S. Liaison office Peking, People's Republic of China.

George Bush has served always in every capacity with great distinction, and he was recognized early in his public career for his enormous accomplishment of being the first freshman Congressman to be appointed to the Ways and Means Committee in some 50 years prior to that time.

I believe the fact that he has a good intellect and good mind, an ability to marshal facts and reduce them to manageable proportions and draw the appropriate conclusions, and in view of his proven administrative ability I think he has all the equipment necessary to make for this country one of the most outstanding Directors of Central Intelligence that we have ever had.

I am, therefore, pleased and proud to have the opportunity to present him to the committee and to urge that the committee recommend favorably his confirmation to the Senate.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Tower, as I said in the beginning, is a valuable member of our committee. We are glad to have him appear in this special capacity.

Senator Jackson is unable to be here this morning but according to his plans will be here this afternoon.

I do not think there is any chance of voting on this nomination today but, for some who cannot be here, I will say that we will not be voting today. I am sure that is agreeable to all the membership.

#### **STATEMENT OF JOHN C. STENNIS, CHAIRMAN**

Members of the committee, I have a short introductory statement written on the back of an envelope, so to speak. I also have a prepared statement that is partly historical about reviewing the enactment of the original National Security Act of 1947. I want to say a few words here. My desires and wishes would be that there not be any secret intelligence agency at all, the Central Intelligence Agency, but my judgment and experiences tell me that we must have such an agency. This is a new and different concept of government, as I see it, from anything we have had heretofore. Soon after the end of World War II we realized that we must have an intelligence gathering agency. Much of its work would have to be carried out in secret. Thus, we enacted as a part of the National Security Act of 1947, provisions for the creation of this Agency.

As I said, this statement is more or less for the record and for the information of the public at large if the media should see fit to use

it. Later, with the joining of NATO and other commitments, and I was here when these things happened, we were further convinced that such an agency, properly managed, was not only necessary but would be very useful in carrying out those commitments which were considered a part of our own national security. In spite of some bad things that have happened from time to time in different administrations, I know as a fact that the CIA has rendered very valuable services to our Government, to our national security.

Our Government, and this includes the Chief Executive and at least a major segment of the legislative branch, must have the benefit of what is going on in other countries, be they friendly or unfriendly. It is frightening to me to think of any President trying to proceed without intelligence of the nature that I have mentioned. Of necessity that power is given to this Agency under law and is placed largely in the hands of the Chief Executive, whoever he may be.

First, "through these hearings, we can emphasize the absolute necessity of a clear consciousness on the part of the Chief Executive of the Nation of this special power" and of the care and personal attention the President must give to this special and exceptional power and also give to the individual whom he selects to act for him under this law. I hope these hearings will emphasize that point. That is a fact of life that we know now but did not know when the act was originally passed.

It is a fact that the funds appropriated by Congress for this special Agency are placed directly in the hands of the President of the United States. In the final analysis, he is the one who directs the Agency in the use of these funds.

Further, there must be a surveillance by the Congress of the exercise of the power given and the funds provided to a President, any President. This system of surveillance must be marked out and carried out more intensively in the future than in the past.

Again, I mention these points now just to make clear that even though changes in the law and the system are needed, as I see it, proposed changes are not now the main focal point of these hearings. They are relevant and, of course, the question will be in order, but changes in the law or the system would require quite extensive hearings indeed. That is my belief, that extensive hearings planned for that purpose would be held on any major change of the law. The chief focal point of our hearings beginning today relate to the nominee, the Honorable George Bush of Texas. Mr. Bush is a gentleman that, so far as I know, has an honorable public career, a man of capacity and integrity. These matters and others are all placed in issue by his nomination. I believe this committee wants to make a full examination of his character, integrity, capabilities and other qualifications that pertain to the duties of the Director of Central Intelligence and related matters.

I have a further statement, members of the committee, that is more or less historical as to the law that I would like to place in the record at this point, together with the nomination reference and report and a biographical sketch of Mr. Bush.

[The prepared statement of Senator Stennis, together with the nomination reference and report and biographical sketch of Mr. Bush follows:]

PREPARED STATEMENT BY SENATOR JOHN C. STENNIS

The Committee meets this morning to consider the nomination of Mr. George Bush to be Director of Central Intelligence. He is to replace Mr. William Colby.

Mr. Bush's nomination was forwarded to the Senate on November 4, 1975 and referred to the Armed Services Committee on the same date. It has been only within the last week, however, that Mr. Bush has been available to appear before this Committee.

STATUTORY BASIS AND DESCRIPTION OF POSITION

The position of Director, Central Intelligence was established in section 102(a) of the National Security Act of 1947. The National Security Act of 1947 was the culmination of years of studies, months of hearings, and weeks of deliberations by the Armed Services Committee. It is this Act that set up the National Security Council, restructured the defense establishment and created the Central Intelligence Agency (CIA). The Act was designed to provide a "national security organization" in which intelligence could play a vital and effective role. By law, the Director of Central Intelligence was made the executive head of a new agency for national intelligence—the Central Intelligence Agency. At the same time he was to be under the National Security Council, the Director of "central intelligence".

The National Security Act of 1947 prescribes various restrictions, powers, and responsibilities for the Director of Central Intelligence. Because of the integral relationship and overlap of the Intelligence Community and the Defense Department, the law explicitly requires that both the Director and Deputy Director of Central Intelligence shall not be military personnel and shall not be subject to military control. The Director of Central Intelligence is given special discretionary power to terminate the employment of any officer or employee of the Agency "whenever he shall deem such termination necessary or advisable in the interests of the United States". Furthermore, the Act grants special power to the Director of Central Intelligence to have access to all intelligence of the United States Government for correlation, evaluation and dissemination including information of the F.B.I. as may be essential to national security.

Finally, it should be noted that under law, "The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

In addition to those provisions set forth in the law itself, executive orders and practice have further underscored the overall leadership role of the Director of Central Intelligence in the United States intelligence community. Under recent Presidents, the Director of Central Intelligence has served as the Nation's chief intelligence officer and principal advisor to the President and the National Security Council on all intelligence matters.

By and large, the 1947 National Security Act has served this Nation well. In recent years, however, I have concluded that the Charter of the Intelligence Community should be revised. Indeed, in 1973 I proposed legislation which would have made several changes to the National Security Act of 1947. Recent investigative disclosures about past intelligence activities have highlighted the need for some changes.

QUALIFICATIONS FOR THE DIRECTOR

Any person confirmed to the position of Director of Central Intelligence must be able to give momentum and direction to the necessary and inevitable changes that will be made in U.S. intelligence activities. The nominee must have the ability to gain quickly an understanding of the Intelligence Community and exercise effective control over it. He must possess an uncompromising objectivity regarding intelligence matters and the courage and integrity to rise above parochial interests.

ACCOUNTABILITY

As a matter of policy, the Democratic Caucus has adopted a requirement that every nominee appearing before the Senate be asked to provide a personal commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. Such a commitment will of course be expected of any nominee to be Director of Central Intelligence. But the Director has a special responsibility in his dealings with the Congress that goes far beyond a mere commitment to appear upon request. Because intelligence must necessarily involve secrecy, the Congress is particularly dependent upon the personal integrity

and responsiveness of the chief U.S. intelligence officer. The Director personally must be forthcoming in keeping the Congress, or its chosen representatives and through the appropriate channels, properly informed. He must have and rightfully deserve the confidence of the Congress and the American people.

#### MR. BUSH'S BACKGROUND

Mr. Bush has had a distinguished career in public life. His first public office was as a member of the House of Representatives in the 90th and 91st Congress representing the 7th District of Texas. As a freshman Congressman, he was appointed to the Ways and Means Committee. In 1971, President Nixon appointed Mr. Bush to be Ambassador to the United Nations. At that time he appeared before the Senate Foreign Relations Committee and was confirmed in the Senate by voice vote for the UN ambassadorship. In January, 1973 he became Chairman of the Republican National Committee. Mr. Bush is Chief, United States Liaison Office, the People's Republic of China and has served in this position since September 1974.

#### NOMINATION REFERENCE AND REPORT

IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
November 4, 1975.

*Ordered*, That the following nomination be referred to the Committee on Armed Services:

George Bush, of Texas, to be Director of Central Intelligence, vice William Egan Colby.

DECEMBER 18, 1975.

Reported by Mr. Tower with the recommendation that the nomination be *confirmed*, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### BIOGRAPHICAL INFORMATION ON GEORGE BUSH

Born: June 12, 1924, Milton, Mass.

Education: Phillips Academy, Andover, Mass., 1937-41; Yale University, New Haven, Conn., 1945-48; Bachelor of Arts, Economics, 1948; Phi Beta Kappa; Delta Kappa Epsilon; Varsity soccer, 1 year; Varsity baseball, 3 years; captain, two-time NCAA Eastern Championship Team.

Marital status: Married to former Barbara Pierce of Rye, N.Y., January 6, 1945.

Children: Four sons, one daughter.

Military: Commissioned Ensign at age 18, Corpus Christi, Texas Naval Air Station, June 1942; Active duty World War II, 1942-45; Carrier pilot, U. S. S. *San Jacinto*, 3d and 5th Fleet, Pacific. Shot down in combat 1944, Bonin Islands; Awarded Distinguished Flying Cross and three air medals; Honorably discharged with rank of Lieutenant (j.g.), 1945.

Profession: Oil field supply salesman, Dresser Industries, Midland, Tex., 1948-51; Formed Bush-Overbey Oil Development, Inc., 1951, Midland, Tex.; Cofounder, Zapata Petroleum Corp., 1953, Midland, Tex.

Profession: Cofounder, first president of Zapata Off-Shore Co., 1954, Midland-Houston, Tex.; Resigned in February 1966, to run for Congress.

Government: Candidate for U.S. Senate, Tex., 1964, 1970; Congressman, 7th District, Tex., elected November 8, 1966:

—Unopposed for re-election, 1968.

—Member, Ways and Means Committee, one of the few freshmen members of the House ever selected for service on that Committee.

—Sponsor of legislation on ethics, setting priorities in federal spending and bilingual education.

—Chairman, Republican Task Force on Earth Resources and Population.

—During 91st Congress, he was appointed by the Speaker of the House to the 12-member House delegation to the Ninth Mexico-United States Inter-parliamentary Conference.

Permanent Representative of the United States to the United Nations, sworn in February 26, 1971.

- As Ambassador, he was a member of the President's Cabinet and a regular participant in all Cabinet meetings, March, 1971–January, 1973.
- United States Permanent Representative at the 26th and 27th sessions of the United Nations General Assembly.
- President's Representative at all meetings of the United Nations Security Council, March, 1971–January 1973.
- Chief United States Representative to annual meetings of the United Nations Economic and Social Council, Geneva, 1971 and 1972.
- United States Representative at February, 1972, meeting of the United Nations Security Council in Addis Ababa, Ethiopia.
- President's Representative for special mission inspection tour of 10 African countries, February, 1972.
- Chairman, Republican National Committee appointed January 1973:
- As Chairman, attended and was a regular participant in meetings of the President's Cabinet, January, 1973–September, 1974.
- Chief, U. S. Liaison Office, Peking, People's Republic of China, appointed September, 1974.
- Awards:
- Honorary Doctorate Degrees from Adelphi University, Austin College, Beaver College, Northern Michigan University.
- Anti-Defamation League Man of Conscience Award, New York City, 1972.
- Selected by Texas Junior Chamber of Commerce as one of "Five Outstanding Young Men of Texas," 1956.
- Civic Affairs:
- Chairman, Houston, Texas Heart Fund, 1966.
- Chairman, Texas Heart Fund, 1967–69.
- Lifetime trustee, Phillips Academy, Andover, Massachusetts.
- Community Associate, Lovett College, Rice University.
- Church:
- Member and former vestryman, St. Martin's Episcopal Church, Houston, Texas.
- Member of the Board, Episcopal Church Foundation.

The CHAIRMAN. Mr. Bush, we are glad to have you here. You have been before committees of the Senate before. I remember one in particular. You told me a few minutes ago that you do have a prepared statement and the members have it before them.

I would like to recognize now Senator Thurmond, the valuable ranking minority member of our committee.

**STATEMENT OF THE HONORABLE STROM THURMOND, A. U.S.  
SENATOR FROM THE STATE OF SOUTH CAROLINA**

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Bush, I am very interested in the work of the CIA. I have been very concerned over what has been happening in this country, the attitude of some people toward the CIA and the other intelligence-gathering agencies of our Government.

In fighting a war one of the most important things is known as the G-2. The G-2 is a man who collects intelligence on the enemy. In peacetime, if our President is going to make wise decisions, he must have intelligence, he must have knowledge, he must have information as to what is going on in different parts of the world and especially with regard to potential enemies.

If you are confirmed for this position, it is my sincere hope that you will not have your ardor lessened in the least because of this investigation of the CIA and other intelligence agencies. We have three members, I believe, of this committee who are on the Select Committee on Intelligence—Senators Tower, Goldwater, and Hart of Colorado. In my judgment, it is extremely important, regardless of what some of

the big newspapers and news media of every kind say, that you dedicate yourself to gathering the information that the President of the United States needs because he cannot act wisely unless he has it. It is vital to our survival in my judgment. I hope that in the performance of your duties you will not be discouraged in the least by the actions of some people, especially some news media in this Nation.

In looking over your biography, I notice you are well educated. You graduated from Yale, Phi Beta Kappa. You were an athlete, in varsity baseball, I believe, for 3 years, and captain of the team. You went into the service at age 18, became an ensign, and served 3 or 4 years in the Navy. You were shot down in combat, awarded the Distinguished Flying Cross, and three Air Medals, all of which to me is impressive. It is impressive to me because you have served your country in uniform and you have been acknowledged by your country as being worthy of decorations.

Then you have held important positions in government—Congressman from Texas, I believe, for three terms, Permanent Representative of the United States to the United Nations, Chairman of the Republican National Committee, and Chief, U.S. Liaison Office, Peking, People's Republic of China.

I was impressed, too—it may sound like a little thing but it shows a part of a man, an important part, I think—the fact that you served as the chairman of the Texas Heart Fund and that you serve as lifetime trustee at Phillips Academy, and community associate, Lovett College, Rice University.

I think all of this shows an interest on your part in humanity, in civic development, love of your country, and willingness to serve your fellow man. From your experience and your intellectual integrity, the reputation you bear for honesty, it seems to me that from all of this experience and your personal qualities that you are well qualified to fill this important position. Speaking for myself, I shall be very pleased to support you.

The CHAIRMAN. Thank you, Senator. All right, gentlemen. If it is agreeable with the committee we will now proceed with Mr. Bush.

**STATEMENT OF GEORGE BUSH, OF TEXAS, NOMINEE TO BE  
DIRECTOR OF CENTRAL INTELLIGENCE**

Mr. BUSH. Thank you, Mr. Chairman, and members of the committee. My particular thanks to my fellow Texan, Senator Tower. I am pleased to be back in the United States. I am still on Peking standard time so I am a little tired and I hope you will forgive me, Mr. Chairman.

My nomination was sent to this committee some time ago but I was unable to leave China prior to the President's trip to the People's Republic. The President left Peking on December 5 and Mrs. Bush and I left on December 7.

I recognize that I am being nominated as Director of the CIA at a very complicated time in the history of this Agency, and indeed in the history of our country. In fact, having been in China for a year, I did not fully realize the depth of the emotions surrounding the CIA controversy until I came back here. But be that as it may, I have a few fundamental views that I would like to set out in the brief state-

ment and then, sir, I will be happy to respond as frankly, as honestly as I can to any of your questions.

First, my views on intelligence. I believe in a strong intelligence capability for the United States. My more than 3 years in two vital foreign affairs posts, plus my attending Cabinet meetings for 4 years, plus my 4 years in Congress, make me totally convinced that we must see our intelligence capability certainly maintained and I would say strengthened. We must not see the CIA dismantled.

Reporting and investigative reporting in the papers and investigative work proper by the Senate and the House have brought to light some abuses that have taken place over a long period of time. Clearly things were done that were outrageous. Some of them were morally offensive. And these must not be repeated and I will take every step to see that they are not repeated.

I understand that Director Colby has already issued directives that implement some of the decisions of the Rockefeller Commission, decisions designed to safeguard against abuses. If confirmed, I will do all in my power to keep informed personally, to demand to the highest ethical standards from those with whom I work, and particularly to see that this Agency stays in foreign, I repeat, foreign, intelligence business.

I am told that morale at the CIA and indeed in other parts of the intelligence community is low. This must change and I am going to do my best to help change it. Some people today are driven to wantonly disclose sensitive information—not talking here about the Congress—not to the proper oversight authorities of the Congress but to friend and foe alike around the world. In many instances this type of disclosure can wipe out effective operations, can endanger the lives of patriotic Americans and can cause enormous damage to our security.

I view the job of Director of Central Intelligence not as a maker of foreign policy but as one who should forcefully and objectively present to the President and to the National Security Council the findings and views of the intelligence community.

It is essential that these recommendations be without political tilt.

It is essential that strongly held differences within this very large community be presented. It is essential that without regard to existing policy or future policy, the intelligence estimates be presented—cold, hard, truthful.

I am convinced that I have the proper access to the President that was strongly emphasized in the recent Murphy Commission report. I hope you find, gentlemen, that I have the proper integrity and character to do this job.

Further, I see running of the CIA as very important, but I see the responsibility for coordinating all of our foreign intelligence activities as even more important. The CIA has a fundamental input into intelligence estimates, but so must the other agencies.

I will be fair to all, but I will do my level best to eliminate unnecessary duplication of effort and minimize interagency bureaucratic disputes. It will not be easy, I am told, but I will try hard on this.

Now, Mr. Chairman, a word about my personal qualifications. I am familiar with the charges, very familiar with them, that I am too political for this job. Here is my side of the story.



Yes, I have been in politics. I served 4 years in Congress. I served 2 years as chairman of my party and I have no apology for either service. Indeed, I am proud to have served in partisan politics.

Some of the difficulties the CIA has encountered might have been avoided if more political judgment had been brought to bear. And I am not talking about narrow political partisanship. I am talking about the respect for the people and their sensitivities that most politicians have a real feel for and understand. I do not view political experience as a detriment, Mr. Chairman. I view it as an asset, but I also recognize the need to leave politics behind the minute I take on the new job if this Senate confirms me.

And I would like to add, if confirmed I will take no part, directly or indirectly, in any partisan political activity of any kind. I will not attend any political meetings. I will give no political speeches nor make any political contributions.

My ability to shut politics off when serving in nonpartisan jobs has been demonstrated in two highly sensitive foreign affairs posts, as I hope this committee can verify.

For 2 years I was Ambassador at the United Nations, and for a little over a year I served as Chief of the U.S. Liaison Office in Peking. Both jobs taught me a lot about the product of our intelligence community. Both taught me the fundamental importance of retaining an intelligence community second to none.

Frankly, many of our friends around the world and some who are not friendly are wondering what we are doing to ourselves as a nation as they see attacks on the CIA. Some must wonder if they can depend on us to protect them if they cooperate with us on important intelligence projects.

I think many admire our ability, and justifiably so, to cleanse ourselves and admit mistakes. But in something as sensitive as intelligence they frankly hope that we do not go so far that we will kill off an important asset that they themselves and the free world vitally need for their own security.

In addition to my foreign affairs assignments, I attended Cabinet meetings from 1971 to 1974. Those 4 years gave me I think a good insight into some of the foreign policy considerations facing our country.

I think this foreign affairs background will be useful in my new job.

I also feel the administrative experience that I had in starting and running a business enterprise, which prospered, will be helpful.

Now, lastly, I will address myself to a question that is on the minds of some members of this committee. It is on the minds of many people in the United States who are not on this committee, and I believe from reading the newspapers it is on the minds of many people who are responsible for the editorial content with many of the readers of newspapers, and that is mainly the question of my having been considered in the past for the position of Vice President of the United States.

When Secretary Rumsfeld was before this committee not so long ago, his name having been speculated on for Vice President, he said, "It is presumptuous of me to stand up and take myself out of consideration for something I am not in consideration for."

The committee accepted this answer then and I offer it now.

But let me just add a little bit more here.

If some individual or group comes forward promoting me for Vice President when I am Director of CIA, I will instruct them, ask them, to cease such activity.

But then there is one other question and I decided to get it out openly and frankly and I decided the committee was entitled to my frank feelings on this. The question is this: "Even if you have not lifted a finger to seek the nomination and even if you have actively discouraged others from advocating you for office, and the nomination is then offered to you, will you then accept?"

I cannot in all honesty tell you that I would not accept, and I do not think, gentleman, that any American should be asked to say he would not accept, and to my knowledge, no one in the history of this Republic has been asked to renounce his political birthright as the price of confirmation for any office. And I can tell you that I will not seek any office while I hold the job as CIA Director. I will put politics totally out of my sphere of activities.

In this new job I serve at the pleasure of the President and I plan to stay as long as he wants me to.

Some of my friends have asked me, "Why do you accept this job with all the controversy swirling around the CIA, with its obvious barriers to political future?"

My answer is simple. First, the work is desperately important to the survival of this country and to the survival of freedom around the world. And second, old fashioned as it may seem to some, it is my duty to serve my country. And I did not seek this job but I want to do it and I will do my very best.

Thank you, Mr. Chairman.

The CHAIRMAN. All right, Mr. Bush. You have made a very impressive statement here.

On this Vice Presidential matter, I am glad you covered that. I did not know that you were going to cover it but I am glad that you did. I say with all deference to all former Directors of this Agency—it is a difficult job. If I thought that you were seeking the Vice Presidential nomination or Presidential nomination by way of the route of being Director of the CIA, I would question your judgment most severely. [Laughter].

I would not vote to approve you on the basic judgment and basic qualifications, because as I see it, this would be the very opposite of preparation for aspirations or planning, either one of those offices. Others may see that differently but that is the way I see it and politically it is almost as impossible a job as being mayor of New York City, for instance, and I say that with deference to Mayor Beame and others.

I think, too, personally as I see citizenship, you have gone as far as a man should go in declarations. People jump us, view anything as not being considered. Of course, as far as you know, our political system is contrary to a man renouncing every other office or any other office unless he has a personal desire to.

Now, you have answered most of the questions that I had. I want to say to the committee that the nominations of Mr. Rumsfeld and Mr. Bush came over together or one followed the other. In discussing the question of the hearings, I told them we would take up the Secretary of Defense first. I understood Mr. Schlesinger was leaving before that

week was out, and Mr. Colby was going to stay on. I was told that you were in China and would have to remain there some time at least and that when you got back and were acclimated a little, the committee would be notified. This is the way the delay came about.

I was concerned at first that we might not be here this week but then found out we would be in session most of the week. We then set the hearings at this time.

Now, to go to your background, Mr. Bush, in preparation for this very difficult assignment. I wish you would state a little more about the experiences you have had that relate to these duties and assignments. For instance, NATO, how long you were there? Tell us something about your contacts and, the feel of things. Then your experiences in China, without making disclosures of confidential matters, of course, but you have a background that few men have had that come to this office. Enlarge on that some, please.

Mr. BUSH. Mr. Chairman, at the United Nations I was the permanent representative for 2 years, I came into contact with in those days I think there were 134 member nations, and now it is 148 or 145. I felt that in spite of the hostile rhetoric in that place, particularly because the United Nations is getting to be more and more group oriented—the African group, the Latin American group—there is an Arab group—and that the members who have served there from the Foreign Relations Committee and Foreign Affairs Committee, found that member countries they talked to individually would tell them one thing, but in group positions, they would hear something else.

My observation, based on bilateral contacts, is that many countries whom we might assume were hostile to us from group statements are really friendly to us. I took a trip in 1972, I believe it was, to 9 or 10 African countries for the President. When I got into a bilateral basis, I found that most of these countries individually were extremely interested in seeing the United States stay strong and—we did not get into the intelligence question—in linking the United States to their freedom or to their right to exist independent of others.

In China, that was a very different experience and that experience put me in touch with the largest country in the world. It put me in touch with very, very powerful and strong-willed principled leaders. I saw more clearly than through their eyes and through the eyes of my diplomatic colleagues, the importance of being strong as a nation, with particular regard to the possible problems that can emerge from the Soviet Union.

And the diplomatic community there in China again reflected the same thing I experienced in the United Nations, sometimes groups enforcing positions of their governments that I was not particularly happy about, but then on a bilateral basis encouraging us to stay strong as a nation.

So without going further, I think these 3 years in foreign affairs convinced me that we are the only hope of the free world. There is no other one. None at all in this world. And we have got to be strong militarily, but to do it we have got to understand the threat. We have got to utilize intelligence and it has happened since history began. We must keep and strengthen our intelligence capability. Having said that, I repeat I am not condoning any of the excesses of the past. Indeed, I pledge myself to do what I can to see that they are eliminated.

That is a very general answer, sir.

The CHAIRMAN. It has been my observatiton in the case of other nominees who undertook this job that, as a minimum, it takes 12 months of intensive application to get on top of the job, so to speak, to get the feel of it, the many angles and ramifications. These are world-wide as you know, and certainly domestic, too.

Are you willing to put whatever intensive application is necessary into that, in order to get on top of it? Have you thought that out?

Mr. BUSH. I have thought it out. I am committed to it. I hope that my record reveals I am not opposed to hard work. Indeed I have done it since I can remember and I certainly will make that commitment—I have no other plans. My plan is to get in there. There is an awful lot of learning to be done. I have been back here a week and have not had access to much of the classified information even now, and probably that is better until the Senate disposes of this matter one way or another, but I promise you, sir, that I will set an example out there in terms of hours, in terms of hard work, that I think this committee will be proud of. I have done it before and I am prepared to do it again.

The CHAIRMAN. I ask every nominee this question; in simple terms now, boiled down, why do you agree for your name to be submitted and to undertake this job?

Mr. BUSH. I have a—I hope you understand this one. I have a sense of obligation to this country. I am one who is old fashioned in the sense that I think duty and obligation to serve still should be inculcated into every son and every daughter of every father, and I feel strongly about it. My foreign affairs experience has taught me the absolute essentiality of this work and it is for—this reason that I undertake this job—it is no more complicated than that. I did not seek this job. I was riding my bicycle in Peking, coming home from church. A messenger came up and said: "Say, there is news for you back at the office." I went back there, held up this telegram, and it was out of a cold clear blue China sky that this thing descended on me. And I thought about it, not long, thought about it and decided as I think maybe your opening comments confirmed, there is nothing in this politically for me. It is my obligation to my country and I just hope I can convince those who cannot accept that because maybe they do not know that to me that is what motivated me. I think my reply to the President of the United States when I sent it back reflected that.

The CHAIRMAN. You did not volunteer. They volunteered you.

Mr. BUSH. Yes, sir.

The CHAIRMAN. All right.  
Senator Thurmond?

Senator THURMOND. Mr. Chairman, I have a few questions that can be answered for the record in order to save time. I am very pleased with the statement Mr. Bush has made here and I suggest that he answer these questions for the record.

Mr. BUSH. Thank you, sir.

RESPONSES BY GEORGE BUSH TO WRITTEN QUESTIONS OF SENATOR STROM THURMOND

Question. Mr. Ambassador, what is your concept of your job as Director of Central Intelligence?

*Answer.* To provide intelligence to the President and the NSC and to coordinate intelligence from the entire intelligence community in addition to providing overall management of the intelligence community.

*Question.* In providing the national intelligence estimate to the President, do you feel strong differences of opinion should be noted in the final product?

*Answer.* Yes.

*Question.* How would you define the charter of the Central Intelligence Agency?

*Answer.* The CIA was chartered for the purpose of coordinating intelligence activities of several departments and agencies in the interest of national security. Its major responsibilities include correlation, evaluation and dissemination of intelligence relating to the national security to the President, the National Security Council and other government departments and agencies as appropriate. To fulfill these responsibilities the CIA must administer an active program of collection and the DCI must participate in the overall coordination of Intelligence Community collection. It is clearly understood that CIA will have no police, subpoena, law-enforcement powers or internal security functions.

*Question.* What is your opinion of the role of the National Security Council Intelligence Committee?

*Answer.* The National Security Council Intelligence Committee should serve as the major communication link between the primary consumers and the producers of intelligence. The NSCIC should provide guidance to the Intelligence Community on consumers' priority needs. In addition, I believe that the NSCIC can perform a valuable function by evaluating the intelligence product. It is this kind of cycle—consumer guidance, consumer feedback—that will lead to a better and more useful intelligence product.

*Question.* How do you envision your interface with the Secretary of Defense?

*Answer.* Inasmuch as the Secretary of Defense has overall responsibility for DIA and NSA, as well as the intelligence functions of the various Services, there must be a close relationship. Prime interaction will come through meetings at the NSC. I view the Secretary of Defense both as the manager of significant intelligence resources and as a major consumer in his NSC policy making role; I view the DCI as one who presents objective intelligence to the NSC and to the President.

*Question.* Can you conceive of any requirement for the CIA to engage in any domestic surveillance?

*Answer.* No. I believe that any such activity required should be conducted by the Federal Bureau of Investigation or other appropriate law enforcement bodies.

*Question.* Mr. Ambassador, as one who would report directly to the President, would you be inclined to accept instructions from some agent of the President, such as his staff director or possibly a Secretary of State?

*Answer.* As DCI, I am responsible to the President and will take his instructions in whatever manner he finds appropriate to communicate them to me. Certainly, on most routine, day-to-day matters, instructions will come through an agent of the President. However, the President has promised me direct access. I will not abuse this access, but I certainly will use it if ever have questions about the propriety of any instruction and to see that the views of the intelligence community are properly presented to the President himself.

*Question.* What do you envision as the chief problems of your position in view of the recent wide exposure of the CIA's responsibilities and activities?

*Answer.* While the current Congressional hearings have been a necessary and helpful evaluation in improving the management and oversight of the intelligence community, they have inevitably raised questions abroad about the integrity and reliability of the United States and, in addition, there are morale problems within the intelligence community. I think it is imperative that the country itself backs

the legitimate activities of the CIA. Management and control of the Agency itself could present major problems at the outset. I will take seriously the Director's responsibility "for protecting intelligence sources and methods from unauthorized disclosure" and likewise working out a proper relationship with Congress is important. All of the problems are important—none appear to be insoluble.

The CHAIRMAN. Senator Symington?

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Ambassador. It is an impressive statement you have made. Based on the remarks made already, it would appear as if you were already confirmed. But I would ask a couple of questions, and make a few comments.

First, I believe a strong economy and a sound dollar is just as important to true national security as anything else. Without an economy that is viable, this country could not preserve its system. You would agree, would you not?

Mr. BUSH. Yes, sir.

Senator SYMINGTON. I thought so, based on your record and your extensive experience. I do not know of any man your age who has had more. Now, much of the criticism of the CIA, it is clear to me, is the fault of Congress, not just the CIA. This committee's Subcommittee on Central Intelligence has never really looked into the CIA, which it should, if it wants to assume the obligation.

As perhaps the greatest industrialist I knew once said: "If a man thinks he is being watched, it is about as good as watching him." The Central Intelligence Agency has known for many years that, in effect, it was not really being watched.

I hope you will do in this job what was done by law with respect to the Atomic Energy Act. It was difficult to get any real interest in this committee, for a long time, in the development of nuclear weapons, and difficult in the Foreign Relations Committee to get any real knowledge of the great and growing impact of nuclear weapons. It was like trying to pull teeth.

So I went on the Joint Atomic Energy Committee because under the law it is the obligation of the Atomic Energy Committee to keep the congressional committee fully informed of all developments. There I found out more about atomic weapons in a few weeks than in the previous 20 years, even though I served more than 20 years on this committee. The Backfire bomber and even more the Cruise missile are probably the two most important new items under discussion from the standpoint of the future of your children and my grandchildren; and an independent civilian analysis of these from the CIA could not be more important.

I would hope you would agree that even if not questioned, that you would come before this committee and volunteer anything that you thought was wrong in the way of foreign situations or developments, your own thinking about what would be best for the country. Would you do that?

Mr. BUSH. Senator Symington, I hope that I—I know that my experience in Congress has taught me great respect for it, and I am confident that I could cooperate fully with the proper oversight committees in that regard. And I would.

Senator SYMINGTON. That is not a direct answer, but I would hope—

Mr. BUSH. The answer is "Yes."

Senator SYMINGTON. That is direct. Thank you very much.

The reason I bring this up is that, with one conspicuous exception, the CIA estimate of what a possible enemy had was invariably lower when it came to ground power than that given to the committee by the Army, the same with respect to the Navy and Air Force. There are some of us who believe that most of what we buy is necessary for the security of the United States, but some is not necessary; and all directly affects the economy.

You report directly to the President of the United States; do you not?

Mr. BUSH. Yes, sir, and the National Security Council, but I have—

Senator SYMINGTON. The National Security Council is merely an advisory board to the President. I have held two positions on the National Security Council, and with all due respect to that; what I want to know is whether President Ford will give you direct access to him.

Mr. BUSH. On direct access to the President, I did ask that in my acceptance and it was agreed to by the President.

I made clear before—as a matter of fact, as a proviso of acceptance of the job—that I would have direct access to the President and the President agreed to that, Mr. Chairman.

The CHAIRMAN. That was not clear.

Senator SYMINGTON. Thank you.

Several years ago two of the ablest Senate staff investigators went around the world. They were primarily interested in uncovering the covert operations going on in Laos. But while coming back they looked over various matters and reported that the duplication and waste of intelligence in the Mediterranean was the most they had ever seen anywhere, anyplace, any time. The CIA, the DIA, the NSA, the ONI, Air Force intelligence, Army intelligence; and also an intelligence setup in the State Department under a former Deputy Director of CIA. Everybody was collecting everything.

Much, if not most of it, was not being read. The taxpayers were paying for all of it. With your background, would you be interested in looking into such matters? After all, you will be heading the No. 1 intelligence agency in the Government, but one that only gets but a small fraction of the total intelligence dollar.

Mr. BUSH. Senator Symington, I certainly would. I cannot tell you at this time that I know exactly where the major points of duplication are. I know enough about the job now to know that as the Director of Central Intelligence that you do have some responsibilities, major responsibilities, though in some places not total authority for coordination, but as I implied in my statement or stated in my statement, I viewed that responsibility as terribly important and I will do my best to eliminate duplication. I did notice that previous Directors testifying here indicated that in some cases duplication in analysis, say, from DIA, CIA, could be helpful at times. But that is not what you are talking about. You are talking about waste and I will do my best to eliminate that.

Senator SYMINGTON. Thank you.



Somebody mentioned the mayor of New York. A prominent banker observed recently that if the truth was actually known, the condition of the Federal Government from the standpoint of assets versus liabilities, was far worse than that of the city of New York; the only difference being that Washington has the printing presses. My experience makes me believe there is merit in that observation.

One more line of questioning. An article written by General Graham—I will read one paragraph from this article—and, Mr. Chairman, I ask unanimous consent the article be made a part of the record at this point.

The CHAIRMAN. Without objection the article will be included in the record.

[The article follows:]

[From : Army, April 1973]

STRATEGIC INTELLIGENCE—ESTIMATING THE THREAT: A SOLDIER'S JOB

[By Maj. Gen. Daniel O. Graham<sup>1</sup>]

In his landmark book, *The Soldier and the State*, Professor Samuel P. Huntington draws our attention to an extremely important and sometimes neglected fact: "The military institutions of any society are shaped by two forces: a functional imperative stemming from the threats to the society's security, and a social imperative arising from the social forces, ideologies, and institutions dominant within the society. . . ."

So, the reason for the existence of our armed forces is to counter threats to our security, and the function, composition and size of those forces depend on the perception of threats by the national leadership. If the military profession loses its role in describing these threats to national security, it surrenders much of its influence in decisions about military strategy, military force structure and the nature of its own armaments.

We have in the past ten years come perilously close to losing this vital role. The impact of the intelligence views of the Department of Defense was progressively weakened between 1960 and 1970, and the voice of civilian agencies in all facets of military intelligence became progressively more dominant. The military budgets carried the onus of heavy outlays for intelligence collection, but the key intelligence judgments derived from this costly effort were for the most part made in other agencies.

This situation can be too easily dismissed as the result of bureaucratic maneuvering, of "whiz kids" ignoring military advice, or of the general growth of anti-military sentiment in and out of government. The fact is that the muffing of the military voice in military intelligence was largely of our own doing. Military professionals—both users and producers of intelligence—through failure to understand the strategic intelligence function, downgrading of the role of intelligence in general and sometimes abusing the intelligence process, have in the past produced the best arguments for taking the responsibility for threat description out of military hands. Now is the time to face these facts, and to take the attitude and the necessary steps to correct the situation.

One has little difficulty in arguing the need for good tactical intelligence among military professionals these days. One prime lesson learned in Vietnam was the fact that superior military force cannot be brought to bear in the absence of good intelligence. The Army has acted and is still acting vigorously to insure that good tactical intelligence will be available to commanders in all levels of warfare. However, we are concerned here with an area about which there is less agreement—strategic intelligence.

Strategic intelligence is that which is used to make strategic decisions. This fact is often lost sight of among planners and decision-makers. There is a tendency

<sup>1</sup> Maj. Gen. Daniel O. Graham, a 1946 graduate of the U.S. Military Academy, now deputy director for estimates in the Defense Intelligence Agency, has served in several posts in the Office of the Assistant Chief of Staff for Intelligence and the Central Intelligence Agency, and commanded the 319th Military Intelligence Battalion in U.S. Army Pacific. In Vietnam he was chief of the Current Intelligence, Indications and Estimates Division, Directorate of Intelligence Production, in the office of J2, U.S. Military Assistance Command.

to think of intelligence gathered by Washington-controlled resources as "strategic" and that gathered by the commands as "tactical" or "operational" intelligence. This is nonsense. If intelligence is used to make tactical decisions, it is tactical intelligence; if it is used to make strategic decisions, it is strategic intelligence. The means by which it is collected is quite beside the point. For example, in 1950, when front-line troops reported the fact that the Chinese were crossing the Yalu, it was tactical intelligence to all levels of command in Korea, but strategic intelligence to Tokyo and Washington. On the other hand, knowledge of a new surface-to-air missile in country X is strategic intelligence to national planners but it is tactical intelligence to any air unit which may operate in the area.

It is extremely important to get this matter straight. If we don't, we will continue to have expensive bureaucratic squabbles about intelligence resources, based on spurious arguments about control echelons. Commands will jealously guard intelligence resources on the grounds of "tactical" intelligence requirements and Washington intelligence agencies will fail to see that their refined "strategic" collection systems are producing a great deal of tactical intelligence, neglecting the need for quick dissemination to the commands.

The definitional dilemma is compounded somewhat by tactical decisions that are often made in Washington. This fact of military life today means that military intelligence organizations in Washington find themselves hip-deep in the tactical intelligence business, traditionally the purview of commanders in the field. Further, there is the unfortunate tendency among intelligence producers and users to associate the term "strategic" exclusively with intercontinental nuclear-strike matters. For instance, you would find few intelligence officers in the targeting business who would not consider their product "strategic" intelligence. In fact, it is not; it is essentially tactical intelligence stored up against the contingency of executing the SIOP (Single Integrated Operational Plan).

The general conceptual confusion between tactical and strategic intelligence is jeopardizing the commanders' control of their intelligence assets. But a more serious intelligence problem, in my view, is the danger of the military profession as a whole losing the function of defining the military threat for the national leadership. The basic problem is one of confidence in the military intelligence product within the services, the Department of Defense and the other departments of government.

The intelligence products of greatest impact in the national decision-making arena are the estimates. These contain the intelligence which most heavily influences strategic decisions. They are usually predictive in nature, pulling together basic order-of-battle, technical, doctrinal, economic and political intelligence to describe overall military postures of foreign powers. The estimates project military threats from the present out two, five and ten years. Military planners are heavily dependent on these estimates in force structuring, force development and weapons development.

It is in this area that we military professionals have been in danger of losing our shirts to civilian agencies. To put it bluntly, there is a considerable body of opinion among decision-makers, in and out of the DOD, which regards threat estimates prepared by the military as being self-serving, budget-oriented and generally inflated. This gives rise to a tendency to turn to some other source for "objective" threat assessments. The suspicion exists not only with regard to broad strategic estimates—for example, trends in the manned bomber threat—but to such detailed military estimates as the ability of the Soviet field army to sustain itself in the field under various assumed levels of combat. The trend toward independent analysis has been gathering over the past ten years and there are now analytical staffs in the civilian intelligence community paralleling those of the Defense Intelligence Agency (DIA) on almost every military intelligence subject.

The responsibility for this situation to a large degree rests with the military side of the house, not with the civilian agencies. The lack of confidence in the threat estimates emanating from military intelligence agencies which caused users to request outside opinion in the early 1960s, is fully understandable. It stemmed from a series of bad overestimates, later dubbed "bomber gap," "missile gap," and "megaton gap." These and other seriously inflated estimates of less notoriety have hung like albatrosses around the necks of military intelligence officers ever since.

In its first several years of existence, DIA was plagued by the prevalent notion, even in the DOD staff, that the agency could not be counted upon for an objective threat assessment. This suspicion was reinforced by the fact that

DIA did not perform well in the estimating area. The agency was harried by a combination of birth pains and the burgeoning demands for essentially tactical intelligence in support of Washington-level decisions on the Vietnam war. The estimates function simply muddled along until the Agency was reorganized in 1970 by Gen. Donald V. Bennett, USA. Meanwhile, planners and decision-makers had become accustomed to going elsewhere for their threat estimates.

At first blush, it would appear that the blame for this situation can be laid at the feet of intelligence officers—first in armed services intelligence agencies and then in DIA. But this is too simple; the military intelligence user must take his lumps as well. Too often the user has not been content with an objective judgment from his intelligence officer—he has wanted the answer that “supports the program.” While planner pressure on intelligence estimates is not nearly as blatant or widespread as some quarters would contend, there has been enough of it to make it tough to regain full confidence in the military intelligence effort.

In the service staffs the fact that the position of the intelligence chief is a notch under the other key staff chiefs almost invites planner pressures on intelligence. It takes a pretty toughminded assistant chief of staff for intelligence to defend an estimate that runs counter to the well-laid plans of the rest of the general staff. In some ways, planner pressure is worse when it arises in the joint staff arena. Planners of all services “coordinating” an intelligence estimate are quite capable of reducing it to lowest common denominator mush. There are still some “old hands” in intelligence who are so inured to yielding before user pressures that they automatically produce threat estimates designed to please, or at least certain not to offend. These types are getting fewer, but they still exist.

When intelligence yields to consumer pressure, it cannot remain credible. When intelligence estimates are reduced to bland judgments acceptable to all planners, it is difficult to justify the expensive outlay of resources to collect intelligence. Such inoffensive pap can be produced without evidence.

Fortunately, the somewhat dismal picture outlined above has brightened measurably over the past few years. The stature of intelligence estimates produced by the military has increased considerably and the accusations of bias have abated. Several factors account for this: DIA pulled up its socks and put proper emphasis on the estimates job; a new crop of more professional, less conformist intelligence officers is available for estimating work and, most important, there is a new appreciation of the intelligence function among our military customers.

The Defense Intelligence Agency was reorganized in November, 1970. One of the key changes was the establishment of a separate directorate charged with the production of defense intelligence estimates. One of the prime reasons for this move was the fact that there was, practically speaking, no way to discover the views of the DIA director on important estimative matters. DIA views were submerged in the text of national estimates (NIE's) prepared at the Central Intelligence Agency (CIA) and coordinated with all Washington intelligence agencies, or in the text of joint estimates which were coordinated with the service planners. The only exception to this rule was the rare dissent to a national estimate when a specific view of the DIA director was noted at the bottom of the page. DIA's institutional anonymity was, in large part, a product of the original service objections to the creation of the agency. “Running with the pack” was the one way to avoid collision with the individual services. It was bureaucratically much safer to have any substantive argument be between a service and the “intelligence community” than between a service and DIA. The trouble was that this attitude put civilian agencies in the position of final arbiters of any disagreements inside DOD on threat definition.

The new DIA directorate for estimates permitted proper attention to the estimating function. Under the old setup, the estimates job was under the directorate for production, which was also charged with answering the daily intelligence mail. The heavy demand for current intelligence on Vietnam, the Middle East and other crisis areas was too urgent and too time consuming to permit much effort on the more scholarly problem of estimates. The new directorate created an adversary process on substantive issues *within* DIA. The estimators, who must defend DIA views in the DOD and national intelligence arena, frequently challenge the results of analysis from the other DIA directorates. This necessary friction causes key intelligence judgments to be thoroughly scrubbed internally, ensuring that DIA won't find itself out on a limb defending a weak argument of some single analyst, a situation which prevailed all too often under the old setup.

The new crop of analysts and estimators available to both the service intelligence offices and to DIA are indispensable to a new effort to regain respectability for military threat estimates. Intelligence specialist programs within the services—and here the Army must be singled out as having the most effective program—are paying off in the form of real professionals capable of making objective assessments of the evidence on hand and defending the intelligence product among their fellow officers. On the civilian side, the new generation of analysts who have entered DIA are not afflicted with an overriding defensive attitude about service intelligence opinions. Many of the old hands used to react with arguments about the DIA “charter,” rather than counter differing intelligence views with good substantive analysis.

In the long run, however, the most telling factor in the improvement of military intelligence estimates is the increasing awareness among consumers that the only useful intelligence is objective intelligence. There was a time when the rule-of-thumb for acceptability of threat estimates among planners was “the bigger, the better.” Intelligence estimates which failed to maximize enemy threats in both sum and detail were likely to draw fire as “wishful thinking.” More often than not, military intelligence people came to heel under such criticism and stumped hard for the “worst-case” view. These old attitudes are waning now and simplistic demands for the scariest possible threat estimates are much less prevalent among users. Some hard lessons have been learned.

Military planners have seen some unfortunate results of inflated estimates over the past several years. With regard to Vietnam, it became painfully obvious that “worst-case” assessments of enemy capabilities by Washington estimators gave the erroneous impression that the more casualties we inflicted on the Viet Cong and North Vietnamese, the stronger they got. When theater intelligence tried to offset this by stressing the evidence of the telling effects of Allied operations on the enemy, the effort was branded as a lot of unwarranted, policy-oriented optimism. In February, 1968, the communists corroborated the estimate that they were in desperate straits by launching the militarily disastrous Tet offensive. That fact was overlooked by almost everyone, however, most preferring to believe the new gloomy estimates (later proved grossly overstated) that the VC, although defeated near the cities, had “taken over the countryside.”

Many Pentagon planners have also learned that “worst-case” estimates can be used to squelch military programs just as easily as to support them. A proposed program can be made to look like a total waste if its opponents are given free rein to postulate the size and sophistication of future threats to the system. Overestimates of future Soviet strategic missile capabilities killed the U.S. counterforce strategy at least four years before the strategy became invalidated by real Soviet capabilities.

The advent of arms limitation agreements sharply underscored some additional problems of inflated intelligence estimates. The “horse-trading” aspect of these negotiations raises the very real possibility of trading off actual friendly capabilities for enemy “capabilities” existing only on paper in our own intelligence estimates.

These examples lead to another important point that is beginning to be understood in military planner circles: Estimates of future enemy forces and hardware are by nature estimates of *intent*—not just of *capability*. The old arguments about “capability versus intent” are heard less now in DOD. It remains true that intelligence should emphasize capability in descriptions of current and near-future enemy forces. But the minute you tackle the usual problem of estimating enemy forces (or hardware) a year or so into the future, you have entered the realm of intent. For example, since World War II the Soviets have never, to our knowledge, deployed forces or fielded hardware as fast as their total capability permitted. To estimate that they would do so with regard to some weapon system or type of force in the future would make little sense. Indeed, all estimates of future Soviet forces derive from an attempt to discern what part of their total capability the Soviets *intend* to use in military programs and which programs they *intend* to emphasize. This is not a very difficult-to-fathom verity of intelligence estimating. It is remarkable how long it has taken some of our military users to wise up to it.

While not all users of intelligence in DOD have learned the pitfalls of trying to make intelligence “fit the program,” most have. Today there is a much improved market for objective intelligence judgments and this is a most hopeful sign in the field of military intelligence. When we get to the point where the strategic intelligence officer knows that his prime customers are going to raise the same

amount of hell about overstatement as about understatement of threats, the objectivity of intelligence estimates will be almost automatic.

Objective intelligence is a goal to be devoutly pursued by the entire military profession. However, an important word of caution is in order: An objective intelligence judgment is not necessarily a valid judgment. Validity depends on the evidence available to the intelligence people and the quality of the analysis applied to that evidence. Any planner or decision-maker not convinced that there is good evidence and good analysis behind an intelligence judgment should feel perfectly free to reject it. And the intelligence officer should not get his nose out of joint if his product is not always accepted as gospel. However, the user cannot insist that the intelligence officer recant and change his best judgment. If he does this, he corrupts the whole system.

To sum up, I think that the time is ripe for the military profession to reassert its traditional role in the function of describing military threats to national security. Both the military user and the military producer of strategic intelligence have come a long way since the "missile-gap" days. DIA has hit its stride in the production of respectable military estimates. While there will always be a legitimate reason for independent judgments from outside DOD on issues of critical importance to national decision-makers, there is no longer a need, in my judgment, to duplicate DIA's efforts in other agencies. The best assist the Army can give to such an effort is to insist on objective strategic intelligence, cooperate with DIA in producing it, and put good officers in the strategic intelligence field.

Senator SYMINGTON. This article said in part :

If the military profession loses its role in describing these threats to national security, it surrenders much of its influence in decisions about military strategy, military force structure and the nature of its own armaments. We have in the past 10 years come perilously close to losing this vital role. The impact of the intelligence views of the Department of Defense was progressively weakened between 1960 and 1970 and the voice of civilian agencies in all facets of military intelligence became progressively more dominant. The military budgets carried the onus of heavy outlays for intelligence collection, but the key intelligence judgments derived from this costly effort were for the most part made in other agencies.

Now, I was involved in the creation of the National Security Council, and doubt there are many here who remember the name of the first Director of the CIA. The Agency was created as much by the thinking of Secretary Forrestal as anybody, because, although he was all for the military, he realized there must be some brake on the demands of the various services for the various new weapons systems being proposed by various people.

When I read that the general who made these statements was going over to the Central Intelligence Agency, I called up the Director of the Central Intelligence Agency and asked if he knew about this speech. He asked, "Have you read the speech?" I said, no, just the record. And he said, if you read the speech, I do not think you would feel that way about it.

So I read the speech and then wrote the then Director of the CIA, the Honorable James R. Schlesinger :

Dear Jim, as you can see by the attached, I have read the article in detail and have extracted certain statements made hopefully not out of context. At the end of the article as presented he states, and I quote, "there is no longer a need in my judgment to duplicate DIA's efforts in other agencies."

As you know, the Defense Intelligence Agency is part of the military setup. Especially in that this article, and the fact that he is going to work for you in the Central Intelligence Agency have created much comment down here. I would hope we would get together soon re same. Sincerely,

Then I added a long-hand note, "Specifically where does this leave the CIA?" The second paragraph is what I just read to you.

This letter was dated April 13, 1973. A few days or weeks later Mr. Schlesinger became the Secretary of Defense. One of the first

things he did was to take General Graham back into the Pentagon and make him the Director of the DIA. To me that was questionable based on what the man had written.

What I am getting at is this. You will feel entirely independent of anybody, use your own mind, based on your own experience, when you analyze what this country needs for its national security as against your estimate of the threat.

Mr. BUSH. Yes, sir.

Senator SYMINGTON. I am very pleased to hear you take that position. Knowing you and your family for many years, I accept every statement you have made today as accurate. I believe you are well qualified for the position. If you will stick to your guns, as you have said you would do this morning, I see no reason why you cannot have outstanding success in this position.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Tower, did you have any questions?

Senator TOWER. No; I defer—

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. I do not have any questions, but because there is a strong possibility that you might be asked about Vice Presidential intentions by one member who is a candidate and another one who might be, I thought it might help if one who has been around that track, made a few comments on it. I agree completely with your statement. You say, "I don't think any American should be asked to say he would not accept."

And I do not think any American would. I do not mind telling you that I recommended that you be Vice President to Mr. Nixon and again to Mr. Ford. To your advantage they saw differently than I did.

Now, Vice Presidents are not selected in the committee room of the armed services. Maybe the way we do it is not the way it should be done. I do not think it is. It may not be the best, but usually some hotel room is the meeting place and I remember in 1956 when Mr. Nixon was picked in a hotel room in Chicago. Then in 1960 another hotel when Mr. Lodge was picked.

In my case I have forgotten whether it was my room in a hotel or somebody else's room, but I called on the Members of the Congress and asked who they would like me to name as Vice President and they gave me the name of Bill Miller.

In 1968 in a hotel room in Florida, the Fontainebleau, I believe it was—

Senator TOWER. The Hilton.

Senator GOLDWATER. I don't remember where it was. I was so many years ago.

From about 1 o'clock in the morning to about 5 o'clock in the morning we met with Mr. Nixon and he finally said, could you live with Mr. Agnew? So that is the way this job is going to be chosen and it is not going to be done here. I hope none of our members bedevil you about whether you will or will not because you might ask them the question who asked you to run for President. That would be a good point. Do not ask me.

I just want to tell you, George, it is a real pleasure to have you here. I know Senator Symington, your father and I all started service

in the Senate at the same time, and you follow all the fine traditions of your father. The only mistake you have ever made was moving to Texas. [Laughter.]

The CHAIRMAN. All right. Thank you, Senator Goldwater. Senator McIntyre?

Senator McINTYRE. Thank you, Mr. Chairman.

Ambassador Bush, the key issue is, of course, the political background that you have already achieved, and it appears to me that there are several ways to approach the issue. You have stressed that your political background should be considered as an asset, especially when contrasted or measured against the performance of some CIA career men. I have to admit this position does have some appeal. But there is another strong and reasonable position that says that no one with your political background and past should be considered. That argument goes on to say that the FBI and the CIA are two posts in Washington that have to be considered differently than Cabinet posts.

Those positions, like the Supreme Court, should be insulated completely from politics and—if one agrees with this opinion—then no matter how qualified you may be, you are disqualified because of your background.

There is another position, too, and that is that a politician should not be automatically disqualified if he possesses the other necessary qualities. And certainly, Mr. Ambassador, it would be beneficial to have someone who is sensitive to the public and who understands the concepts of accountability to the people.

However, is it appropriate to have someone with a clear political background at this time in the history of the CIA? Public confidence in the CIA must be at a low point now after Watergate and the revelations of political abuses in past administrations.

Now, as a firm believer in the importance of the CIA and the necessity of its legitimate functions, I do not want to see the agency further weakened by the appointment of a person who is perceived, whether rightly or wrongly, by the public as a political person.

Thus, at this particular time in the history of the CIA, this is the question that concerns me: Is it appropriate to appoint someone like you? I would appreciate your reaction to this middle position, this third position, that you should not be disqualified if you have the other qualifications, but at this time in history, what are the public perceptions going to be?

Mr. BUSH. Senator McIntyre, it is my view that there should be one criterion. I am not trying to tell you how to run your business, but I think there should be one criterion. If you accept that my foreign affairs background has been conducted without political favor, and if you accept the premise that it does not hurt to have been involved in politics, not wholly partisan but so you have a feeling for the people, then it seems to me that I think if I tried to put myself in your shoes that I would not be concerned about appearance or what editorials say.

But does this man have the character? Does he have the integrity to do this job? And if you have a reservation in your mind about that, I would understand your voting it down right now; but if you do not, I would find it difficult for you to say, George, you are qualified,

you have the political feel, but you are disqualified because other people will not think it is all right.

So that would be my answer to that question, sir, and I hope you find I do have it and I hope you find that in two rather sensitive jobs—the minute I walked into them, politics was put behind me. You take that United Nations mission—104 people—I do not think you will find any one of them saying I did anything to politicize. I hate sitting here blowing my own horn but what I did was lift the morale in the place and although there were understandable reservations about my qualifications when I went there, I think some of your colleagues that served with me and the others would say that I did a good job.

So I would hope you would put emphasis on my ability to do it because I understand there is this “appearance.” I just do not think this committee should knuckle under to appearance if indeed I have the qualifications.

So I would ask to be judged on my integrity and character as opposed to how somebody else might view a job.

Senator McINTYRE. Let me ask you one very mean question that I would not have thought of asking of a similar appointee 5 years ago. But in view of history, let me ask you this question.

You said you were riding a bicycle in Peking when you suddenly got word of this appointment. You did not seek this appointment. I know you told me that you felt that if the President wanted you to take this vital position, that your sense of duty to the country and to the President was paramount and you accepted it.

Now, let us assume you are appointed. Let us assume we are moving 3 or 4 months down the campaign trail. You are not going to be impervious to that fact. You are going to read the papers, I know.

What if you get a call from the President next July or August, saying “George, I would like to see you.” You go in the White House. He takes you over in the corner and he says, “look, things are not going too well in my campaign. This Reagan is gaining on me all the time. Now, he is a movie star of some renown and has traveled with the fast set. He was a Hollywood star. I want you to get any dirt you can on this guy because I need it.”

Now, what are you going to do in that situation? What can you do and where would you go?

Mr. BUSH. I do not think that is difficult, sir. I would simply say that it gets back to character and it gets back to integrity; and furthermore, I cannot conceive of the incumbent doing that sort of thing. But if I were put into that kind of position where you had a clear moral issue, I would simply say “no,” because you see I think, and maybe—I have the advantages as everyone on this committee of 20–20 hindsight, that this agency must stay in the foreign intelligence business and must not harass American citizens, like in Operation Chaos, and that these kinds of things have no business in the foreign intelligence business. Under my leadership they will not have, and so that causes me no problem whatsoever because, as I have said, and I really believe I am putting politics behind me on this. Again we get back, Senator McIntyre, to my being able or not able to convince you of that.



That is the main thing. And then if I can convince you, then you should no longer be troubled by that kind of question—I understand your raising it but I think if I have the integrity you should not be troubled by the question.

Senator McINTYRE. But your answer is that you would say no, Mr. President.

Mr. BUSH. That I would—

Senator McINTYRE. That is it.

Mr. BUSH. I would say no, Mr. President. Yes, sir.

Senator McINTYRE. I think somehow, Mr. Chairman, the law should require that when the CIA Director is asked to do something like that he should report it to the U.S. Senate. As you may know, in almost the same fashion this was done and the CIA Deputy Director agreed with the telephone call because he said he knew it was the President of the United States talking. That is why I asked the miserable question.

I cannot conceive that you would do it.

Mr. BUSH. Yes, sir.

Senator McINTYRE. I talked to one of the former CIA Directors just recently, and he said, "Tom, I had no place to go."

I do not know how true that is, but he said so.

Thank you very much. I will give you every consideration.

The CHAIRMAN. Thank you very much, Senator McIntyre.

Senator Bartlett, you are next.

Senator BARTLETT. Mr. Chairman, thank you.

There has been a lot of talk about different approaches and vehicles to be established—oversight capabilities over the CIA. How would you welcome much closer oversight as a means that you meet your goals and do a better job?

Mr. BUSH. Senator Bartlett, my view on that matter is, that is a matter for the Senate to determine, whatever the oversight responsibilities should be. One of the recommendations of the Rockefeller Commission was some kind of a joint committee and all I can tell you is that I will closely cooperate with whatever authority is set up for the Senate, the House, but I have no hesitancy in saying that I will fully cooperate. I am sure there will be times, very frankly, when there could be differences as to what may be disclosed, but I will cooperate to the best of my ability with whatever oversight authorities are in existence now and with whatever oversight authorities the Congress decides on for the future.

Senator BARTLETT. What I was getting at, with your background in Congress, do you feel it would be helpful in achieving the goals of CIA to have committees better informed than they have been in the past on a continuing basis?

Mr. BUSH. I do, sir. And I would approach my job in that manner.

Senator BARTLETT. Mr. Ambassador, you mentioned on page 5 of your statement:

Many of our friends around the world and some who are not so friendly are wondering what we are doing to ourselves as a nation as they see attacks on the CIA.

Where do you think the line should be drawn in the investigations presently going on?

Mr. BUSH. Well, it is a very hard question because I have been gone and have not watched all the details. Certainly I have no problems

with the congressional investigations per se. This is the prerogative of the Senate. It is the prerogative of the House. They ought to do it.

I was somewhat alarmed when I turned on a television program the other night and saw some individual on a British program wantonly disclosing names of corporations that had cooperated with the CIA. I do not find that useful to our security and intelligence or anything else. I have no detailed knowledge of what these organizations do. I just do not have that. I have not been briefed on that. But I just have the feeling that there is something wrong when you pick up Playboy magazine and read—which I do not do very often, Senator Bartlett. [Laughter.]

And read a detailed exposé naming names of CIA agents which could endanger their families, possibly. But I do not like that. I think those kinds of things confuse our friends and delight those not so friendly who would like to know a great deal more about our intelligence.

So in this statement I just wanted to get it out there. There are some people that feel differently about it. I think you need a balance between disclosure to the public and what I would consider wanton disclosure that does not work in the interests of the United States.

Senator BARTLETT. Mr. Ambassador, I would like to say I applaud what you have said about the comments that have been made in your direction concerning your chairmanship of the Republican Party and your being a politician. I think there can be real hypocrisy involved in such attacks.

I think that politicians are like any other professional or other people, they can be good or bad or in the middle. I think a person should be judged on his own character and his own abilities and he could have been or could not have been a politician and meet the test.

I really applaud you on that because I think that we could not have people who wanted to serve in whatever capacity they might be asked, or they wanted to be available to do their best and be unable to do it because of some experiences in the past that were perfectly fine and honorable but were so-called political. So I commend you very much.

Mr. BUSH. Thank you.

Senator BARTLETT. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Bartlett.

Senator Byrd?

Senator BYRD. Thank you, Mr. Chairman.

Mr. Bush, we know each other and have had an opportunity to talk and know each other's views. I think it is very important that our country have a strong intelligence agency. We are spending \$90 billion on defense. Most of the Members of the Congress feel that is necessary. And indeed it is in my judgment. I also feel that a strong intelligence agency is a very important part of the defense mechanism and I know from talking with you that this is your view as well, as you have enunciated it here today.

I think it is vitally important also that the CIA be completely divorced from partisan politics, and in reading and hearing your statement this morning, it seems to me you have gone about as far as a person can go in that regard. In your statement you say, "I recognize the need to leave politics the minute I take on the new job if confirmed."

And you also say, "If confirmed, I will take no part, directly or indirectly, in any partisan political activity of any kind."

And then on the next page you say, "I will put politics totally out of my sphere of activities."

So you have gone very far in your statement in that regard.

I have one question which is along the line of Senator McIntyre's, but it is a somewhat broader one, I suppose. I assume that if confirmed, you would not permit the CIA to be used by any individual or any group for partisan political purposes.

Mr. BUSH. That is correct, sir.

Senator BYRD. Mr. Chairman, I think the nominee has the judgment, that he has the ability, and that he has the character to assume this very important position. I was concerned when it was first announced because of the political aspects. But in thinking about it further, I am convinced that—George Bush being the type of man that I know him to be—I need no longer have that concern. I think the chairman brought out a very good point. If a person did have political ambitions, this is about the worst place possible to use as a stepping stone.

Be that as it may, I have no longer any concern about the nominee's position on these matters, and I shall be glad to support the nomination.

The CHAIRMAN. Thank you, Senator Byrd.

Senator Hart?

Senator HART. Thank you, Mr. Chairman.

Mr. Ambassador, along with Senators Tower and Goldwater, I have worked for the last 10½ months on the select committee looking into the intelligence community. Those of us who have been involved in that experience feel strongly not just about this confirmation but about the future of the intelligence structure of this country.

You have said, and I think it is admirable, that "things were done that were outrageous and morally offensive. These must not be repeated and I will take every step possible to see that they are not."

I would like to probe a little about what steps you would take to see that they are not.

You have talked, and I think rightly so, about political insulation but primarily along the lines of insulating the agency from your own political background. I am more concerned about insulating you from the rest of the political process, particularly in the White House. What those of us on the committee have found out is that sometimes the agency was off on its own, but just as often it was operating under the direction of political figures of various administrations in both parties.

What steps would you take to insulate yourself from the desires of a President to promote his own political purposes or to conduct some operation abroad that in your judgment was not in this country's interests?

Mr. BUSH. Senator, I do not know how one insulates oneself from the wishes of somebody else. I mean I do not—if one has access he is—this is going to be nitpicking here but it is hard to insulate oneself from the wishes.

In terms of the execution of something I think is wrong I would clearly—and it gets tough because the President has certain rights and certain responsibilities over the intelligence community and certainly over the Defense Intelligence Agency where he is Commander-in-Chief of the Armed Forces, but again I would not try to insulate myself from the President per se as an answer to the question. I would

insist that to the degree it was possible, given the timeliness of whatever the situation was, that the proper bodies of the National Security Council, have the right to act on these matters.

I think we need to study it. There is a wide range of committees in the intelligence community, some of which I am familiar with, many of which I am not, and I think there are all kinds of ways to be sure that what you do in the final analysis is properly recommended. But once it was recommended and you get down to a moral question that you disagree with, you in the final analysis after urging reconsideration or saying I want 24 hours to present the views of the intelligence community or the CIA or whatever it is, in the final analysis you have only one remedy. I think we both know what that is. That is to get out.

Senator HART. There is another one. That is to let the President know where you stand on some of these things before you go into office. There is no doubt in his mind how far you are willing to let the CIA go.

Mr. BUSH. I accept that, sir; yes, sir.

Senator HART. Let us probe what you feel to be morally offensive and outrageous. How do you feel about assassinations?

Mr. BUSH. I find them morally offensive and I am pleased the President has made that position very, very clear to the Intelligence Committee and I think also Director Colby who I think knows about this, I know he feels—

The CHAIRMAN. Excuse me. What was your question?

Senator HART. The question was whether a Director of the CIA can insulate himself from wrong political pressures by letting the President know the bounds beyond which he will not go as director—before he takes office.

The CHAIRMAN. Yes.

Mr. BUSH. I accept that. I think it is an excellent suggestion and I would be prepared to do it. I think in matters that did come up violating the rights of citizens in this country, I think if I continue to emphasize we are talking about foreign intelligence, that will help. There are some legitimate things that must be done domestically by the CIA, in its own security, for example, but emphasizing foreign intelligence could help with the problem that understandably troubles the citizens in this country.

Senator HART. I want to get to that, but let me pursue some of the foreign techniques. What about supporting and promoting military coups d'etat in various countries around the world?

Mr. BUSH. You mean in the covert field?

Senator HART. Yes.

Mr. BUSH. I would want to have full benefit of all the intelligence. I would want to have full benefit of how these matters were taking place but I cannot tell you, and I do not think I should, that there would never be any support for a coup d'etat; in other words, I cannot tell you I cannot conceive of a situation where I would not support such action.

Senator HART. What about supporting the overthrow of a government that was constitutionally elected?

Mr. BUSH. I think we should tread very carefully on governments that are constitutionally elected. That is what we are trying to encourage around the world and I feel strongly about that.

Senator HART. What about paramilitary operations, providing funds and arms to establish a government that we wanted?

Mr. BUSH. I can see certain circumstances where that would be in the best interests of the United States, the best interests of our allies, the best interests of the free world.

Senator HART. How about providing money for political parties and candidates in various countries?

Mr. BUSH. I have a little more difficulty with that one but, again, without having the benefit of the facts and what the situation is surrounding it, I would not make a clear and definitive statement whether that ever or never should be done.

Senator HART. You raised the question of getting the CIA out of domestic areas totally. Let us hypothesize a situation where a President has stepped over the bounds. Let us say the FBI is investigating some people who are involved, and they go right to the White House. There is some possible CIA interest. The President calls you and says, I want you as Director of the CIA to call the Director of the FBI to tell him to call off this operation because it may jeopardize some CIA activities.

Mr. BUSH. Well, generally speaking, and I think you are hypothecating a case without spelling it out in enough detail to know if there is any real legitimate foreign intelligence aspect, but generally speaking the CIA should butt out of the domestic business and it certainly ought not to be a domestic police force and it certainly ought not to be involved in investigations domestically of this kind of thing.

Senator HART. That is the easy side.

Mr. BUSH. Well, it is not—

Senator HART. I am hypothesizing a case that actually happened in June 1972. There might have been some tangential CIA interest in something in Mexico. Funds were laundered and so forth.

Mr. BUSH. Using a 50-50 hindsight on that case, I hope I would have said the CIA is not going to get involved in that if we are talking about the same one.

Senator HART. We are.

Senator LEAHY. Are there others?

Senator HART. There has been a doctrine operating between the political structure and the intelligence community for many years called plausible deniability. It is letting the President know just enough about what is going on, but not enough so that when the question is asked, "Did you know this was going on?" he has some grounds for denying that he knew.

How do you feel about that, particularly where major covert operations were involved?

Mr. BUSH. I think the President should be fully involved and though I understand the need for plausible deniability, I think it is extremely difficult. I just do not think a President should be shielded when you are dealing with something this important, from the totality of the information. That is my own view on it.

Senator HART. Now, Senator Symington pointed out that too few people in this country are aware that the Director of Central Intelligence controls only about 15 or 20 percent of the intelligence budget. Eighty percent of that is under the control of the Secretary of Defense.

Do you have any recommendations or thoughts on how one operates

as the Director of the entire intelligence community and yet does not control the vast bulk of their budget?

Mr. BUSH. No. I will welcome the recommendations from your committee or welcome the recommendations of the Pike committee. I will welcome the recommendations that are being prepared as I understand it in the White House now. I have been here a week and I have no firm judgment on how that should be done. I would make a general statement, though, that if it is determined by these recommendations that the Director should have the authority, it seems to me that the best way to have the responsibility is to have something to say about the funds; and so I think in that area you might find the answer. But, again look at and study, before I took a personal position, the views of the various committees that are studying these matters. They have been on it for several months and I have been back here 1 week, and I would be presumptuous, I think, to say these are my final views.

On separating the Director of Central Intelligence from his CIA responsibilities, I have some general feelings on it. One is the Director of Central Intelligence needs some kind of a base. He has one now in CIA and I am not enthralled with the concept that everybody has his empire and you are just floating around FOB someplace. That is a generalized concept, but if you are going to have the responsibility, you ought to have some muscle, some authority, to do something about it with.

So I would hope whatever your committee recommends and whatever others recommend they do not set up some Director of Central Intelligence and then not give him the tools to enforce these coordinated activities through budgetary control.

That is very general, Senator Hart, but I do not—

Senator HARR. But I think what you are saying—

Mr. BUSH. I have no recommendations yet.

Senator HARR. You would be willing to go to the mat with the Secretary of Defense to get a little more authority over how that 80 percent of the intelligence budget is spent.

Mr. BUSH. The answer is yes, sir, but particularly if you are supposed to have the responsibility for it. I think you must do that, and I think I would be in a position to—I would not say have equal standing because those are Cabinet positions, both State and Defense, with policymaking functions. This is not, as I conceive it, and I think it is properly conceived as defined in the statute, a policy job; but I can see situations where I would want to forcefully present the views of the intelligence community even though they might be on a different direction from existing policy, and let somebody else make the policy, but get those views in there.

Senator HARR. How is my time, Mr. Chairman?

The CHAIRMAN. You have run over.

Senator HARR. I had some other questions, but let me just make one observation that I made to you when we visited in my office briefly, and that is—leaving aside your qualifications, background, integrity, and ability to convince us you will not politicize nor permit the CIA to be politicized despite your political background—there is still a separate question all of us have to acknowledge. This is the precedent

established by this kind of appointment. Despite your qualifications, it is a step in the direction that troubles many of us, but it does not reflect on your personally one iota.

Mr. BUSH. May I respond to that, Mr. Chairman?

The CHAIRMAN. Yes; but make it as brief as you reasonably can. Mr. Leahy has been waiting.

Mr. BUSH. Senator Hart, I would simply appeal that you not make judgments on your vote based on outside appearances, editorials, fear of whether somebody is going to say a "politician," which I do not think is a bad word there. I think it should be made on the basis of qualifications and integrity and how it is going to be viewed a year from now, 2 years from now, 3 years from now, and that is what I appeal to you to do in determining whether I am fit to take this job.

Senator HART. Mr. Bush, I do not make my judgments based on editorials.

Mr. BUSH. Yes.

The CHAIRMAN. Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman.

Mr. Ambassador, earlier in a statement made by Senator Stennis as chairman of this committee, he said that he would question your judgment if you were using the CIA as a steppingstone to the Vice-Presidency. I might add that I would question your sanity if you were going to use the CIA as a steppingstone to the Vice-Presidency. I cannot imagine any worse way today to get into that. But I would like to go into a couple of areas.

Mr. BUSH. Yes, sir.

Senator LEAHY. Senator Hart has asked you about political assassinations and absent, I would assume—we will not get the question too muddy—absent a declaration of war in a particular area, do I understand your answer to be that you are totally opposed?

Mr. BUSH. Yes, sir.

Senator LEAHY. To political assassinations?

Mr. BUSH. I understand a directive has gone out on that. We would not need it as far as I am concerned. I do indeed. It is appalling to me.

The CHAIRMAN. Mr. Bush, excuse me a minute. Use your microphone please.

Mr. BUSH. I am opposed to political assassinations and—

Senator LEAHY. I understand there is a directive from President Ford on that. Suppose you were serving under another President and such a request was made of you as CIA Director. What would you do?

Mr. BUSH. I would—I feel strongly enough about that one—you have precluded wartime—to say that would be the place where I got off or he changed his mind, one.

Senator LEAHY. Let me follow up on a question asked by Senator McIntyre. Besides resigning, would you feel strongly enough about that to report it to the proper oversight committees? For example, in the Senate, the Armed Services Committee?

Mr. BUSH. On that matter, yes, sir.

Senator LEAHY. Then let me ask you—

Mr. BUSH. Can I elaborate once more? I can see situations where I might resign.

Senator LEAHY. Certainly.

Mr. BUSH. Over something that I conceived to be a real moral problem but where the Chief—where the President had the legal right to go through with it where I would not do that or I might quietly fade away without calling a press conference or without making a scene—but I would always faithfully try to testify before the appropriate oversight committees of the U.S. Congress.

Senator LEAHY. I am concerned over what is the best way for Congress to carry on this oversight function. For example, can the Congress carry on its oversight function if it has full control and debate over the CIA budget or should they—

Mr. BUSH. I think the proper investigative bodies of Congress, I mean the proper oversight committees, should be informed on the budget but I would oppose making the CIA budget public.

Senator LEAHY. I am concerned—I recall once in a debate in this committee, and without giving out any secrets, having a whole series of little items, \$5 million and \$10 million, and so forth, until we got down to the bottom item of several hundred million dollars put in there for miscellaneous use. Coming from a small state, that seemed to be a lot of money, and I wondered exactly what it was. I am wondering how we can carry out this oversight.

Mr. Ambassador, do you feel the Congress has done an adequate job of carrying out its oversight function of the CIA during, say, the past 4 or 5 years?

Mr. BUSH. I think many individuals in the Senate that I have talked to feel that it has not and I would be inclined to go along with that. But I again do not have all the evidence on that that has come to your committee.

Senator LEAHY. Has this committee itself, the Armed Services Committee, done an adequate job?

Mr. BUSH. I am not about to sit here criticizing the Senate Armed Services Committee, given the limited amount of information I have. Your committee has had access to a tremendous amount of information. I have had access to none of it, and I do not know how many meetings they have had and I just simply am not going to criticize this committee because I do not know how many times you have met on this. I have not been briefed.

Senator TOWER. Would the Senator from Vermont yield for a comment from a member of the select committee on that point? Senators Hart, Goldwater, and I serve on the Senate Select Committee on Intelligence. I think it would be useful for the committee to know, at this point, that the select committee is at the moment considering various oversight options to recommend to the Senate. That is currently ongoing in the select committee and on the 20th of December the chairman of the committee, the vice chairman, and myself, will testify before the Government Operations Committee on this very matter. So it is a matter currently under consideration.

The CHAIRMAN. All right, Senator Leahy.

Senator LEAHY. The Congress has this year carried out two fairly substantial investigations of the CIA, both in the House and in the Senate. Has that hurt the CIA in your estimation?

Mr. BUSH. I have not been out there. I do not know what effect it has had on the morale of the CIA. I simply cannot answer that question. Around the world I think some do not seem to understand



our constitutional process, and so perhaps it has raised some eyebrows. I know it has in some other countries, but whether it has hurt it here, I simply cannot say. To the degree it has encouraged the outside and wanton disclosure, and my understanding since I have been back here for 6 days is that these committees have both been very responsible with classified information and I do not see how the charge can be made that in doing its constitutional duty that it has hurt.

Senator LEAHY. If the Congress had done a thorough, continuing, ongoing oversight of the CIA during the past 5 years, would these committees have been necessary?

Mr. BUSH. Probably it would not have been necessary.

Senator LEAHY. Thank you.

Mr. BUSH. On the other hand, perhaps it is timely to have a review that will make some substantive suggestions. It is my understanding that both committees are empaneled in order to suggest legislative change and it is those suggestions that I would like to see and I would certainly believe to the degree they are left for administrative decision, I would consider them very, very thoroughly because I know people have put in an awful lot of hard work on those committees.

Senator LEAHY. How would you feel about taking the oversight away from the present committees that have it and putting it into a special joint committee?

Mr. BUSH. My 4 years in the Congress taught me one thing and that is to let the Congress determine its own procedures, and I would simply bow to the will of the Congress and cooperate fully with whatever is decided by the Congress. I would cooperate.

Senator LEAHY. I am not on the Select Committee. Senator Hart, Senator Tower and Senator Goldwater are but could that be an effective way of carrying out the oversight of the CIA?

I am not lobbying for any particular method of doing it, Mr. Ambassador.

Mr. BUSH. I think it could and it is a recommendation of the Rockefeller Commission. I support that recommendation, but having said so I would, if there is some new situation that comes forward, I would be glad to consider that—I will offer my full cooperation if I am confirmed to whatever vehicle Congress decides upon.

Senator LEAHY. Mr. Ambassador, you mentioned the Rockefeller Committee which has spoken of having a Presidential Advisory Committee on Oversight. Do you support that?

Mr. BUSH. There already is a Presidential Advisory Committee—the Foreign Intelligence Advisory Board—and it would have my full cooperation, sir.

Senator LEAHY. Well, that was going to be my next question.

The Foreign Intelligence Advisory Board was first established back in the mid-50's by President Eisenhower. It was the President's board of consultants on foreign intelligence activities. I understand the name was changed in 1961 by President Kennedy to the President's Foreign Intelligence Advisory Board (PFIAB).

There have been three different charters—1956, 1961 and 1969. The contents were about the same.

This summer I had my staff look at the President's Foreign Intelligence Advisory Board. I cannot really see where it can carry out much in the way of oversight functions. They have had a relatively

small budget. They get almost all their information from the CIA, according to their staff director on foreign intelligence matters.

According to their staff people down there, they point out that their job did not include oversight and review of the CIA but rather is confined to coming up with ideas which would improve our intelligence efforts and they brought out one of them, the U-2. The Commission report on the Board said it does not exert control over the CIA. In fact, the CIA is the Board's only source of information about CIA activities.

Do you think that is really going to do an awful lot for us?

Mr. BUSH. I think that depends on what these committees come up with. If your implication is, and maybe I missed it in the question, Senator Leahy, you said they rely on the Director of Central Intelligence or the CIA for intelligence. I would oppose yet another intelligence-gathering organization. So maybe I misread that. But I feel that the Board has a useful function.

I notice one of the recommendations in the Rockefeller Commission is that the Inspector General should report any irregularities that he finds to the President's Board and I think in those areas and perhaps others that your committee can suggest it would be good. The fact that they get their information from the existing intelligence community does not trouble me because I do not think we need another intelligence agency.

Senator LEAHY. I agree with you on the inspector general, but the Commission also found that because of the CIA's compartment—the way they have set up their compartments in there, their compartments' secrecy and all, that the inspector general never even knew of the illegal and improper activities which recently have come to light.

Would you, if you were the Director of the CIA, upgrade the staff and responsibility of the Inspector General? Would you give him access to all CIA files?

Mr. BUSH. I think I read enough on that, sir, to answer affirmatively, yes, I would.

Senator LEAHY. Would he be allowed to report directly to the appropriate congressional oversight committee if one is set up?

Mr. BUSH. I sure would want to be sitting next to him—

I do not think that you need to be able to have absolutely everybody go off freewheeling but certainly the inspector general should be made available to these committees, but I would like to know what was going on, and it is my intention if confirmed for this job to know what is going on as much as possible.

If you suggest, and I may be misreading it, that I would not know what the testimony was or I would not know what he was doing, just testifying—

Senator LEAHY. I am not suggesting that at all.

Mr. BUSH. So I would simply think, yes, he should be available. I would like to know about it.

Senator LEAHY. I am not suggesting you not know what he was talking about at all, Mr. Ambassador. I would not suggest that of any agency head of their own inspector general.

What I was concerned about is that the inspector general in many ways has far more time to look for these things than the Director does, and I want to be sure that he has such access because in the past

apparently he has not had such access and that is probably one of the reasons we are facing this problem today.

Mr. BUSH. Let me tell you why I respond that way.

In the Rockefeller report there was a suggestion that he go directly to the PFIAB. I have no problems with that. But I want to be informed. I want to know about it. And if he was saying what his suggestions were, I would like as the Director, to know about it and then also have the right to say whether I agreed or disagreed.

You have got to have a disciplined organization.

The CHAIRMAN. I am sorry Senator but your time has run over. You may ask one more question.

Senator LEAHY. I will wait until the next go-around.

The CHAIRMAN. All right.

Mr. Bush, some minutes ago on the proposition of having a request from the executive department, be it the President or someone under the President, you gave a response as to what your action would be. Would you direct your first deputy, we will say, to report directly to you any request of that nature that he might receive?

Mr. BUSH. Yes, sir; I would.

I think it is essential that the Director be informed of White House requests.

The CHAIRMAN. Yes.

Mr. BUSH. And I do not know how many they get over there. Some of them I am sure are strictly routine, but certainly as a matter of principle I think whether they come into the Counsel's office, the inspector general's office, the deputy's office, I would insist on being informed.

The CHAIRMAN. I was directing the question mainly at matters of serious importance and consequence. Would you apply that same rule, then, to your chiefs of divisions? I do not know just what term you may use in the CIA but I am thinking in terms of those who have charge of various major operations. Would you instruct them, too?

Mr. BUSH. Yes, sir.

The CHAIRMAN. It seems to me that is getting at the thing in such a way as to make the total responsibility and authority yours.

Mr. BUSH. Yes, sir. I would.

There are four deputies in addition to the—and I would do that, the same for the inspector general, the same for the General Counsel's office.

The CHAIRMAN. And to ensure that you are directing the policy on those kinds of questions—I am not hitting at any President—but to ensure that you did have that responsibility and power you would also direct any others who are in key positions to give the same reports to you.

Mr. BUSH. I would, Mr. Chairman.

The CHAIRMAN. A matter that I have been concerned with for years is the fact that you are not only Director of the CIA but you are Director of all the central intelligence community which includes operations of the DIA and others, but still you do not have the authority over them. You just have the authority over what I call the CIA proper or hard core. That money is put in another budget. It is a separate matter.

Now, if you are confirmed, I want to strongly suggest that you take the lead in trying to get a workable, practical plan, because if you are

going to have the responsibilities, you must have the authority. Did I make that clear to you?

Mr. BUSH. Yes, sir.

The CHAIRMAN. What is your response to that?

Mr. BUSH. My response, Mr. Chairman, is I hope I can find ways to implement that suggestion.

The CHAIRMAN. Yes. Some very able men have tried and have undertaken such a mission but due to the pressure of various other matters have not come up with anything very practical. You already see that problem facing you, do you not?

Mr. BUSH. I see the problem, Mr. Chairman, but I cannot in conscience tell you I see the clear answer.

The CHAIRMAN. No.

Mr. BUSH. Because I see between the Defense Intelligence Agency and CIA and others in the community, an enormous problem of coordination, but I can pledge to this committee I will address myself to it as best I can.

The CHAIRMAN. Yes.

It is a very delicate and sensitive matter by nature and then it is a very practical problem, too, but I think it can be handled. It just takes some cooperation between the executive branch and the legislative branch.

I have been impressed with your answers to Senator Leahy's questions, all of which were good, regarding the Inspector General. You said you would want to be with your Inspector General, or be informed. I judge that it is by no means that you would try to control what he said, or anything of that kind, but feel that since the responsibility rests on you, you would want to know and would be entitled to know, I think, what his testimony was or what he was saying. Is that correct?

Mr. BUSH. That was my point, Senator.

The CHAIRMAN. Well, I have always advocated keeping the power where the responsibility is and keeping the responsibility where the power is. I said earlier in a brief opening statement that through these hearings we can emphasize the absolute necessity of a clear consciousness on the part of the Chief Executive of the Nation of this special power that is vested in him under the act and of the care and personal attention the President must give through this exceptional power and also to the individual that he selects to act for him.

Quoting further I said "I hope these hearings will emphasize that point." I think the hearings have emphasized that point to you, to the public, and to the President, in the questions that came from Members other than me, and my time has expired. As I see it, it is an obligation that you owe to the President especially, to keep him directly advised of the enormous duties.

I believe it is almost beyond human comprehension, the ability the President must have to reach his obligations. But this is a special law and operates in a special way. It is not within the pattern of other agencies as I see it, and the President is going to need your help as well as you need him. So you are conscious of your obligation in that way.

Mr. BUSH. Yes, sir; I am, Mr. Chairman.

The CHAIRMAN. Not trying to protect him from things but to protect the country, your position, and the obligation that you assume. Is that the way you see it?

Mr. BUSH. Yes, sir. I see it—I see that relationship clearly.

The CHAIRMAN. Yes.

Mr. BUSH. Some have charged that because I know the President personally, that would be bad for some reasons. I think it is good. If I have the proper integrity for this job I think the intelligence community is entitled to have its views forcefully, firmly presented to the President and then have the policymakers take over. That is my concept of this relationship, and certainly if there was wrongdoing or I detected improper pressures from the White House, I think, because of access, I would be in a reasonable position to do something about it.

I am not saying I am omniscient and would see right away that it was good or bad. I think there are some gray areas. But I would have the access and I think I would use it not to do bad things suggested by the White House but to see that the CIA views are fairly presented.

The CHAIRMAN. You would either correct those matters of any greatness at all yourself or take it up with him.

Mr. BUSH. Yes, sir.

The CHAIRMAN. All right.

I thank you very much.

Senator Symington?

Senator SYMINGTON. Mr. Ambassador, several points you made this morning worried me a bit. I do not think you really meant it that way when you said; maybe you were old fashioned, but you still believed in patriotism.

I have watched my four grandsons, children of today—and believe the youth of today are equally patriotic. I think leadership in the executive branch—and I am not talking about any one administration—and leadership in the Congress is more responsible for the recent lack of desire to join the armed services than anything, these “no-win” war concepts, for example.

I would hope you would not think most of the youth of today are not patriotic.

Mr. BUSH. I have four sons, one daughter. I have just as much confidence. I do get concerned about what sometimes seems to be—well, take the word “politician.” The connotation of the politician has changed, some of it with reason, some of it in my view without. I stand here and say I think it is honorable. I know a lot of people do not. So it is this kind of general feeling I have rather than any lack of confidence in my four sons and I am sure yours, sir.

Senator SYMINGTON. I wanted you to expand on that because I felt I knew how you really felt about it. The basic problem, in my opinion, in the United States today is “greed.” As I watch many operations around this country I am saddened. The efforts for authority, the efforts for votes. Often it has little to do with money, although there are a lot of people interested in getting as much money out of the Government as they can. The record so proves. Most are not in Government. Some are.

So I think that is perhaps our great problem today, and the only way we are going to solve it is through sacrifice. I do not know anybody who is asking me to sacrifice anything. I watch people go by 20, 30 miles above the speed limit, one person per car. We could go into more detail about that, but I think you know what I am getting at.

Mr. BUSH. I do, sir.

Senator SYMINGTON. This country has to have leadership that shows the way. I will take my full responsibility, inability to handle in the legislative branch, I honestly do not think in recent years proper leadership has been characteristic of the executive branch either.

Another matter: We are getting very open, you might say. I hope that does not impinge too heavily on your intelligence job. It is my understanding the man who runs the system of the country considered generally to be probably our leading opponent, has the title at least among his colleagues, of director of misinformation. So I hope you do not feel over obligated by what has happened in the past. Otherwise you, in effect, defeat the basic concept of your job which has vitally important covert operations so as to obtain vital intelligence information.

This is said with the premise that such information is important to the security of the United States. I would hope you agree there is information you only have to give the President, not necessarily the Congress at the time.

Mr. BUSH. I agree. I do feel that one of the things that troubles me is the tendency to wantonly disclose secret information. I understand it, the employees of the CIA, and I think properly, take a pledge of secrecy, not to disclose classified information when they are there and not to disclose it after they leave, and I am appalled at indications that some do not take that pledge seriously. It is not fair to those who are working faithfully for their country in this important place.

I think it is wanton and I do not think it is right and I will certainly do what I can—this is a side area but I will certainly do what I can to see that the families and the individuals who do abide by the rules of that game are not endangered by the wanton disclosure on the part of others. That clearly moves over into some of the more sensitive areas, I think, but I have a general feeling that Congress must be kept closely informed, and yet I am confident when I get in there I will find things that are between the Director and the President just as there are between the President and other appointees.

Senator SYMINGTON. I agree with you.

Mr. BUSH. That should be kept confidential.

Senator SYMINGTON. We are talking about covert operations.

One other point that worried me in your testimony is when you said something about not being a Cabinet member, did not have Cabinet rank, were an operating man primarily. I agree only partly with that. Based on my experience, it is difficult to separate policy and operations—very hard. I would hope the fact you were not a member of the Cabinet would not give you hesitation in giving the President the situation as you saw it regardless of whether or not you were formally a Cabinet member.

Mr. BUSH. That would be my intention, sir, and I was simply referring to the essentialities of presenting to the policymakers the most objective possible analysis, whether it agreed with existing policy or not, but I do recognize the Director of Central Intelligence and the CIA function as well does not make foreign policy. That is the point I was trying to make.

Senator SYMINGTON. You have cleared that up. Thank you for your courtesy.

The CHAIRMAN. Gentlemen of the committee, turning to this matter of the so-called conflict of interest that we always go into, Mr. Bush has conferred with Mr. Braswell, our valuable chief counsel and staff director, and has written a letter, dated December 14, addressed to me as chairman, and I consider that to be to the committee regarding these matters and I have it here for the inspection of any member of the committee that might want to review it.

Let me ask Mr. Braswell one question. Mr. Braswell, you heard my statement made here. You have handed me this letter dated December 14, 1975, and in your conferences with Mr. Bush and those representing him, does he meet all the requirements of the committee that we customarily apply with reference to reported nominees?

Mr. BRASWELL. Mr. Chairman, Mr. Bush does meet these requirements. The letter indicates that he will sell any holdings which pose any conflict of interest with the Central Intelligence Agency. There are a limited number of securities which have certain relationships and it is indicated that he will dispose of those within 30 days after confirmation.

The CHAIRMAN. All right. Members of the committee, we will put this letter with its exhibit in the office file. It is available to any committee member who might want to examine it. We do not customarily put these matters in the public record, but keep a special file on it.

[The document referred to will be found in the files of the committee.]

The CHAIRMAN. Senator Hart, that brings us now to you.

Senator HART. Thank you, Mr. Chairman.

Mr. Ambassador, back in 1952 at the request of President Eisenhower, the committee or Commission looked into the state of the intelligence community at that time. Under the chairmanship of General Doolittle they reported back some recommendations for changes, but most importantly in the preamble of their report there is a statement that I think many of us have found rather shocking. It is to the effect that during the period of the cold war this country was faced with a ruthless enemy and that to survive in the world, a world populated by enemies of this sort, we had to become at least as ruthless as our enemies and in effect discard or shelve what the report called the "traditional American values."

In the judgment of some of us who have been looking into this area for many months, it is that kind of an attitude or mentality which has led to some of the conduct which you described as outrageous. What is your feeling generally about the activities of this country in relation to the activities of other countries? Do we in your judgment have to adopt the same techniques to survive in this world?

Mr. BUSH. Senator, I made my public position on assassination. Having said that, I am somewhat aware, not perhaps as aware as the committee, having not had access to the information, that we are up against some pretty ruthless people. They are today ruthless and they are tough and today they will resort to schemes that are not overly pleasant.

I am not going to sit here and say we need to match ruthlessness with ruthlessness. I do feel we need a covert capability and I hope that it can minimize these problems that offend our Americans. We are living in a very complicated, difficult world.

Senator HART. But you would not go so far as to say we have to abandon our traditional values or sense of fair play.

Mr. BUSII. I would not abandon my own traditional values or sense of fair play, certainly, and I do not think we should as a Nation.

Senator HART. The principal intelligence judgments are products of the intelligence community, national intelligence estimates. They are not presently or have not been traditionally given to the Congress or congressional committees. Rather, the judgment of the intelligence community is summarized when it is given.

What would be your view on having the CIA's national intelligence estimates made available to the appropriate committee of Congress, particularly Foreign Relations and Armed Services?

Mr. BUSII. I would want to take a close look at that. I would—I am not too familiar with the totality of the national intelligence estimates, what that involves, so I am not going to commit ahead of time to what would be delivered, but certainly in terms of keeping these committees involved, keeping them involved on important matters, I would be inclined to say at this point, yes, but I would reserve the right, if I could, to at least understand the totality of what we are talking about.

I think, getting back to Senator Symington, I think there are some things that must be between the intelligence and the President and must be determined by the President, and that I would have to stand with.

Senator HART. Under present procedures, when the Congress is informed about covert operations, it is informed after the executive branch has already approved those operations. It seems to me that an alternative would be for the Director of Central Intelligence to present the proposed action to the Congress, or the appropriate committees, at the same time, simultaneously with proposing that action to the executive branch. What would your feeling be about that?

Mr. BUSII. I would oppose that.

Senator HART. On what grounds?

Mr. BUSII. On the grounds I think it is the obligation of the President to determine the covert activities and I would say after plenty of adequate consultation with the NSC and representatives of the intelligence community, but I think he must make that decision and I do not think it ought to be a joint decision and I think it might be a joint decision if it were done in the manner you suggest.

Senator HART. So the only way to prevent the Congress from vetoing a decision is to just not let them know.

Mr. BUSII. There are things in intelligence, Senator Hart, that I think have to be kept confidential, but that is not to say they should not be disclosed to Congress and that is not to say Congress should not be fully informed at the appropriate time. The law specifically, as I understand it—the amendment specifies they shall be informed and I will do my best to inform them but before a foreign policy decision is made, I do not think that there has to be a group decision on that. I think that is what the Presidents are elected to do.

Senator HART. Well, one, information does not presume decision. Nor does it presume disclosure.

Mr. BUSII. I did not suggest, sir, that it meant disclosure.



Senator HART. You certainly did. Your response was you do not think there should be disclosure.

Mr. BUSH. I mean public disclosure. I was not suggesting a leak if that is what you meant.

Senator HART. Well, that takes us to a current case and that is Angola. It has been suggested in situations such as Angola that rather than have assistance provided, if you will, under the table, why do we not just openly acknowledge the fact that we are assisting certain governments and certain political groups around the world, that we feel that they stand for democracy and the kinds of things we represent. We are assisting them openly, rather than have it sort of come out piecemeal as it always is done.

Mr. BUSH. I think in some instances we should do that. Angola I have not been briefed on. I do not know the facts. I do not know the problems with neighboring countries—I do not know what the extent of the Soviet aid is to the MPLA. I just simply do not know, so I would have to defer but I think in this instance that is correct, and in some instances we do this with arms programs.

Senator HART. So you would not preclude the possibility that there might be situations in the world where we would want, in a political conflict, to take sides with one party or another and openly provide them financial assistance or arms in the struggle. Do you think that would be a possibility?

Mr. BUSH. This gets close to the responsibilities of the Congress during war and things of that nature, you see.

Senator HART. That is right.

Mr. BUSH. And I think each case has to be looked at on its own merits.

Senator HART. But you do not preclude that possibility?

Mr. BUSH. Would you repeat what I am not precluding once more?

Senator HART. That we would openly assist financially and with arms where a dispute is going on as to what kind of government should emerge in a country, but not after a government has emerged and been recognized, and then provide arms. When there is conflict, when there is hostility, when the nature of that government is not determined we would become involved.

Mr. BUSH. I would not preclude that in some cases this might be done, but I am not arguing the merits of how Angola is being handled at this time because very candidly I am not briefed on that.

Senator HART. You have been very critical of previous CIA and other intelligence officials and officers for disclosing the nature of their experiences. Would you favor anything like a British Official Secrets Act to prevent that kind of thing?

Mr. BUSH. Where, sir, did you point to my being critical—what was the first part of the question?

Senator HART. You said in your opening statement and at other times that you had been critical of former CIA officials and officers who were on public broadcasts.

Mr. BUSH. Oh, those were—oh, excuse me. Ex-CIA employees. Yes. Go ahead.

Senator HART. To prevent such occurrences—would you favor something like the British Official Secrets Act?

Mr. BUSH. Well, I understand that was one of the recommendations of the Rockefeller Commission. Certainly I would give it some serious

attention. Again, I am not fully up to date on it, but just from reading their recommendations, provided the individual rights are safeguarded, I can see some reason. What I was talking about is existing oaths of secrecy that are taken by these employees, some of whom then go out and at their own discretion leak classified information and I oppose that.

Now, what needs to be done to guarantee against it I do not know, but perhaps that suggestion in this Rockefeller Commission report might be the answer. I have not really fully gone into the details of it in 6 days.

Senator HART. Do you believe, Mr. Ambassador, that our ambassadors and heads of missions should be fully apprised of CIA activities in their countries?

Mr. BUSH. Yes, sir.

Senator HART. Absolutely?

Mr. BUSH. Yes, sir. I feel strongly about it for chiefs of missions.

Senator HART. That is all, Mr. Chairman.

The CHAIRMAN. Senator Tower, will you excuse me? I overlooked the fact that you might have additional questions.

Senator TOWER. I do not have any questions, Mr. Chairman.

The CHAIRMAN. Gentlemen, when we recess we propose to recess until tomorrow morning at 10 a.m. in this room, at which time I had agreed that we would hear Senator Church for a statement. I invited him to come and sit with us today or make a statement today, but he could not, so he will be with us tomorrow at 10 a.m. to make a statement. I would propose that we first receive Senator Church's statement, then recognize the Senators who could not be here today and then proceed with those who have been in attendance.

All right, Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman. Just to follow up on Senator Hart's questioning on Angola, Mr. Ambassador, I understand you do not feel that you have enough information about that to state whether prior to any CIA intervention in Angola there should have been consultation with the legislative branch, either in closed session or other confidential fashion.

Mr. BUSH. I do not know the facts on Angola, but I thought I responded to the Senator that I do not think there had to be consultation with Congress before providing arms to Angola.

Senator LEAHY. I understand that and it somewhat concerns me. I hope you will allow just a little editorializing, which I understand sometimes goes on. You have had more experience in Congress than I have. But, you know, if the CIA had the opportunity to support forces we are now opposing—many people feel that the CIA is trying to correct its own mistakes, pouring arms and money into what could be potentially a terribly dangerous conflict. I recall at the time of the winding down of the Vietnam war when we had the President of the United States telling us we had to give them \$200 million or \$400 million more or there would be a calamity. We were told by the administration there would be thousands of lives lost in Vietnam, in a bloodbath, if we did not pour in more money. At the same time our own intelligence reports showed that no matter what kind of money we put in, unless we put in American manpower and airpower it would not make any difference at all. I think that whole debate might have been avoided

if we had just been honest instead of having the White House and others say they need this so we can turn the corner one more time. If they had just been honest and said what we had if we had had full consultation with complete reports, we would have realized it would have been useless at that time, Angola just points up again the same questions.

As I say, that is editorializing, and I realize there is a dichotomy of views on this, but I am concerned about the fact that somehow we seem to have that feeling that we can get into these things and people somewhere along the line can make these decisions in total secrecy and the best purposes of the United States will be served, and really we should not ask questions because nobody in the United States, high in the U.S. Government, would make a decision that was not in the best interest of our country.

That may be so, but I think there are a lot of people in the Congress who may question just whether it really is in the best interests of the country in those regards.

I hope that you will have a fairly open idea of which areas there should be consultations with the Congress and so advise the President. I think that a number of things that we find ourselves getting involved in, we would not if we made those decisions with more thorough consultation.

Incidentally, do you favor a fixed statutory term for CIA Director, say a term of 10 years?

Mr. BUSH. Again, understand I have not studied this thing but I am inclined to say yes to that. I do not have any views on length of term. I think they recommend in here 10 years. I think it makes sense to have a certain fixed term.

Senator LEAHY. If a Democrat were elected President next year and you were CIA Director, would you feel duty bound to turn in your resignation?

Mr. BUSH. No; not to quit, but I feel he would be duty bound to have my resignation. Yes; I feel duty bound to hand in the resignation and he could act on it if he wanted to.

Senator LEAHY. Would you feel that because it was a Democrat or just a new President?

Mr. BUSH. Because I serve at the pleasure of the President and the new President should not have to throw me out and go through the embarrassment of calling friends and saying, "go get this guy out. I want to put somebody else in." And I would do it just as I did when one Republican administration finished a term. I did it and was out—the United Nations. No; I feel strongly as long as we have it the way it is that you serve at the pleasure of the President, that you should not be dragging your feet, should not embarrass the President into having to derrick you out of office.

Senator LEAHY. You do not think it is a partisan thing.

Mr. BUSH. It is objective, the way the rules are.

Senator LEAHY. Mr. Chairman, if I could just make a very brief statement.

The CHAIRMAN. All right, Senator.

Senator LEAHY. This is a crucial period as we all know for the intelligence community. Public trust and confidence have been badly eroded and I think in many instances justifiably so, but the intelligence

community can serve a valuable function in our Government. Any one of us would be naive in thinking that a country with the military power of the United States could survive without an intelligence community. But it has to operate within the law and it has to respect the rights of the American people; in the past there have been many instances where it has not. Intelligence capability is needed and deserves the support of our people. But that support must be earned.

In its final report to the President, the Rockefeller Commission concluded that the proper functioning of the Agency must depend in large part on the character of the Director of Central Intelligence. The best assurance against misuse of the Agency lies in the appointment to that position of persons with the judgment, courage, and independence to resist improper pressure and importuning, whether from the White House, within the Agency, or elsewhere.

We are to decide whether the President has ignored that advice in this case. I do not mean that in any way to detract from your own obvious qualifications. I think you served extremely well at the United Nations. I think you served extremely well in China. The CIA needs a director who will be free of political biases. While a man with a political background should not be rejected automatically, I think a man whose background has been primarily political is not a good choice for this position at this time. For the CIA to function properly it must have an independent voice in policy determinations. The Agency must be free from partisan political pressure, from all groups, both inside and outside the Government, and that includes the White House. Most importantly, the public must have the perception that the CIA Director will have an independent voice. If the Director is perceived to be governed by political considerations, the public confidence which we so desperately need at this time might not be attained. The position of the Director requires a person of proven strength and independence, someone who will be willing to tell the President that he is wrong, if that becomes necessary, and a person who in that same way will help us in the Congress to carry out our own oversight functions, our own responsibilities, because quite frankly the Senator from Vermont feels in many instances we just have not.

So I thank you for taking the time to listen, Mr. Bush.

Thank you very much.

The CHAIRMAN. All right. Thank you, Senator.

Does any member of the committee have any additional questions of Mr. Bush?

Senator HART. Mr. Chairman, I would like to ask two quick questions, if I may.

The CHAIRMAN. All right, Senator Hart.

Senator HART. Mr. Ambassador, if the President of the United States ordered the CIA to attempt to overthrow a foreign government and you were requested to appear before the appropriate congressional committees in executive session and under oath were asked if in fact this Government or any of its agencies were involved in attempting to overthrow that government and the President also instructed you that you were not to disclose to anyone the fact that we were involved in that kind of activity to anyone, including the Congress. What would be your reaction?

Mr. BUSH. My reaction would be to get a good opinion—to understand thoroughly what the law said on that.

Senator HART. The law says do not lie to Congress.

Mr. BUSH. I would not lie to the Congress, Senator Hart.

Senator HART. Do you have any feelings whatsoever about separating clandestine services from intelligence evaluation, particularly covert operations, and putting them under some other direction?

Mr. BUSH. I have a feeling that they ought not to be in peacetime under policymaking bodies and thus I—unless somebody comes up with a more clear answer, I think that they should be in the Central Intelligence Agency. I would be somewhat appalled if somebody suggested they be put into the State Department or Defense Department because I think they should be separate. I perhaps properly, perhaps improperly—to the degree you can separate CIA from those two other agencies in terms of policy.

The implementation of policy is covert but I have seen no housing that would be more appropriate than the CIA at this juncture. I am openminded on it.

Senator HART. The National Security Council? If we really came to the view that a lot of people have suggested, that covert operations should be ad hoc and not continuing, then could not the National Security Council set those in motion other than having an in-house capability all the time?

Mr. BUSH. Frankly, Senator, I had not thought about that in particular, and I will study that recommendation of your committee very carefully if that is one of them.

Senator HART. Thank you, Mr. Chairman.

The CHAIRMAN. All right, gentlemen. Any other questions?

Just for information generally, we were talking about disclosures. I would think the only reason anyone would hold back a disclosure would be fear that it might be injurious to the welfare of the country if it got out, so to speak, in the public domain where a potential adversary would know it.

We find there is an old Espionage Act passed in 1917 or 1918, anyway, during World War I, whose language is very inadequate. That is the only law except one I mentioned that makes it a criminal offense for anyone to disclose these sensitive matters. And that exception is the Atomic Energy Act which has written into its provisions a proviso that makes it a criminal offense for anyone to disclose sensitive and classified information. It was under that act, as I understand it, the part that was passed after World War II, that was involved in the *Rosenberg* case. So we looked this over closely last year in connection with a matter that we had in our committee and found that the old espionage section of the law was insufficient and, of course, the Atomic Energy Act did not apply to the facts we had.

My point is that as long as the law is in that shape, these people are going to be slow to divulge supersensitive matters to Members of Congress, to members of the executive branch at the level lower

than the President and Cabinet, or to anyone. They are going to be slow to do it because there is no criminal penalty protection that applies. We have been very concerned about that.

The question of ordinary amendment to the criminal code would be one way to get at it. Another would be to amend the Atomic Energy Act. It is a very difficult matter. I have some good lawyers on this committee, and I think it would be worth looking into, and refer the matter to Senator Leahy. I know Senator Leahy, you are a man of competence in the law and I wish you would look into it, please.

My point is that when we disclose it, it is barefoot and free. There is no penalty on them. This leads to further disclosure.

All right, Mr. Bush. Is there anything else you wish to say?

Mr. BUSH. No, sir.

The CHAIRMAN. Well, we thank you very much for being here.

Mr. BUSH. Thank you, Mr. Chairman.

The CHAIRMAN. You are an excellent witness. You have already heard me say that we will recess until 10 a.m. tomorrow morning. At that time I will recognize Senator Church and then the Senators who could not be here today. Mr. Braswell will have someone notify these Senators they will be recognized first and then we will get back to the others.

Thank you very much. We will recess until tomorrow at 10 a.m.

[Whereupon, at 12:30 p.m., the committee recessed, to reconvene at 10 a.m. on Tuesday, December 16, 1975.]

**NOMINATION OF GEORGE BUSH TO BE DIRECTOR  
OF CENTRAL INTELLIGENCE**

TUESDAY, DECEMBER 16, 1975

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10:07 a.m., in room 1114, Dirksen Senate Office Building, Hon. John C. Stennis (chairman) presiding.

Present: Senators Stennis, Symington, Jackson, McIntyre, Culver, Gary Hart, Leahy, Thurmond, Tower, Goldwater, William L. Scott, and Bartlett.

Also present: T. Edward Braswell, Jr., chief counsel and staff director; W. Clark McFadden II, counsel; John T. Ticer, chief clerk; Phyllis A. Bacon, assistant chief clerk; Francis J. Sullivan, professional staff member; Roberta Ujakovich, research assistant; and Doris E. Connor, clerical assistant.

Also present: Charles Stevenson, assistant to Senator Culver; Rick Inderfurth, assistant to Senator Hart; Doug Racine, assistant to Senator Leahy, and William L. Ball, assistant to Senator Tower.

The CHAIRMAN. Our committee will please come to order.

We are pleased indeed to have visitors with us.

I understand, Mr. Bush is here. We are pleased to have with us one of our distinguished colleagues, Senator Frank Church. I talked with him about appearing either yesterday or today, and he said he could make it today. I will recognize Senator Church first to present such matters as he might wish, and as I said, we will recognize the Senators who could not be here yesterday. Then we will hear from the other witnesses.

Senator Church, we are delighted to have you here, and you really need no introduction. We are interested in what you have to say.

**STATEMENT OF THE HONORABLE FRANK CHURCH, A U.S. SENATOR  
FROM THE STATE OF IDAHO**

Senator Church. Thank you very much, Mr. Chairman and members of the committee.

First let me say quite sincerely that it is not easy for me to come here today to speak against the nomination of George Bush for the directorship of the CIA. He is a man of demonstrated ability. He is a man I personally like. I voted for his confirmation when he was assigned as our Permanent Representative to the United Nations. And from what I am told, his record as our representative in Peking has been a worthy one.

I can think of many positions in the Government for which I would not hesitate in the slightest to support the appointment of Ambassador Bush, but he is not in my judgment the right man for this particular job.

Mr. Chairman, let us not forget the original purpose of the Central Intelligence Agency, the reason for its creation in the first place. It was to be an independent civilian, nonpolitical, nonpartisan intelligence agency. Its duty was in the words of Allen Dulles, the CIA's Director from 1953 to 1961, to weigh all the facts and to draw conclusions from those facts, without having either the facts or the conclusions warped by the inevitable and even proper prejudices of the men whose duty it is to determine policy and who, having once determined the policy, are too likely to be blinded to any facts which might tend to prove the policy to be faulty.

The Central Intelligence Agency, concluded Dulles, should have nothing to do with policy.

This is how the CIA was meant to operate. It was to be totally objective. It was to be completely disinterested. In fact, its character was one to be shorn of any vested interest. The CIA was to be insulated from the ebb and flow of political considerations. It was an agency that was intended to stand up to pressures from any source, whether from the State Department or the Pentagon, and to resist all the partisan pressures which may be brought to bear by various groups, both inside and outside the Government, including partisan pressures from the White House itself.

Otherwise, Mr. Chairman, there really is no need to have a CIA. For many years we did without one. We collected our intelligence from other agencies of the Government, from the State Department, from the Military Forces that have, as you know, Mr. Chairman, a very considerable intelligence capability. But when the CIA was established, the principal argument for its creation was that we should have a disinterested agency so that neither the President nor the Congress would have to rely solely on the self-interested intelligence assessments afforded by institutions that were policy oriented, that had vested interests to protect and to preserve.

So, if we are to maintain the CIA and achieve its intended purpose, we must guarantee the independence and the nonpolitical character of that agency.

Mr. Chairman, be assured that the CIA will be no more independent and no more nonpolitical than its Director. This does not mean that we must always select a Director from within the Agency or from outside the Government. Just because someone has been in politics, by no means is he automatically disqualified from heading the CIA. The critical factor is the selection of a person of demonstrated independence whose role in politics has been one of muted partisanship and who has shown the capacity to stand up and say, no, Mr. President, I believe you are wrong. According to our best information, the policy you propose will fail. It is based upon incorrect assumptions which are contradicted by the underlying facts as we find them. And I must insist even at the risk of courting your displeasure, Mr. President, that you review once more the facts as we have determined them in this Agency.

Now, Mr. Chairman, I suggest that unless we have a Director who is in a position to assert this kind of independence, whatever the pres-



asures may be, political or otherwise, on the President to follow some policy thought by the Director to be unwise, then the important role of the CIA cannot be sustained.

This is why the appointment of Ambassador Bush is so ill advised. It is one thing to choose an individual who may have had political experience, say someone like Elliot Richardson, or John Sherman Cooper, two men whose whole public life tended to demonstrate a proven independence and a muted partisan background, and quite another to choose someone whose principal political role has been chairman of the Republican National Committee.

While there is no need to eliminate an individual from consideration simply because he or she has held public office, the line must be drawn somewhere. A man of Mr. Bush's prolonged involvement in partisan activities at the highest party level surely passes over that line.

We should also not lose sight of the impression this appointment will make, not only within our Government, but throughout the country. At the very time we are discussing the reform of our intelligence services, we create a most unfortunate impression if we treat appointments to the CIA in the same way we used to treat appointments to the Post Office Department.

Mr. Chairman, there is some irony in the fact that we used to as a matter of custom set aside the postmaster generalship for a man who had served as party chairman. Postmaster generalship was known to be the most political and the least sensitive Cabinet post. Surely the directorship of the CIA is the least political and most sensitive of all appointments.

Journalist Tom Braden, a former CIA officer, captures the essence of this aspect of the problem with the Bush nomination in a column in the Fort Lauderdale News entitled, "George Bush, Bad Choice for CIA Job." Braden noted that the appointment looks bad and looks bad at a time when public confidence in the CIA is such that everything about it should look good.

Mr. Chairman, the Senate and House committees, not to mention the President's own Commission on Intelligence, have labored for months, reviewing the problems of the intelligence agencies. These problems, they have been plentiful, and the areas for new legislation are many. Still the prospects for starting afresh are good, and I have viewed the chances to restore public trust and confidence in the CIA with considerable optimism, but this is no way to begin the restoration. No new set of laws, no new guiding principles, regardless of how skillfully drawn, will restore this trust if the credentials of the new Director raise serious questions of propriety.

As a Washington Post column entitled, "Overlook Political Realities" by the conservative Rowland Evans and Robert Novak, certainly no partisans of mine, notes:

The Bush nomination is regarded by some intelligence experts as another grave morale deflator. They reason that any identified politician, no matter how resolved to be politically pure, would aggravate the CIA's credibility gap. Instead of an identified politician like Bush . . . what is needed, they feel, is a respected non-politician, perhaps from business or the academic world.

The columnists then go on to say:

Not all experts agree. One former CIA official wants the CIA placed under political leadership capable of working closely with Congress. But even that

distinctly minority position rebels against any Presidential scenario that looks to the CIA as possible stepping-stone to the Vice Presidential nomination.

It is precisely that potential, the use of the CIA as a springboard for higher office, that I find particularly troublesome.

A second editorial in the Post entitled, "The Bush Appointment," takes a stand against his nomination, arguing that this position should not be regarded as a political parking spot," and particularly in view of the need to strengthen and restore public confidence in the CIA after the revelations of wrongdoing that have marked the news for these many months. I could not agree more.

It appears as though the White House may be using this important post merely as a grooming room before Mr. Bush is brought on stage next year as a Vice Presidential running mate. Personally, Mr. Chairman, I think he would grace the ticket if that were the question. That is not the question. When asked at a press conference if the nomination of Mr. Bush would eliminate him as a Vice-Presidential candidate, President Ford said, "I don't think he's eliminated from consideration by anybody, the delegates to the convention or myself."

When asked the same question on "Meet the Press," the President bristled and replied coolly, "I don't think people with talent ought to be excluded from any field of public service."

Mr. Bush also leaves the door wide open. In his appearance before this committee yesterday his answer to the question of whether or not he would accept the Vice-Presidential nomination was, "I cannot in all honesty tell you that I would not accept."

So here we stand. Need we find or look to higher places than the Presidency and the nominee himself to confirm the fact that this door is left open and that he remains under active consideration for a place on the ticket in 1976?

We stand in this position in the close wake of Watergate, and this committee has before it a candidate for Director of the CIA, a man of strong partisan political background and a beckoning political future.

Under these circumstances I find the appointment astonishing.

Now, as never before, the Director of the CIA must be completely above political suspicion. At the very least this committee, I believe, should insist that the nominee disavow any place on the 1976 Presidential ticket. Is he to be there only 6 months? Are we to approve, given the present state of the CIA and public attitudes toward it, a Director who will be there hardly long enough to warm his chair?

Are we not to ask some assurance at least that he stay long enough to do the job that needs so badly the doing?

I believe that this committee should insist that the nominee disavow any place on the 1976 Presidential ticket. Otherwise his position as CIA Director would be hopelessly compromised. Consider the thought-provoking words, Mr. Chairman, of George F. Will. I believe him to be the most articulate and profound of all the conservative columnists in this country today. Now, listen to his words. He is a thinking man. He says with respect to this nomination:

It is possible to imagine situations in which the CIA would be pressured to suppress inconvenient information, or to report things convenient to the political purposes of an administration.

Imagine an administration looking to the next election and determined to celebrate detente as its finest achievement. Imagine that the administration

is excessively anxious to achieve another strategic arms agreement with the Soviet Union.

Suppose the administration triumphantly signed an agreement limiting the number of strategic vehicles—missiles and bombers—on each side. Critics might say the limit is a false ceiling. Critics might charge that the limit is as high as the Soviet Union can or wants to go during the term of the agreement. Therefore, the agreement is an empty exercise, a limit that does not limit.

Then the administration would appreciate a CIA report arguing that the Soviet Union has the ability to surpass the limit in the near future and would do so if there were no agreement.

Or suppose the administration wanted an intelligence report minimizing this or that verification problem—say, the difficulty of verifying Soviet compliance with range limits on cruise missiles.

Or suppose the administration could get a CIA report supporting the hitherto unsupported Soviet contention that the Soviet Backfire bomber—which can deliver nuclear weapons over intercontinental distances—nevertheless lacks the strategic significance, and should not count against the Soviet total of 2,400 strategic vehicles permitted by the Vladivostok Agreement. Such a CIA report would concede a Soviet point without seeming to be a concession, and could grease the skids for a pre-election agreement.

Those are George Will's words.

What would be the response in these circumstances of a Director who hoped to be tapped by the President for higher political office? We expect too much of human nature if we do not recognize the compromising position into which the Director is placed if he has constantly dangled before him the promise of high political office while he is charged with such sensitive and serious duties to perform, all of which must be of a highly independent and nonpolitical character.

I remember reading a passage from the testimony of Gen. Vernon Walters during the impeachment inquiry last year. General Walters was and continues to be the No. 2 man at the CIA. In his testimony he told of a meeting he had with John Dean in 1972. In this meeting General Walters informed Dean that, and I quote:

Any attempt to involve the Agency in the stifling of this (the Watergate) affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the nation. It would be a grave disservice to the President. I will not be a party to it, and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

Thus, the CIA resisted White House pressures to stifle the FBI investigation. Could the Agency stand up against such pressures if its Director were a close political ally of the President and indeed one of the candidates actively being considered for the Vice-Presidential office?

Columnist George Will concluded that Ambassador Bush at the CIA would be "the wrong kind of guy at the wrong place at the worst possible time." For the reasons I have outlined, I am forced to agree.

Mr. Chairman, let us not make a travesty out of our efforts to reform the CIA. The Senate and the people we represent have the right to insist upon a Central Intelligence Agency which is politically neutral and totally professional. It is strange that I should have to come before this of all committees to make that argument. I urge this committee to oppose the nomination of George Bush to this sensitive position unless he is at least willing to withdraw himself completely as a Vice-Presidential candidate in 1976. It is not a matter of Ambassador Bush being

asked to renounce his political birthright as he said yesterday. I am sure he will have opportunities in the future to continue his political career, if he so wishes. But what he wishes now is to be appointed at the threshold of the national elections Director of the CIA and it is the propriety of such an appointment that we must consider.

What is at stake right now is the professional reputation of the intelligence services and the confidence of the American people in their institutions of government. These questions are of much greater significance than any one person's political future in 1976. If Ambassador Bush wants to be Director of the CIA, he should seek that position. If he wants to be Vice President, then that ought to be his goal. It is wrong for him to want both positions, even in a Bicentennial year.

And so I speak out against this appointment, Mr. Chairman. I do so reluctantly. It has been a very hard thing for me to do because of my personal liking and respect for George Bush. But no other course is open to me. For if the CIA is to play its intended role in our Government it must be impartial, nonpartisan, and nonpolitical, and its ability to do so depends in the final analysis on the Director who possesses those same qualities.

That concludes my statement, Mr. Chairman.

The CHAIRMAN. Senator, as always, you have given us a thought-provoking, very valuable, and well prepared statement.

I do not know the pleasure of committee members regarding questions, but frankly, I made some notes myself pondering your points and more. I am sure you do not object.

Senator CHURCH. No. I will respond to any questions, Mr. Chairman.

The CHAIRMAN. Well, I will pass. Senator Thurmond, I will turn it over to you.

Senator THURMOND. Thank you, Mr. Chairman.

The CHAIRMAN. Without objection, we will follow our usual 10-minute time rule.

Senator THURMOND. Senator Church, do you know Mr. Bush very well?

Senator CHURCH. Yes. I have known him for a number of years.

Senator THURMOND. Do you consider him an honorable man?

Senator CHURCH. Yes; I do.

Senator THURMOND. Do you consider him a man of character and integrity?

Senator CHURCH. Yes; I do.

Senator THURMOND. Did you hear his statement before this committee or have you read his statement?

Senator CHURCH. I read his statement.

Senator THURMOND. And he stated under no conditions would he play any politics. He would be completely nonpartisan, and politics would not enter into the performance of his duties at all. Did you know he said that?

Senator CHURCH. Yes. I read that statement.

Senator THURMOND. Do you believe him?

Senator CHURCH. Senator, as I said in my prepared statement, we have two things to consider and I say this having spent a year investigating the CIA and it is my firm belief that we must do everything we can to restore public confidence in the professional character of that

agency. So one thing we must consider is appearances, if public confidence is to be restored.

Senator SYMINGTON. Consider what? I did not hear.

Senator CHURCH. Our appearances, if public confidence is to be restored. I think the appointment of a man whose political role in the past has been so highly partisan—he has been the chairman of the Republican Party—is in itself a mistake so far as appearances go.

Beyond that, I would say that if the Director of the CIA is to be actively considered on the national ticket, then he is placed in a hopelessly compromised position. I think he would try conscientiously to do his job, but with that particular position dangling in front of him it would be asking more of human nature than we should to put him in a position where he may have to court the displeasure of the President in order to do his job.

That has nothing to do with his integrity or his good intentions. It has to do with human nature with which all of us are well acquainted, and I think it is wrong to place the Director of the CIA in that kind of a compromised position.

Senator THURMOND. Do you think he has the character and courage to become Vice President?

Senator CHURCH. I would support him as I have in the past for many offices of a political character. I supported him for our Ambassador to the United Nations and I think he did a fine job as our Ambassador to China, but there is a difference between the Vice Presidency or the Presidency which are partisan political offices and the Directorship of the CIA which is not.

Senator THURMOND. That is not the question I asked you. Do you think he has the character and the courage to become Vice President?

Senator CHURCH. I said before I thought he would grace the ticket.

Senator THURMOND. How is that?

Senator CHURCH. I said before in my prepared statement——

Senator THURMOND. Is your answer yes or no?

Senator CHURCH [continuing]. That I thought he would grace the ticket. My answer is yes.

Senator THURMOND. Well, if a man has the character and courage to become Vice President do you not think he has the character and courage to do what he told this committee he would do, and then——

Senator CHURCH. As I said——

Senator THURMOND [continuing]. And that is not play politics with the position.

Senator CHURCH. As I said, I think I made my position clear. I think this is not a question of character or courage. I think it places the Director in a compromised position and no man can fully discharge his duties in such a compromised position.

Senator THURMOND. Do you not think the President is considering other important people for the Vice President if he is considering Mr. Bush? Or do you think he is centered on Mr. Bush?

Senator CHURCH. I do not know what the President's final choice would be. I only know what he has said and he has said that Mr. Bush is one of those that he is considering.

Senator THURMOND. In fact, Mr. Bush is not going to be in the spotlight more, at least he will be watched in a position where he will not be able to make political speeches. He will not be able to express his political philosophy, he will not be able to advocate Presidents nor express his principles. He will be taken out of the picture, so to speak, if he is confirmed in this position.

Senator CHURCH. If he is being taken out of the position then I would only hope he would say so.

Senator THURMOND. He has said this. If he takes this he is out of politics. He said this. Now, do you believe him?

Senator CHURCH. I read his words and you have read his words. I have commented on what he said in my statement and I stand by my statement.

Senator THURMOND. Now, what about Mr. Simon? He is one of the ablest Secretaries of the Treasury since Alexander Hamilton. Suppose the President considered him. Do you think he should resign as Secretary of the Treasury?

Senator CHURCH. Of course not, Senator. I see a very great distinction between the Director of CIA and the Secretary of the Treasury. I mentioned earlier in my statement that when we set up the CIA we did so for the purpose of establishing a wholly disinterested agency that would be wholly professional and nonpolitical in character.

This is a unique position. And it is for that reason and that reason only that I am here this morning. If Mr. Bush had been nominated to be Secretary of the Treasury I would not be here protesting. I would vote for his confirmation.

Senator THURMOND. Suppose the President considers Mr. Morton, Secretary of Commerce. Should he be denied being considered because he is Secretary of Commerce?

Senator CHURCH. The answer that I gave you to your previous question applies fully to this question.

Senator THURMOND. Suppose the President is considering Mr. Rumsfeld. That is a nonpolitical position—of all positions, you might say. He is here in this country. He does not make political speeches. He does not make partisan speeches. He and the Secretary of State, are two Cabinet officials that remain aloof from politics. Should Mr. Rumsfeld be denied being considered because he is Secretary of Defense?

Senator CHURCH. I think the question of Secretary of Defense is a little different but not much from the other positions in the Cabinet. I have known Secretaries of Defense that have played quite an active political role. But the Department of Defense is an interested agency. It has ongoing programs of great magnitude. It has vested interests to protect. And the point, the central point of my argument is that we set up the CIA so that we might have a totally independent and disinterested agency to which the President might look for basic facts against which to weigh whatever he is being told by the Pentagon or the State Department or other agencies that have vested interests in ongoing programs.

For example, I would not want my intelligence on the effectiveness of the foreign aid program to come exclusively from the foreign aid agency and that is why we set up the CIA and that is why it is a unique

position in the Government. Therefore, I think it would be a mistake to compare the Director of the CIA with other members of the Cabinet.

Senator THURMOND. And do you not feel with Mr. Bush's background as a Congressman, his having to understand Government and its ramifications, its various agencies the functions it performs, representative to the United Nations and having dealt with the representatives there from all over the world, and as a representative to Red China—a country we have to deal with and are dealing with—do you not feel that all of this better qualifies him to be a good CIA Director rather than to get some one who is not qualified in that way?

The CHAIRMAN. Gentlemen, excuse me. Your time is up, but you may answer the question.

Senator CHURCH. Very well, Mr. Chairman.

My answer to the question is that Mr. Bush's qualifications in political service and in diplomatic service eminently qualify him for political office and for diplomatic office, but I have tried to point out the reasons why the Directorship of the CIA is uniquely different. If I were looking for a political man to serve in that office, then I would want to find one whose past record demonstrates that he has from time to time stood up to the Executive and opposed the Executive publicly on matters of important policy because I think without that demonstration of independence he cannot possibly play the role intended for the Director of CIA. That is my answer to the question.

The CHAIRMAN. Thank you, Senator.

Senator SYMINGTON, that brings us to you, sir.

Senator SYMINGTON. Thank you, Mr. Chairman.

Senator Church, you need no commendation from me now. I have agreed with all aspects of what you have done, but, aside from this particular issue, your recent activities have made me proud of being in the Senate.

Senator CHURCH. Thank you very much.

Senator SYMINGTON. You say you would not approve a vote for this appointment unless Ambassador Bush in turn said he would not be a candidate for the Vice Presidency. If he said that, we both know he is an honorable man and would mean it.

Would you approve him if he did say he would not be a candidate?

Senator CHURCH. I think that I would make no determined fight against his nomination because I think that such a renunciation would clear the way to his confirmation. I would still personally cast my vote against the appointment because I think that in his public assignments and in his public record in the past, he may be very well qualified for any number of political posts but I do not believe that he has demonstrated the kind of independence, standing up to the Executive authority, that I would like to find in a Director of the CIA who may very well be called to do just that in an issue of critical importance to the country.

Senator SYMINGTON. Thank you. I have no further questions.

The CHAIRMAN. All right, Senator.

Senator Tower, that brings us to you.

Senator Tower. Thank you, Mr. Chairman.

Senator Church, you and I have been engaged together in a common effort for some time; namely, the investigation of the intelligence-

gathering community. It was the idea of the Senate that this investigation should be conducted with an air of sensitivity and as free of partisan politics as possible. Therefore, the Senate set up our committee with a Republican representation that is quite frankly apportioned to its number, six Democrats and five Republicans. And rather than follow the usual procedure of having the next ranking Democrat serve in the absence of the chairman, the ranking Republican was designated as the vice chairman. This is the extent to which the Senate has gone in trying to establish the bipartisan character of this committee.

I think you would agree. I know you would agree, that the investigation should be conducted in a non-partisan way and I think that you and I both endeavored to do that. But a great deal has been said about perceptions and appearances here today and if we are to believe what the columnists and the pundits say, many of them, our efforts have not been non-partisan. As a matter of fact, we have been accused of covering up possible involvement of the Kennedys in certain abuses of power by both the CIA and the FBI.

Do you believe that these perceptions of what we have done are correct?

Senator CHURCH. No. Of course I believe they are incorrect and I think the fact that we have been able to act on all important matters with unanimity, both the Republicans and Democratic members agreeing, is the most effective rebuttal to those who are trying to cast the committee in an unfavorable light, and I think, therefore, their efforts have failed.

Senator TOWER. Well, you have quoted various newspaper columnists and reinforcing your argument that appearances and perceptions are important, that these are the perceptions that we must pay attention to.

Why are those perceptions of George Bush any more valid than the columnists' perceptions of the over-politicization of our committee process activities?

Senator CHURCH. Because, Senator, I think the report of our committee, the unanimity with which we have acted, is in itself a rebuttal to those charges. I am afraid that the nature of the political service of George Bush and its highly partisan character would create a most unfortunate public impression, quite apart from the man himself.

When I speak of appearances I do not speak of the man himself. I have told you of my personal feelings about George Bush. But we are attempting in this period to restore public confidence in the CIA and public confidence depends on a public perception that the agency is as nonpartisan and as independent and as nonpolitical and as professional as it was intended to be when it was created by Congress.

As you know, appearances do matter. I think in this case the appearance would be an unfortunate one and make it more difficult to restore that public confidence in the CIA.

Senator TOWER. It is my view that George Bush's character, the service that he has already rendered to his country, his ability to rise above partisanship has been demonstrated and therefore I would suggest that his performance gives the lie to these perceptions as well as the performance of the select committee gives the lie to the perceptions of what we have done.

Now, you probably know that some people in the press corps have referred to our committee as the Church for President. Now, I do



not regard this as being true but as long as we are talking about perceptions we might as well talk about these things and the committee has been formed for you to enter your name into the lists for the Democratic nomination for the Presidency. Do you believe that that fact makes our investigation of the CIA an act of politics or that it is colored any way by politics?

Senator CHURCH. Senator, I have made no decision with respect to the Presidency one way or another but you hold and I hold political partisan offices. The Presidency is a politically partisan office. I am not running at this time for the Presidency and I am not running nor am I the nominee for the Directorship of the CIA but the CIA is not a political office or a partisan office. And it is very important that we carefully choose the man who is to occupy it during the very period when it must be restructured and reformed and public confidence restored in it.

You see, I am not against the CIA as you very well know. I think that its intelligence-gathering functions are critical to the country, and furthermore I think it is critical to the country that we have one agency that does not have a vested interest in what it says. I do not want the President getting all his information simply from the State Department or the Pentagon or from political sources, partisan sources. I want him to have some agency to which he can turn and have some confidence that he is getting the objective facts from an entirely disinterested source even if those facts are unpleasant to him.

The office we are talking about is the Directorship of the CIA. We are not talking about the senior Senator from Texas' office or the senior Senator from Idaho's office or the Presidency, all of which are political partisan offices as we well know.

The CHAIRMAN. Gentlemen, I am sorry. Your time has expired.

Senator TOWER. May I ask one more question, Mr. Chairman?

The CHAIRMAN. All right.

Senator TOWER. We have already agreed that it is enormously important that the select committee have credibility and that is a matter of appearances and perceptions. Would not our investigation have more credibility if you were to fore swear any ambitions toward the Presidency of the United States?

Senator CHURCH. Senator Tower, if I were to become a candidate for President of the United States, I would step down as chairman of the committee. I must make that clear.

Senator TOWER. Mr. Bush has made it clear that he would perforce leave the CIA were he nominated for other office.

Senator CHURCH. Right.

If the situations are equitable in your mind, Senator, then I cannot dissuade you.

The CHAIRMAN. All right, gentlemen. Thank you.

Senator McIntyre.

Senator McINTYRE. Thank you, Mr. Chairman.

I have one question, Senator. Yesterday I was bouncing around the idea that a Director of Central Intelligence, finding himself being pressed by an incumbent President, should have some place to report improper requests. Who could he talk to? I am concerned that there seems to be no procedure in the law currently to cover the situation in

which a Director of Central Intelligence is approached by the White House and by the White House I mean the President and people who speak very closely for the President, and asked to involve this Agency in unauthorized and illegal activities.

Can such an approach be reported to Congress, and if so, to whom? Has the select committee considered this problem in the light of past abuses and are there any legislative proposals which would offer a solution?

Senator CHURCH. Senator McIntyre, we have given long and thoughtful consideration to a solution to this problem. As a matter of fact, the active investigation of the committee is over and we have now turned to remedies, one of which would be the creation of a permanent committee to oversee intelligence operations, intelligence activities of the Government. That committee could either take the form of a Senate committee; if the House were interested in establishing a House committee, or it could take the form of a joint committee if that were the judgment of both Houses.

In any case, we believe that the committee should have access to all of the necessary information and indeed that the law should lay upon the CIA and other intelligence agencies an affirmative duty to keep the committee currently informed.

A similar provision exists in the law that created the Joint Committee on Atomic Energy and that has worked very well.

Furthermore, it is my belief that such a committee should be told in advance of any significant new covert operation that is in active consideration by the Executive. I understand that Mr. Bush disagrees, if I read correctly his testimony yesterday. But if there is to be an answer to your question, then I think it is necessary that the committee that is selected to supervise intelligence operations must have advance notice of any significant new covert activity in order that it can advise the President directly of its disagreement if the committee is in disagreement with the President's proposed course of action, in which case, the President might wish to reconsider or to modify that course of action, or if he chooses to go forward with it as it is his constitutional right to do, then at least he goes forward at his peril because that committee, in my view, should also have control of the purse strings and a pattern of defiance would lead to the counteraction that normally takes place between the two branches.

I think this is all very necessary if the Congress is to play its constitutional role and if we are to assume our part of the responsibility for covert operations throughout the world, many of which have been catastrophes for this country.

Senator McINTYRE. Thank you, Senator. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Goldwater?

Senator GOLDWATER. I have no questions. I am glad to yield to either Senator Tower or to Senator Scott.

The CHAIRMAN. All right.

Senator Scott.

Senator SCOTT. Thank you, Mr. Chairman.

I would commend the Senator for the testimony that he has brought before us. I think he has raised questions that should be considered by this committee. I do not necessarily agree with his conclusion.

Let me ask you, Senator, you made your views on Mr. Bush serving as chairman, Republican National Committee, only in part and I would say should we not consider the total man? Should we not consider the overall man and the question of integrity has come up and I do not believe there has been really any thought that the nominee is lacking in that respect.

Now, I served with Mr. Bush in the House of Representatives, as you know. He was a Member of the House for two terms. I believe his second term, even in Texas, he ran without Democratic opposition, either Democratic or Republican opposition. He sought to run for the Senate and there is where he ran into trouble.

Senator CHURCH. That is a question of judgment, Senator Scott.

Senator SCOTT. Well, he did not get enough votes. That was his difficulty. He must be familiar with international affairs and I would believe the CIA is involved in international affairs. It has been criticized, you know—you are more familiar perhaps in that field than anybody in this room—criticized for domestic intelligence. Here he has been our Ambassador to the United Nations and he has been our representative to Red China.

Now, you would consider all of these factors in making a decision?

Senator CHURCH. Oh, certainly, Senator. The man and his whole record should be considered. My point which, if I may, I will reiterate, is that his record has been an excellent record of political service which I think qualified him for any number of political positions.

Senator SCOTT. Well, now—go ahead, sir.

Senator CHURCH. I would just add that I do not take the position—I do not make the argument that no one who serves in political life could be considered or should be considered for the Directorship of the CIA, but if you are going to turn to a man of politics, then I think that it ought to be a man who has demonstrated in his political career that he can and is willing to stand up and take the heat even where it courts the displeasure of his own President.

There have been such men who have demonstrated that kind of independence and such men should not be disqualified from serving in this particular position. But I do think that Mr. Bush's political record has been not of that character. It has been one of good service but it has been certainly not one of muted partisanship and I do not know of an occasion when he has ever in the course of his political career stood or chose to take a strong stand against a major policy of the President.

Senator SCOTT. You would say that the Director of the CIA, during the time that he serves as the Director of the CIA, should not in any way be involved in partisan politics? Would that be a fair statement?

Senator CHURCH. Yes, of course.

Senator SCOTT. Now, I serve on the Committee on the Judiciary. We have been considering the President's nominee for the Supreme Court of the United States. Would you see any parallel between partisanship on the Supreme Court of the United States and partisanship on the CIA?

Would you say that a Justice of the Supreme Court of the United States should be entirely free of politics while he is serving as a Justice of the Supreme Court of the United States?

Senator CHURCH. Yes.

Senator SCOTT. Well, now, having said that, you will recall, and I am not sure of the date, it may be 1920, we had a sitting Justice of the Supreme Court of the United States, Charles Evans Hughes, who was nominated by the Democratic Party to be their candidate for President of the United States.

Senator CHURCH. I believe it was the Republican Party.

Senator SCOTT. Well, you are quite right, and Mr. Wilson was the Democratic candidate, so I misstated myself. But we did have an Associate Justice of the Supreme Court of the United States, later Chief Justice, that was the nominee of his party to be President of the United States.

Now, I would think that Chief Justice Hughes was one of our great Chief Justices and yet he interrupted his career by being a candidate for the highest office in our country.

Senator CHURCH. That may have been one of the reasons, Senator, he was defeated.

Senator SCOTT. Now, if we had a man of integrity, a man competent to be Director of the CIA, could not the same thing happen in his case? Is this a real disqualification and I do see a parallel here between these two situations.

Senator CHURCH. The idea with the parallel, as I see it, Senator Scott, is that the Chief Justice of the Supreme Court operates as the presiding officer over a third and independent branch of the Government. The Supreme Court has very real powers of its own and he sits in judgment and helps participate in the writing of decisions over which the President has no say.

But the Director of the CIA is an agent of the President and he is in quite a different position in relationship to the President than any Justice of the Supreme Court and the quality you must find in a Director is one that can assure members of this committee and the Senate and the country as a whole that he can, if necessary stand up to the President when the interests of the country require it.

Senator SCOTT. Mr. Chairman, I agree with the witness completely on that.

Now, I think that is the question before this committee.

Senator CHURCH. Yes.

Senator SCOTT. Can Mr. Bush, with his background, stand up, if need be, to the President of the United States. But is it not a fact that we should look at the overall man and see if he meets that qualification not merely the fact that he served as the chairman of the Republican National Committee?

Senator CHURCH. Yes. With that I totally agree and I would only say you should look not only to his past record but to his immediate future prospects.

Senator SCOTT. Thank you.

The CHAIRMAN. Thank you very much, Senator.

Senator CULVER?

Senator CULVER. No questions.

The CHAIRMAN. Senator HART?

Senator HART. Senator Church, I would like to read the list of former CIA Directors.

Adm. Roscoe Hillenotter, came in, I think, shortly after the 1947 act was passed. Gen. Walter Smith; Allen Dulles; John McCone;

Adm. William Raborn, retired; Richard Helms; James Schlesinger; Gen. Vernon Walters, Acting Director; and William Colby.

Those are all the Directors of the Agency since the 1947 act was passed.

To your knowledge, had any of those individuals held political office?

Senator CHURCH. To my knowledge, none. They were either professional military men—they came from within the Agency and were professionals. Or they had held other appointive offices.

Senator HART. Is your objection to Ambassador Bush based on his qualifications, his integrity, or his performance in public life?

Senator CHURCH. No; I think I have made it clear that I have high regard for him personally, and I think he served in political offices with distinction. I have, however, observed that in the course of his career I have known no time when he has ever chosen to take serious issue on a major matter with the President of his party in any of his positions.

Senator HART. To what degree is your concern based upon Mr. Bush's own political background in the context of this present administration or upon the precedent which is established of appointing for the first time in the history of the Agency someone with a background in elective office.

Senator CHURCH. Senator, it is both. If one were to choose a time for departing from the custom, the pattern that has been so clearly established with other directors, to choose a man who comes not only from a political background, but one of a highly partisan character, certainly no one can gainsay that fact that the national chairman of the Republican Party is about as partisan a political position as anyone can hold in the country.

For that reason, I think Mr. O'Brien, if a Democrat were President, Mr. Larry O'Brien ought not to be nominated to be Director of the CIA. Of all times to do it, this is the worst, right at a time when it is obvious that public confidence needs to be restored in the professional, impartial and nonpolitical character of the agency.

So, we have the worst of all possible worlds. That is what this committee is faced with. It has nothing to do with the personal traits of the nominee.

Senator HART. Would your view of Mr. Bush's appointment if he were to agree, and I have no reason to believe that he would, to serve a fixed term?

Senator CHURCH. Yes, if that fixed term was long enough to do his job in the CIA and extend it past the next election. There is another consideration here that this committee has to take into view. Do you really want a caretaker for this Agency that will serve only a few months?

I think he needs to make this clear, and he has not, I must say. He has left the door open in his statement and has based it upon his political birthright. Well, his political birthright does not include being Director of the CIA. It includes his right to run for public office, to be sure, but that is quite a different matter than confirming him now for this particular position.

Senator HART. Do you believe that this committee or the Senate of the United States has any real standard, based on past practice or tradi-

tion, by which to judge what a good CIA Director should be, and if so, what are those standards?

Senator CHURCH. Well, if the Senate by now has not adopted those standards, it should. I think that in the past the fact that Presidents have chosen men that either have come from within the Agency or professional men or men from the business-world of proven abilities, has not ever put this kind of question to the Senate so directly as it is now placed before the Senate in connection with this particular nomination.

So, we will set the standards and the question is whether we set a high one or whether we set a low one, because in the future, the Agency must live with that standard.

Senator HART. But I take it, it is your judgment that those standards should include complete nonpartisanship.

Senator CHURCH. Yes.

Senator HART. And would you adopt the same position were the parties reversed?

Senator CHURCH. Yes.

Senator HART. Do you think this committee has either the right or the responsibility to inquire into a future Director's views on certain matters of intelligence policy?

Senator CHURCH. Yes.

Senator HART. His attitude toward covert operations?

Senator CHURCH. Of course.

Senator HART. Toward informing the Congress—either its present committee structure or any future oversight committee—of activities going on in the intelligence community?

Senator CHURCH. Certainly so.

Senator HART. Those are all the questions I have.

The CHAIRMAN. Thank you, Senator, very much.

Senator Church, I want to thank you on behalf of the committee for coming today. I think your presentation has been worthwhile and intelligently presented.

I said in my opening statement yesterday, written on the back of an envelope the night before, that I hoped these hearings would point out to the President—any President—and make him more conscious of the awesome power and responsibility that the statute gives him, and, to some degree, if we are going to have an agency of this type, would point out and would underscore the responsibility, not only to personally supervise the exercise of this power in the hands of the head of the CIA, and some of his subordinates, to make them obvious of their responsibilities.

So your statement on the independence, being independent of the President, certainly emphasized his relation and his responsibility.

But, just to get that on its four sides now, as far as being totally independent of the President, the President selects the head of the CIA and our law—as a matter of fact, the money is appropriated to the President as you know, and the President, by and large, sets the mission that the head of the CIA is going to perform, the mission or the policy or whatever you might call it.

The President sets the original steps and is held responsible in a large way, for the outcome. So, I think when we talk about being independent of the President, it is not altogether independent. What you were getting down to was independence at the ultimate level there when something wrong was proposed. Is that right?

Senator CHURCH. Yes, Mr. Chairman. Of course, the Director of the Agency is subordinate to the President and must take the President's orders and must implement those orders; but the reason for having the Director—and the Agency is only as self-assertive as the Director. That is, I think, a maximum—we can all agree upon. The reason for having an agency like the CIA is so that the President can turn to a disinterested source.

Now, you may have many pressures on the President to do something that looks politically favorable. And yet, the Agency may have facts that are displeasing to the President, but facts which persuade the Director that to take this course would be disastrous.

Now, you have got to have a Director, under those circumstances, who is not thinking about the next election or a position on the ticket, but who is going to stand up and say, even at the risk of courting your displeasure, Mr. President, it is my responsibility to tell you that this course you want to take, no matter what anybody else says, is wrong. It is going to fail. And these are the reasons. I must emphasize them as forcefully as I can.

The CHAIRMAN. That is the point I was trying to emphasize too, Senator. When you get down to that level, it depends, does it not, on the man's character and integrity, after all. I mean the Director of the CIA. That is what is going to determine his going one way or the other, is it not, the basic character, integrity, and dedication?

Senator CHURCH. Mr. Chairman, you have lived longer than I have and you know there are certain tests that are hard for any man to meet. I would plead with you not to place the Director of the CIA in a position where he is politically compromised. Don't do that and expect that of any man because even subconsciously his judgment could easily be affected. It is not a question just of integrity. I do not think Mr. Bush would ever intentionally do anything that in his judgment would be a serious disservice to his country. But these are circumstances that are wrong and unless they are clarified, I think no man could perform in that office in a proper way.

The CHAIRMAN. Well, there might be a degree of integrity or quality of integrity like that old saying we used to have about 14 carat gold or whatever it is. Anyway, it comes down to those basic qualities that are in a man that cause him to put up a flag when he thinks there is wrongdoing. I think that is what we have to guard against.

Talking about laying down standards, if I could write it out, it would be "beware." Beware of the President or anyone who comes to you with ideas and courses that you think are basically wrong.

Do you have anything further you want to say?

Senator CHURCH. Nothing further.

The CHAIRMAN. Thank you.

Senator GOLDWATER. Might I make just one comment before you leave?

The CHAIRMAN. All right, Senator.

Senator GOLDWATER. The comment about a man having the strength to speak up to a President. I can tell you from personal knowledge that Mr. Bush did not want the job as chairman of the Republican National Committee and it took a lot of persuading to get him to take it.

I can say further that he went through probably the toughest time that any man in any office close to the President will ever go through, almost hourly contact about whether or not the President should go. I think he was the first man to my knowledge to let the President know he should go. I do not know of a tougher decision.

Senator CHURCH. Thank you.

The CHAIRMAN. All right, Senator. Thank you very much.

Senator THURMOND. I have one more question.

The CHAIRMAN. Senator Thurmond.

Senator THURMOND. Isn't it true that the difficulties of the CIA over the years have occurred while CIA was under the leadership of so-called professional intelligence persons and not those with so-called political background?

Senator CHURCH. Senator, I have not made any argument for limiting the selection of the Director to professional men. It is true that the CIA did get into great difficulty when professional men were Directors and I have not argued that no one from political life should be considered.

I have tried to lay out as clearly and as lucidly as I can the standard that I think should try to obtain.

The CHAIRMAN. Thank you very much, Senator.

Mr. Bush, if you will come around here please. In keeping with my announcement of yesterday, members of the committee, we will proceed with those who did not have a chance to ask questions yesterday. But first, as you know, the Senate Democratic caucus has adopted a policy with respect to every nomination which requires that every nominee be asked: "Do we have your commitment to respond to requests to appear and testify before any duly constituted committee of the Senate? Will you respond for the record."

Mr. BUSH. Yes, Mr. Chairman. You have my commitment to comply with any such requests.

#### STATEMENT OF MR. GEORGE BUSH—Resumed

The CHAIRMAN. Senator Culver, I believe you are the first one according to the list.

Senator CULVER. Ambassador Bush, I do not intend to submit you to extended interrogation. I have been acquainted with you over a period of several years, have enjoyed your friendship, and know of your keen devotion to public and political service. As a fellow politician, I admire your stamina and versatility. I am also in agreement with you on many of the points of policy which were raised in the committee meeting yesterday.

I think, therefore, it is only fair that I announce to you now in this open forum of my intention to vote against your confirmation for this office. There are few public positions, including the Vice-Presidency, for which I would not consider you an altogether suitable choice. But I do not feel that you are the proper nominee for the directorship of the Central Intelligence Agency at this juncture in its history and at this moment in our national life.

I hold no dogmas about what sort of person should hold this office. Indeed there may be real advantages in having a Director who has not been an intelligence professional. But I do know that the intelligence



community now requires leadership of transcendent qualities of disinterestedness and the power to evoke public confidence.

It is not just a matter of finding a person who enjoys this President's confidence and the amiable assent of the Congress. The next Director must be a builder, not a curator. He cannot project even the appearance of partisan bias. He must command the allegiance of those who work in intelligence and the complete confidence of a nation that depends on this clear devotion to high standards of performance and fidelity to constitutional principles.

I believe that we have no right to deprive you of your constitutional birthright to be a candidate for Vice President or any other office. For me that is an issue that obscures rather than clarifies our obligations. But I do think it is fair to suggest that the nominee for the CIA now or in the future ought to be a man or woman whom the next administration would consider as its Director.

The Chairman said yesterday that it would probably take a year for any new CIA Director to learn his job well. That just strengthens my view that any nominee for this post should be someone who would be considered, qualified, independent, and nonpartisan enough to be continued in that position by a new administration of either party.

We have learned in the case of both the FBI and the CIA that Directors should not become so entrenched that they become stronger than passing administrations. But we have learned too that constant turnover or easy susceptibility to political changes is also destructive of the office.

We are less than a year away from an election. Your nomination, through no fault of yours, inevitably takes on political overtones. There is a very strong chance that a year hence we will have yet another nomination to this office, and your incumbency will have been purely transitional.

Yet we are in need now of a Director who can restore intelligence to its rightful and proper place in our national security system. Unfortunately, the way this nomination was made and the public and partisan offices you have held will not make that task easier.

Therefore, Mr. Bush, it is with much regret and without the slightest shadow on either your character or your qualifications for any other positions, I shall vote against your confirmation.

Thank you very much, Mr. Chairman.

The CHAIRMAN. All right, Senator.

Senator Scott, that brings us to you.

Senator SCOTT. Thank you very much, Mr. Chairman.

Mr. Bush, I am sorry, I was not able to be here yesterday to welcome you before our committee. I do so now. I think that Senator Church has raised some serious questions and I believe we ought to talk about those and get your responses.

Now, can you provide factual nonpartisan information to the President in view of your total, overall background. Is there anything in the past or are there any aspirations in the future that would cause you not to provide entirely factual, entirely nonpartisan information to the President in the event that you are confirmed to be Director of CIA?

Mr. BUSH. No, sir. I can provide that information and I am confident that I will have the access to see that the product of the intelli-

gence community is directly provided to the President of the United States.

Senator Scott. Well, now, we know that we have had a committee—Senator Tower on this committee sits on the committee that has been investigating the CIA. Senator Church chairs that committee. And it has been holding investigations and the prestige of the Agency has suffered in recent years and its activities have been gone into rather thoroughly.

Now, I would believe that we need someone to head the CIA that can help reestablish its credibility, and its prestige. How would you fit into that picture? Could you do this type of thing, or would you bring discredit because of your former association as the chairman of the Republican National Committee?

I believe Senator Church has pretty well put that question before the committee and I would just like for you to respond to it and tell us in your own words what your feeling is with regard to the prestige, the integrity, the impartiality of the CIA and the reliability of it.

Mr. Bush. Well, I do share Senator Church's view that the Agency must be devoid of partisan politics and I tried to make clear to the committee yesterday—obviously not to his satisfaction—that I was capable of doing that. Senator Church has elected to use the analogy of the political figure from his own party, Larry O'Brien. I think there is some difference in terms of qualifications. Larry O'Brien did not serve in the Congress of the United States for 4 years. Larry O'Brien did not serve, with no partisanship, at the United Nations for 2 years. Larry O'Brien did not serve as the Chief of the U.S. Liaison Office in the People's Republic of China. Senator Church mentioned that maybe you need somebody from business. I ran a successful business, started it, ran it, managed it, and I think did reasonably well in it, but at some point I would wonder when does one, because he served his party in difficult times have enough of a record so that people can judge the overall record. And I would not, if I were making determinations, disqualify Senator Jackson because he was the chairman of the Democratic National Committee, because he served his party as the chairman of the Democratic National Committee.

And I would only urge you, Senator Scott, to consider the overall record and then hopefully figure that maybe my character and integrity, which I hope I have demonstrated, will add up.

I understand the concern with "perception." I understand it. But, as I said yesterday and I repeat, I hope that the committee will judge me not on the perception of others and not on the editorials that were selectively read here today, but on an overall record that I am proud of, and that I don't care what action this committee takes, I will never apologize, and that is not what Senator Culver is asking me to do for serving in a partisan position.

Senator Church said that there was—my record was devoid of demonstrable independence. I wrote a letter to the President of the United States asking that he resign, the chairman of his own party.

Now, I submit for the record that that is demonstrable independence. I did not do it by calling the newspapers and saying, "Look, I am having a press conference. Here is a sensational statement to make me, to separate me from a President in great agony."

But I did it and I think there are examples that people who served with me on the Republican National Committee could provide that would show where I resisted pressure from the White House.

I will readily concede that it was not done a la kleeeg lights and press conference, but I think that even in that highly partisan job, I demonstrated, I hope I did anyway, a certain integrity that I felt my part in those difficult times was entitled to.

So, I understand the concern, Senator Scott, and I can only tell you I will do my level best.

Senator SCOTT. You will do your level best to serve in a completely impartial manner?

Mr. BUSH. Yes.

Senator SCOTT. And help to reestablish the credibility of the CIA.

Mr. Bush, there has been some question as to the secrecy within the CIA and the fact that even Members of Congress are not knowledgeable about its activities. Could you comment with regard not to publicizing all of its activities before the entire world but do you have any concept as to how you might let the Congress be informed as to the activities of the CIA without unduly handicapping it in its work, work that it is charged with performing?

Mr. BUSH. No firm recommendations other than general support for the recommendation of the Rockefeller Commission of a joint committee, but recognizing that this is the sole prerogative of the Congress itself. But I would say that I believe my relationship, my training and my background would be helpful in keeping the Congress informed, which certainly would be my intention.

Senator SCOTT. You would intend to keep the Congress and particularly this oversight committee informed.

Mr. BUSH. Yes, sir.

The Hughes amendment specifies as I understand it this, relating to certain kinds of activities, and I would faithfully follow the law in that regard.

Senator SCOTT. Well, now, could you tell us what you see are the advantages and disadvantages of having a career intelligence individual as Director of the CIA as contrasted with one who has not worked in this specific field, and I am assuming, and you correct me if I am wrong, that you do not have an intelligence background. You have many other attributes.

Mr. BUSH. That is right. My connection with intelligence has been in two foreign affairs posts in which I dealt with the product of intelligence. I know something about it. I know many of the individuals that involve the agency and I should say here I have great respect for people that devote their entire lives to service of the CIA and I might take this opportunity to say I have great respect for Bill Colby. He has treated me in an extraordinarily difficult situation with innate civility and decency and I want to get that on the record.

But I have no feeling that it should be spelled out, that you need a career man or that you need an outside person at any given time. I have great respect for them and I would say that both can serve and both can serve admirably.

Senator SCOTT. Well, now, we had before us some time ago Mr. Kelley to be Director of the FBI, Mr. Kelley who is a former FBI

agent, former chief of police, a man who spent his lifetime in this field, and I am not in any way asking you to comment on his capabilities. I think that would be improper. But you have an entirely different background. Do you feel that you can perform the duties of that office as effectively as someone who does have a lifetime of service in the intelligence field?

Mr. BUSH. Clearly, sir, I have a great deal more to learn in terms of the methodology and the day-to-day workings of intelligence, but I believe I could. You see, I have a perception that without discrediting any of the individuals who ran the CIA, that there has been demonstrated from time to time or in at least some of the things that went wrong a lack of political sensitivity.

Now, I am not saying that the only person that can cure those deficiencies if they existed is somebody who has been in politics. I feel confident because of what I feel are sensitiveness to the public derived from partisan politics that I could do that job.

Senator SCOTT. Let me ask you one final question, if I may.

There has been mention of the possibility of your Vice Presidential aspirations. Frankly I am not sure Governor Reagan would choose you as a running mate [laughter] but let me ask you, in the event of your confirmation, even if you have further political aspirations, can you operate in the position as Director of the CIA as if you were not interested in this further office?

In the work you do from day to day would you have part of your time spent on running for Vice President and part of it being in charge of the office, or could you devote your full time and attention to being Director of the CIA?

Mr. BUSH. I would scrupulously avoid partisan politics in that case.

Senator SCOTT. Is it your answer that you could devote full time and attention to being director of the CIA?

Mr. BUSH. Yes, sir. I have done it in two nonpartisan jobs and I will do it again if confirmed by the Senate.

Senator SCOTT. Thank you, sir.

The CHAIRMAN. Gentlemen of the committee, for your information may I outline the program that will come before us this afternoon.

We all know we are in what we hope is the last week of this session. At 2 p.m., I have set the hearing on the nomination of Mr. Robert Ellsworth, nominated to be the Deputy Secretary of Defense. There is a law that permits a second Deputy. Mr. Clements, the present Deputy Secretary of Defense will be designated as principal Deputy Secretary of Defense. We have the nomination before us, too, of the Secretary of the Air Force, Mr. Thomas C. Reed, which has been here the required length of time.

The same is true as to Mr. William I. Greener to be Assistant Secretary of Defense for Public Affairs, and Mr. Matthew J. Perry, to be a judge of the court of military appeals. Of course, we have this matter of Mr. Bush's nomination to conclude, and we may have some other witnesses.

Now, returning to the examination of Mr. Bush, that brings us back to Senator Leahy. Did you finish yesterday with the points you had? I think I called on you the second time. You indicated you had additional questions.

Senator LEAHY. We were on the question of the Inspector General and most of those questions Mr. Bush answered.

As I understand it, you are very much in favor of upgrading the position of inspector general. Would you basically be in favor of following the recommendations of the Rockefeller report on that?

Mr. BUSH. I believe I would have to review what they were but I believe I would, which gave him the right to go to the President's Foreign Intelligence Advisory Board (PFIAB).

Senator LEAHY. And the other thing—I must admit I was out part of this morning and you may have covered this—but you spoke of writing a letter to President Nixon asking him to resign. When did you write that letter?

Mr. BUSH. Just at the very end. Just after the final revelations of the last tape.

Senator LEAHY. And that was at a time when that was pretty much the general feeling within the Republican Party; was it not?

Mr. BUSH. It might have been the general feeling of the Republican Party. I am not sure it was the general feeling of the President at that time. I have no way of knowing.

Senator LEAHY. I am sure the President did not give an indication he was very eager to give up his service, I grant you that.

So it was right at the very end.

Mr. BUSH. Yes. I do not have the exact date, but it was right—just before he resigned.

The CHAIRMAN. All right, gentlemen of the committee, does anyone want to ask any more questions?

Senator GOLDWATER. I have a question.

The CHAIRMAN. All right, Senator Goldwater. Senator Symington will be next.

Senator GOLDWATER. The condition that the CIA finds itself in today is not the fault of its Directors. It has been the use, the misuse, and the abuse of Presidents and all the committee meetings I have attended as a member of the intelligence committee, I cannot come up with anything that could condemn the CIA unless you might say it was following the orders of the Commander-in-Chief and that is a tough one to crack.

The CHAIRMAN. All right. Thank you, Senator Goldwater.

Senator Symington.

Senator SYMINGTON. Mr. Ambassador, I have a question as a result of the statement of Senator Church, for whom I have respect as I have for you.

In my private business career I was known as a sick businessman. One would sort of tear a place up, then watch it operate clean for a time; and after that there is a second period of time watching it operate raw; then a third in which one hopes the business would really roll. This I did I think some six times.

If you were a Vice-Presidential candidate in the next election, in a few months, you would have to leave an organization of many thousands of people, an organization which we all know currently has low morale. You would really have but a few months to get into it before you became a Vice-Presidential candidate if chosen by the President.

I am not accusing anybody of setting you up, but it seems to me anybody who has had experience with large organizations, whether

private business or Government, would know that reorganization takes extensive time. You would have to study the people, heads of the departments, and so forth, and it would take months before you could come to firm judgment.

That has been my experience. If you took this job, then shortly were tapped for Vice President, by that time there is no possible way, as I see it, that you could really get to the core of the problem of restoring morale and proper position to the Central Intelligence Agency.

Would you comment on that?

Mr. BUSB. I think I could agree, Senator Symington, that one could not do the entire job in 6 months, 9 months, whatever the period is, but as I indicated yesterday, I think—or awhile back—I think one would have to be hallucinating if he thought this was a steppingstone to becoming the Vice President. I was not motivated that way in accepting this job—certainly, sir, if I can put it in these terms, can a person complete the job in terms of the restoration of morale, in terms of reestablishing whatever needs to be done in terms of confidence with the services around the world, and such? I do not believe it could be finished in that period of time, but I would have to also concede that my chances of being Vice President, if there are any left at all, if I am confirmed for this job would be insignificant and that I certainly—

Senator SYMINGTON. That being true—

Mr. BUSB. [continuing]. Certainly they would be diminished further when I keep my word and stay out of politics and do not campaign and do not give political speeches and disappear from the political scene.

Senator SYMINGTON. I have known well or fairly well every Director of the CIA since its beginning, before that General Donovan, head of the OSS. Surely you could not complete your work by the time the Vice Presidency came up. It is going to be a difficult job on any basis.

I do not see why, therefore, and this has nothing to do with your character, your future, your integrity—why you do not say if you got this job you would stay on at least 2 years. I have been around this agency in one way or another for a long time; and believe it would take at least 2 years to get its proper position reestablished in the Government.

Mr. BUSB. That is certainly my intention to do that and the only thing I cannot give you an honest answer to is if this is the way that would evolve—not Senator Church's opinion, because I gather he would vote against me anyway, and I do not think that is what troubled Senator Culver.

In the final analysis, without having done anything I was offered the nomination kind of on a silver platter. I cannot tell you that I would not accept it and I frankly do not think in an office where you serve at the pleasure of the President that that should be a criterion for any office, and I just—that is just my concept of service and I hope I am motivated in my public life by service.

Senator SYMINGTON. I respect your thinking and hope you will give some thought to mine.

The CHAIRMAN. All right, gentlemen.

Senator Hart.

Senator HART. I would like to note for the record that you were not asked by Senator Scott whether you would want some place on his Reagan ticket. That is a separate issue.

You stated yesterday among other things that you oppose making public any part of the CIA budget. Is that correct?

Mr. BUSH. Yes, sir.

Senator HART. How do you square that with the first article, section 9 of the Constitution which says that no money shall be drawn from the Treasury but in consequence of appropriations made by law, that a regular statement of account of the receipts and expenditures of all public money shall be published from time to time?

Mr. BUSH. I have not reviewed the legal provisions of it but I have noted very carefully the positions of previous Directors who have appeared before this committee as having done a responsible job. I know they take very seriously their obligations under the National Security Act to protect their sources and protect the security of the Agency, and without having gotten a legal brief on it I would simply defer to the collective wisdom of those who I believe most people feel have done a remarkably good job over the years—they feel that if you begin making public parts of the budget of this Central Intelligence Agency that that will lead—except to the appropriate authorities now existing, where disclosure is done—that will lead to great complications for our intelligence gathering and or intelligence capability and in keeping secret properly the things that should be kept secret.

Senator HART. But your conviction would wane if Congress ordered otherwise?

Mr. BUSH. As I hope I indicated yesterday, Senator Hart, I would abide by the law.

Senator HART. On the select committee we came across something called floating authority. If a Director felt that he had received authority from the President to carry out certain operations, and the Director left office—the next Director came in and was briefed on ongoing operations and assumed that the authority that the previous Director had received from the President or even a previous President floated to him.

Do you have any reaction to this as far as walking into ongoing operations? Would you, for example, insist that President Ford grant you authority to carry out certain operations that are going on?

Mr. BUSH. Given the nature of the controversy and my very limited knowledge of it, I would want to immediately know—I assume you are talking about covert operations and maybe other operations as well, and see that they were properly reviewed and properly authorized. If I had enormous problems with them, I certainly would feel no hesitancy in taking that up in National Security Council or to the President depending upon what the magnitude of the problem was. I think the point you raise is a very important one and I would want to be sure that day I walked in that I not only knew what was happening in these rather sensitive areas but that if the program raised real doubts in my mind or reasonable doubts in my mind that I would then do what was necessary to resolve these doubts which is the kind of consultation you are talking about.

Senator HART. You came out foursquare against the assassination of foreign leaders, but on the other hand you left open the possibility of conducting covert operations to overthrow foreign governments. Even though you agreed we should tread lightly on constitutionally and democratically elected governments, you did leave open a substantial loophole for overthrowing governments.

Now, what we found out with regard to foreign assassinations was that of the five or six that we were involved in, only two involved direct attempts to assassinate a foreign leader. The other three or four involved attempts on foreign leaders that flowed from or resulted from our participation or encouragement of coup operations in those countries or dissident operations.

Now, how do you reconcile that?

Mr. BUSH. Well, I would have to study those cases very carefully but I can see a system where democracy has been democratically installed—suppose you had another Hitler come in who had been democratically installed and a group within his country tried to do something. And all your European allies were extremely concerned, and all of them urged the United States to give covert support rather than some kind of declaration of war. I would not want to rule out that kind of operation and I do not think we should tie the hands of this country in the face of that kind of a threat.

Senator HART. That is the easy one.

Mr. BUSH. It is an impressive one, though, Senator, and from it can stem many, many others in my opinion.

Senator HART. General Schneider in Chile?

Mr. BUSH. I have not studied the Schneider case enough to know, but as I understand the Schneider case in finality the United States did not do that: is that correct? I think so.

Senator HART. Well, the problem I am posing there is that we are involved in some covert operations in governments—and they are not Hitler kinds of situations at all. We have encouraged or supported coup d'etat attempts that have resulted in assassinations of foreign leaders and in this case the equivalent to Chairman of the Joint Chiefs.

The point I making, is you cannot come out against assassinations and leave open the possibility of covert operations that may lead to assassinations. That is too easy.

Mr. BUSH. It happens to be the way the world appears. The world appears to me to be that way.

Senator HART. And that is the kind of world you want to perpetuate?

Mr. BUSH. No, but I have great concern from having lived in a rather disciplined totalitarian society for a while. I have a concern about the world as we really see it and I do not believe that some antagonists—and I am not talking about the people of the Republic of China—play by the Marquis of Queensbury rules when you get into this business. I think we have a certain commitment to morality but I do not think we should close the door forever on covert activity which is where this discussion appears to me to logically lead.

Senator HART. There are all kinds of covert activity. I am specifying attempts to overthrow governments of other countries.

Mr. BUSH. And I said I would not suggest that we rule that out forever. I suggest we tread very, very carefully. And I have given



you an example that I do not know your committee would agree with but I have thrown the example of a Hitler and you say that is very simple, but unfortunately I think it makes the point that we should not rule out that kind of thing.

Senator HART. In the 6 or 7 days you have been back, have you been briefed by Director Colby?

Mr. BUSH. I have had one 20-minute talk with Director Colby, but have not been briefed by him.

Senator HART. Have you read the Rockefeller Commission report?

Mr. BUSH. Yes, I have.

Senator HART. Have you read our assassination report?

Mr. BUSH. Not entirely but almost entirely.

Senator HART. I think what is disturbing, and it is not your fault at all, but something is wrong with the system, that you would come back and you opened yesterday by saying you were fatigued and suffering from time distances and answered a large number of questions by saying you did not know, you did not know what the practice had been, you did not know what the policy had been.

I think before the Congress of the United States, the Senate of the United States, confirms people for jobs like this we ought to provide for an interim period where you learn what the job is, what the agency is doing, and then you can respond to fairly profound policy questions that we have to answer in our minds before we vote for you.

I have not been here long enough to know how long this has been going on, but I think it is terribly unfair not only to us but to the people of this country to be asked to confirm somebody for a situation, probably one of the most sensitive positions in our Government, who has had 6 days back in this country, has missed most of the debate, and cannot answer most of these policy questions on the ground that you just are not familiar enough with the policy position.

I do not take that out on you again, but I think it is a terrible position.

Mr. BUSH. Well, I would only say that the very nature of this CIA perhaps makes this particular agency more prone to have that problem than in others because of the secret nature of a lot of the information to which your committee has had access but to which I have not.

Senator HART. I am not talking about secret information. I am talking about policy questions—the role of the NSC, the role of the 40 Committee, your attitude toward budgets, and a lot of other things that are not secret and that we ought to talk about there and should talk about before we talk of confirmation. I think that is what greatly disturbs me.

The CHAIRMAN. Gentlemen, I am sorry, but your time is up.

Senator Jackson has not had a chance to ask any questions yet.

Senator JACKSON. I have been delayed. I want to say at the outset that I have the highest personal regard for Ambassador Bush. Those of us who had the privilege of serving with his father on this committee certainly admire and respect the integrity of the Bush family; and I respect yours, Mr. Ambassador.

I have a couple of comments that I want to make, Mr. Chairman, and—

The CHAIRMAN. All right, Senator.

Senator JACKSON [continuing]. And get a response here.

It seems to me, Mr. Ambassador, that President Ford has put you in an awkward and very unfair position. I think the President should make clear that he will not ask you to be on the 1976 ticket if he gets the nomination. I believe, very candidly, that this committee would be defaulting on its duty if at this stage, given all the problems with the CIA, we put in a Director who may serve for less than a year.

Can you assure the committee that you will serve as CIA Director at least until January 19, 1977—that is, at least 1 year? Now, I ask this question because the chairman and I and others have repeatedly asked of nominees will they serve out their term or serve a reasonable length of time in terms of the needs of the job. I think the chairman has taken a very strong position on this. And I would like to have your comments.

Mr. BUSH. I serve at the pleasure of the President and there is no term, as I understand it, Senator, for this job and I have every intention of serving more than a year in this job.

Senator JACKSON. That is your intention but, you see, there is a cloud over this. Do you think it would be good for the CIA that we confirm a Director who might be out, say, this summer—who would be in for just 6 months?

Mr. BUSH. You mean if you knew for sure—is the question based on the predicate that you knew for a fact certain that the Director would only be in there 6 months?

Senator JACKSON. We do not know what you will be doing under the circumstances, as I understand your statement yesterday, that if called upon to be on the ticket you would accept and—

Mr. BUSH. That is not exactly the way I phrased it. I said I could not say I would not accept but it is a semantical difference and I further said, Senator Jackson, that I did not think any American should be asked to, for that high service, to say in advance that he would not do that, would not accept an office of that dimension that he had not campaigned for, where he laid politics aside at the very outset. I just feel that is a very strong principle but I can understand your question and I—

Senator JACKSON. Well, my concern here is totally impersonal. I am looking at the long tradition of the CIA in the area of national security. I asked this of Mr. Rumsfeld, but the CIA is even more sensitive in this particular area. I partly sympathize with you and your predicament here. But, you know, what if we were going through this same line of questions, same set of facts, for the Director of the FBI? And the CIA is really in many ways more sensitive than the FBI.

Mr. BUSH. But my point, sir, yesterday was that no person for confirmation to any office that I know of—maybe we can research one out—has ever been asked to foreswear that kind of political service in the history of this country.

Senator JACKSON. Do you think it would look good for faith and confidence in the CIA if, come this summer, you should leave the CIA and be a candidate? Would that be constructive for the career service, and for the host of sensitive issues that we have seen aired in connection with the CIA?

Mr. BUSH. I think, sir, it would depend on the type of job in that very short period of time I have been able to do. If I indeed had kept my word, if I had indeed had some part in restoring morale, if I indeed had cooperated fully with the U.S. Congress, if I indeed had objec-

tively, in what might be a different situation or two, presented the product of the intelligence community to the President of the United States without knuckling under on whatever the issue might be to State Department or Defense Department. I think then I should be judged on the product of my work. I think that is the way I would be judged.

When I went to the U.N., which is not exactly the same analogy, there was understandable concern expressed editorially and when I left I think they felt that I coped with that job. I know they felt I did it in an impartial fashion and I cannot say I finished it in something around 2 years; but I think I did it reasonably well and I would think this would be the criteria that I would ask to be judged by, performance, admittedly in a very short time frame.

Senator JACKSON. But this is the first time we have nominated someone with a long political background to head CIA.

Mr. BUSH. But, Senator Jackson, my argument on that one, and we had some of it yesterday, I had 3 years in foreign affairs, I had 4 years in Congress, and I had 2 years as chairman of the party and I think that is a fairly good—and so many years in business, running business establishments—so I think that is a fairly good balance in terms of qualifications.

Senator JACKSON. My basic concern here is the awkward and unfair position you are being put in by the President.

Let me ask you, have you had any understanding with President Ford that you will not be asked to be on the 1976 ticket if he gets the nomination?

Mr. BUSH. No, sir. All I know about that is that he said—he did not say I was being considered as was represented here this morning. I think he said Mr. Rumsfeld and I should not be eliminated from consideration, is the way I recall it.

Senator JACKSON. To be very candid about it, it seems to me the President has put you in a very awkward position. The need here is really to save the CIA. I do not need to recite what the Agency has gone through. It has been a very rough period. And it seems to me that the judgment of the President in this matter is at best imposing a terrible burden on the CIA and on you. It raises a real problem here of nominating someone, who is a potential candidate, for service of less than a year.

This is what really troubles me because I have the highest regard and personal respect for your ability and above all, your integrity. Mr. Chairman, it seems to me that the President should assure this committee that he will not ask Ambassador Bush to be on the ticket.

Let me now ask you some specific questions. Suppose a SALT-type agreement signed by President Ford is failing through noncompliance by the Soviets on the eve of the election. Would you call the facts as you see them?

Mr. BUSH. Yes, sir. I tried to establish yesterday that I view it as fundamental that the product of our intelligence be presented without bias, without policy considerations, to the President. And I have been assured that I will have the kind of access to have a personal—such presentation if indeed it is warranted.

Senator JACKSON. Can you assure us that there would be no delay, no purposeful ambiguity, no fuzzing of the facts—that you would get the

truth to the best of the ability of the CIA, and that you would make known the truth to the President and to those in Government, including Congress, who need that kind of information to do their job and protect the national security—no matter how embarrassing it might be to the administration at that time?

Mr. BUSH. I would certainly do what is—would be necessary to get these views to the President and I would comply fully with the law in informing the Congress.

Senator JACKSON. Without delay.

Mr. BUSH. Without delay.

Senator JACKSON. And no ambiguities.

Mr. BUSH. No ambiguities, but I should make this point clear, that every time there is a difference as between intelligence estimates or every time there is some difference within the, say, estimates that we present and the estimates that are presented through another department, say Defense, the minute that hits I think the President or the administration is entitled to—

Senator JACKSON. I did not say go public.

Mr. BUSH [continuing]. To iron out differences before these things are aired, and I would carefully comply with the law in informing the Congress.

Senator JACKSON. Yes. We know there are variations on intelligence estimates; and all those things are to be reported and—

Mr. BUSH. And they would be reported, sir.

If they are required—

Senator JACKSON. That is what I am saying, sir. I am not talking about what your final judgment is, but about facts that have come to your attention or information that has come to your attention. Obviously the CIA may have one view, the DIA may have another, and State another. But what I am talking about is whether, right on the eve of an election, facts came to your attention, would you nevertheless disclose all of that information to the proper officials of the Government, executive and legislative?

Mr. BUSH. I would disclose—yesterday I made clear that there are some things that are—I think are—yes, I would disclose to the proper authorities in the Congress what was required.

Senator JACKSON. Even though you had not come to a final decision on the significance or what to do about them?

Mr. BUSH. But let me make one thing very clear, Senator. It would have nothing to do with whether there was an election coming up or not as to whether I faithfully fulfilled these obligations.

But as I appealed yesterday, I hope the judgment will be made not on a selective column but whether I have the character and integrity to fulfill that commitment.

Senator JACKSON. You see, my concern here obviously is the awkward position you have been placed in. It is hard enough to be the head of the CIA and we are departing here from the tradition of the Agency in the selection of people in connection with this nomination at this time when—let us be candid about it—there is a lack of public confidence—we have got to admit it—in both the CIA and the FBI. And I think it puts you in a very difficult position.

Mr. BUSH. I agree, sir, but I think it makes it even more incumbent on me to do my level best to keep my word and if you feel as you

generously said that I have the character and the integrity, I would hope that you would give some weight to that vis-a-vis the question of appearance.

Senator JACKSON. Yes.

But, you know, what is really troublesome is that the public needs confidence in our intelligence efforts now as never before. It is a crisis. When we were in a crisis previously the Democratic President, Mr. Roosevelt, brought in Mr. Knox, and Mr. Stimson, and Mr. Lovett, who was with your father's old firm, and in the area of security, the OSS, General Donovan, a distinguished Republican was brought in; and likewise in the immediate postwar period General Vandenberg was heading up the interim intelligence agency until the admiral took over.

And the long list of CIA directors that has been put in the record, Mr. Chairman, is one in which the whole appearance of any possible partisanship has been removed.

Ambassador Bush, these are just thoughts that go through my mind in a very candid and objective way and I am trying to be as fair as I can. It really bothers me out of the great respect I have for the need for a bipartisan policy in the area of national security. At this point I can only conclude by saying, I think you are in a very awkward position.

Mr. BUSH. I concede that. I do not have total blinders on but the thing I do not feel and would like to reiterate is that because a person has served his party, and you should be perhaps sensitive to this as I, that that assignment should be homed in on and that this should be a disqualifying factor.

Senator JACKSON. That is why I turned down the Secretary of Defense job.

Mr. BUSH. Well, I think the country was ill-served because I do not think we who have been in partisan politics and then shift gears and, hopefully—commendably—should then be branded and given the connotation of something less than decent.

Senator JACKSON. Yes, I agree.

Mr. BUSH. And I am very sensitive to that.

Senator JACKSON. That is right.

Mr. BUSH. And so I am proud of the service to the party and I think it ought not be per se a disqualification particularly if I have a track record in other fields. I am not upset in the least about your raising it because I know, I have got a heck of a problem.

Senator JACKSON. I think it is good for both parties to have someone of your stature as the chairman and not be categorized thereafter as being, shall we say, a pol or a professional politician per se. I think you are absolutely right on that point.

My point is that we are introducing a new criterion into this CIA area that we have never done before.

As far as Defense goes, Mel Laird was legally involved as chairman of various Republican committees and he did a marvelous job as Secretary of Defense.

My central point again is that I believe President Ford has a responsibility here to assure the committee, Mr. Chairman, that this

term is going to be—assuming he faithfully performs his duty—is going to be more than to next July. That is my point.

We insist in connection with every other candidate coming up, that it not be just an interim appointment. I want to make that observation.

Mr. BUSH. Mr. Chairman—

Senator JACKSON. Ambassador Bush is in an awkward position.

Mr. BUSH. Might I make a very brief reply?

The CHAIRMAN. All right.

Mr. BUSH. I will make it brief and strong.

I am not suggesting a precedent of a short term, but Secretary Schlesinger served very briefly in CIA before moving to the Defense Department. He serves at the pleasure of the President. You know, you are saying—

Senator JACKSON. But what was his background?

Mr. BUSH. He had a fine background.

Senator JACKSON. Yes; but I mean it was one of great professionalism. He had a Ph. D. in economics. He had been involved in strategic matters that ran for years, heavily involved in intelligence. He probably came to that office for a short period of time with greater expertise than most of his predecessors.

Mr. BUSH. I was simply, sir, addressing myself to length of time, for a certain period of time. That is my only point.

Senator JACKSON. He went on to another nonpolitical position as Secretary of Defense.

The CHAIRMAN. Gentlemen, I think we are about to end the questioning now and I preface that because there were some other persons who wanted to appear here, I am ready to stay and hear them and I hope others can.

Senator Hart has indicated he has additional questions.

All right, Senator Hart.

Senator HART. Mr. Ambassador, yesterday you indicated that you thought Congress should be made aware of executive decisions on covert operations going on in the world. I would like to get back to the question of when you think Congress should be made aware. Do you think it should be after a decision is made by the Executive to launch an operation but before implementation, or after the decision and after implementation. I make specific reference to the present problem of Angola.

Mr. BUSH. Well; I am not sure how Angola was handled in terms of—the law says timely and I do not know how that has been interpreted. Perhaps this information is—

Senator HART. Do you have any thoughts on it?

Mr. BUSH. My own view would be very quickly but I do not think it ought to be as I indicated yesterday, ought to be simultaneous with the decision being made which is the prerogative of the Executive.

Senator HART. But it seems to me fairly crucial as to whether that information comes to Congress before we have begun an operation or afterward. After we have begun operations, after we have put \$25 million into Angola, what are the alternatives open to Congress? What can Congress now do? What would you do if you were in Congress?

Mr. BUSH. Out of the recommendations of your committee you can pass legislation to clarify the Hughes amendment if that is what is required.

Senator HART. That is not going to help us too much with the present problem. It may help you in future ones.

Mr. BUSH. Well; I mean the present one—I hate to keep saying this—I have not been briefed on exactly what is happening in Angola and I do not believe many people have, but I think there are a lot of things that concern us.

Senator HART. It is fairly representative of a pattern of conduct. I do not refer to it to catch you off guard but get your views on procedures the leadership of this country has ordinarily used in the past.

Mr. BUSH. I would say timely notification but I would not want to tell you that I thought that should be done simultaneous with the President making a decision.

Senator HART. Then we launch the operation, and after we begin aid to a group of people in some country, only then would Congress have the alternatives of shutting it down or getting involved with the White House and the administration on the question of whether we should be there. A better method would be to be involved in the decisionmaking process at the outset.

Mr. BUSH. I think that—

Senator HART. That is a test case.

Mr. BUSH. I think that there are some areas where the President has those inherent powers and he should be allowed to proceed. I think consultation with Congress as provided under the Hughes amendment will eliminate much of what happened under several Presidents before. As I understand it, that amendment just passed in 1974.

Senator HART. The select committee has discovered that of the total amount of money spent by CIA on covert operations, only about a quarter of that money—roughly about a quarter of the projects approved—are approved by the 40 Committee. Three-quarters of the money and the projects are launched by the CIA itself. Would you feel better about conducting your job as Director of CIA if all covert operations were approved by the 40 Committee?

Mr. BUSH. Clearly.

Senator HART. Even if Congress decides?

Mr. BUSH. Clearly. I have no hesitancy in saying I would like the NSC approval on that type of operation.

Senator HART. The Rockefeller Commission in recommendation No. 26 suggested that there be a single and exclusive high level channel for transmission of all White House staff requests to the CIA, one person linking the CIA Director and Deputy Director with the President and that any communications outside that channel should be immediately reported to the DCI. What is your feeling about that?

Mr. BUSH. I am very much in favor of that and I think the DCI should be kept informed. I am sure there are a lot of, you know, day-to-day kinds of minimal requests, "Please look up a paper within such and such a time and send it to us." We do not want to get this job bogged down in too much redtape but in principle I agree that the Director should be informed of White House requests and I think it is a good safeguard against abuses.

Senator HART. That is all.

The CHAIRMAN. Thank you, gentlemen, anything else?

Senator JACKSON. Just one question.

The CHAIRMAN. Senator Jackson has asked for one question.

Senator LEAHY. Then I will want 2 minutes.

Senator JACKSON. Ambassador Bush, can you tell us who will be your deputy? Will it be the present deputy?

Mr. BUSH. No, sir.

I cannot tell you that.

Senator JACKSON. Are there any plans you know of for a change?

Mr. BUSH. None that I know of.

Senator JACKSON. I think it is relevant, Mr. Chairman.

The CHAIRMAN. Yes. I think it is relevant, too.

Senator JACKSON. I think we should ask the President whether he contemplates any change on the part of the overall administration of the CIA.

Mr. BUSH. I can say it is relevant to this question that I did ask for the right to, in consultation with the President, suggest a deputy should I feel that was necessary. But there is no commitment to continuation of the existing deputy or—

Senator JACKSON. That would be something you would discuss after you have been in office for a little while.

Mr. BUSH. No plans; no, sir.

Senator JACKSON. You want to feel your way and see what the situation is.

Mr. BUSH. Yes, sir.

The CHAIRMAN. If I may comment here, that question came to my mind. I made inquiry and as I understood it there were no plans to change deputies. The Deputy Director must also be confirmed by the Senate.

Mr. BUSH. Yes, sir.

The CHAIRMAN. The question was relevant and Senator Jackson conferred with me on it. I think if there is going to be a change you should be in on it, of course.

Mr. BUSH. Yes, sir.

The CHAIRMAN. And you expect to be, I suppose.

Mr. BUSH. I not only expect to be, sir, but I have the assurance of the President that, you know, I would have an input on the decision.

The CHAIRMAN. That is what I meant by being in on it. There are no references to the present incumbent or anything like that, but if there is going to be a change I think you should have a prominent part in that selection. Next to the President, the responsibility is yours.

All right. Senator Leahy, you had a question.

Senator LEAHY. Just a brief statement, Mr. Chairman. I will be brief.

The CHAIRMAN. Certainly.

Senator LEAHY. We have gone over a great deal and Ambassador Bush has gone through a great deal in the last 2 days.

Senator Goldwater said earlier that many of the problems of the CIA have resulted from the abuse of various Presidents and I agree with Senator Goldwater. I am always nervous when I state publicly that I agree with him. I am afraid I might hurt him back in Arizona.

But it is true and the ills have been caused by both Democratic and Republican Presidents who have abused the CIA, according to the report, but there is also another problem. That has been, as I stated yesterday, the lack of appropriate oversight by us here in the Congress.



I think that if nothing else comes out of all of this, hopefully, we will have some adequate oversight in the future.

But, you know, no matter what kind of oversight mechanisms we set up, they can only be effective to the extent that the Director of the CIA is effective in carrying out his responsibilities, not only to tell the truth to the various committees that might be involved with that, but making sure the Agency does not withhold things. I am concerned because there is a perception in this country that that is going on because we need a CIA and we need an intelligence community in this country, but I cannot believe that it can work effectively as long as this country perceives that it is continuously involved in either political chores for the President or things that go way beyond the charter and way beyond the law.

I wish, Mr. Ambassador, that you were here to be confirmed for any other position that this committee has jurisdiction over. I really do, because that question of perception still concerns me. It has concerned me for years not only with the CIA, but with the FBI and I stated publicly years before I came here that those are two positions that should be held by people who are seen as being totally divorced from politics. I find that I am troubled more by this nomination than by any other appointment we have had before this committee.

I am troubled by it more than any appointment that I have had to vote on as a Senator in the less than a year that I have been here, partly because of your own performance here, which I think has been a difficult one. I think it has been particularly difficult because you have been called upon to testify in such a really short time and you have not had a chance to do the preparation that I am sure you would have liked to do.

And I really cannot find it in me to vote for your confirmation on those grounds, but not because I perceive you as a dishonest man. I do not. Not because I perceive you as an incompetent person. Quite the opposite. You have proven time and time again that you are extremely competent, that you are extremely professional.

But I am concerned that the CIA is at a watershed in its perceptions, in its own being, and that the President is really doing a disservice in taking somebody without a background in the intelligence area and somebody who I think is going to be perceived as being a political appointment.

As I said, I wish you could have been here to be confirmed in any one of the other positions that this committee sits on.

The CHAIRMAN. All right.

Proceed, Mr. Bush.

Mr. BUSH. I do have a background of 3 years in highly sensitive foreign affairs experience, two of the highest diplomatic posts I believe this country has, in which I dealt with the product of intelligence. I know something about how intelligence works and I submit that is a good background. But, Senator, I know you have arrived at your conclusion honestly and I would only say I think it is unfortunate that you can say I have the character and I have the integrity, the perception, but that the way it is looked at by somebody else overrides that.

Thank you, sir.

Senator LEAHY. I think it is perhaps more difficult than that because of what has gone before us in the CIA. I think it is probably a problem of history that has put you in this difficult position. I have no question in my own mind as I made some informal notes around the Senate but that you will be confirmed. And I have no question but that your confirmation will be recommended by this committee, but I thought that it is a matter of honesty to you that you certainly deserve to know exactly what my feelings are.

Mr. BUSH. I respect your frankness, sir.

The CHAIRMAN. Mr. Bush, let me be sure we understand each other. You have seen the concern here. You said you would not bargain away your birthright of citizenship or any part thereof, just to be confirmed or to receive an office. That was in reference to a question about the Vice Presidency. I like that position, frankly. But, you have also said now, as I understand, you were going to have no part, if you are confirmed, in this Presidential race of any kind, that your present sole purpose is to get in there and do the very best job you can and serve at the pleasure of the President, being no fixed term; is that correct?

Mr. BUSH. Yes, sir.

The CHAIRMAN. You have nothing in mind that could be in the nature of a reservation on any of those points.

Mr. BUSH. No, sir.

The CHAIRMAN. You are not going to show up quitting to go into business or seek office for yourself or for anyone else if I understand you correctly.

Mr. BUSH. That is correct, sir.

The CHAIRMAN. All right.

Is there anything else you want to say on that matter?

Mr. BUSH. No, sir.

The CHAIRMAN. Members of the committee, are there any other questions?

This has been a very thorough examination.

I think that is all the questioning. We are not trying to close the door on any members of the committee who might want to ask questions, but I think this will conclude the questioning period.

Members of the committee, other testimony that I propose to take now brings forth another explanation. We have set a number of nominations for 2 p.m. to which no objections have been filed. Mr. Robert Ellsworth, to be a Deputy Secretary of Defense; Thomas C. Reed, to be Secretary of the Air Force; William I. Greener, to be Assistant Secretary of Defense for Public Affairs; and Matthew J. Perry, to be a judge on the Court of Military Appeals.

Now, I propose that we recess until 2 p.m. and at that time take up these other matters that I have enumerated unless something about the Bush nomination might intervene. We have with us Mr. Cohen, president of Common Cause, who had asked to testify.

Mr. Cohen, please come to the witness table.

Mr. Bush, I think it will be well if you remain here and hear the testimony. You do not have to stay but that might save time.

Mr. BUSH. I will be pleased to stay, Mr. Chairman.

The CHAIRMAN. Those who wish to leave may do so, of course, but please do so quietly.

**STATEMENT OF DAVID COHEN, PRESIDENT, COMMON CAUSE**

The CHAIRMAN. Mr. Cohen, what is your full name, sir?

Mr. COHEN. My name is David Cohen.

The CHAIRMAN. Whom do you represent?

Mr. COHEN. I serve as president of Common Cause, a nonpartisan citizens lobby.

The CHAIRMAN. And you appear for them?

Mr. COHEN. I do indeed.

The CHAIRMAN. All right.

Proceed if you will. We are glad to have you here, sir.

Mr. COHEN. Thank you, Mr. Chairman, and we appreciate the opportunity today to testify on the nomination of Ambassador Bush to be Director of the Central Intelligence Agency.

My testimony will deal with two broad areas: One, the procedure the Senate Armed Services Committee should follow in all major confirmation matters including this one; and two, the special attention intelligence policy matters should receive at these hearings.

Common Cause believes the hearings on the nomination of Mr. George Bush to serve as Director of the Central Intelligence Agency present a special opportunity for the Armed Services Committee to set appropriate and proper standards for confirmation hearings on key Presidential appointees.

Senate committees frequently have neglected their constitutional responsibility in this area. Confirmation hearings are often empty rituals, involving hasty and superficial review of Presidential nominees. I think we have begun to see some progress made by the Senate Commerce and Interior Committees and we urge the Senate Armed Services Committee to make the confirmation process the kind of deliberate and probing undertaking it can and should be. Toward this end we suggest that the committee take the following steps in handling Ambassador Bush's nomination:

First, the committee should develop standards to govern its decision on Mr. Bush's confirmation. These standards should cover administrative competency and relevant expertise, as well as commitment to various principles of accountability and ground rules regarding CIA operations.

Second, the committee should carefully evaluate Mr. Bush's background and views on the basis of these standards. This evaluation should entail broad and extensive questioning. Frankly we believe that one or two days of hearings is insufficient to do the job.

Third, the committee should require Mr. Bush to submit a public financial disclosure statement and should examine it for any potential conflicts of interest. It should require resolution of any conflicts, if there are any, as a condition of confirmation.

Fourth, the committee should postpone voting on Mr. Bush for at least 2 weeks after the hearings are completed. This would enable the committee to study the hearing record and complete its investigation of his background. Mr. Bush could then be called back during that time for further questioning if the committee thought that that were necessary.

Fifth, the committee should issue a report to the Senate on the Bush nomination at least 3 full days prior to a Senate vote. This would give

other Senators ample time to scrutinize the record and the committee's findings. As seems to be the case in this instance, there is a disagreement within the committee. Time should be permitted to develop majority and minority views. The full Senate should vote on the Bush appointment. We believe that major appointments such as Director of CIA should receive a full confirmation hearing but the full Senate should be allowed to vote on all such appointments.

We believe these measures would guarantee a thorough and responsible evaluation of Mr. Bush's qualifications. We consider it particularly important that these steps be taken in connection with the nomination of the individual who would head a Government agency which has been the subject of such intense criticism and scrutiny in recent months. By adhering to these guidelines, the committee would also set an important standard for other Senate committees to follow and this would go a long way toward revitalizing the Senate's role in confirming Presidential appointees.

At a time when public confidence in governmental institutions is alarmingly low, it is especially important that the American public be convinced that the Senate is committed to carrying out its advice and consent function in an orderly, thorough, and judicious manner. To vote on confirmation before this session adjourns or recesses would be a travesty of the confirmation process. We believe it is also important to find out something about Mr. Bush's views on intelligence policy in a more formal way than has been done at this hearing.

Mr. Bush has indicated a belief that the United States must develop an intelligence capability second to none. Yet Bush has not yet expressed himself on substantive actions he would take as Director, nor has he addressed the concerns which the Congress and much of the public share on the conduct of intelligence operations in a democracy. I understand the reasons as to why this is so. It is certainly no fault of Ambassador Bush. But we do believe that the process here should be slowed down so that the Ambassador can in fact be fully briefed by Mr. Colby and others and that, in turn, he can provide fuller answers than he has been able to on questions that have been raised during this hearing.

We believe it is appropriate for the Senate to consider the nomination of Ambassador Bush only after he answers basic questions concerning the accountability of the Agency.

In order to have some time, Mr. Chairman, I would like the questions that we have submitted as possible examples to be included in the statement as if read. I only want to summarize three such questions.

One question we have raised is what steps would the Ambassador take to allow public review of intelligence budgets. This was a partial recommendation of the Rockefeller Commission. Ambassador Bush has indicated, at least general agreement with the Rockefeller Commission. He wanted to have a chance to study it further. I think this is one area where further study must be made because there seems to be some conflict between what the Ambassador said to Senator Hart and with the recommendations of the Rockefeller Commission.

Would Ambassador Bush recommend to the President that the administration notify all individuals who have been subject of intelligence programs and activities which were illegal, unconstitutional or beyond the charter of the offending agency?

As another example of a question I think has to be put, what specific steps would Ambassador Bush take to minimize political influence on the CIA?

Finally, Mr. Chairman, I would like to deal with the question of taking politics out of the CIA because the issue of confirmation before this committee has been made all the more serious because Ambassador Bush has refused to remove his name from consideration for Vice President. This refusal to forgo political ambition may be candid, but it shows astonishing lack of sensitivity to the events of the last few years.

I want to be very clear. The point I am making has nothing to do with Ambassador Bush's past background. It has to do with what he says about the future.

To learn from the mistakes and deficiencies of the past, a successful CIA head will have to run the agency differently. We have had the painful experience of seeing secrecy breed excesses. It leads to policy failures. It inevitably results in matters being kept from the Congress.

A CIA head who is ready to consider high elective office less than 1 year after his appointment will be perceived to service the short-term political needs of a sitting President rather than the duties of the agency and the best interests of the Nation. The need for solid intelligence analysis is too important to be mixed up with the pursuit of elective office. A willingness to seek or accept high elective office presents a clear and present danger to the CIA agency's mission and morale.

If the Senate Armed Services Committee and the full Senate approve Mr. Bush they will ratify and legitimize Ambassador Bush's availability for high elective office. The Senate cannot escape responsibility on this matter.

Just as Common Cause believes the Attorney General should now be drawn from a President's campaign so we believe that the head of the CIA should forswear going from that office to any elective office.

Unless Ambassador Bush changes his position, Senate approval will sanction the concept of political ambition in the Director of the CIA. None of us would accept that concept for a Supreme Court justice or the Director of the FBI. Those who head agencies that deal with secret matters, and whose activities affect individual liberties, must be judged against the highest of standards. Fair administration of the vast powers of the CIA requires elimination of any appearance of present and future political involvement.

Unless Ambassador Bush changes his position we urge the Senate Armed Services Committee to report his nomination to the floor with a recommendation that it be rejected. It is the only responsible act in our judgment for the Senate Armed Services Committee to do.

In conclusion, Mr. Chairman, we believe this committee will be taking its confirmation responsibilities seriously if it calls Mr. Bush back and pursues with him again his refusal to withdraw from consideration for the Vice Presidency, pursues the kinds of policy questions we suggested, and then makes a full report to the Senate well in advance of these matters being debated.

The intelligence community has a history of being ungovernable. But to this point no real attempt has been made to gain that measure

of control which will insure that intelligence agencies perform only acceptable functions while allowing them the freedom to conduct operations with the requisite secrecy needed to insure success. The issue is to make the intelligence community governable and the Bush confirmation hearing is the first major test.

Thank you, Mr. Chairman.

The CHAIRMAN. You have given thought to that statement. You presented it well. I want to read it and I will read it. Of course, it will be in the record, too. We thank you for taking time to go into the subject, to prepare your statement, and for coming here, too.

Mr. COHEN. Thank you, Mr. Chairman.

The CHAIRMAN. All right. Thank you very much.

[The prepared statement of Mr. Cohen follows:]

PREPARED STATEMENT OF DAVID COHEN, PRESIDENT, COMMON CAUSE

Mr. Chairman, Common Cause appreciates the opportunity to testify today on the nomination of George Bush to be Director of the Central Intelligence Agency. I am David Cohen, President of Common Cause.

My testimony will deal with two broad areas:

- 1) the procedure the Senate Armed Services Committee should follow in all major confirmation matters;
- 2) the special attention intelligence policy matters should receive at these hearings.

Common Cause believes the hearings on the nomination of Mr. George Bush to serve as Director of the Central Intelligence Agency present a special opportunity for the Armed Services Committee to set appropriate and proper standards for confirmation hearings on key Presidential appointees. Senate committees frequently have neglected their constitutional responsibility in this area. Confirmation hearings are often empty rituals, involving hasty and superficial review of Presidential nominees. We urge the Armed Services Committee to make the confirmation process the kind of deliberate and probing undertaking it can and should be. Toward this end, we suggest that the Committee take the following steps in handling the Bush nomination:

First, the Committee should develop standards to govern its decision on Mr. Bush's confirmation. These standards should cover administrative competency and relevant expertise, as well as commitment to various principles of accountability and ground rules regarding CIA operations.

Second, the Committee should carefully evaluate Mr. Bush's background and views on the basis of these standards. This evaluation should entail broad and extensive questioning. One or two days of hearings is insufficient to do the job.

Third, the Committee should require Mr. Bush to submit a public financial disclosure statement and should examine it for any potential conflicts of interest. It should require resolution of any conflicts as a condition of confirmation.

Fourth, the Committee should postpone voting on Mr. Bush for at least two weeks after the hearings. This would enable the committee to study the hearing record and complete its investigation of his background. Mr. Bush could be called back during that time for further questioning if necessary.

Fifth, the Committee should issue a report to the Senate on the Bush nomination at least three full days prior to a Senate vote. This would give other Senators ample time to scrutinize the record and the Committee's findings. The full Senate should vote on the Bush appointment. Major appointments should receive a full confirmation hearing but the full Senate should be allowed to vote on all such appointments.

We believe these measures would guarantee a thorough and responsible evaluation of Mr. Bush's qualifications. We consider it particularly important that these steps be taken in connection with the nomination of the individual who would head a government agency which has been the subject of such intense criticism and scrutiny in recent months. By adhering to these guidelines, the Committee would also set an important standard for other Senate committees to follow and this would go a long way toward revitalizing the Senate's role in confirming Presidential appointees.

At a time when public confidence in governmental institutions is alarmingly low, it is especially important that the American public be convinced that the Senate is committed to carrying out its advise and consent function in an orderly, thorough and judicious manner. To vote on confirmation before this session adjourns or recesses would be a travesty of the confirmation process.

MR. BUSH'S VIEWS ON INTELLIGENCE POLICY

Mr. Bush has indicated a belief that the United States must develop an intelligence capability second to none. Mr. Bush has not yet expressed himself on substantive actions he would take as Director, nor has he addressed the concerns which the Congress and much of the public share on the conduct of intelligence operations in a democracy. We believe it is appropriate for the Senate to consider the nomination of Mr. Bush only after he answers basic questions concerning the accountability of the agency. Examples of such questions follow:

What steps would he take to allow public review of intelligence budgets?

Would he recommend to the President that the Administration notify all individuals who have been subjects of intelligence programs and activities which were illegal, unconstitutional or beyond the charter of the offending intelligence agency?

What would he do to reduce duplication and waste in the intelligence field?

As Director of Central Intelligence (his NSC post), what would he do to coordinate intelligence agencies?

What methods would he develop to facilitate Congressional assessment of the performance of the CIA and other intelligence agencies?

What form of new charter would he recommend to the Congress for the CIA, for NSC?

What limits would he set on covert activities abroad? at home?

What method would he advocate for "clearing" such operations, if any?

Would he agree to make all Presidential orders available for inspection to an appropriate oversight body?

Would he arrange the CIA hierarchy so that a definite chain of command existed and definite responsibility could be assigned for all actions?

Would he approve the upgrading of the position of the CIA inspector general as recommended by the Rockefeller Commission?

Would he agree to testify before Congressional committees?

How would he separate foreign and domestic intelligence activities?

What steps would he take to minimize political influence on the CIA?

TAKING POLITICS OUT OF THE CIA

The issue of confirmation is made all the more serious because Mr. Bush has refused to remove his name from consideration for Vice President. This refusal to forego political ambition may be candid but it shows astonishing lack of sensitivity to the events of the last few years.

To learn from the mistakes and deficiencies of the past, a successful CIA head will have to run the agency differently. We have had the painful experience of seeing secrecy breed excesses. It leads to policy failures. It inevitably results in matters being kept from the Congress.

A CIA head who is ready to consider high elective office less than one year after his appointment will be perceived to service the short term political needs of a sitting President rather than the duties of the agency and the best interests of the nation. The need for solid intelligence analysis is too important to be mixed up with the pursuit of elective office. A willingness to seek or accept high elective office presents a clear and present danger to the agency's mission and morale.

If the Senate Armed Services Committee and the full Senate approve Mr. Bush they will ratify and legitimize Mr. Bush's availability for high elective office. The Senate cannot escape responsibility on this matter.

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Unless Mr. Bush changes his position, Senate approval will sanction the concept of political ambition in the Director of the CIA. None of us would accept that concept for a Supreme Court justice or the Director of the FBI. Those who head agencies that deal with secret matters, and whose activities affect indi-

vidual liberties, must be judged against the highest of standards. Fair administration of the vast powers of the CIA requires elimination of any appearance of present and future political involvement.

Unless Mr. Bush changes his position we urge the Senate Armed Services Committee to report his nomination to the floor with a recommendation that it be rejected. It is the only responsible act for the Senate Armed Services Committee to do.

CONCLUSION

In our judgment this Committee will be taking its confirmation responsibilities seriously if it calls Mr. Bush back and pursues with him again his refusal to withdraw from consideration for the Vice-Presidency, pursues the kinds of policy questions we suggested and then makes a full report to the Senate well in advance of these matters being debated.

The intelligence community has a history of being ungovernable. But to this point no real attempt has been made to gain that measure of general control which will insure that intelligence agencies perform only acceptable functions while allowing them the freedom to conduct operations with the requisite secrecy needed to insure success. The issue is to make the intelligence community governable and the Bush confirmation hearing is the first major test.

The CHAIRMAN. Now, gentlemen, the next witness, Mr. Heisler. Come around, please, sir and give your full name to the committee.

**STATEMENT OF EDWARD HEISLER, SOCIALIST WORKERS  
1976 NATIONAL CAMPAIGN COMMITTEE**

Mr. HEISLER. My name is Ed Heisler.

The CHAIRMAN. Do you represent the Socialist Workers 1976 National Campaign Committee?

Mr. HEISLER. Yes. I am national chairperson for our Presidential campaign committee, and I am a member of the national committee of the Socialist Workers Party.

The CHAIRMAN. Welcome, and may I ask you how much time you want?

Mr. HEISLER. I will be very brief, perhaps 6, 7, or 8 minutes.

The CHAIRMAN. That is all right. We are glad to have you here. We were not going to limit your time unless it happened to be an extreme amount. You may proceed in your own way.

Mr. HEISLER. My party is running Peter Camejo for President, and Willie Mae Reid for Vice President of the United States. I am here today to speak in opposition to the nomination of George Bush to the post of Director of the Central Intelligence. I want to thank the committee for the opportunity to present my views.

I am speaking today as one of the victims of the practices of the CIA. As you are probably aware, members of my party have been the objects of a 25-year CIA campaign of illegal surveillance. In addition to that, the FBI has also conducted criminal illegal activities designed to disrupt the political campaigns and other activities of the Socialist Workers Party. This is despite the fact that the Socialist Workers Party does not advocate or engage in violent or illegal activity. And the CIA and the FBI have never produced a shred of evidence contrary to this.

It is not only the members and supporters of the Socialist Workers Party that have been victimized by the CIA. The rights of thousands of Americans, be they trade unionists, civil rights activists, or opponents of war such as the one in Southeast Asia, have been and continue to be up until today violated by the Central Intelligence Agency.



In order to halt these illegal activities against us, my party has filed a lawsuit against the CIA and the FBI. We are seeking \$27 million in damages for the attacks we have suffered on our right to express our views, our right to run candidates for public office, and our right to win people to our point of view.

This case will be going to trial early next year in Washington, D.C., and if Mr. Bush is confirmed as the Director of the Central Intelligence Agency, he will be a defendant in that trial.

I have with me today just a few of the files that the CIA has been forced to divulge as a result of our lawsuit. These files prove that the CIA began spying on the Socialist Workers Party, especially its candidates for public office, in 1950. I also have here files that the CIA has gathered on our Presidential candidate, Mr. Peter Camejo. These are just a few of the files. The CIA has indicated to us that they have hundreds of more pages of information on Peter Camejo which so far they have refused to release. Prominent individuals from all walks of American life, including former Attorney General Ramsey Clark, NAACP, Labor Director Herbert Hill, Members of the Congress, and the editors of the New York Times newspaper have publicly condemned this outrageous violation of our constitutional rights.

Has Mr. Bush expressed his opposition? He has not. I would urge this committee to reject the nomination of Mr. Bush or any other individual who has not taken a clear stand against CIA surveillance of the Socialist Workers Party and other America political organizations. CIA's activities have been the most lethal outside the borders of this country. It has played the role of an international agency of repression. Under Democratic and Republican administrations alike, the CIA has acted to crush popular movements abroad, overthrow democratically elected governments, and assassinate political figures judged to be threats to the investments of American corporations.

In 1960, for example, the CIA trained and equipped mercenaries who carried out an invasion of Cuba. Numerous lurid assassination plots against Fidel Castro have been revealed.

More recently the CIA attempted to determine the outcome of an election in Chile. When that failed it organized a military coup that brought a military dictatorship into power that murdered thousands of innocent men, women, children, trade unionists, students, working people. And today the CIA is, right now today, supporting and backing that military dictatorship in Chile, and Mr. Bush supports that dictatorship, too, and would continue as Director of the CIA.

You know, in yesterday's session a committee member asked Mr. Bush point blank if he would direct the CIA under instructions from the President to organize the forceful, violent overthrow of a democratically elected government in the future. Mr. Bush responded in a very careful way. He said we would tread very carefully in organizing that kind of illegal action overthrowing a democratically elected government. And today again, at this hearing, he refused to say categorically that he would not attempt to use the CIA to overthrow democratically elected governments in the world.

That can only mean one thing. He would, if instructed to, by the President of the United States.

Now, he said that he would not rule it out forever, but I think he would not rule it out tomorrow or the day after tomorrow, whenever he is confirmed, if he is confirmed as Director of the CIA.

He talked about Hitler. Everyone knows that the Hitler regime in Germany did not come to power through democratic elections. Fascism has never come to power anywhere in the world through democratic elections, but Mr. Bush, as a Government figure and leader has supported right wing military and even Fascist type, Hitlerite type military dictatorships.

For example, the Franco regime in Spain. He supported that.

Today the CIA, the Ford administration, are supporting the racist apartheid regime in South Africa. A dictatorship like that is considered a great friend of this government, a great friend of the CIA, and whatever administration is in power.

Today the State Department and the CIA are working hand in glove with the racist South African regime to carry out a military intervention in Angola. There are thousands of South African troops in Angola today, fighting against that liberation movement. At this very moment, the CIA is distributing millions of dollars in military weapons and supplies in Angola, in an attempt to determine the political destiny of the people of that country. That is just part of the record of the CIA internationally.

Where is the record of Mr. Bush's opposition to these undemocratic and criminal practices? It is not available. I do not think this committee should approve the nomination of any Director who has not committed himself to putting an end to the CIA's interference of the internal affairs of people in other countries. The Socialist Workers Party is demanding that all secret FBI and CIA files be opened to the public. For example, we would like all of the files, all of the CIA files on our Presidential candidate, Mr. Camejo, released to the public because we do not have anything to hide. We have nothing to hide but we think the CIA has much to hide and conceal from the American people.

We can be sure that all of these revelations that have already come to the surface and been published are just the tip of the iceberg and that even more horrible atrocities and crimes committed in the name of the American people behind our backs still remain enshrouded in secrecy. We think that it is the fundamental right of the American people to know the full truth about policies that are being carried out behind our backs and in our name. And we think bringing all of the facts about the illegal CIA activities into the open can be an important first step in putting an end to them.

I urge this committee to refuse to confirm Mr. Bush or any other candidates, potential candidates, who will not issue a clear statement to that effect. Because my party has been a target of CIA harassment for over 25 years and because of our deep concern about the democratic rights and the well-being of working people here and around the world, we are vitally interested in decisions made by Congress in relation to CIA.

Because of the facts I have pointed out, the Socialist Workers Party has no confidence at all in Mr. Bush and we do not think any American can feel any confidence about his intentions to stop the criminal activities that have been the CIA's trademark since its inception or

to expose those that have already been carried out, and for these reasons I urge you to reject this nomination.

The CHAIRMAN. All right. I thank you very much for your time and your attention here, and for presenting your statement.

Just one question about the files. What do you think about opening up all the FBI files, for instance? What is your position on that?

Mr. HEISLER. We would like the FBI—in fact, we are demanding that the FBI release to the public all of the files they have on the Socialist Workers Party or any other political dissident groups in this country—the black movement, the antiwar movement in the past—because we do not have anything to hide, but we know now from documents that we have uncovered as a result of our lawsuit, just a few documents, that the FBI is hiding illegal criminal activities conducted against us and many others.

The CHAIRMAN. My question really was, would you favor the opening up to the public—

Mr. HEISLER. To the public.

The CHAIRMAN [continuing]. Of all FBI files? What about that?

Mr. HEISLER. Yes; we do not—we think all of their files on political dissidents in this country, political organizations, the union movement, the civil rights movement, the women's liberation movement, the Socialist movement, should be released. That is what we are recommending.

The CHAIRMAN. My question is: do you favor opening up all FBI files?

Mr. HEISLER. Which files do you have in mind specifically?

The CHAIRMAN. FBI files, all of them, every one. Whatever they have. They have a file on me, I suppose. I sent them a letter when I was an officer in my State, district attorney, but my question is open up all files? Do you favor that?

Mr. HEISLER. All right. Let us start with the files on the Socialist Workers Party. Let us start there. They are refusing to even open up those files.

The CHAIRMAN. I do not want to prolong this if you do not mind. If you cannot answer that "yes" or "no," that is all right.

Mr. HEISLER. Which files do you have in mind? Are you thinking, for example, of a file—say they have a file on someone who committed forgery. That type of criminal activity. Of course, we are not asking them to release those kinds of files. We are asking them to release files that prove and demonstrate illegal activities in violation of the Bill of Rights. That is the only files.

The CHAIRMAN. This is just an approach to this question. Listen to my question, please. Do you advocate opening up all of the FBI files and all the cases that they work on and develop? Is that your position?

Mr. HEISLER. We think that all of the files that pertain to criminal and illegal activities conducted throughout the world like political assassinations, like overthrowing governments through force and violence, criminal activities of that type, activities that are in violation of international law and in many cases domestic law, those files should be released; yes.

The CHAIRMAN. And you are talking about our files in our CIA?

Mr. HEISLER. We would like our files—we do not think the CIA should have any files on any person in this country because of their political activity.

The CHAIRMAN. All right.

Mr. HEISLER. Even under the congressional mandate they are not supposed to do that, but regardless—

The CHAIRMAN. You have made that clear. Let me ask you one more question. Do you think that we should have a CIA of any kind?

Mr. HEISLER. Well, if you can think of a good function for them, it is very clear now that CIA has been used primarily as an instrument to force governments and dictatorships on people throughout the world. It has not served any kind of progressive cause at all.

You have the example of Chile.

The CHAIRMAN. I am looking for one person who advocates the abolition of the CIA. Are you that one?

Mr. HEISLER. We favor the abolition of the CIA; yes, we do.

The CHAIRMAN. All right.

Mr. HEISLER. Because they are not an organization set up to protect freedom or democracy or anything like that throughout the world. Where have they done that? They have not. Give me an example of where they helped to extend democratic rights for any people anywhere in the world. Give me one example.

The CHAIRMAN. All right. You have answered my question.

Mr. HEISLER. They cannot.

The CHAIRMAN. Is there any other explanation you want to add to that answer, you may do so, but answer it yes or no, and I commend you for saying it one way or the other.

Mr. HEISLER. No. We do not like to beat around the bush.

The CHAIRMAN. All right. Well, thank you very much for coming.

Now I had an inquiry from Mr. E. C. Ackerman. All right, sir, come around, please.

#### STATEMENT OF E. C. ACKERMAN

The CHAIRMAN. You are from Florida, I understand.

Mr. ACKERMAN. Yes, sir.

The CHAIRMAN. And you came up here just for this purpose.

Mr. ACKERMAN. Yes, sir.

The CHAIRMAN. Well, we want to thank you for that. You were formerly with the CIA.

Mr. ACKERMAN. Yes, sir.

The CHAIRMAN. All right. You do have a prepared statement, don't you?

Mr. ACKERMAN. Yes, sir.

The CHAIRMAN. Please read your statement.

Mr. ACKERMAN. Mr. Chairman, I wish to express my appreciation for this opportunity to appear before the Armed Services Committee. I regret that I must speak against the nomination of Ambassador Bush as Director of the CIA.

I want to make it clear from the outset that I have no reason to question Ambassador Bush's ability or his integrity. It is my understanding that he rates high marks in both. But the fact is that he is a partisan political figure, and I believe that his installation as CIA Director would have the effect of dragging the CIA into an election

year political controversy which would be disastrous for the Agency and the country.

I speak only for myself, but I believe that many of my views are shared by my former colleagues, working case officers in CIA clandestine services. I spent 11 years as a case officer. I worked in 20 countries. I was principally involved in acquiring intelligence information from human sources in the Soviet bloc countries. I resigned from the CIA on May 30 this year because I felt I could no longer do my job. Wholesale exposure of intelligence methods and information had destroyed my ability to recruit and sustain contact with sources. I hoped to call attention to this situation but my call has largely been ignored.

Mr. Chairman, I feel that we have for the past year been involved in a situation which does credit to none of us. We have all been wrong. The CIA undertook improper operations and the improprieties demanded inquiry by appropriate political institutions, but a clandestine intelligence service is a fragile mechanism which simply cannot be investigated in public. The inquiry has been all too public. Much of it has been carried out in the media and it has not been American journalism's finest hour. With a few noteworthy exceptions, it has been the hour of the sensationalist and the advocates; and much of the inquiry has been carried out in Congress—and I fear this investigation, too—has been tinged with sensationalism and with partisanship.

The result is that today our case officers abroad who, in many cases, live under constant threat of imprisonment or kidnapping and execution by terrorist groups simply cannot perform effectively. When a case officer recruits a new source he is inevitably obliged to convince that source of his ability to protect the source's security. This consideration is of paramount importance for many sources and all of the most valuable ones maintain contact at the peril of their lives.

Today the case officer's task is next to impossible. Sources wonder with some justification if they will be the object of the next leak or the next investigation or the next CIA employee who takes it upon himself to tell all he knows. Case officers can argue with merit that the agency can protect source identities, but sources are not prone to draw fine lines of distinction between that which can be protected and all that which has been exposed.

We have paralyzed the clandestine services at a time when they are sorely needed, a time of questionable détente, of escalating international terrorism and most dangerous of all, impending nuclear proliferation. We have had our orgy of exposé. It is time to stop. It is time to put sensationalism aside, to put partisanship aside, to consider soberly and in a nonpartisan manner the future role of the CIA. It is time to reach a national consensus that we will have an effective intelligence service that is for the simple reason that we must have an effective intelligence service. The installation of Ambassador Bush as CIA Director would not permit a nonpartisan consideration of the future role of the CIA nor would it allow the establishment of a broad national consensus on this subject. It would instead politicize the question of CIA reform. It would pit a Republican CIA Director against a Democratic Congress, against Democratic Presidential aspirants. It would inevitably embroil the agency in the 1976 Presidential campaign. It would prolong indefinitely the paralysis of the clandestine services.

We have never had a partisan CIA Director and this is exactly the wrong time to set such a precedent.

Therefore, I call upon the President to withdraw the nomination of Ambassador Bush and if this withdrawal is not forthcoming, for the Armed Services Committee to reject that nomination.

Thank you.

The CHAIRMAN. Well, I thank you very much. You have made some good observations there. I do not resent them one bit. You said this hearing had sensationalism about it. What have you seen here this morning sensational, or yesterday?

Mr. ACKERMAN. No, I am sorry. I was referring to the hearings of the Senate Select Committee on Intelligence.

The CHAIRMAN. Well, I thought you were talking to us. What did you see sensational about them, their hearing, I mean?

Mr. ACKERMAN. Well—

The CHAIRMAN. I have not heard anything like that from any other source, but you certainly are entitled to your opinion.

Mr. ACKERMAN. I thought there was questionable necessity to hold open hearings, to drag senior intelligence officers before television cameras at open hearings. I would say that every open hearing and every such appearance makes it more difficult for the working case officer in the field to deal with his sources.

The CHAIRMAN. You have made that clear. I am impressed with what you say about it being more difficult for the employees of the CIA to operate when things are stirred up and that is a concern that is on the minds of many of us here on this committee, I can assure you.

You were with the CIA for 13 years?

Mr. ACKERMAN. Eleven years, sir.

The CHAIRMAN. Excuse me, 11 years. And you resigned, voluntarily?

Mr. ACKERMAN. Yes, sir.

The CHAIRMAN. All right. I do not agree with all your conclusions but I think you have some good points in your statement, certainly worthy of our record, and I thank you again very much for coming.

Mr. ACKERMAN. Thank you very much.

The CHAIRMAN. For the information of those who may be interested, we resume hearings here or convene here again at 2 p.m. today. We will have with us Mr. Robert Ellsworth, Mr. Thomas C. Reed, Mr. William I. Greener and Mr. Matthew J. Perry. We will proceed with an examination of those gentlemen with reference to the positions for which they have been nominated. For those who are not here, if anyone is representing them, ask them please to arrive a little ahead of time.

Mr. Bush, as I said, so far as I know this concludes the testimony in the matter of your nomination. I will have to confer with the committee further. If any have additional questions it will be their privilege to ask them. But with the thanks of the committee for your attention and your attendance, so far as we know and are concerned, you need not come back until further notice.

Mr. BUSH. Thank you, Mr. Chairman.

The CHAIRMAN. All right, the committee will take a recess until 2 p.m. today.

[Whereupon, at 1:15 p.m., the nomination hearing of Mr. Bush was concluded.]

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STATEMENT OF GEORGE BUSH  
CONFIRMATION HEARINGS ON HIS NOMINATION TO BE  
DIRECTOR OF THE CIA

December 15, 1975 -- Senate Armed Services Committee

Mr. Chairman and members of the committee:

I am pleased to be back in the United States. I am still on Peking standard time; so if I seem a little tired I hope you will forgive me.

My nomination was sent to this committee sometime ago, but I was unable to leave China prior to the President's visit.

The President left Peking December 5th and we left December 7th.

I recognize that I am being nominated as director of the CIA at a very complicated time in the history of this agency and indeed in the history of our country. In fact, having been in China for a year, I didn't fully realize the depth of the emotions surrounding the CIA controversy.

Be that as it may I have a few fundamental views that I would like to set out in the brief statement.

First, my views on intelligence. I believe in a strong intelligency capability for the USA. My more than three years

in two vital foreign affairs posts, plus my attending Cabinet meetings for four years, plus my four years in Congress, make me totally convinced that we must see our intelligence capability strengthened. We must not see the CIA dismantled.

Reporting and investigative work by the Senate and the House have brought to light some abuses that have taken place over a long period of time. Clearly things were done that were outrageous and morally offensive. These must not be repeated and I will take every step possible to see that they are not.

I understand that Director Colby has already issued directives that implement some of the decisions of the Rockefeller Commission - decisions designed to safeguard against abuses. If confirmed, I will do all in my power to keep informed, to demand the highest ethical standards from those with whom I work and particularly to see that this agency stays in foreign, I repeat foreign, intelligence business.

I am told that morale at the CIA and indeed in other parts of the intelligence community is low. This must change and I'll do my best to <sup>help</sup> change it. Some people today are driven to wantonly disclose sensitive information -- not to the proper oversight authorities of the Congress but to friend and foe alike around the



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world. In many instances this type of disclosure can wipe out effective operations, can endanger the lives of patriotic Americans and can cause enormous damage to our own security.

I view the job of Director of Central Intelligence not as a maker of foreign policy; but as one who should forcefully and objectively present to the President and to the National Security Council the findings and views of the intelligence community.

It is essential that the recommendations be without political tilt.

It is essential that strongly held differences within the intelligence community be presented.

It is essential that without regard to existing policy or future policy, the intelligence estimates be presented -- cold, hard, truthful.

I am convinced that I have the proper access to the President that was strongly emphasized in the recent Robert D. Murphy Commission Report.

I hope you find I have the proper integrity and character to see the job will faithfully be done.

Further I see the running of the CIA as very important, but I see the responsibility for coordinating all of our foreign

intelligence activities as even more important. The CIA has a fundamental input into intelligence estimates, but so must the other agencies.

I will be fair to all, but I will do my level best to eliminate unnecessary duplication of effort and minimize interagency bureaucratic disputes. It won't be easy, I am told, but I will try hard on this.

Second, my personal qualifications:

I am familiar with the charges that I am too political for this job. Here is my side:

Yes, I have been in politics. I served four years in Congress. I served 2 years as Chairman of my party. I have no apology for either service, indeed I am proud to have served.

Some of the difficulties the CIA has encountered might have been avoided if more political judgment had been brought to bear. I am not talking about narrow political partisanship, I am talking about the respect for the people and their sensitivities that most politicians understand.

I do not view political experience as a detriment. I view it as an asset; but I also recognize the need to leave politics behind the minute I take on the new job if confirmed.

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I would like to add:

If confirmed I will take no part, directly or indirectly, in any partisan political activity of any kind.

I will not attend any political meetings.

I will give no political speeches nor make any political contributions.

My ability to shut politics off when serving in non partisan jobs has been demonstrated in two high and sensitive foreign affairs posts -- as the committee can verify.

For two years I was Ambassador at the United Nations, and for a little over a year I served in China as Chief of the U. S. Liaison Office. Both jobs taught me a lot about the product of our intelligence community -- both taught me the fundamental importance of retaining an intelligence community second to none.

Frankly, many of our friends around the world and some who are not so friendly are wondering what we are doing to ourselves as a nation as they see the attacks on the CIA. Some must wonder if they can depend on us to protect them if they cooperate with us on important intelligence projects.

I think many admire our ability to cleanse ourselves and admit mistakes; but in something as sensitive as intelligence they frankly hope we don't go so far that we will kill off an important asset that

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They themselves and the free world vitally need for their own security.

In addition to my foreign affairs assignments I attended Cabinet meetings from 1971-1974. Those four years gave me a good insight into some of the foreign policy considerations facing our country.

I think this foreign affairs background will be extremely useful in my new job.

I also feel the administrative experience I had in starting and running a business enterprise, which prospered, will be helpful.

Lastly, I will address myself to a question that is on the minds of some members of this committee. Namely, the question of my having been considered in the past for the Vice Presidency.

When Secretary Rumsfeld was before this committee not so long ago, his name having been speculated on for Vice President, he said "it is presumptuous of me to stand up and take myself out of consideration for something I am not in consideration for".

The committee accepted this answer then and I offer it now.

Let me add just one thing more:

If some individual or group comes forward promoting me for Vice President when I am Director of CIA I will instruct them to cease such activity.

But there is one other question, namely; "even if you have not lifted a finger to seek the nomination and even if you have actively discouraged others from advocating you for office, and the nomination is then offered to you - will you then accept?"

I cannot in all honesty tell you that I would not accept.

I don't think any American should be asked to say he would not accept.

To my knowledge no one in the history of this Republic has ever been asked to renounce his political birthright as the price of confirmation for any office.

I can tell you that I will not seek any office while I hold the job as CIA Director. I will put politics totally out of my sphere of activities.

In this new job I serve at the pleasure of the President. I plan to stay as long as he wants me there.

Some of my friends have asked me "Why do you accept this job with all its controversy and with its obvious barriers to political future?" My answer is simple.

First, the work is desperately important to the survival of this country and to the survival of freedom around the world.

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Second, old fashioned as it may sound, it is my duty to serve my country. I did not seek this job, but I want to do it and I will do my very best.

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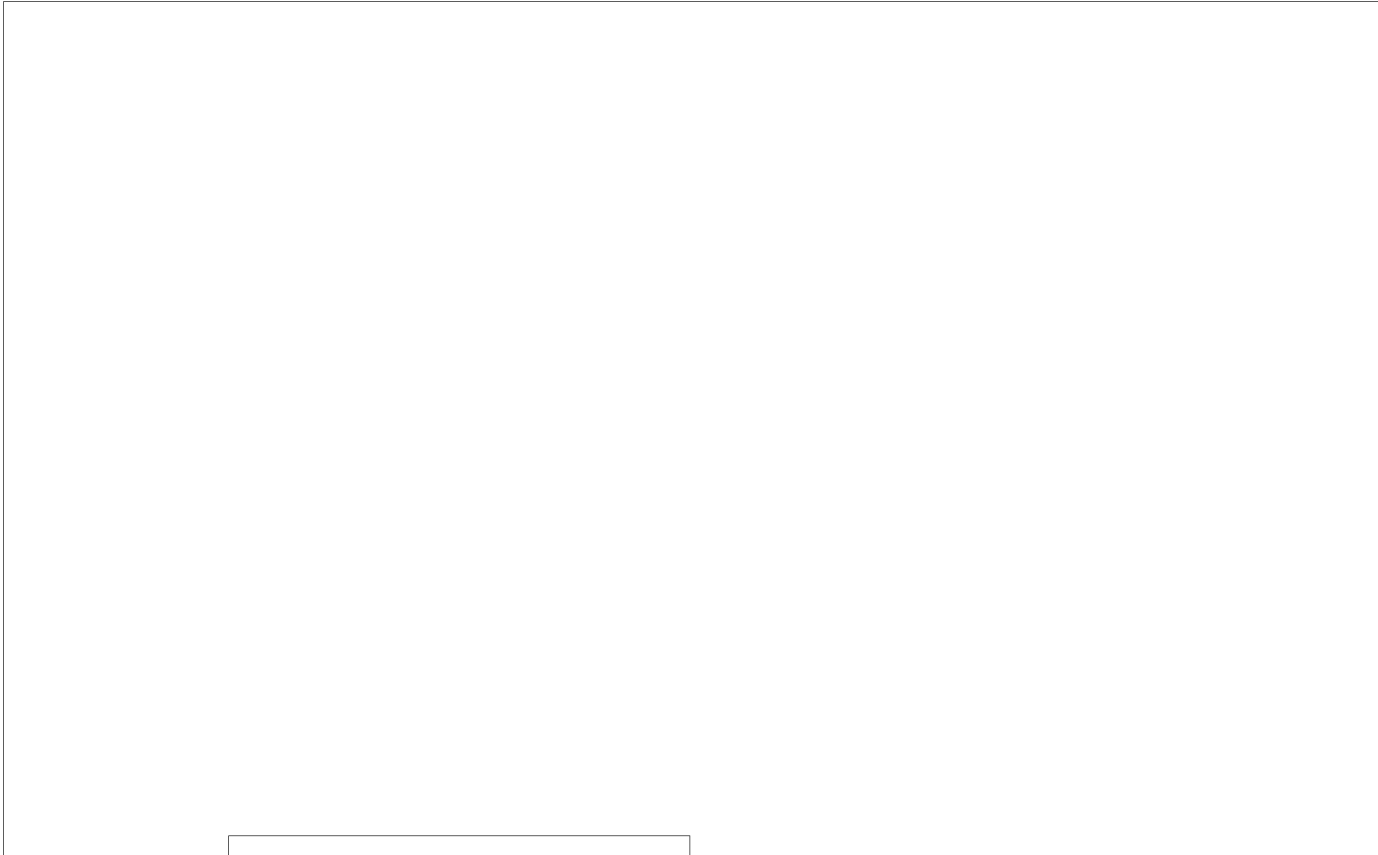
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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

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4.

[REDACTED] LIAISON Called Pete Roussel, White House, in connection with Ambassador Bush's nomination hearing earlier in the day. I suggested some areas which Ambassador Bush may wish to clarify on the answers he provided to questions concerning the Official Secrets Act, Section 662 of the Foreign Assistance Act, the role of the ambassador, and providing NIE's to the Congress. Roussel said our points were well taken, he would pass them on to Ambassador Bush, and suggested that one of us stand by tomorrow during the second day of hearings for possible help.

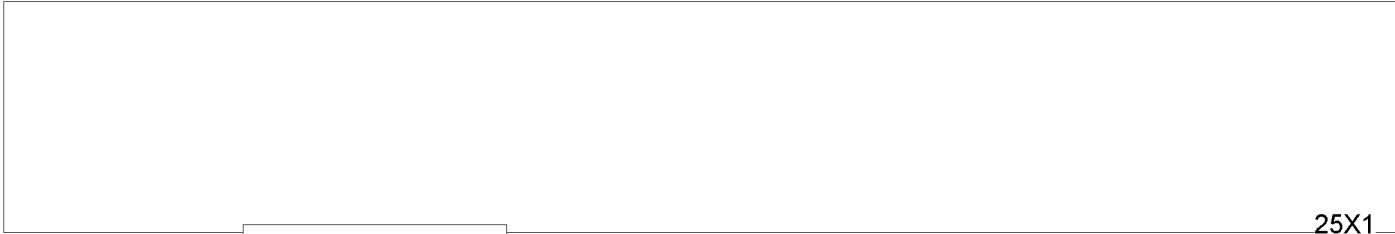
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ADDENDUM TO JOURNAL  
OFFICE OF LEGISLATIVE COUNSEL

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2. LIAISON Ed Braswell, Chief Counsel, Senate  
Armed Services Committee,

Braswell also asked that we provide him with a paper saying that we have reviewed Ambassador Bush's portfolio and state the instances where certain stocks that he owns would cause any conflicts of interest. He needs this document by tomorrow morning.

3. ADMINISTRATIVE Called Bob Wolthius, White House, to discuss the Administration's plans for the proposed special session of the Senate tomorrow on the Defense Appropriations Budget.

4. ADMINISTRATIVE Talked to John Maury, DOD, to discuss his efforts with regard to the Defense Appropriations bill to be debated in the Senate tomorrow.

5. LIAISON Talked with Chuck Snodgrass, staff of House Appropriations Committee, concerning our trip to I then received a call from George Seymour, DOD, who said Representative Joseph Addabbo (D., N. Y.) and a group of Defense Subcommittee members are thinking of making a trip to the same area. There were further conversations between Snodgrass and Ralph Preston, also of the Committee staff, who said he wasn't sure what the Subcommittee was going to do, and in any event, the staffers are having Chairman George Mahon send letters to the Secretaries of State and Defense as well as the Director regarding the staff trip.





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6. [redacted] TRAVEL The Director called to advise me of a conversation with Representative John Flynt (D., Ga.) concerning his foreign travel. Per the Director's instructions, I have been in touch with [redacted] about it.

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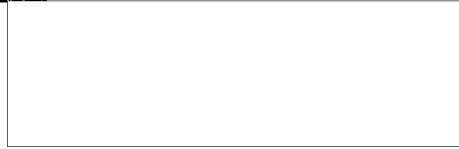
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7. [redacted] LIAISON Attended a breakfast session with Representative Ronald Dellums (D., Calif.) and his Administrative Assistant, Robert Brauer.

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8. [redacted] ADMINISTRATIVE Attended the open session of the confirmation hearings for Ambassador Bush.

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Legislative Counsel

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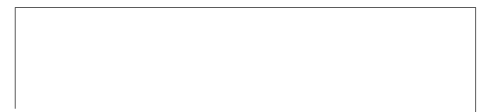
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OPENING STATEMENT OF SENATOR STENNIS -- HEARINGS  
ON BUSH NOMINATION -- December 15, 1975

My desire and wishes would be that we not have a secret Intelligence Agency -- a CIA. But my judgment tells me that we must have such an Agency.

Even though it is a new and different concept of government from anything we have had until after the end of World War II, we realized then that we must have an intelligence gathering agency and much of its work would have to be carried on in secret. Thus, we enacted as a part of the National Security Act of 1947, provisions for the creation of this Agency. Later, with the joining of NATO and other commitments, we were further convinced that such an Agency, properly managed, was not only necessary but was very apt and useful in carrying out those commitments which were considered a part of our own national security. Our government, and this includes the Chief Executive and at least a major segment of the Legislative Branch, must have the benefit of knowing what is going on in other countries, be they friendly or unfriendly. It is actually frightening to think of any President trying to proceed without intelligence of the nature I have mentioned.

And of necessity, the power that is given to this Agency under law is placed largely in the hands of the Chief Executive, whomever he may be.

First, through these hearings we can emphasize the absolute necessity of a clear consciousness on the part of the Chief Executive of the nation of this special power, and of the care and personal attention the President must give to this special and exceptional power and also to the individuals that he selects to act for him. I hope these hearings will emphasize that point.

It is a fact that the funds the Congress appropriates for this special Agency are placed directly in the hands of the President of the United States.

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In the final analysis, he is the one that directs the Agency and the use of these funds. Further, there must be a surveillance by the Congress of the exercise of the power given and the funds provided to a President, any President.

That system of surveillance must be marked out and carried out more intensively in the future than in the past.

I mention these points now just to make clear that even though changes in the law and the system are needed, as I see it, proposed changes are not now the main focal point of these hearings. Changes in the law or the system would require hearings quite extensive indeed. The chief focal point of our hearings beginning today relate to the nominee, the Honorable George Bush of Texas. Mr. Bush is a gentleman that so far as I know has an honorable public career, a man of capacity and integrity. These matters and others are all placed in issue by his nomination. I believe this Committee wants to make a full examination of his character, his integrity, his capabilities and other qualifications that pertain to the duties of the Director.

OPENING STATEMENT BY SENATOR JOHN C. STENNIS (D-Miss) ON  
THE NOMINATION OF MR. GEORGE BUSH TO BE DIRECTOR OF CENTRAL  
INTELLIGENCE.

The Committee meets this morning to consider the nomination of Mr. George Bush to be Director of Central Intelligence. He is to replace Mr. William Colby.

Mr. Bush's nomination was forwarded to the Senate on November 4, 1975 and referred to the Armed Services Committee on the same date. It has been only within the last week, however, that Mr. Bush has been available to appear before this Committee.

STATUTORY BASIS AND DESCRIPTION OF POSITION

The position of Director, Central Intelligence was established in section 102(a) of the National Security Act of 1947. The National Security Act of 1947 was the culmination of years of studies, months of hearings, and weeks of deliberations by the Armed Services Committee. It is this Act that set up the National Security Council, restructured the defense establishment and created the Central Intelligence Agency (CIA). The Act was designed to provide a "national security organization" in which intelligence could play a vital and effective role. By law, the Director of Central intelligence was made the executive head of a new agency for national intelligence -- the Central Intelligence Agency. At the same time he was to be under the National Security Council, the Director of "central intelligence".

The National Security Act of 1947 prescribes various restrictions, powers, and responsibilities for the Director of Central Intelligence. Because of the integral relationship and overlap of the Intelligence Community and the Defense Department, the law explicitly requires that both the Director and Deputy Director of Central Intelligence shall not

be military personnel and shall not be subject to military control. The Director of Central Intelligence is given special discretionary power to terminate the employment of any officer or employee of the Agency "whenever he shall deem such termination necessary or advisable in the interests of the United States". Furthermore, the Act grants special power to the Director of Central Intelligence to have access to all intelligence of the United States Government for correlation, evaluation and dissemination including information of the F. B. I. as may be essential to national security.

Finally, it should be noted that under law, "The Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

In addition to those provisions set forth in the law itself, executive orders and practice have further underscored the overall leadership role of the Director of Central Intelligence in the United States intelligence community. Under recent Presidents, the Director of Central Intelligence has served as the Nation's chief intelligence officer and principal advisor to the President and the National Security Council on all intelligence matters.

By and large, the 1949 National Security Act has served this Nation well. In recent years, however, I have concluded that the Charter of the Intelligence Community should be revised. Indeed, in 1973 I proposed legislation which would have made several changes to the

2

National Security Act of 1947. Recent investigative disclosures about past intelligence activities have highlighted the need for some changes.

#### QUALIFICATIONS FOR THE DIRECTOR

Any person confirmed to the position of Director of Central Intelligence must be able to give momentum and direction to the necessary and inevitable changes that will be made in U.S. intelligence activities. The nominee must have the ability to gain quickly an understanding of the Intelligence Community and exercise effective control over it. He must possess an uncompromising objectivity regarding intelligence matters and the courage and integrity to rise above parochial interests.

#### ACCOUNTABILITY

As a matter of policy, the Democratic Caucus has adopted a requirement that every nominee appearing before the Senate be asked to provide a personal commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. Such a commitment will of course be expected of any nominee to be Director of Central Intelligence. But the Director has a special responsibility in his dealings with the Congress that goes far beyond a mere commitment to appear upon request. Because intelligence must necessarily involve secrecy, the Congress is particularly dependent upon the personal integrity and responsiveness of the chief U.S. intelligence officer. The Director personally must be forthcoming in keeping the Congress, or its chosen representatives and through the appropriate channels, properly informed. He must have



OPENING STATEMENT BY SENATOR JOHN C. STENNIS (D-Miss) ON  
THE NOMINATION OF MR. GEORGE BUSH TO BE DIRECTOR OF CENTRAL  
INTELLIGENCE.

The Committee meets this morning to consider the nomination of Mr. George Bush to be Director of Central Intelligence. He is to replace Mr. William Colby.

Mr. Bush's nomination was forwarded to the Senate on November 4, 1975 and referred to the Armed Services Committee on the same date. It has been only within the last week, however, that Mr. Bush has been available to appear before this Committee.

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and rightfully deserve the confidence of the Congress and the American people.

MR. BUSH'S BACKGROUND

Mr. Bush has had a distinguished career in public life. His first public office was as a member of the House of Representatives in the 90th and 91st Congress representing the 9th District of Texas. As a freshman Congressman, he was appointed to the Ways and Means Committee. In 1971, President Nixon appointed Mr. Bush to be Ambassador to the United Nations. At that time he appeared before the Senate Foreign Relations Committee and was confirmed in the Senate by voice vote for the UN ambassadorship. In January, 1973 he became Chairman of the Republican National Committee. Mr. Bush is Chief, United States Liaison Office, the Peoples Republic of China and has served in this position over two years.

OPENING STATEMENT OF SENATOR STENNIS -- HEARINGS  
ON BUSH NOMINATION -- December 15, 1975

My desire and wishes would be that we not have a secret Intelligence Agency -- a CIA. But my judgment tells me that we must have such an Agency.

Even though it is a new and different concept of government from anything we have had until after the end of World War II, we realized then that we must have an intelligence gathering agency and much of its work would have to be carried on in secret. Thus, we enacted as a part of the National Security Act of 1947, provisions for the creation of this Agency. Later, with the joining of NATO and other commitments, we were further convinced that such an Agency, properly managed, was not only necessary but was very apt and useful in carrying out those commitments which were considered a part of our own national security. Our government, and this includes the Chief Executive and at least a major segment of the Legislative Branch, must have the benefit of knowing what is going on in other countries, be they friendly or unfriendly. It is actually frightening to think of any President trying to proceed without intelligence of the nature I have mentioned.

And of necessity, the power that is given to this Agency under law is placed largely in the hands of the Chief Executive, whomever he may be.

First, through these hearings we can emphasize the absolute necessity of a clear consciousness on the part of the Chief Executive of the nation of this special power, and of the care and personal attention the President must give to this special and exceptional power and also to the individuals that he selects to act for him. I hope these hearings will emphasize that point.

It is a fact that the funds the Congress appropriates for this special Agency are placed directly in the hands of the President of the United States.

In the final analysis, he is the one that directs the Agency and the use of these funds. Further, there must be a surveillance by the Congress of the exercise of the power given and the funds provided to a President, any President.

That system of surveillance must be marked out and carried out more intensively in the future than in the past.

I mention these points now just to make clear that even though changes in the law and the system are needed, as I see it, proposed changes are not now the main focal point of these hearings. Changes in the law or the system would require hearings quite extensive indeed. The chief focal point of our hearings beginning today relate to the nominee, the Honorable George Bush of Texas. Mr. Bush is a gentleman that so far as I know has an honorable public career, a man of capacity and integrity. These matters and others are all placed in issue by his nomination. I believe this Committee wants to make a full examination of his character, his integrity, his capabilities and other qualifications that pertain to the duties of the Director.

SECRET

DCI/IC-75-3994  
12 December 1975

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

[Redacted]

SUBJECT : Response to Questions 18 and 19 of the  
"Bush List"

1. Attached is a statement on the 40 Committee which responds to the first three items of Question 18 of the list you provided on subjects that might be raised at the confirmation hearing of DCI-nominee Bush.

2. The last question, having to do with the Intelligence Community structure is a bit confusing. The question asks for committees "from the NSC, 40 Committee standpoint." There are no committees within the Community which report directly to either the NSC or the 40 Committee. The following, however, are boards or committees Mr. Bush might be expected to know something about:

a. National Security Committee Intelligence Committee--chairman is the Assistant to the President for National Security Affairs.

b. 40 Committee--chairman is the Assistant to the President for National Security Affairs.

c. United States Intelligence Board--DCI is chairman.

d. Intelligence Resources Advisory Committee--DCI is chairman.

e. Chairmen of the USIB committees are as follows:

25X1

SECRET

[Redacted]

SECRET

(1) Committee on Exchanges-- [redacted] CIA 25X1

(2) Committee on Imagery Requirements and Exploitation-- [redacted] CIA 25X1

(3) Critical Collection Problems Committee-- Miss Eloise R. Page, CIA (acting)

(4) Economic Intelligence Committee--Maurice C. Ernst, CIA

25X1 (5) Guided Missile and Astronautics Intelligence Committee-- [redacted] CIA

(6) Human Resources Committee--Lt. General Samuel V. Wilson, D/DCI/IC (acting) 25X1

25X1 (7) Information Handling Committee-- [redacted] ICS

(8) Interagency Defector Committee--CIA officer

25X1 (9) Joint Atomic Energy Intelligence Committee-- [redacted] CIA (acting)

(10) Security Committee-- [redacted] ICS 25X1

25X1 (11) Scientific Intelligence Committee-- [redacted] CIA

(12) SIGINT Committee-- [redacted], ICS 25X1

3. Attached is also a statement on the PFIAB and a listing of its members. This responds to Question 19 of the list of matters which might be raised at the confirmation hearing of Mr. Bush.

4. I also have attached four unclassified charts which might be of interest to Mr. Bush.

[redacted] 25X1  
[redacted] 25X1  
Maj General, USAF (Ret.)  
Chief of Coordination Staff, ICS

Attachments:  
as stated

SECRET

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DCI Confirmation

8 December 1975

**MEMORANDUM FOR: Mr. Colby  
General Walters**

**SUBJECT : Briefing Materials for Ambassador Bush**

**1. The following material is "on the shelf" for delivery to Ambassador Bush:**

**a. The Taylor Report -- "American Intelligence/A Framework for the Future"**

**b. Functional Summary Data -- a statement of the function, strength, funds, and bio data on each major component within CIA, plus IC and NIO**

**c. A volume prepared by [redacted] on the thrust of SSC/HSC inquiries**

25X1

**d. A volume re DCI's August 1973 directives growing out of identification of questionable activities**

**e. A compilation by Assistant to the DCI Thuermer of press clippings reacting to the appointment of Ambassador Bush**

**f. A small quantity of unopened mail addressed to Ambassador Bush at CIA**

**2. Attached is a recital of what was pouched to Peking.**

B. C. Evans

B. C. Evans

**Attachment**

**cc: EA/DCI  
EA/DDCI  
Mr. Cary**

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*See Confirmation*

Journal - Office of Legislative Counsel  
Monday - 8 December 1975

25X1



25X1

15. [redacted] LIAISON In response to Senator Milton Young's (R., N. Dak.) request to Mr. Cary this morning, I called Mrs. Young and gave her the current address of Mr. James Schlesinger and also a citation to a New York Times editorial on CIA in Chile.

25X1

16. [redacted] LIAISON Accompanied the Director to a briefing of the Senate Foreign Relations Committee on recent covert action approvals and related matters. (See Memo for the Record.)

25X1

17. [redacted] ADMINISTRATIVE Called Russ Rourke, in the office of Jack Marsh, Counsellor to the President, and asked him about the plans for the confirmation hearings of Ambassador Bush. Rourke said that Bush is due in Washington tomorrow and that William Kendall and Patrick O'Donnell, of the White House Legislative staff, will be taking him on courtesy calls to the different offices on the Hill. Rourke also said they are still looking for the confirmation hearings to start on 15 December. I told Rourke that Chairman John Stennis (D., Miss.), of the Senate Armed Services Committee, would abide by any decision the President makes in regard to Bush's confirmation hearings.

STAT

[redacted]  
[redacted] GEORGE L. CA [redacted]  
Legislative Counsel

25X1

cc:  
O/DDCI

25X1



IC Staff EA/DDO Compt

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JOURNAL

*DCI Confirmation*

OFFICE OF LEGISLATIVE COUNSEL


Friday - 5 December 1975

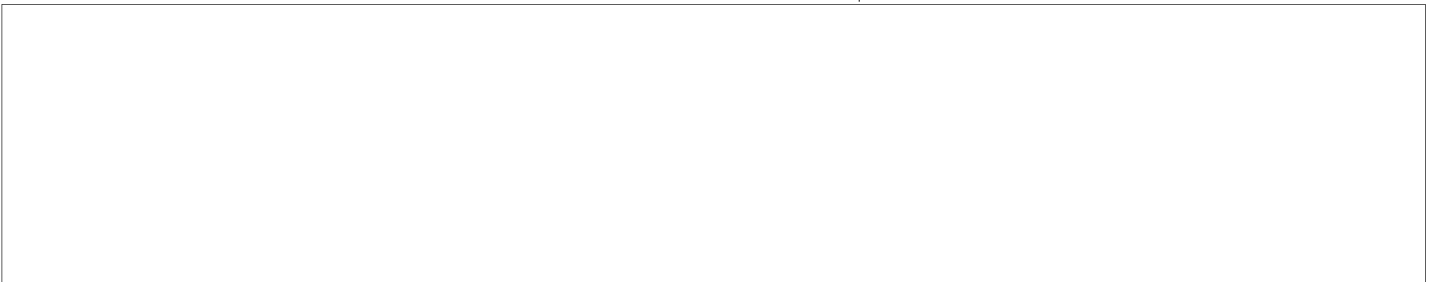
25X1

1.  ADMINISTRATIVE Called Russ Rourke, in the office of Jack Marsh, Counsellor to the President, and told him that Pat O'Donnell, White House staff, told me yesterday that Jack Marsh was going to be taking care of Ambassador Bush concerning courtesy calls, etc. Rourke said this was correct. I said if there was anything they wanted us to do to please let us know. I also reviewed with Rourke the present situation regarding confirmation hearings and the Christmas recess.

I told Rourke I had sent Marsh a copy of my draft letters to the leadership of the House and Senate re protection of classified material and that I have now modified them somewhat and will send him copies of the new version. I asked if he could get Marsh to give me his views as soon as possible so we can send them out. Rourke said he would do his best.

25X1

2.  LIAISON Gerry Schipske, in the office of Representative Shirley Pettis (R., Calif.), called and said Mrs. Pettis would not be bringing her Administrative Assistant with her on Tuesday for the breakfast session. I told Ms. Schipske that Mr. Cary would pick up Mrs. Pettis at 7:30 a.m. on Tuesday to bring her to Headquarters. 25X1



Later in the day, Braswell called to say they cannot meet with the Director tomorrow and we will have to set another time. 25X1

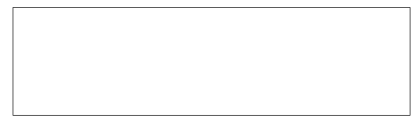


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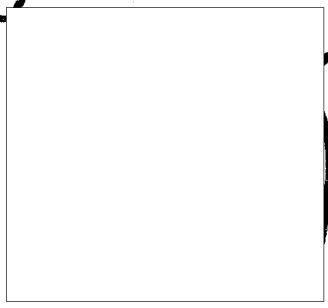


*Confirmation DCI  
Bush*

This should be the last two lines of a draft reply from Senator Church to President Ford dated 14 November 1975.

The text is as follows: Consideration is being given as to whether a further letter ~~from President Ford~~ <sup>presidential</sup> to all Ambassadors on the subject should be sent.

*Called Kirk  
at State 9/1 said  
"OK" to final as changed  
sentence*



25X1

Senator Frank Church, Chairman  
Select Committee to Study  
Governmental Operations With  
Respect to Intelligence Activities  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

In your letter to me of November 14, you asked what steps the Executive Branch has taken to implement the provision of Public Law 93-475, enacted in 1974, relating to the responsibility of United States Ambassadors. That law amended the basic Department of State Authorization Act (22 U.S.C. 2680a). The provision states Primarily the new law provides that, under the direction of the President, The United States Ambassador to a foreign country shall have full responsibility for the activities of all U.S. Government employees assigned to duty in that country, except personnel under the command of a United States area military commander.

The section, as originally introduced, did not contain the preamble "under the direction of the President." This language was added by the House and accepted by the Senate in conference. In his statement to the House on the action taken by the conferees, Representative Wayne Hays said:

"The Senate bill delineated the authority and the responsibility of ambassadors basing its language upon letters that President Kennedy and President Nixon had sent to their ambassadors during their Presidency. We thought that the Senate language, however, intruded upon the constitutional role of the President. We insisted, and the Senate conferees agreed, that all powers exercised

- 2 -

by an ambassador were to be under the direction of the President."

President Kennedy's letter of May 29, 1961, President Nixon's similar letter of December 9, 1969, and the Department of State Circular Airgram CA-6693 - December 17, 1969 - address the same issues this legislation does. The Department of State informed all major embassies of the enactment of this legislation, Public Law 93-475, by Airgram 5052 of July 25, 1975, and consideration is being given to a letter from President Ford to all Ambassadors on the subject.

Gerald Ford

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*confirmation*  
(10)

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Journal - Office of Legislative Counsel  
Thursday - 4 December 1975

Page 2  
25X1

I talked with McFadden about plans for Ambassador Bush's confirmation hearings and he said this was still very much in the air. The White House staff has given some indication that they would like confirmation hearings to start on 15 December, but the Chairman is waiting for the direct word from the President on it. McFadden expressed some skepticism on the wisdom of starting hearings before the Christmas recess. I also noted that there were many items of business to be taken up when the Congress returns in January. McFadden hastened to add, however, that he thought the Chairman would be responsive to the President's wishes on this matter.

We talked a bit about the rather complicated process that would be involved on the questions of changes in the Agency's legislative charter and congressional oversight. McFadden expects there will be quite a battle in the Senate on some of the issues involved in some of these topics.

5. [REDACTED] LIAISON While on the Hill, I ran into Pat O'Donnell, of the White House legislative staff. He said that he and William Kendall, also of the staff, would be taking Ambassador Bush on a series of courtesy calls when he returns to the Washington area, but he plans to keep in close touch with us. I told O'Donnell that I had been trying to reach Jack Marsh, Counsellor to the President, to coordinate his efforts in this respect.

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**EXECUTIVE SECRETARIAT**  
**Routing Slip**

*o/c*  
*[Signature]*

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	S/MC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/IC				
9	D/DCI/NIO				
10	GC				
11	LC		✓		
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
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21					
22					
SUSPENSE		Date _____			

Remarks:  
*For your info + file. Thanks.*

Executive Secretary  
*[Signature]*  
 Date \_\_\_\_\_

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OLC 75-3087

25 November 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Mike Hornblow

25X1

1. Talked to Mike Hornblow, NSC staff, and told him that [redacted] has been expecting to hear from him concerning the letter from Senator Frank Church ( D:, Idaho) to the President on the role of the ambassador. I said we had received, from the Review Staff, a draft of a reply which State Department has written on which they have requested our comments. Hornblow found this strange since they still had the action on it. He added they have not done anything on it yet. I said the draft is wrong and makes no mention of the significance of the preamble "under the President." I said those were significant words, added to the legislation at our initiative, to carry into the statute the basis for the President to make his own determination in a particular instance. I added that this is consistent with the cable of 9 December 1969.

[redacted]

25X1

[redacted]

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[redacted] GEORGE L. CARY  
Legislative Counsel

Distribution:

Orig - OLC/Subj  
1 - OLC/Chrono  
OLC/GLC/ksn (25 Nov 75)

~~CONFIDENTIAL~~

S E C R E T

75-12439/1  
DL @ 75-2981

18 November 1975

MEMORANDUM

SUBJECT: More Background Reading for  
Ambassador Bush

1. The second installment of background reading material for Ambassador Bush is transmitted herewith. A list of contents is attached.

2. Please return all classified material by secure pouch when the Ambassador is finished with them.

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S E C R E T

E2 IMPDET  
CL BY

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November 18, 1975

## CONGRESSIONAL RECORD — SENATE

S 20263

problems of the cultural revolution 1945-48. Currently: disability pensioner.

Kladivova, Vlasta (1921)—Formerly: lecturer in Russian history and history of the Soviet Union on the philosophical faculty of the Charles University, Prague; party member 1939-70. Specialty: modern Russian history. Currently: pensioner.

Klima, Arnost (1916)—Formerly: rector of the Pedagogical Academy, Prague; party member 1940-70. Specialty: history of the revolution of 1848; manufacturing in Bohemia. Currently: Pedagogical Academy, Brandys n.L.

Klimesova, Libuse (1926)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: history of the Czechoslovak Communist party. Currently: cashier.

Klipa Bohumir (1930)—Formerly: research associate at the Institute of Military History; party member 1947-70. Specialty: history of World War II. Currently: laborer.

Klir, Miroslav (1920)—Formerly: lecturer at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: history of the Czechoslovak Communist party. Currently: archivist.

Kner, Vladimir (1922)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: history of the labor movement in the 19th century. Currently: fireman, then clerk.

Kocisky, Matej—Formerly: instructor at the University of Bratislava; party member until 1970. Specialty: the situation of the working class 1867-1914.

Kohout, Lubos (1925)—Formerly: lecturer in political science on the philosophical faculty of the Charles University, Prague; party member 1945-69. Specialty: the political systems of socialism and the history of Czechoslovakia. Currently: laborer.

Kolesar, Ivan (1928)—Formerly: associate at the Institute for Social Policy of the Charles University, Prague; party member 1947-70. Specialty: history of the international labor movement in the 1930's. Currently: clerk.

Koralkova, Kveta (1929)—Formerly: research associate at the Institute for International Politics and Economics; party member 1945-70. Specialty: relations between the people's democracies. Currently: clerk.

Koty, Vaclav (1927)—Formerly: research associate at the Institute for International Politics and Economics; party member 1945-70. Specialty: history of the socialist countries. Currently: stock clerk.

Kratky, Karel (1930)—Formerly: research associate at the Institute for International Politics and Economics; party member until 1970. Specialty: history of the Czechoslovak military units in the Soviet Union in World War II. Currently: stock clerk.

Kratochvil, Frantisek (1927)—Formerly: professor at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: contemporary political theory. Currently: employe of University library.

Kruzik, Frantisek (1931)—Formerly: research associate at the Institute for Military History; party member until 1970. Specialty: history of the Czechoslovakian participants in the Spanish Civil war. Currently: mason.

Kren, Jan (1930)—Formerly: lecturer at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member 1946-70. Specialty: the history of Czechoslovakia during World War II. Currently: laborer.

Krizek, Jaroslav (1924)—Formerly: research associate at the Institute for Military History; party member 1954-70. Specialty:

the history of World War I. Currently: clerk in a transport firm.

Kucera, Karel (1932)—Formerly: archivist at the Institute for the History of the Charles University, Prague; party member 1965-70. Currently: librarian at the Faculty of Law.

Kural, Vaclav (1930)—Formerly: research associate at the Institute for Military History; party member until 1970. Specialty: history of the resistance movement during World War II. Currently: laborer.

Kusak, Alexej—Currently: editor in Munich, Federal Republic of Germany.

Kus, Vladimir (1927)—Formerly: instructor at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: history of the Soviet Communist party. Currently: clerk at the Geodetic Archive.

Lesjuk, Peter (1930)—Formerly: instructor at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member until 1970. Specialty: history of the Czechoslovak Communist party 1945-48. Currently: company lawyer.

Lichnovsky, Milan (1930)—Formerly: research associate at the Institute for Military History; party member until 1970. Specialty: history of the Czechoslovak army after 1945. Currently: fireman.

Liptak, Lubomir—Formerly: research associate at the Historical Institute of the Slovakian Academy of Sciences; party member until 1970. Specialty: Slovak history in the 20th century.

Loewenstein, Bedrich (1929)—Formerly: research associate at the Harvard Institute of the Academy of Sciences; no party affiliation. Specialty: modern German history, Bismarck, intellectual history. Currently: translator.

Lukes, Frantisek (1933). Formerly: research associate at the Institute for East European history; party member until 1970. Specialty: Czech history 1938-39. Currently: television archivist.

Lvova, Mila (1930)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1947-70. Specialty: Munich and Eduard Benes; history of the Czechoslovak Communist party. Currently: case worker at the Pedagogical Institute.

Macek, Josef (1922)—Formerly: director of the Historical Institute of the Academy of Sciences; member of the Academy; party member 1945-70. Specialty: history of the Hussite movement and the Italian renaissance. Currently: on the staff of the Old Czech dictionary.

Madry, Jindrich—Formerly: lecturer at the Military Academy of Politics; party member until 1970. Specialty: military politics of the Czechoslovak Communist party; struggle for the reformation of Czechoslovakia after 1956. Currently: laborer.

Mandler, Emanuel (1933)—Formerly: director of publishing house; no party affiliation. Specialty: recent history of Czechoslovakia. Currently: programmer.

Marek, Jaroslav (1927)—Formerly: research associate at the Historical Institute of the Academy of Sciences. Specialty: urban history of the late middle ages; history of historiography. Currently: clerk at the Brno university library.

Mejdrova, Hana (1920)—Formerly: lecturer on Marxism at the Academy of Chemical Technology; party member 1937-70. Specialty: the labor youth movement in the interwar period. Currently: pensioner.

Mejdricka, Kveta (1920)—Formerly: lecturer in modern history on the philosophical faculty of the Charles University, Prague; in concentration camp 1940-45; party member 1930-70. Specialty: Bohemia and the French revolution. Currently: pensioner.

Mencl, Vojtech (1922)—Formerly: rector

of the Military Academy of Politics; party member 1945-70. Specialty: history of the First Czechoslovak republic. Currently: disability pensioner.

Menclova, Jarmila (1925)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: history of the Czechoslovak Communist party. Currently: clerk at the Bureau of Statistics.

Meznik, Jaroslav (1928)—Formerly: research associate at the Historical Institute of the Academy of Sciences; no party affiliation. Specialty: medieval urban history; diplomatics. Currently: in prison since 1972.

Mechyr, Jan (1930)—Formerly: lecturer in contemporary history on the philosophical faculty of the Charles University, Prague; party member 1952-70. Specialty: history of the labor movement. Currently: unemployed.

Mlynarik, Jan (1932)—Formerly: lecturer in Marxism at the Academy of Fine Arts; party member until 1970. Specialty: history of the Slovakian labor movement. Currently: laborer.

Moravec, Jan (1927)—Formerly: lecturer at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: history of the people's democracies. Currently: clerk.

Moulis, Vladislav (1931)—Formerly: research associate at the Institute for East European history; party member until 1970. Specialty: the history of the Soviet Union. Currently: librarian.

Muska, Jiri (1929)—Formerly: instructor on the philosophical faculty of the Charles University, Prague; party member 1946-70. Specialty: history of the Czech Legion during World War I. Currently: laborer, then clerk at the Institute of Archaeology.

Myska, Milan (1932)—Formerly: lecturer on the Pedagogical Faculty in Ostrava; party member until 1970. Specialty: historical demography. Currently: without regular employment.

Navratil, Jaromir (1926)—Formerly: commander of the research department at the Institute for Military History; party member 1945-70. Specialty: history of the Czechoslovak army. Currently: laborer.

Neumannova, Jana (1932)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1948-70. Specialty: cultural policy of the Czechoslovak Communist party. Currently: without regular employment.

Niklicek, Ladislav (1936)—Formerly: instructor on the philosophical faculty of the Charles University, Prague; party member 1958-70. Specialty: history of the Czechoslovak Communist party in the 1930's. Currently: clerk in the Faculty of Medicine.

Novak, Jan (1930)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1948-70. Specialty: history of the Czechoslovak Communist party in the 1930's. Currently: streetcar conductor.

Novotny, Josef (1923)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1948-70. Specialty: history of the illegal Czechoslovak Communist party 1938-39; history of the resistance during World War II. Currently: laborer.

Nyveltova, Dana (1927)—Formerly: associate at the Institute for Military History; party member until 1970. Specialty: history of the Czechoslovak army during World War II. Currently: bookkeeper.

Olivova, Vera (1927)—Formerly: lecturer in Czechoslovakian history on the philosoph-



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ical faculty of the Charles University, Prague; party member 1947-70. Specialty: political history of the First Czech republic. Currently: disability pensioner and clerk in the Department of History and Ethnology.

Opat, Jaroslav (1922)—Formerly: research associate at the Institute for East European history; party member 1945-70. Specialty: history of the people's democracies. Currently: mason.

Ort, Alexandr (1924)—Formerly: research associate at the Institute for International Politics and Economics; party member 1945-70. Specialty: foreign policy of the First Czech republic. Currently: without regular employment.

Otahal, Milan (1928)—Formerly: research associate at the Historical Institute of the Academy of Sciences; party member 1954-70. Specialty: Czechoslovakian history since World War II. Currently: disability pensioner.

Otahalova, Libuse (1925)—Formerly: research associate at the Historical Institute of the Academy of Sciences. Specialty: documentations of recent Czechoslovakian history. Currently: disability pensioner.

Palacky, Frantisek (1929)—Formerly: instructor at the Pedagogical Academy in Usti n. L.; no party affiliation. Specialty: local history of Northern Bohemia. Currently: teacher at a vocational school.

Pauliny, Akos—Formerly: instructor on the philosophical faculty of the University of Bratislava. Currently: Marburg, Federal Republic of Germany.

Pekarek, Bohumil (1923)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: history of the Czechoslovak Communist party 1938-45. Currently: laborer.

Pfaffe, Ivan (1928)—Formerly: museum curator; no party affiliation. Specialty: 19th century Czech history; 20th century political history. Currently: museum curator in Rastatt, Federal Republic of Germany.

Pickova, Vera (1924)—Formerly: research associate at the Institute for Military History; party member until 1970. Specialty: 16th and 17th century military history. Currently: clerk.

Pichlik, Karel (1928)—Formerly: research associate at the Institute for Military History; party member 1947-70. Specialty: history of World War I. Currently: laborer.

Pokorna, Jirina (1919)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1938-70. Specialty: history of the Czechoslovak Communist party in the 1930's. Currently: translator.

Polak, Pavel—Formerly: associate at the Institute for the History of the European Socialist Countries of the Slovakian Academy of Sciences; party member until 1970. Specialty: Russo-Czechoslovakian relations 1917-39; Interhelpe.

Pousta, Zdenek (1940)—Formerly: archivist at the Institute for the History of the Charles University, Prague; party member until 1970. Specialty: history of the Czechoslovak Communist party. Currently: chauffeur.

Prečan, Vilem (1933)—Formerly: research associate at the Historical Institute of the Academy of Sciences; party member 1951-70. Specialty: history of the resistance movements during World War II, particularly in Slovakia. Currently: fireman.

Pruzinova, Eva (1930)—Formerly: associate at the Institute for Military History; party member until 1970. Specialty: history of the Czechoslovakian army. Currently: postal clerk.

Reisman, Michal (1930)—Formerly: lecturer in the history of the Czechoslovak Communist party at the Academy of Politics of the Central Committee of the Czechoslovak

Communist party; party member 1946-70. Specialty: history of the Czechoslovak Communist party; history of the Russian revolution of 1917. Currently: translator.

Reisman, Pavel (1902)—Formerly: until 1968 director of the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1921-70. Specialty: history of the Czechoslovak Communist party and the labor movement. Currently: pensioner.

Roskova, Miroslava. Formerly: instructor at the Bratislava Institute of Technology; party member until 1970. Specialty: Communist youth movement and student associations in the 1930's.

Seidlerova, Irena (1926)—Formerly: research associate at the Historical Institute of the Academy of Sciences, in Therestensstadt 1943-45; party member 1945-70. Specialty: history of physics. Currently: laborer.

Seifter, Pavel (1938)—Formerly: instructor on the philosophical faculty of the Charles University, Prague; party member 1958-70. Specialty: history of the international labor movement. Currently: window washer.

Sladek, Jiri (1913)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member from 1930's until 1970. Specialty: history of the Czechoslovak Communist party. Currently: pensioner.

Smolka, Josef (1929)—Formerly: research associate at the Historical Institute of the Academy of Sciences; party member 1954-70. Specialty: history of science. Currently: clerk.

Svatek, Frantisek (1936)—Formerly: instructor at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member until 1970. Specialty: international labor movement. Currently: clerk in second-hand bookstore.

Svaton, Sava (1923)—Formerly: associate at the Institute for Military History; in concentration camp 1944-45; party member 1945-70. Specialty: history of World War I. Currently: laborer.

Sedivy, Jaroslav (1929)—Formerly: research associate at the Institute for International Politics and Economics; party member until 1970. Specialty: history of Czechoslovak foreign policy. Currently: window washer.

Sikl, Zdenek (1933)—Formerly: editor in chief of the journal "History and the Present"; party member 1957-70. Specialty: history of the First Czechoslovak republic. Currently: clerk in public health office.

Snejdarek, Antonin (1914)—Formerly: director of the Institute for International Politics and Economics. Specialty: history of World War II; international politics. Currently: professor at the University of Paris, France.

Solle, Zdenek (1924)—Formerly: research associate at the Historical Institute of the Academy of Sciences; party member 1945-70. Specialty: history of the labor movement. Currently: clerk in archive of the Academy of Sciences.

Solc, Jiri (1930)—Formerly: research associate at the Institute for Military History; party member until 1972. Specialty: history of the Czechoslovakian army in World War II. Currently: construction worker.

Svankmajer, Milan (1928)—Formerly: research associate at the Institute for East European History; party member until 1970. Specialty: 18th and 19th century Russian history. Currently: librarian.

Stvrtecky, Stefan—Formerly: associate at the Institute for the History of the European Socialist Countries of the Slovakian Academy of Sciences; party member until 1970. Specialty: Slovak Communists in Russia after the October revolution.

Teich, Mikulas—Formerly: research associ-

ate at the Historical Institute of the Academy of Sciences. Currently: Cambridge, England.

Teichova, Alice—Formerly: lecturer at the Pedagogical Academy, Prague. Currently, Cambridge, England.

Tesar, Jan (1933)—Formerly: research associate at the Historical Institute of the Academy of Sciences; party member 1963-68 (resigned). Specialty: history of World War II. Currently: arrested in 1969, released without trial after 13 months, arrested again in November 1971 and sentenced to six years of imprisonment.

Truc, Miroslav (1929)—Formerly: instructor at the Institute for the History of the Charles University, Prague; party member 1963-70. Specialty: history of the Charles University in the 16th and 17th centuries. Currently: stock clerk.

Tichy, Milos—Formerly: instructor at the University of Bratislava; party member until 1970. Specialty: Slovak regional history.

Ulicny, Frantisek—Formerly: instructor on the philosophical faculty of the University of Presov; party member until 1970. Specialty: settlement in Eastern Slovakia.

Ungermann, Zdenek (1918)—Formerly: lecturer at the Pedagogical Academy, Plzen; party member until 1970. Specialty: local history. Currently: deceased.

Usiak, Jan—Formerly: instructor at the University of Bratislava; party member until 1970. Specialty: history of the Protestant churches in Slovakia.

Vaclavu, Antonin (1922)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1939-70; in concentration camp 1940-45. Specialty: 20th century agricultural history. Currently: disability pensioner.

Vaclavu, Vladka (1923)—Formerly: instructor in Marxism on the Faculty of Law. Specialty: history of the Czechoslovak Communist party in the 1930's. Currently: librarian.

Valenta, Jaroslav (1930)—Formerly: research associate at the Institute for East European History; party member 1948-70. Specialty: Polish-Czechoslovakian relations. Currently: disability pensioner.

Veber, Vaclav (1931)—Formerly: lecturer in political science on the philosophical faculty of the Charles University, Prague; party member 1948-70. Specialty: Leninism and socialist ideologies. Currently: clerk, now unemployed.

Victor, Martin—Formerly: professor on the Faculty of Law at the University of Bratislava; party member until 1970. Specialty: the Slovak Soviet republic; Southern Slovakia under Hungarian occupation.

Vlasanek, Miroslav (1928)—Formerly: instructor at the Academy of Politics of the Central Committee of the Czechoslovak Communist party; party member 1946-70. Specialty: history of the Czechoslovak Communist party in the 1930's. Currently: mason.

Vickova, Eva (1924)—Formerly: research associate at the Institute for the History of Socialism of the Central Committee of the Czechoslovak Communist party; party member 1945-70. Specialty: the history of the German Social Democratic exiles in Prague. Currently: disability pensioner.

Zamecnik, Stanislav (1920)—Formerly: research associate at the Institute for Military History; in concentration camp during World War II; party member 1945-70. Specialty: history of the Prague uprising of 1945. Currently: laborer.

#### APPOINTMENT OF GEORGE BUSH, DIRECTOR OF CIA

Mr. MONDALE, Mr. President, last week the President announced major changes in his administration. Among

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them was the nomination of Mr. George Bush to be Director of the Central Intelligence Agency. This appointment has quickly become a major point of controversy because of the argument of some that building public confidence in our Government means that politicians must be excluded from such sensitive positions as CIA Director.

~~I do not share this view. It is unsupported by our recent historical experience. It unfairly attacks the integrity of all who seek to serve their country through elective office. And it helps to undermine, rather than restore, the confidence of the American people in their democratic political system.~~

Mr. President, as a member of the Senate Select Committee on Intelligence, and as a politician, I would like to express my views on the issues raised by the nomination of George Bush to be Director of the Central Intelligence Agency.

First, let me explain how I feel about the role of politicians in American public life. To participate in politics is to exercise our freedom. It is one of our most fundamental rights. It must be encouraged, not maligned.

To be a practicing politician is to be sensitized to what is acceptable to the American people. It trains us to respect the governmental institutions for which we are responsible. It demands a measure of proportion and restraint. It imposes the discipline of public accountability. I believe these are the qualities we very much need in our Government and, in particular, in the CIA.

The tragedy of Watergate involved basically one politician, Richard M. Nixon. All politicians in this country will pay for Watergate for some time to come.

But the Nation will pay too high a price, indeed court political bankruptcy, if it forgets that those who conducted the Watergate break-in were not politicians; that those who encouraged and abetted Nixon's subsequent cover-up—the Haldermans, the Ehrlichman's, the Mitchell's—were not politicians; and that many of those who finally brought Mr. Nixon to account, the Sam Ervins, the Peter Rodino's, had been politicians most of their lives.

~~I believe no post in our Government, including the CIA, should be placed off limits to those who may have held elective office.~~ The investigation of the Select Committee into the abuses and the failings of the Central Intelligence Agency and the rest of the intelligence community does little to encourage confidence in the alternatives.

It is my view that if past Directors of our intelligence and investigative agencies had stood for elective office, had gone through the political experience of trying to be responsive to the American people, they might have had the good sense and proportion to say "no" to the many abuses we have uncovered.

~~In short, Mr. Bush's past political activities should not disqualify him from holding this important post.~~ Assuming he possesses the other qualifications necessary—and I am reserving judgment on that question until the confirmation hearings are over—I would hope his past

political activities might even be an asset to him by affording him the caution, restraint and sense of accountability and proportion that a lifetime in politics usually instills.

But if Mr. Bush's political past presents few concerns regarding his fitness for this office, his possible political future presents a great many. Senator FRANK CHURCH, the chairman of the Senate Select Committee on Intelligence Activities, has ably articulated these concerns and they are ones which I fully share.

The President has indicated that he regards Mr. Bush as a serious possibility for the Republican Vice Presidential nomination in 1976, and Mr. Bush himself has indicated since his appointment that he maintains a continuing interest in elective public office.

It is precisely this possibility that troubles me deeply, and unless it is clarified satisfactorily I would have serious reservations about supporting Mr. Bush's confirmation.

I have two reasons. The first is a practical one. ~~I do not believe we should confirm as Director of the Central Intelligence Agency someone who may be on campaigning in a few short months. The necessary task of our investigations has subjected the Agency to turmoil enough.~~ Now we are entering the most critical period as we seek to make changes to remedy the problems of the intelligence community. For this the CIA needs a full-time Director. And the first priority of the new Director must be the Nation's future, not his own future.

My second and greater concern is based on the traditional responsibility of the Senate, when viewing appointments made by the Executive, to assure there is no conflict of interest. This is what I think the chairman of our Select Committee is driving at in the concerns which he has expressed here on the floor. The issue is not the integrity of politicians; it is potential conflict of interest.

The CIA Director must be objective. He must be willing to give a President bad news. He must be willing to say "no" to things which would exceed CIA's authority or even the authority granted the President. He must be prepared to level with the Congress, even when the intelligence information does not square with the policies of the executive branch or the interest of his party.

If, indeed, Mr. Bush is a candidate for the Vice Presidency, or intends to go from service with the CIA to further national office, I believe that he could not fulfill those functions properly. There would be the inevitable suspicion that his actions and advice, however honorably motivated they might in fact be, were premised on or at least tempered by their possible effect on his own political future. Mr. Bush might even be unconscious of the tempering process, but if he maintained political ambition it would surely take place. And even if it did not, many people would never believe it. It would be a classic case of conflict of interest, and as with all such cases, appearance is as important as reality.

For that reason, ~~I call upon Mr. Bush to renounce any candidacy for elective~~

~~office at the national level for at least 2 years following his tenure as Director of CIA. By "national level" I mean the Presidency, the Vice Presidency, or the Congress.~~

Mr. Bush has had a distinguished public career. I do not believe having been chairman of the Republican National Committee should by itself disqualify him from holding this office. But given the need for public confidence, I believe 2 years is the minimum time for Mr. Bush to put his political career in trust.

If Mr. Bush is prepared to take that step, then I believe the Senate can consider his nomination on its merits. This does not mean I would not have some serious questions concerning his approach to problems of intelligence, his background, his appreciation of the importance of cooperating with the Congress. But such a step by Mr. Bush would wipe away this cloud of misunderstanding and potential conflict of interest. Indeed, it would be an important step toward restoring confidence in our vital intelligence institutions.

I believe also that Mr. Bush should appear before the select committee so that we may receive his assurances of cooperation with our investigation. Furthermore, the Congress and the country must be assured that he will tolerate no illegalities in the Agency. Both of these assurances are essential if the CIA is to regain the public trust it needs to do its job.

I hope that this debate concerning Mr. Bush will signal a turn of the tide in America's attitude toward those who try to serve the Nation by holding elective office. I have always been very proud to be in politics. I regard the responsibility given to me by the people of Minnesota a sacred trust. I doubt there is a Senator in this Chamber who does not feel the same way. This pride exists at every level of government in the United States.

Yet wounds from Watergate persist. The American people are understandably wary. If we are to put meaning into that increasingly tired phrase, "restore the confidence of the American people," I believe we must first demonstrate confidence in ourselves. We must not, as politicians, turn upon ourselves, attempt to run against our own profession, fall in with those who see politics as evil.

Without politics there is no democracy, and without democracy there is no America.

#### VIOLENCE IN OUR SCHOOLS

Mr. MATHIAS. Mr. President, recently I had the pleasure of speaking before the First National Conference on Delinquency Prevention in Niagara Falls. This conference was organized by its chief sponsor, the National Federation of State Youth Service Bureau Associations, of which the Maryland Association of Youth Service Bureaus is a charter member. It was also sponsored by the National Council on Crime and Delinquency, National Youth Alternatives Project, HEW's Office of Youth Development and the National Institute of Alcohol Abuse and Alcoholism.

I took this opportunity to present facts that are of increasing concern to all Americans: statistics that chart the alarming increase in school violence and vandalism in recent years. I think it is time for a fresh look at school disciplinary procedures and suggest that parents ought to play a key role in the joint effort by students, educators, and the Government to stem the rise of school violence.

Considering the serious nature of this problem I believe the facts should be widely disseminated; therefore, I ask unanimous consent that my complete statement before the conference be printed in the RECORD.

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

AN ADDRESS BY SENATOR CHARLES MCC. MATHIAS, JR.

If there is one thing that Americans have consistently recognized throughout the years, it is the importance of insuring our children an opportunity to obtain an education. It is this concern for educating our offspring that in many ways has been the foundation of our society. From the ages of 5 through 18, most young Americans spend the greater part of their waking hours learning and playing in the classrooms and schoolyards of our great Nation.

However, the tranquility that had prospered in our schools and allowed for the uninterrupted schooling of our children is threatened. Threatened by a menacing phenomenon—the alarming increase in violence and vandalism in our Nation's schools. So widespread is this problem that no area of our country is immune. It has ravaged the little one-room schoolhouse as well as the largest of our metropolitan schools. This pestilence has reached such epidemic proportions that it threatens to undermine the primary and vital function of our schools—the scholastic and social education of our most precious resource—our youth.

In an attempt to find an effective antidote to this problem the Senate Subcommittee to Investigate Juvenile Delinquency, of which I am a member, has been conducting a series of hearings dealing with violence and vandalism in our elementary and secondary schools.

Prior to the start of these hearings, the subcommittee published a preliminary report based on interviews and questionnaires involving representative school officials from throughout the country. The results of this survey, covering school-related incidents from 1970-1973, may comprise a familiar litany to those in this room, but can only be described as chilling:

- Homicides increased by 18.6% in this three year period;
- Robberies rose by 36.7%;
- Rapes and attempted rapes increased by 40.1%;
- Assaults on students were up by a staggering 85.3%;
- Burglaries of school buildings increased 11.8%;
- Drug and alcohol offenses on school property rose 37.5%;
- Dropouts increased by 11.7%;
- Assaults on teachers climbed 77.4%.

It was clear to me and the subcommittee that the extent of violence and vandalism in our schools had become untenable and that the time for prompt and effective legislative action was at hand. Consequently, with this report as a starting point, the subcommittee began its first set of hearings, which brought a broad range of concerned school teachers, security personnel, and students before our subcommittees.

More recently, the subcommittee has focused upon a particular aspect of the school violence and vandalism question: what actions should school officials take in dealing with school disciplinary problems? And should the traditional response to disciplinary problems followed by school officials—in most cases, automatic suspension or expulsion—be reevaluated and supplanted by different methods? Or at least should this penalty be restricted to a very narrow category of serious examples of student misconduct?

The call for a reevaluation of the "suspension approach" has been prompted in great part by the work of the children's defense fund, which recently published a comprehensive study of the role suspensions play in our Nation's schools, entitled "School Suspensions: Are They Helping Children?" (1975).

I am greatly disturbed by the findings contained in this study, especially the evidence of a rise in the number of suspensions in recent years and the clear indication that the vast number of suspensions not only serve little useful purpose but also are unnecessary to maintain the proper functioning of our schools. While I fully recognize the responsibility of school officials to keep "troublemakers" from disrupting the classroom, I am particularly troubled by the patterns which emerged in the study's analysis of how the suspension approach is most frequently used.

First of all, according to the report of the children's defense fund, rather than limiting suspensions or expulsions to cases of serious misconduct, they are far more often applied to those who have engaged in such non-violent, non-disruptive, and non-aggressive conduct as tardiness, truancy, and pregnancy. Secondly, the report demonstrates that the students who are most frequently suspended for these reasons are those who are poor and black.

At the very least, we must insist that the ultimate weapon of suspension be used in a non-discriminatory manner, and only for misconduct whose gravity merits the penalty. What troubles me above all is the detrimental effect of suspension upon the student.

I am not merely talking about schoolwork missed, but also the fact that the suspended child is automatically labeled as a "troublemaker" and thrown out on the street. Far too often, having thus been evicted from school, he finds himself caught up in a vicious cycle from which he cannot escape. It may engulf him the rest of his life. I am referring to the former student who not only does not return to school (or if he does, never finishes his education) but while excluded from his former habitat, drifts into crime and finds himself suddenly blessed with another label—"juvenile delinquent." Armed with his incomplete education and notoriety accompanying a juvenile record, the ex-pupil then earns yet a third label: "unemployable." How surprised can we be, then, when and if he returns to a life of crime?

It is this scenario, one that I fear occurs far too often and with tragic predictability, which concerns me. It leads to the troubling question of whether it is a mere coincidence that the rise in juvenile crime in this country—particularly the acts of violence and vandalism committed in our schools—has paralleled the great increase in the number of students "locked out" of their own centers of learning. If this is more than a coincidence, then who can deny that we have failed our children? Failed them by throwing them out of school, labeling them pariahs and finally abandoning them in their time of greatest need. A time when they could far better profit from love, understanding and direction.

Given the foregoing, it is no surprise that many individuals and groups are calling for

the development of alternatives to the "suspension approach". This call, and intelligent suggestions to answer it, have come from the Children's Defense Fund, the National Parents Teachers Association (PTA), the National Committee for Citizens in Education (based in Columbia, Maryland) and many other concerned groups. Some of the proposals for remedies short of suspension include:

Alternative schools or classes, staffed by specially trained teachers who follow specially designed curricula;

In school suspension centers;

Greater direct involvement of parents in the regular operations of the school, by such means as serving as hall or classroom monitors (which allows the parent to feel more a part of the school); and

Work study programs in which students divide their time between school and employment. (In many States this would require amending child labor and compulsory school attendance laws.)

None of these proposals, on its own, can offer a quick or simple solution to the problem of suspensions, and all will have to be weighed carefully.

For example, there may be considerable merit to the fear expressed by Mr. Alan Levine of the New York Civil Liberties Union concerning those alternatives that separate so-called "difficult" children from their classmates. Mr. Levine stated before the subcommittee that "Such facilities . . . almost invariably turned into dumping grounds for all the students nobody else wanted." Similarly, the Children's Defense Fund echoed Mr. Levine's concern when it declared "there are real dangers in having in-school centers for disruptive students if they become islands of exclusion and stigma . . ." I, too, fear that such programs run the risk of having their participants viewed negatively by their peers, and would hope that appropriate safeguards would be built into any such programs.

The Senate Juvenile Delinquency Subcommittee takes very seriously this need to develop alternatives to the "suspension approach". Now pending before our subcommittee is the Juvenile Act of 1975, S. 1440, which would provide funds to assist local educational agencies in developing:

Programs aimed at preventing unwarranted and arbitrary suspension;

Alternative educational programs and facilities for the education of students unable to adjust to their school environment; and

Security programs for the protection of students, school personnel and school property.

I believe that this proposal represents an honest attempt to aid local school districts in their fight to curb school violence and does so without infringing upon the authority of the local school officials to regulate the day-to-day operation of their schools.

As we consider the purposes for which Federal funds would be made available under this proposed bill, we might usefully pause to consider a very important word of caution regarding the temptation to invest all our resources and hopes in the third of these: reinforcement and modernization of school security forces. All too often, the introduction of additional and more sophisticated school patrols simply results in giving the school the appearance of an armed camp, further dividing students and school officials, and destroying what little remains of an academic atmosphere. However, efforts have been made in certain areas to increase security measures without enraging students, with some success.

One such effort is presently underway in Prince Georges County, in my home State. This program, known as the Student Security Advisory Council, was described in detail to the subcommittee by Peter Blauvelt,

You can get applications through your high schools, community agencies, libraries and colleges, or by writing to BEOG, Box 84, Washington, D.C. 20044.

Many people did not know about this program at all last year. Others did not realize that it also was open to students who attend vocational and technical schools, or that you are acceptable for eligibility with a high school equivalency.

Awards for the 1975-76 year will average about \$800 a student, may go up to \$1,400.

College Work-Study. The CWS program has \$420 million available for students in the 1975-76 year. By providing summer and part-time jobs for students with great need, financial aid officers can use funds from this program to prepare a full aid package.

The U.S. government provides up to 80 per cent of the salaries for students who qualify, with the average earned by students under this program slightly more than \$600 a year.

You may average 15 hours of work a week while attending classes or 40 hours during breaks and summer.

National Direct Student Loans. Even though these NDSL funds are administered by the colleges, 90 per cent of the money comes from the Federal government and you must demonstrate your need.

Student aid officers determine if you are eligible and the total to be loaned. Maximums are: \$2,500 for students in the first two years of a program; \$5,000 for the bachelor's degree. If you are a graduate or professional student, you can borrow up to \$10,000.

You must be enrolled at least half-time to qualify. Repayment and interest (3 per cent a year) do not begin until nine months after you stop your studies. In some cases, all or part of your loan can be canceled if you enter certain fields or the armed forces.

Apply through your college financial aid officer.

Government Student Loan Program (GSLP) and Federally Insured Student Loans (FISL). Some states have their own guarantee for loans, but, for states that do not, the Federal government makes loan repayment guarantees available to students who are attending college at least part time.

Some states may stipulate only full-time students are eligible.

Students at many vocational, business, trade, correspondence and technical schools also are eligible for guaranteed loans. (But beware of gyms in this field which are hurting the many reputable schools. Don't be lured by fanciful promises.)

Loans may be up to \$2,500 a year, or a total of \$7,500 for undergraduates—from banks, savings institutions, insurance companies, pension plans, credit unions and some colleges.

If you need to borrow more than \$2,000, or if your family adjusted income is more than \$15,000, your need for the loan must be verified by the college financial officer.

You begin to repay a maximum 7 per cent interest nine to 12 months after you leave school. In a few cases—if you join the Peace Corps or the armed forces or if you continue your studies—repayment of the loan can be deferred.

### SHOULD RUMSFELD AND BUSH TAKE THE PLEDGE?

**HON. PAUL N. McCLOSKEY, JR.**  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  
Monday, November 17, 1975

Mr. McCLOSKEY. Mr. Speaker, it would be regrettable if political considerations were permitted to delay or in-

hibit the President's desire to exercise leadership through the individuals he nominates to key executive positions. Tom Wicker stated this argument with precision and clarity in the New York Times of November 14, 1975:

#### SHOULD RUMSFELD AND BUSH TAKE THE PLEDGE?

(By Tom Wicker)

If the Democrats who control Congress have a good reason not to confirm Donald Rumsfeld as Secretary of Defense, it is not that he might be President Ford's running mate in 1976. And if the same Democrats have a good reason to deny confirmation to George Bush as director of the Central Intelligence Agency, it is not that he once was chairman of the Republican National Committee.

In fact, the two cases are quite different. To take that of Mr. Rumsfeld first: As a former member of Congress, a former ambassador to the North Atlantic Treaty Organization and more recently a high-level Presidential assistant, he not only meets the general standard of experience that has been required of previous Secretaries of Defense; he is at least as well-qualified as, say, Melvin Laird was in 1969, or any number of businessmen who preceded him to the Pentagon in the Eisenhower Administration.

Unless Congressional inquisitors turn up some conflict of interest or other disqualifying fact, therefore, Mr. Rumsfeld's political future should be his own business. Previous Secretaries have been forced in some cases to forsake valuable stock holdings; but no one demanded of them that they shed ambition. Indeed, at least one Secretary, Robert S. McNamara, was actively considered by President Lyndon Johnson as a possible running mate in 1964.

Nor is there anything so inherently non-political about the Department of Defense that Mr. Rumsfeld or anyone should have to rule himself out of post-Pentagon politics. He has pledged not to make partisan speeches for Mr. Ford next year, which is sufficient observance of whatever nonpolitical appearance the Pentagon should maintain. Besides, even if Congress could force him to forswear the chance to be a Vice-Presidential candidate next year, should such an imposed condition by Democrats take precedence over Mr. Ford's choice of a running mate or the Republican National Convention's right to choose its own candidates? Hardly.

Finally, what is wrong with a President maneuvering men of political potential into advantageous positions, so long as they are qualified for those positions? Why shouldn't Mr. Ford, or any President, move able associates into demanding positions if they are convinced that the results will enhance the public standing of the associates?

The case of George Bush is entirely different, because the Defense Department and the C.I.A. are different. Almost by its nature, the Defense Department cannot be kept out of politics; while the C.I.A. must be kept out of politics. Not only are its resources too secret and too vast to place under any but the most rigidly neutral control; but its intelligence reports to the Government must be kept as free as possible of partisan or ideological taint. Anyone who heads a secret intelligence agency, moreover, probably is disqualified by the job itself—by the agency's entanglements with foreign governments, by the distasteful orders which may have to be given—from becoming an acceptable head of state.

For those reasons, the Democrats in Congress seem within their rights and responsibilities to seek reasonable assurances that Mr. Bush will not be snatched from the C.I.A. to the Republican ticket next year. And in fact any potential C.I.A. director who might be nominated by any President of either party might reasonably be required to for-

sake national political ambition and express willingness to continue serving in the next Administration. Like the directorship of the F.B.I., this is not a job that should change hands every time a new President is sworn in.

It is another thing, however, to assume that a past party chairman of necessity is such a partisan figure that he could not be trusted to keep the C.I.A. out of politics. The record shows that the trained professional, Richard Helms, failed to keep the C.I.A. out of politics; and that vaunted nonpoliticians before him, like Allen Dulles and John McCone, failed to prevent some of the illegal practices now being disclosed.

Mr. Bush's political experience—backed by his essentially nonpartisan service at the United Nations and in China—might even be an asset at the C.I.A. His knowledge of politics could have helped him to see the pitfalls into which the agency was slipping in recent years; his experience in Congress might have served it better in its current agony than the professional, William Colby, has been able to do.

If the Senate finds that Mr. Bush is not qualified by reason of character or experience to head the C.I.A., of course he should not be confirmed; but the mere fact of his political background should not make such a finding inevitable, much less automatic.

### BIG BROTHER AND THE CLAM

**HON. ROBERT E. BAUMAN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1975

Mr. BAUMAN. Mr. Speaker, it seems that the Food and Drug Administration is not satisfied with regulating the lives of citizens alone. FDA now hopes to extend its authority over shellfish. It hopes to promulgate regulations which require biographical histories of individual clams and oysters from the bottom of the bay to the palate of the gourmet. It is pushing rules which force fishermen into devoting more time to recordkeeping, writing the who's who of shellfish, than to actually fishing.

This would be funny were it not so tragic, because what the FDA is planning would effectively end the livelihoods of thousands of watermen around this country and destroy a \$200 million industry. Its overly stringent regulations to solve a problem which does not exist result in outrageous overhead costs for the fisherman and processors, added costs which, in the end, hurt the consumer and devastate the waterman who cannot afford to stay in business.

A recent editorial in the Wall Street Journal, "The FDA's Happy Clams," speaks to this point, and I submit it for your information. Because of the bill I have introduced, H.R. 7153, and other efforts to place a moratorium on proposed FDA regulations until the completion of a comprehensive impact study, there is still hope for the twin fates of clam and citizen.

The editorial follows:

[From the Wall Street Journal, Wed., Nov. 12, 1975]

#### THE FDA'S HAPPY CLAMS

What has your federal government done for you lately? Just wait a while. The nice people at the Food and Drug Administration, never ones to let grass grow under their feet, are about to impose a regulation on the shell-



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fish industry that will make it a little bit safer for you to eat an oyster or a clam.

Never mind that there hasn't been a serious problem with tainted clams or oysters for 30 years, since the industry and state governments combined in a voluntary program of shellfish bed inspections. To be really safe FDA wants the oyster and clam harvesters to tag and segregate on their boats shellfish that are taken from different beds. Processors would also be required to continue this process so that right down to retail it will be possible to trace back to a tainted shellfish bed. Should an oyster eater turn green, FDA will be able to shut down its bed of origin in a jiffy.

The wonderful thing about this extra safety is that it won't cost the government a penny. The shellfish harvester and processors in this \$200 million industry will have to redesign their boats and plants, which FDA allows may run to \$25 million. FDA didn't bother with an inflation impact study on the grounds that it is obviously trivial, there being so few oysters and clams in the Consumer Price Index.

The Council on Wage and Price Stability, though, figures the move would push the price of a pint of oysters, now about \$2.40, up to about \$3.40, cutting oyster demand and wiping out a lot of little harvesters and processors. An extra dollar a pint? That's not too high a price to pay to guarantee that if you eat a bad oyster FDA will be able to tell you where it came from. Is it?

BARRY ASHTON AND WOLF  
KOCHMANN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1975

Mr. REES. Mr. Speaker, I wish to address myself on behalf of two extraordinary gentlemen, Barry Ashton and Wolf Kochmann and their company, Ashton-Kochmann Productions, Inc. These two have received an honor never before accorded any American. In recognition of our country's Bicentennial, Japan's well-known Toho Productions has invited the two Americans to Tokyo to produce a special "American Bicentennial" stage presentation for Toho's famed Nichigeki Theatre. The Nichigeki is world-renowned for its stage presentations and has been frequently compared throughout the Orient and the world with the Los Angeles' Music Center, and the famed Radio City Music Hall in New York City.

In Japan, Toho Productions occupies a position of reverence; Toho is the monolith of Japan's ever-growing entertainment industry. It is, therefore, an extraordinary recognition of the talents of Messrs. Ashton and Kochmann that they were requested to produce this very special "American Bicentennial." Rarely, if ever, does Toho go outside Japan in search of talented entrepreneurs. This is precisely what Toho has done, however, in their choice of Messrs. Ashton and Kochmann and their production facilities.

Mr. Ashton will, this month, embark on a nationwide search for 20 of our most "all-American," all-talented young women—the best America has to offer. These 20 American dancers will travel

to Tokyo and will then prepare for their showcasing in this very special segment for the Nichigeki Theatre. This segment is a "first"—never before has a group of Americans been seen on the stage of this fine theater.

In addition, I am happy to add, our American ladies will then join their Japanese counterparts for the grand finale, also staged by Ashton and Kochmann.

This endeavor of Mr. Ashton and Mr. Kochmann will not only reflect their own individual and tandem talents, but, most importantly, will bring together the two great countries of the East and West in a massive, joint salute to our Nation's 200th anniversary.

The contributions I have mentioned—all attributable to Messrs. Ashton and Kochmann—will promote unity between Los Angeles and Tokyo and the peoples of both the United States of America and Japan—one of our closest allies. I sincerely and most strongly feel that the work of these two men is worthy of whatever honors can be conferred.

In closing, I would like to add that the recent visit of Japan's Emperor Hirohito serves to point out more than ever how far both nations have traveled in their joint journey across the Pacific. I would also add that the Messrs. Ashton and Kochmann—while most certainly not of political nor "statesmen" status—are doing their utmost to continue our vitally important East and West relationship.

The city of Los Angeles and the State of California are very proud of these two gentlemen.

THE ECONOMIC EFFECTS OF A  
NEW YORK CITY DEFAULT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1975

Mr. GRADISON. Mr. Speaker, we will soon be voting on H.R. 10481 which would provide for Federal guarantees of New York City debt. In connection with this legislation, there has been an ongoing debate about the economic consequences of a New York City default. The November 1975 Monthly Economic Letter, published by First National City Bank, contains an interesting analysis of the economic consequences of a default. I would like to bring to the attention of my colleagues several conclusions of the Citibank analysis.

Regarding the effects of a default on the municipal bond market, the report notes:

Many people worry that a default by New York City would lead to a drying up of funds to other cities. While a number of state and local governments are subject to skeptical scrutiny in the marketplace today, and some are virtually barred from the market at this time, municipal bond yields on the average are not high in relation to other bond yields. In fact, municipal yields, on the whole, are relatively much lower today than they were in 1969 when Congress threatened to abridge the tax-exempt privilege of municipalities.

The Citibank report goes on to discuss possible effects of a default on the banking system. To quote again:

Central to the thesis that a default would set off a chain reaction in financial markets is the fear of a wholesale flight of funds from banks holding substantial obligations of New York State, New York City, and other major cities and agencies in the state. This possibility seems extremely remote since the Federal Reserve has recently offered assurances that it would protect depositors and preserve bank liquidity.

The staff of the Joint Economic Committee has issued a study which states:

While it is difficult to ascertain precisely how New York's financial crisis will effect the national economy, it is very possible that a default could weaken the strength of the economic recovery.

The JEC staff study indicates that a default could increase unemployment by 300,000 and reduce the growth rate of GNP by 1 percentage point in the fourth quarter of 1976. These conclusions were based on computer analysis performed using the Wharton econometric model.

In evaluating the JEC study, the following comments in the Citibank report should be noted:

Some economists have generalized from this local impact to a curtailment in spending and employment across the country. But such projections, even when they are the product of elaborate computer models, are no better than guesswork. Because they have been fitted to the experience of the past 30 years, a period in which there have been no major municipal defaults, the models must be manipulated to assume paralysis of the bond market and a sharp drop in state and local spending, a procedure that predetermines the forecast.

In short, there is no firm basis on which to conclude that a New York City default would have significant national economic repercussions. Dire predictions about the impact of a default on the economic recovery cannot be used to justify a Federal loan guarantee for New York City.

THE VETERANS' ADVISORY COMMITTEE FOR THE SEVENTH DISTRICT OF CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1975

Mr. MILLER of California. Mr. Speaker, today, November 11, millions of Americans will pause to remember the contributions and sacrifices made in the last 200 years by members of this country's Armed Forces. Our veterans deserve our respect and our gratitude. I believe it fitting, therefore, to bring to the attention of the House a most interesting and successful endeavor undertaken by the veterans of my district.

Early this year at my request, a Veterans' Congressional Advisory Committee was organized to advise me so that I could better understand and serve the needs of veterans. The members of the committee have been chosen by veterans themselves, one from each established

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S E C R E T

13 November 1975

MEMORANDUM

SUBJECT: Background Reading for Ambassador Bush

1. The first increment of background reading material for Ambassador Bush is transmitted herewith.

2. The transcripts of closed session confirmation hearings, which are the xeroxed copies, should all be treated as classified material. Some of these papers bear classification stamps of SECRET and TOP SECRET and others do not. All of these transcripts are the property of the Senate Armed Services Committee and must be returned by classified pouch when you are finished with them. This material should be used and stored in secure areas and should be shown only to Ambassador Bush.

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The attached memo was sent   
 transmitting documents for use by Ambassador  
 Bush.

*[Handwritten Signature]*

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November 13, 1975

## CONGRESSIONAL RECORD — SENATE

S 19913

United Nations is based; we are unleashing a great evil. The U.N. has enough trouble maintaining a modicum of world peace and desperately clinging to credibility without propagating vicious lies and casting salt into divisive wounds.

It is bitterly disillusioning to see an international organization of the stature of the U.N. General Assembly stoop to such ignoble pursuits. These pursuits, the venting of a vehemence unmatched since Hitler's time, do not do justice to the noble principles in which the U.N. was conceived.

The preamble of the U.N. Charter raises men's hopes for a better future, a future where war, poverty, and oppression give way to world peace, world prosperity, and freedom and respect for all nations and peoples of the world. Article I of the charter states that one of the purposes is:

To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms, for all without distinction as to race, sex, language, or religion.

Where is the respect for human rights and for fundamental freedoms in the ignominious resolution passed the night of November 10 by the General Assembly?

Mr. President, I have long been a staunch supporter of the U.N. The Charter of the U.N. is one of the most lofty and exalted texts of political history incorporating mankind's greatest hopes. The uniqueness of this document, and the organization it created, is its widespread acceptance. The U.N. has provided and maintained a forum for airing the problems of the world and has proven that nations in disagreement can reason with each other to solve their differences.

But this widespread acceptance, this basic presumption of the existence and worthiness of the U.N. is fragile. Pushed beyond their limits or to the depths of their convictions nations will quit the organization. If the resolution passed by the General Assembly last night is an indication of the general intolerance pervading the U.N., the widespread acceptance of the organization may evaporate and countries may resort to the isolationism and distrust which has thrown preceding generations into the scourge of war.

Mr. President, the United States will never agree to abandon or pervert the noble ideals upon which the U.N. is based. Nor will the United States ever acquiesce to tyranny, even should it appear in the guise of a U.N. mandate. However, if it is determined that the U.N. is no longer living true to its charter, then the United States should consider withdrawing its membership. I think it is time for the United States to assess its role in the U.N. to determine whether or not continued participation is in the best interests of the United States.

If the attempt of the resolution was to ostracize Israel, that thrust has failed. Israel will not lose U.S. friendship, because of this resolution; indeed if the attempt was to isolate Israel and her friends, I say let it be so. Let us see who

are Israel's friends. Let us see who are our friends. And then let us stand together on principles and ideals sound and true.

Mr. President, I cannot condone the irresponsible, spiteful action of the U.N. General Assembly in passing a resolution designed to thwart the interests of peace and sow the seeds of discontent, for, in the words of Secretary General Waldheim, we may indeed lose the future through discord and confrontation.

### THE CIA DIRECTOR DETERMINES THE ROLE OF THE CIA

Mr. CHURCH. Mr. President, as I said in the Senate on November 11, the Central Intelligence Agency, if it is to play its intended role, must be nonpartisan, professional, and sufficiently independent of outside pressures to stand firmly behind its assessment of foreign intelligence information.

This does not mean that persons who have held public office are disqualified from serving as the Director of the CIA. Elliot Richardson, for example—having demonstrated the capacity to withstand great pressures within the Government, and the personal strength to take issue with the President, himself, when he felt it necessary—is a man who would be eminently qualified to serve in this office. There are many others.

But a person whose political experience has been highly partisan in character—such as the Chairman of the Republican National Committee—cannot be said to meet this test.

When the picture is further complicated by the apparent intention that the directorship of the CIA is to be used as a springboard for higher office, then it is impossible to conceive that the nominee could discharge his responsibilities in a proper fashion.

These fatal flaws in the nomination of George Bush to be the new Director of the CIA are strongly underscored in two columns which appeared yesterday morning in the Washington Post: one by George F. Will entitled, "George Bush: Political Ambitions" and the other by Rowland Evans and Robert Novak entitled, "And Overlooked Political Realities."

These columnists clearly demonstrate why, under the circumstances, the nomination of George Bush to be Director of the CIA raises such serious questions of impropriety.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

#### GEORGE BUSH: POLITICAL AMBITIONS

(By George F. Will)

When nominated to be Director of the Central Intelligence Agency, George Bush said he did not think that being Director would forever prevent him from seeking political office. Obviously he hopes it will not, and his hope was stroked by President Ford's declaration that Bush is not excluded from consideration as his 1976 running mate.

Bush may not have to worry about a CIA attachment becoming a political handicap. The Senate may refuse to confirm him.

Like some other ex-Congressmen (he served

two terms), Bush is one of Mr. Ford's guys, which is fine. But at the CIA he would be the wrong kind of guy at the wrong place at the worst possible time.

The CIA is under a cloud of dark suspicion based on proven misdeeds. The suspicion is that the CIA is a threat to civil liberties, and perhaps to tranquility, because it is insubordinate or otherwise immune to proper control.

But lack of control over the CIA is no longer the gravest problem. Congress, awakened from its long sleep, is alert to its oversight duties. And the executive branch, having been reminded of the law, can keep the CIA operating this side of criminality.

Today the most pressing problem is not to prevent the CIA from doing what is forbidden. Rather, the problem is to see that it does what it is supposed to do, which is gather and report accurate information.

But gathering and reporting are different operations. And it is possible to imagine situations in which the CIA would be pressured to suppress inconvenient information, or to report things convenient to the political purposes of an administration.

Imagine an administration looking to the next election and determined to celebrate detente as its finest achievement. Imagine that the administration is excessively anxious to achieve another strategic arms agreement with the Soviet Union.

Suppose the administration triumphantly signed an agreement limiting the number of strategic vehicles—missiles and bombers—on each side. Critics might say the limit is a false ceiling. Critics might charge that the limit is as high as the Soviet Union can or wants to go during the term of the agreement. Therefore, the agreement is an empty exercise, a limit that does not limit. (That is what Senator Henry Jackson said about the 2,400-vehicle limit agreed to at Vladivostok.)

Then the administration would appreciate a CIA report arguing that the Soviet Union has the ability to surpass the limit in the near future, and would do so if there were no agreement.

Or suppose the administration wanted an intelligence report minimizing this or that verification problem—say, the difficulty of verifying Soviet compliance with range limits on cruise missiles.

Or suppose the administration could get a CIA report supporting the hitherto unsupported Soviet contention that the Soviet Backfire bomber—which can deliver nuclear weapons over intercontinental distances—nevertheless lacks the strategic significance, and should not count against the Soviet total of 2,400 strategic vehicles permitted by the Vladivostok agreement. Such a CIA report would concede a Soviet point without seeming to be a concession, and could grease the skids for a pre-election agreement.

Recent events have made it wise to worry about the possibility that the CIA will become compliant to political pressures in reporting intelligence information, especially information that might tarnish the image of detente.

Defense Secretary Schlesinger, an apolitical man, was the foremost critic within the administration of Secretary Kissinger's policy in negotiating with the Soviet Union—sometimes called "the policy of preemptive concession." Mr. Ford wants to replace Schlesinger with Donald Rumsfeld, another vice presidential aspirant. Thus it is all the more imperative that the CIA be run by a man not susceptible to political considerations or pressures.

The problem with Bush is less that he has a political past than that he so obviously and avidly wants to have a political future.

As chairman of the Republican National Committee during Watergate Bush was very considerate about the man who appointed him. In spite of all the available evidence, he

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never expressed independent judgments inconvenient to Richard Nixon.

It might be rash to expect Bush to display at the CIA a capacity for politically inconvenient independence in judging intelligence. That is why the Senate may ask Mr. Ford for another nominee.

## OVERLOOKED POLITICAL REALITIES

(By Rowland Evans and Robert Novak)

The wholly predictable storm over President Ford's nomination of former Republican National Chairman George Bush to head the CIA has forced the White House into a dangerously overdue calculation of political realities, with withdrawal of the nomination now a possibility.

The political realities, apparently never considered by the President or the very few top aides privy to his secret plans to replace Central Intelligence Director William Colby with Bush, boil down to this essential: to avoid possible refusal of the strongly Democratic Senate to confirm Bush, he or President Ford must absolutely rule out any possibility of Bush winding up as Mr. Ford's Vice Presidential running mate.

Such a condition has now reached the stage of gospel inside the Democratic Senate establishment, and particularly with Democrats on the Senate Armed Services Committee. Although Sen. John Stennis, conservative chairman of the Committee, has said nothing at all, intimates of the highly influential Mississippian fully agree that all Vice Presidential doors must be closed to Bush to avoid an inflammatory confirmation battle.

Failure of the President to consider this aspect of his appointment of Bush, a highly regarded and extremely popular politician, was further exacerbated during Mr. Ford's appearance on Meet the Press last Sunday. Instead of seeking to calm the boiled waters when asked if he should not eliminate both Bush and Secretary of Defense-designate Donald Rumsfeld from all consideration for second place on the 1976 Republican ticket, Mr. Ford bristled.

"I don't think people with talent, ought to be excluded from any further public service," he replied coolly.

Thus, the President's gravely mistaken reading of the political impact of the Sunday Morning Massacre continues in his failure to perceive that to the controlling Democrats on Capitol Hill (and many Republicans as well), the Director of CIA must be above political suspicion.

But some Presidential aides are more keenly tuned in to Congressional frequencies. It is no accident that even though Bush's nomination has been formally sent to the Senate for confirmation hearings, no hearings are now scheduled for several weeks at best—and possibly not until next year.

That raises the question of a deliberate stall, based on the President's suddenly-expressed desire to keep Bush at his present post in Peking at least until Mr. Ford's China trip. If, as presently assumed, Mr. Ford goes to China within the next month, Bush would not be available for his confirmation hearing until well into December.

With Congress eyeing either December 12 or December 19 for the start of the Christmas recess, it now looks doubtful that Bush could be confirmed before next year. By then, with far deeper understanding of the anti-Bush sentiment, the President could make another mid-course correction, giving Bush a different post that would keep him available for a possible Vice Presidential nomination next summer (the job Mr. Ford came within a whisker of giving Bush instead of Nelson Rockefeller last year) and naming some one else to succeed Colby.

Precisely that probability was instantly perceived by Capitol Hill operatives when Mr. Ford summoned Colby back to the White

House last week and asked him to stay at the CIA until a successor had been confirmed by the Senate. Earlier, when Colby left Mr. Ford's oval office on the morning of Sunday, Nov. 2, he was preparing to pack out of the CIA instantly.

Still one of Washington's darker mysteries is why the President chose to put the long-suffering Bush through such a wringer without understanding the political realities. White House aides normally involved with CIA affairs, including the Congressional probes, knew nothing of Colby's sudden sacking or his replacement by Bush until too late.

Indeed, on top of the CIA's long misery is the grip of Congressional investigations and press exposes, the Bush nomination is regarded by some intelligence experts as another grave morale deflator. They reason that any identified politician, no matter how resolved to be politically pure, would aggravate the CIA's credibility gap. Instead of an identified politician like Bush—former Member of the House, twice-defeated Senate nominee from Texas and Vice Presidential aspirant—what is needed they feel, is a respected non-politician, perhaps from business or the academic world.

Not all experts agree. One former CIA official wants the CIA placed under political leadership capable of working closely with Congress. But even that distinctly minority position rebels against any Presidential scenario that looks to the CIA as possible stepping-stone to the Vice Presidential nomination.

## OIL, GAS, AND CONGRESS

Mr. MATHIAS. Mr. President, as our energy problem becomes more complex and more partisan with each passing day, it becomes difficult to comment with clarity, wisdom, and foresight. Nevertheless, the Washington Post editorial of Thursday, November 6, entitled "Oil, Gas, and Congress" meets this test.

As we face the expiration of price controls, shortages of natural gas, and actions by the OPEC countries to hike oil prices, it would be well for Senators to reflect on the thoughts so well expressed by the Post in its lead editorial of November 6. I ask unanimous consent that the text of that editorial be printed in the RECORD.

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

## OIL, GAS, AND CONGRESS

Once again the law controlling oil prices is about to expire. Once again Congress is in the final stages of enacting an extension. But no one knows exactly what form it will take, or whether the President will sign it. The administration seems optimistic that the new bill will be, by its terms, acceptable. But for both consumers and producers, the present situation only deepens the extreme uncertainty that hangs over every aspect of fuel and energy policy in this country. Since a great deal of complex legislation is now proceeding simultaneously, it is helpful to separate the main lines of the debate.

First issue: How much should oil and gasoline cost, and who should decide? Congress likes to carry on this kind of battle in moral terms, but it is essentially a sectional issue. The rising costs of fuel mean a tremendous shift of wealth and power into the states that produce oil and natural gas, at the expense of those that consume it. The prices of some crude oil and all oil products are regulated by the federal government under the last remnant of President Nixon's wage-price control apparatus. That last remnant was to expire in August. Earlier in the summer Pres-

ident Ford proposed gradual decontrol. But the House of Representatives voted it down and supported, instead, more stringent rules to roll back prices. A month after the controls expired, the President and Congress got together on a compromise providing a brief retroactive extension giving Congress time to work out a permanent law. That extension expires on Nov. 15.

The conference on the permanent law is now in its final stages. The President has said that he is willing to extend controls to all domestic oil, somewhat below the current market level, if Congress will agree to peel off all controls gradually over the next several years. He considers higher prices necessary to encourage greater production and to enforce conservation. But the congressional conferees are sharply divided over the principle of eventual decontrol.

One point, at least, is unarguable: it would be wantonly dangerous to let all controls end abruptly on Nov. 15, with an immediate jump upward of all prices to the world level. That jolt could well destroy the present economic recovery and throw the country back into renewed recession. But the effect of permanent controls would also be deeply harmful. Over the long haul, controls tend to turn into price-fixing and cartelization agreements. Worse, holding prices down means letting imports rise unnecessarily high. To the extent that the United States has an oil policy these days, that—by default—is it. This country is importing more oil now than before the Arab embargo, and a higher proportion of it is coming from the Persian Gulf. The wisest solution is a bill that will prevent any sudden drastic jump in oil prices, but will commit the country to decontrolling steadily over a period of two or three years. The President is right on this crucial choice, the Democratic majority in the House is wrong.

Second issue: What about the price of natural gas and the shortages in the industrial Northeast? For more than 20 years the federal government has regulated the price of gas sold across state lines, but not within states. The current federal ceiling is one-third the unregulated price within the gas-producing states and one-fourth the equivalent cost of oil. When you think about those disparities, the present shortages in this part of the country—which depends upon interstate sales—are not hard to understand.

The Senate has passed an excellent bill, permitting short-term emergency sales at higher prices this winter and, next spring, beginning the deregulation of prices. Since this deregulation would apply only to new gas production as it comes onto the market, the bill threatens no abrupt surge of costs. But the bill has now gone to the House Commerce Committee, whose chairman, Rep. John D. Dingell (D-Mich.), is evidently determined not to report the half of the bill that provides permanent deregulation. That makes a hard choice for the administration and the Senate majority: Should they settle only for a jerry-rigged emergency sales procedure, or use the shortage as a lever to try to get the whole Senate bill? Probably, on balance, it's better get whatever can be passed quickly. There are jobs at stake, and a legislative stalemate here would be very bad for public morale. But not much gas is going to be sold under short-term emergency procedures, and Mr. Dingell's tactics are already contributing to a further gas shortage in the winter of 1976-77.

Third issue: Should Congress enact unfocused multibillion dollar subsidies for the production of synthetic fuels? The President and Sen. Henry M. Jackson (D-Wash.) are enthusiastically allied in favor of this one and they are both wrong.

The authorization bill for the Energy Research and Development Administration was in conference a few weeks ago when the Senate members began pasting in a generous \$6 billion fund for loans and guarantees to sup-

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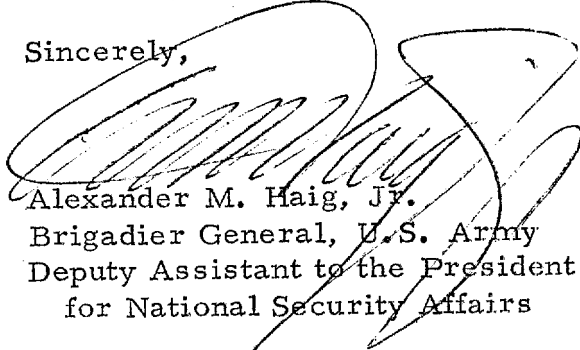
THE WHITE HOUSE  
WASHINGTON

November 9, 1971

Dear Mr. Helms:

I am enclosing the original of the President's November 1st letter to you, which inadvertently was placed in our files. You were provided a copy of the letter at the meeting here on Friday, November 5, but I am sure you will wish to have the original for your official files.

Sincerely,



Alexander M. Haig, Jr.  
Brigadier General, U.S. Army  
Deputy Assistant to the President  
for National Security Affairs

The Honorable Richard Helms  
The Director of Central Intelligence  
Washington, D. C.

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*confirmation*

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 5 November 1975

1. (Unclassified - GLC) ADMINISTRATIVE Larry Bangs, Senior Seminar, OTR, called to say that while attending an out of town meeting, he met Senators Mike Gravel (D., Alaska) and Jacob Javits (R., N. Y.). He said he had a chat with Bob Mitchell, Administrative Assistant to Senator Gravel, who said the Senator would be willing to speak to one of our training courses. Bangs said he has now received a letter from Gravel to this effect. I told Bangs he should go ahead and invite the Senator to speak to the Senior Seminar or the Advanced Intelligence Seminar and keep me informed.

2. (Unclassified - GLC) LIAISON Dr. Horowitz, Subcommittee on Administrative Practice and Procedure, Senate Judiciary Committee staff, called to see if we had responses for him on the materials he asked be declassified. I told him Messrs. Chin and Carpentier are working on this and I would have them get in touch with him.

3. (Unclassified - GLC) ADMINISTRATIVE Bob Wolthius, White House staff, called and said Max Friedersdorf, Assistant to the President, would like a memorandum from me on the problems we might have with the Congress, our authorization and appropriations. He said they want just a brief rundown of the status of our legislation and other problems we may see that are outside of intelligence investigations. They want this for Jack Marsh's (Counselor to the President) use in briefing Ambassador Bush for his confirmation hearings. Wolthius said Donald Rumsfeld's confirmation hearings will be next week and Ambassador Bush's will be as soon thereafter as possible. I told him we were working on similar material here and would get it to him as soon as possible.

4. (Unclassified - JMD) Confirmed with Gerry Schipske, in the office of Representative Shirley Pettis (R., Calif.), that General Walters will be up on Monday, 10 November, at 12:30 to tape a radio show with the Congresswoman. Ms. Schipske said to have General Walters come to their office, 1021 Longworth House Office Building, and they would escort him to the studio.

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## BUSH SENATE RACE FACING SCRUTINY

**\$40,000 Transfer in 1970  
May Be Issue—Church  
and Proxmire Critical**

By **NICHOLAS M. HORROCK**

Special to The New York Times

WASHINGTON, Nov. 4.—The 1970 Texas Senate campaign and other political activities of George Bush are expected to come under scrutiny when he goes before the Senate for hearings on confirmation as Director of Central Intelligence.

The 51-year-old Mr. Bush is the first person chosen for the intelligence post with a strongly partisan political background. Before assuming his present position as United States Representative to Peking, he served as a Representative from Texas and as chairman of the Republican National Committee.

One aspect of his unsuccessful 1970 campaign for the Senate that may attract attention, according to Senate sources, was the transfer of a \$40,000 payment by wire money order from President Nixon's illegal "Townhouse" campaign financing operation to Glenn Advertising of Houston, a concern that was handling a substantial amount of Mr. Bush's campaign promotion. That was part of \$106,000 the Bush campaign received from the Nixon group.

Under the old corrupt practices act, in effect in 1970, contributions received by a candidate directly and not through an election committee had to be reported to the Secretary of the Senate. There is no record that this contribution was reported to either the clerk of the House of Representatives or the Secretary of the Senate.

### In Watergate Inquiry

The question was examined by the Watergate special prosecutor's office during its investigation of the Townhouse operation, the sources said, but in the prosecutor's report last month there was no mention of the case. The prosecutor has routinely declined to comment on individual investigations, but those familiar with the office's operation said there was no indication that the matter would be prosecuted.

Mr. Bush could not be reached tonight for comment. But Marvin Collins, Mr. Bush's campaign manager during the

campaign, said the issue about the \$40,000 arose in late August, 1974, when Mr. Bush was under consideration for appointment as Vice President. Administration sources at that time said the matter was one factor in the President's selection of Nelson A. Rockefeller as Vice President.

Mr. Collins said he handled Mr. Bush's campaign finance reports and that he had "no independent memory" of making a report. But he said the contribution was not construed as having been made directly to Mr. Bush and this was "probably why it was never reported."

The Townhouse operation, as it was called in press accounts and by the prosecutor's office, was an apparatus created by President Nixon and directed by H. R. Haldeman, his chief of staff, to dispense money to candidates Mr. Nixon favored in 1970 House, Senate and gubernatorial races. It derived its name from the fact it was situated in a Washington, D. C., Townhouse.

Herbert W. Kalbach, Mr. Nixon's personal lawyer, and two former White House aides, Harry Dent and Jack Gleason, pleaded guilty to election law violations connected with the Townhouse operation, which was found not to be registered with the clerk of the House as required by the Corrupt Practices Act.

Senator William Proxmire, Democrat of Wisconsin, described Mr. Bush today as a "capable, intelligent, hard-working official," but added that "unfortunately these impressive qualifications are secondary to one vital consideration."

"Politics and intelligence do not mix. Placing a former national committee chairman as Director of Central Intelligence violates the cardinal rule of the intelligence business—separation of all political influences from the intelligence process," he said.

Senator Frank Church, Democrat of Idaho who is chairman of the Senate Select Committee on Intelligence, said he knew "of no particular reason why he is qualified" for appointment to a post heading any agency that was "the least political and most sensitive in Government." Mr. Church said that based upon what he knew now he would oppose Mr. Bush's appointment.

According to information made available to the prosecutor's office, Mr. Bush received a total of \$106,000 from the Townhouse operation, the

sources said. The bulk of the money, \$66,000, was delivered in \$2,000 and \$3,000 amounts to a series of campaign committees.

The delivery of money through this method was the normal procedure under the Corrupt Practices Act. But on Oct. 16, 1970, a \$40,000 contribution was wired to Glenn Advertising directly presumably to defray part of the costs of Mr. Bush's campaign advertising, according to the sources familiar with the case.

This contribution was not reported either under reports of Bush campaign committees or in a report of monies received by Mr. Bush personally, the sources said.

In mid-October of 1970, several sources said, Mr. Bush's campaign against Lloyd Ben-isen, now a Democratic Senator from Texas, was floundering and there was a last-minute effort by the Nixon people to pump money in. The \$40,000 contribution was part of this flurry of support, it was said.

Mr. Bush became aware of questions about the contribution in August, 1974, Mr. Collins and administration sources confirmed. There is no indication that he made a public statement on the matter, though aides responded to newsmen on the matter.

### Bush Explains Decision

The Globe and Mail, Toronto

PEKING, Nov. 4.—Sitting in the residence he is provided as United States representative here, Mr. Bush was asked today why he had agreed to take on a job that could end a political career that has seen him in the running for a United States Senate seat as well as for Vice-Presidential nomination.

"Well, I'm not sure I've ended it forever, but I've been asked to do a tough job and I believe I ought to do it. It's nothing more complicated than that," he said.

A moment earlier he had conceded that "if anybody can perceive this job as a springboard to political fortune, well, he's been hallucinating."

He said it would be "highly irregular" to talk substantively about the Central Intelligence Agency and his thoughts about it before confirmation hearings by the Senate. But he made it clear that if he turns out to be

a reformer of the troubled agency he will also be its strong defender.

"It's one helluva challenge. I happen to believe in the importance of this agency and I recognize there are plenty of problems. Frankly I'm not sure I know what all the problems are," he said.

"I believe in the importance of a sound and strong intelligence capability in this troubled world. I am not unaware of the problems that have been swirling around the agency ones I've just read about in the papers from time to time," he continued.

Less than three weeks ago Mr. Bush said he was happy in his Peking job and had no intention of leaving in the near future. He said yesterday that the new job offer from President Ford "came out of a clear blue sky" on Sunday.

He was out bicycling with his wife, Barbara, when a messenger caught up to them and told Mr. Bush that there was an important message for him.

It was fashionable in some diplomatic circles in Peking to put down Mr. Bush's informal gladhanding good-to-see-you ways, but diplomats who actually dealt with him often expressed their liking and respect for him.

Nevertheless there were indications that Secretary of State Henry A. Kissinger did not lean on the knowledge and expertise of Mr. Bush and his liaison office staff.

When Mr. Kissinger arrived here for talks two weeks ago, for instance, he did not set aside any time for consultations with Mr. Bush before plunging into dealings with Chinese leaders.



## 'Politics' at CIA Feared

By Walter Pincus and Laurence Stern

Washington Post Staff Writers

Warnings that the appointment of George Bush could lead to election-year manipulation of the supposedly nonpartisan Central Intelligence Agency were sounded yesterday on Capitol Hill and within the intelligence community.

Indicative of the reaction was the comment of Sen. Frank Church (D-Idaho):

"Once they used to give former national party chairmen postmaster generalships—the most political and least sensitive job in government. Now they have given this former party chairman the most sensitive and least political agency."

Church, chairman of the Senate CIA investigating committee, said he would be obliged to vote against the confirmation of Bush, GOP national chairman during the 1972 presidential campaign, "based on my present knowledge of his background and experience in this field."

He said Bush's appointment could well "compromise the independence of the CIA."

Bush, interviewed in Peking by Reuter, inadvertently may have added fuel to the controversy with the observation that he was not sure the CIA appointment meant his political career was over. Bush currently heads the U.S. liaison office in China.

President Ford in his press conference Monday night also fed the concern with the observation that he did not think either Bush or Donald Rumsfeld, his nominee as Defense Secretary, could be eliminated from "consideration by anybody" for the vice presidency.

An illustration of the specific sort of worry the appointment has generated

was provided by one Senate intelligence investigator.

"Richard Helms (former CIA director) kept saying 'no' to overtures from the White House in June, 1973, that the CIA assist in the cover-up in the Watergate case. Whatever else you may say about him, Helms refused. What do you suppose George Bush would have said to the President?"

The CIA has always been uneasy with directors appointed from outside the intelligence field, but as one experienced CIA man said yesterday, "We thought they would have gone outside the political arena, at least until after the election."

He said there had been some thought that David Packard, who recently resigned as President Ford's finance chairman, might have made a better choice than Bush.

A top Senate aide raised the question of how much intelligence information critical of administration policy will go to Capitol Hill once Bush takes over.

In recent years, CIA has been available for briefings and has supplied its daily intelligence summaries to key committee members and staffs. "A professional intelligence agency can do that," the aide said, "but Bush is a member of the administration team in an election year and is not a professional intelligence man."

Illustrative of the issue of the CIA's integrity in intelligence reporting was the conflict over the politically controversial ABM Safeguard system as well as Soviet missile strength during the early years of the Nixon administration.

CIA assessments were sharply at odds with those of the Nixon White House and the Defense Department. Helms was willing to testify on Capitol Hill against then-Defense Secretary Melvin R. Laird.

Colby risked the ire of the Ford White House and Secretary of State Henry A. Kissinger by going before congressional committees and testifying about past excesses of the CIA.

The impending Senate Armed Services Committee hearings on Bush's nomination are expected to become the forum in which the issue of the CIA's political independence will be debated by Congress and the administration.

The position of deputy CIA director takes on new importance with the appointment of a non-professional outsider like Bush. In the past the No. 2 man has been a CIA insider and taken a strong hand in running the agency when the top job was held by an outsider.

Lt. Gen. Vernon Walters, the current deputy and a political appointee of former President Nixon, said yesterday he intended to consult the White House to find out if President Ford wants him to stay.

# The Shake-Up

ALREADY IT HAS A misnomer—the Sunday Night Massacre—and already the politicians and pundits have invested the President's shakeup of his administration with a superabundance of (often-conflicting) significance. But experience warns us that this kind of instant score-keeping on who's up and who's down in government, and what this means for future policy, is a mug's game requiring more reliable insights than even the most astute Washington-watchers have now. For now, it seems to us enough to ask a few elementary questions: Why not? Why now? And why in such an abrupt and clumsy manner?

The question of "why not" is the easiest. Mr. Ford, after all, did not appoint Secretary Schlesinger or CIA Director Colby to their jobs; nor did he give Henry Kissinger two of the top national security jobs in government. He is certainly entitled to rearrange the policy-making process and to try to install in such critical posts people he would prefer to work with. To have done so, after 14 months of working with the national security team he inherited from President Nixon, is in itself hardly a "massacre."

To acknowledge the prerogative is not of course to pronounce on whether these were politically or substantively wise moves. It makes sense to us, for example, to split up Mr. Kissinger's two jobs; the point of the White House post was always to try to insure that the President be exposed to all sides of the arguments from all departments concerned with national security affairs. But with his hand-picked deputy taking over the White House position, and without the counterweight of Secretary Schlesinger to worry about, it remains to be seen whether the Kissinger hegemony will in fact be weakened. Likewise, it is possible to wonder whether this was the moment to dismiss both Mr. Schlesinger and Mr. Colby.

Which brings us to the question of "why now?" In terms of both politics and policy, for instance, it can be argued that the removal of Mr. Schlesinger at this moment sends all the wrong signals from Mr. Ford's point of view to everyone from the Republican right wing to the Soviet military to the members of Congress currently chewing over his defense budget.

In the case of Mr. Colby, he was himself among those who assumed he would leave his post when he had

completed the painful but necessary exercise going forward on the Hill: an effort to explain, purge, and in the process, pave a way for the rehabilitation of the CIA. He was engaged in a witting and honorable act of self-sacrifice which was price enough, it seems to us, for him to pay, without being unceremoniously and abruptly dumped.

To give the President the best of it, he cannot have been unaware of these problems of timing. So there must have been other pressures at work and here, let us admit, we are operating somewhat in the dark. But it is our best guess that the decision of Vice President Rockefeller to withdraw as a candidate, whatever its precise relation to the job changes, has this in common with the President's other moves: it is all part of a general refurbishing of the presidential image with Ronald Reagan, the early primaries, and the 1976 election all more or less clearly in mind.

We note, without surprise, that this was not the way the President presented it in an accounting of his actions that was as pedestrian as it was implausible. The men who were falling away had done really super work but they were not "my guys" (we had rather thought Mr. Rockefeller was, and that Mr. Kissinger, in fact, was not, but never mind). The point, it seems to us, is that the President was trying to will or wish away problems and conflicts he has been unable to cope with or resolve. The effect of this inability has been to present the unfortunate image of a weak caretaker, presiding over a divided and unruly government, with a domineering Secretary of State, an openly dissenting Vice President and Defense Secretary, and a CIA Director whose compulsion to come clean was above and beyond the call of a supposedly open administration. Now, it is true that the image-polishing might have been a little more successful if the whole complicated story hadn't leaked out in dribs and drabs enhancing the awkwardness and the crudeness, upsetting a careful timetable which might have invested the whole maneuver with a greater appearance of logic and control. But even the most exquisitely programmed presentation could not have disguised the rock-bottom irony of the situation. For the President with this drastic and summary treatment of his problem managed to confirm both the degree of disarray that he had allowed to set in and his own inability to deal with it except by the most abrupt and heavy-handed means.

## BALTIMORE SUN

5 NOV 1974

# Church refuses Ford request

By MURIEL DOBBIN

Washington Bureau of The Sun

Washington—Senator Frank Church (D., Idaho), the chairman of the Senate Select Committee on Intelligence Activities, rejected yesterday a direct appeal from President Ford to suppress a political assassination report and accused the White House of trying to "disrupt" the congressional inquiry into espionage operations.

At a news conference, Mr. Church asserted Mr. Ford's announcement of a Central Intelligence Agency leadership change amid the investigation was part of an administration effort to hamper the committee's work.

The chairman said he will vote against the nomination of George Bush, the ambassador to China, to replace William E. Colby as CIA director.

Despite White House and intelligence community objections, the committee indicated its determination to make public by Thanksgiving a report on CIA involvement in political as-

sassination plots that first will be submitted to a secret Senate session.

In a letter to Mr. Ford, Mr. Church took issue yesterday with a presidential warning delivered last week that public disclosure of assassination details provided the committee by the White House would result in "serious harm to the national interest and may endanger individuals."

According to Mr. Church, the report's revelations would create a basis for "an informed public debate on whether there has been an unsound system of secret government."

Such a debate, the chairman added, is "essential" to prevent any repetition of activities attributed to the CIA.

The committee has been probing for months charges of misconduct made against the intelligence community and ex-

pects to wind up its inquiry by Christmas.

Mr. Church increasingly has been critical of what he termed a growing "pattern" of impediments by the White House of the congressional probe into alleged political assassination plots and into supersecret operations of the National Security Agency that monitors communications.

Mr. Church took the position Mr. Colby's dismissal represented further evidence of the disruptive pattern and said the former director—who will continue to run the CIA until Mr. Bush is confirmed—will be called on for any further information required by the committee.

"The new director knows nothing about the CIA," Mr. Church observed tartly of Mr. Bush, whose reputation is that of a political troubleshooter.

## Politics and Security

National security interests and Gerald Ford's political ambitions are so intermixed by the upheaval in his administration that it is difficult to tell one from the other. Whether the President is swinging abruptly to right or left, toward or from Secretary Kissinger's devotion to detente, will be clarified not by the debate his appointments have touched off but by the performance of his rebuilt Cabinet. But the personnel changes this week have no chance of being read as the handiwork of a President putting vital policy, even national security policy, first. Rather, his juggling of personnel will be seen as clumsy maneuvering by a man whose lack of policy direction leaves him to respond ever more erratically to the political challenge of the moment.

It is necessary, though difficult, to recall the workmanlike manner in which President Ford went about rebuilding a government shaken by the nightmares of Nixon and Watergate. If his start was less than altogether impressive, his early craftsmanship in Cabinet-making, and his strong early attempts to bring the country to a real energy policy, contained the makings of substantive leadership. Now, as Mr. Ford approaches his first test under the fire of a presidential campaign, the hope of leadership goes fast aglimmering under pressure from his soft right flank in the Republican party. Mr. Ford's panic at the prospect of a challenge by Ronald Reagan has been visible in his calculated attempt to eviscerate the nation's welfare program, in the hodge-podge of political goodies he offered instead of a tax program, in his un-Presidential whipping of a desperate New York City. Now his panicky response to fire from the right reaches beyond domestic economic and political debate to bring a debasing partisanship to the national security apparatus conservatives themselves profess to hold sacred.

No one expected William E. Colby to be director of the CIA much longer. His role from the moment he was appointed was to oversee the agency's co-operation with the congressional investigations that are still in progress. He has generally been forthcoming with the Congress, and members of the Senate investigating committee are already expressing concern for the future of their effort now that he has been removed. But his removal is less important than the President's choice of an ambitious Texas

Republican up-and-comer as his replacement. That is the precise opposite of the need demonstrated by the recent waves of disclosures. Mr. Ford seeks to convert the imperative of taking the directorship out of the CIA's own bureaucracy into an excuse to hand this most sensitive of assignments to a man whose career is the essence of partisan politics.

The Rockefeller Commission called for an "individual of stature, independence and integrity" to ram some respect for the law into the agency while maintaining its professional standards and rebuilding its morale. What was clearly intended was someone who could bring to the agency the cold objectivity and passion for excellence that Archibald Cox and Leon Jaworski brought to the Watergate special prosecutor's office. Mr. Bush has stature and integrity. But who will believe in the independence of the former chairman of a national party committee? And how can any better case be made for a President's allowing policy differences between the secretaries of State and Defense to turn the Defense secretaryship into a launching pad for a White House aide whose driving political ambition is obvious but whose background in defense affairs is not?

Seen together with Mr. Rockefeller's removal from the 1976 Vice Presidential picture, the Cabinet changes open a wedge of political maneuvering room for the President. Firing Mr. Schlesinger seems certain to vitiate any good the Rockefeller letter might have done the President with the Republican right. But by putting the Vice Presidential nomination up for grabs and simultaneously shining the light on several potential candidates, Mr. Ford has significantly altered his bargaining position for the primaries and convention. This readjustment of the political chips does much to dissipate that above-partisanship sense of substantive leadership that is the most valuable asset—administrative or political—of any incumbent President. Perhaps something like that was on the spurned Vice President's mind when he wrote into the last lines of his letter a pointed reminder that the first obligation of both Mr. Ford and Mr. Rockefeller is "to cope with the problems that confront the nation until the installation once again of a President and Vice President duly elected by the people."

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6	<i>DCI confirmation</i>		

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*As our conversation you may want to have one of your LTS to start collecting.*

*3. Pat - believe you are doing the right*

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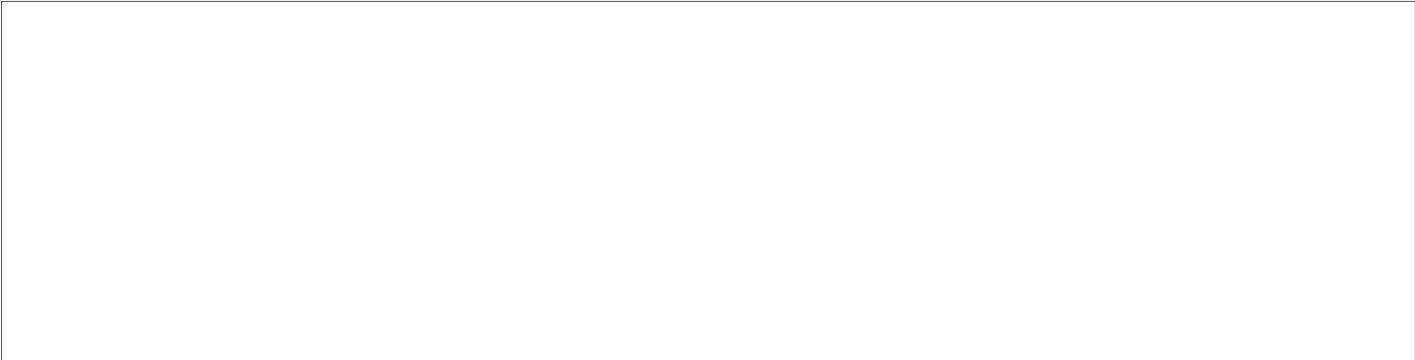
Monday - 18 August 1975

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1. (Unclassified - WPB) LIAISON Holmes Brown, of Senator Floyd Haskell's (D., Colo.) office, called asking the date of the Director's confirmation. I told him 1 August 1973, by a vote of 83-13.

2. (Unclassified - DFM) CONSTITUENT Called Dan Murphy, in the office of Representative Norman Mineta (D., Calif.), to let him know I would be by this week to leave him the list of plaintiffs suing the Agency over domestic activities. Murphy had previously requested the list for a constituent.

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4. (Unclassified - LLM) LIAISON Discussed with Jim Pyrros, Administrative Assistant to Representative Lucien Nedzi (D., Mich.), the status of the developments before the Subcommittee on Government Information and Individual Rights, House Government Operations Committee, on the Phuttaphon case. I left with Pyrros a copy of the Director's 15 August letter to Chairwoman Bella Abzug (D., N. Y.) for forwarding to Chairman Nedzi.

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(42)

SUBJECT: DCI Confirmation Hearing

1. Attached are questions which will probably be among those asked of Mr. Bush during the hearing. (Questions 1 through 5 will undoubtedly be asked.)

2. Comments or background information have been provided to certain questions. The others are personal to Mr. Bush.

LIST OF POSSIBLE QUESTIONS THAT MAY BE ASKED OF AMBASSADOR BUSH

1. If the Committee should ask you to dispose of any of your financial holdings, would you do so?
2. Do you feel that you are qualified to assume the responsibilities as Director of Central Intelligence?
3. When Mr. Ford dismissed former Director Colby he said he wanted to have someone in whom he had confidence and he wanted to have his own "team." This raises in the minds of some people a serious question as to the possible vulnerability of the DCI to political pressure from the White House and elsewhere. What are your views on this and to what extent do you feel you will have and to what extent would you insist on your right to draw up intelligence estimates as you see them free from any political pressure from the White House or elsewhere?
4. Has the question of your possible nomination to the Vice Presidency been discussed with you? If so, in what context? What would you do if you were offered the nomination? Do you presently have any specific plans for running for political office of any kind?
5. How long do you plan to stay in this job if you are confirmed?



6. What is your concept of the objective of the CIA?

The intent of Congress in creating the Central Intelligence Agency was to establish a focal point in Government whereby intelligence from all producing agencies would be coordinated, correlated, evaluated, and disseminated to the upper echelons of Government for the formulation of national security policies. This centralization would assure that all information vital to the formulation of such policies was provided. Further, under the direction of the President and the National Security Council, the Agency would carry out such other duties as deemed necessary in the national interest.

The objective of the Agency is to meet national security requirements as fully effectively and efficiently as possible utilizing all intelligence assets and resources of Government. The Agency must be unaffected by any considerations which would in any way result in biased and unobjective intelligence reporting.

7. What is your concept of your role as Director of Central Intelligence? Especially with respect to responsibilities to the so-called intelligence community? (See attached)

8. With your experience as an Ambassador, what is your philosophy with respect to the role of the ambassador vis-a-vis the CIA?

Please note that the attached paper, "The Role of the DCI", dated 11 December 1975 is classified SECRET; however, the sensitive matters are pages 6 through 12 and the attachment. (The paper relates to questions 7 and 22.)

9. Do you feel that CIA should have the authority to conduct covert activities abroad?

Covert action has been consistently and effectively used by our adversaries. The President, in protecting vital U.S. national security interests abroad, must have the authority to carry out retaliatory covert action to meet this ever existing threat. Proscribing such action would leave the only alternative of all out war.

Whether the CIA is the best instrumentality of Government to carry out covert action is perhaps best determined by the Congress. Such authority and instrumentality must, however, exist.

10. What is the proper role of secret intelligence agencies in a democratic society?

Secret intelligence agencies can not operate so as to abridge or in any way infringe on the constitutional rights of U.S. citizens and permanent resident aliens. The agencies must act strictly within their authority as clearly stated in their statutory charters. Intelligence agencies must be accountable to the established institutions of Government.

11. What do you perceive to be your responsibilities to the Congress as Director of Intelligence if you are confirmed for that position?

I will establish a firm policy of responsiveness to meet the needs of the Congress. I will work fully within whatever Congressional organizational framework the Congress deems is the best working relationship between the Congress and CIA.

Every effort will be made to meet Congressional needs as limited by the Agency's responsibilities to carry out its basic statutory mission of responsiveness to the President and the National Security Council.

12. What is your opinion as to the effectiveness of congressional oversight of CIA over the years?

The effectiveness of the Congressional oversight is a matter for the Congress itself to judge. The Central Intelligence Agency, I feel certain, as other agencies and departments, has been responsible over the years to the particular oversight arrangement as established and deemed appropriate by the Congress.



13. What oversight mechanism do you recommend? Do you favor a Joint Committee on Intelligence?

What form congressional oversight of this Agency should take is of course a matter for Congress itself to decide. However, CIA has definite needs in this area, and I do want to relate them. The Agency's paramount interest is that oversight provide the means for regular, responsible, and thorough review of our intelligence activities. By responsible I mean that procedures insure that legitimate secrets remain secret. These objectives can be met by limiting oversight to the fewest number of committees required to effectively exercise it. The jurisdiction of these committees should be exclusive.

The 94th Congress has brought claims from approximately 20 committees for access to information on the Agency's operational activities. CIA willingly shares its substantive information with any congressional committee whose jurisdiction touches upon areas of Agency expertise. But 20 different committees investigating aspects of CIA activities cannot give Congress an understanding of intelligence. This can only be accomplished by an in-depth look by a few committees. In order to avoid proliferation of highly sensitive CIA information throughout the Congress, the jurisdiction of these committees should be exclusive.

A properly structured Joint Committee could certainly accommodate these ends. However, other forms of oversight could as well.

14. What policy will you follow in providing information to the Congress and in keeping the Congress informed?

I clearly recognize that the Congress must be adequately informed in order to make proper and informed judgments in matters of legislation and oversight. Committees must acquire required information within their jurisdiction to carry out these responsibilities. Information provided by the Executive to the Congress which requires protection under statute or Executive order must, however, be handled accordingly by the Congress. Further, the Congress exercises its prerogative of nondisclosure through executive sessions and other closed meetings. Similarly, the Executive must exercise its prerogatives of nondisclosure in matters of executive privilege and clear statutory mandates.

I trust that an atmosphere of comity and understanding will allow a mutual resolution of this problem and avoid confrontations. The national interest must always be the paramount consideration.

15. What is your position as to releasing the budget figures of CIA and the intelligence community?

The public disclosure of intelligence budget figures may not necessarily present a security threat at any one time. However, the disclosure is likely to stimulate requests for additional details and the release of these details can jeopardize national security. Further, the release of overall budget figures over several years do present a danger to national security. For example, a substantial decline or increase in funds can reveal a change of emphasis in a particular sensitive intelligence program.

All pertinent budget data concerning the Agency and the intelligence community is provided on a classified basis to the appropriate subcommittees of House and Senate Appropriations and Armed Services Committees during budget review.

The House, in its recent vote, supported the Agency's position not to disclose its total budget figures.

16. Would you explain to us the procedures that are followed under the provisions of Section 662 of the Foreign Assistance Act of 1961, as amended, with respect to so-called covert action.

The 40 Committee of the National Security Council is charged with reviewing proposals for covert action. Upon the recommendation of the 40 Committee a proposed covert action goes to the President for decision. If the President finds that the proposed activity is important to the national security, he can approve it. Where the activity involves a release of funds from the Agency's reserve, OMB is notified and a withdrawal approved. After the President has made his finding, relevant committees are notified of a new finding and at the committee's earliest convenience the Director of Central Intelligence briefs them on a description and scope of the activity.

17. What role do you feel Congress should play in covert action?

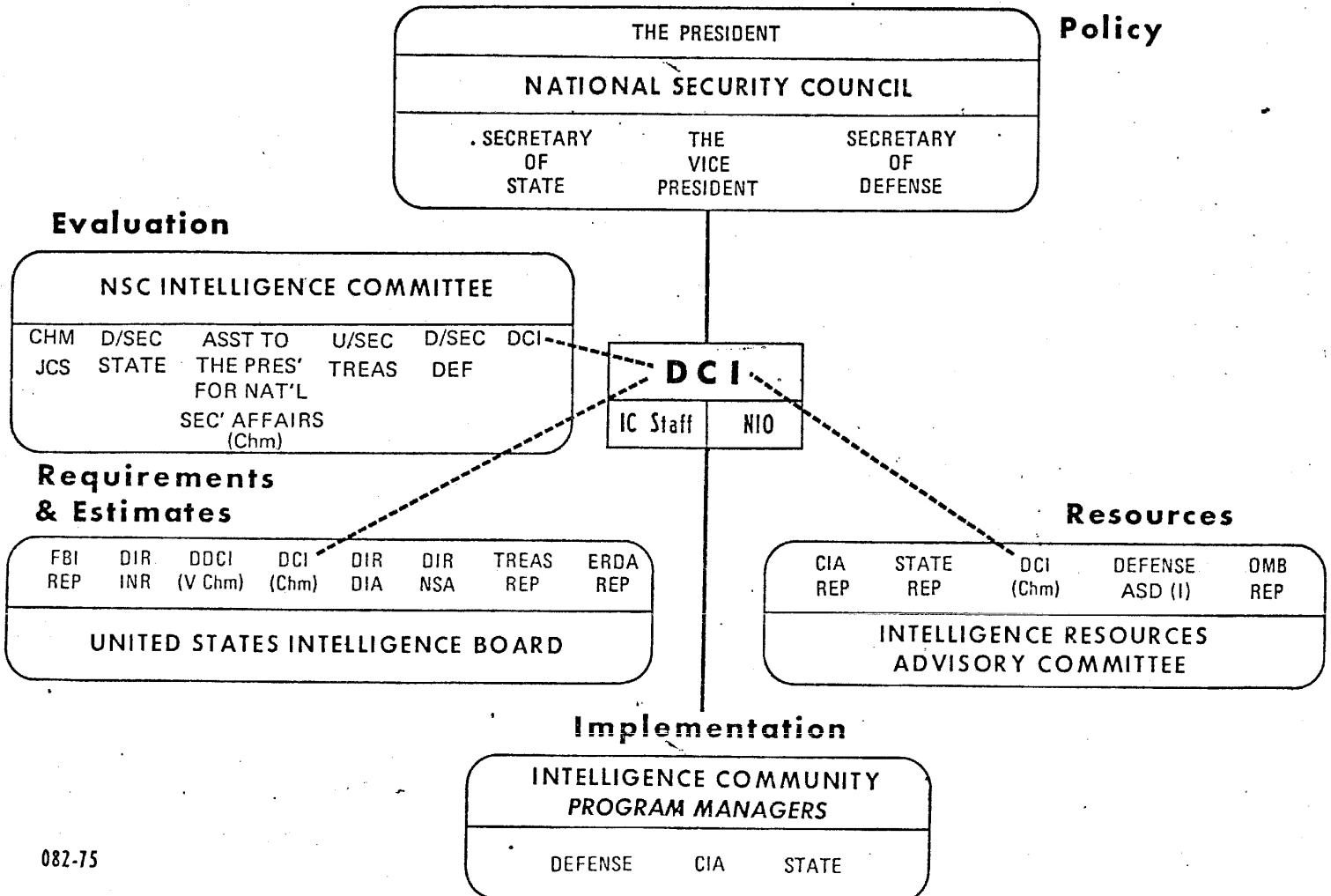
I think that Congress should be kept advised of covert actions in a timely fashion through certain designated Members. This is what is done under Section 662 of the Foreign Assistance Act of 1974. I am not sure if the precise arrangements under that Section are entirely desirable for this purpose, however. Its requirement that the President personally certify to the Congress the necessity for all covert actions may be harmful in associating the head of state so formally with such activities. Moreover, Section 662 requires that covert actions be reported to six committees of Congress, a total of 55 Members. This may be more than is necessary and perhaps this procedure could be consolidated. Finally, the Foreign Assistance Act is, in my view, an inappropriate place for this provision. It would be better to place covert action reporting requirements in the National Security Act. Some of these suggestions have already been made by the Murphy Commission which recommended that Section 662 be amended to require reporting of covert actions to a Joint Committee on National Security, and to omit any requirement for the personal certification of the President as to their necessity.

18. What is the present function of the 40 Committee? What do they do? How does it relate to supervision of the Agency and to the chain of command between the President, the National Security Council and the Agency? How many intelligence committees are there as part of the intelligence community structure and who chairs those committees? (See attached)

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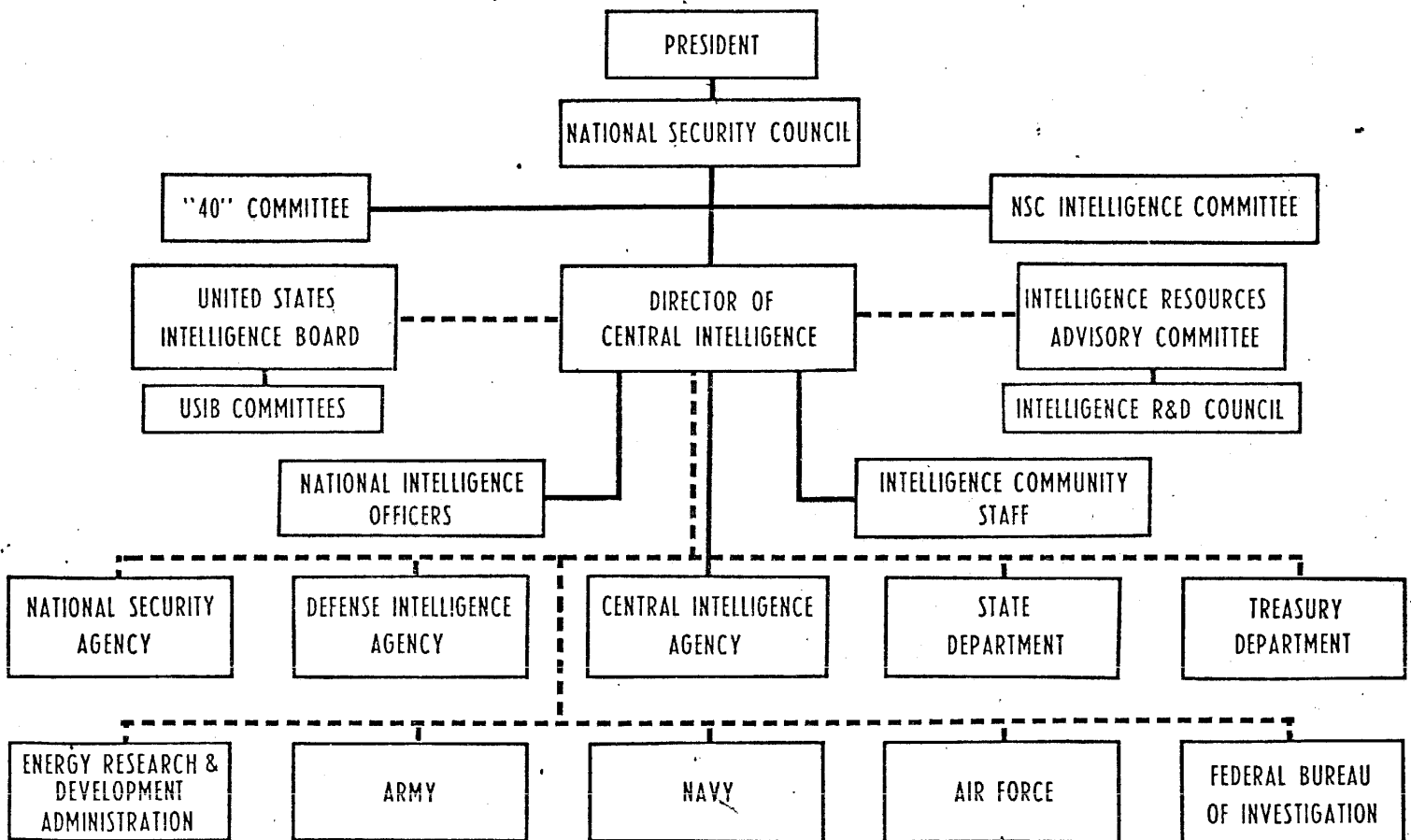
# FOREIGN INTELLIGENCE COMMUNITY STRUCTURE



082-75

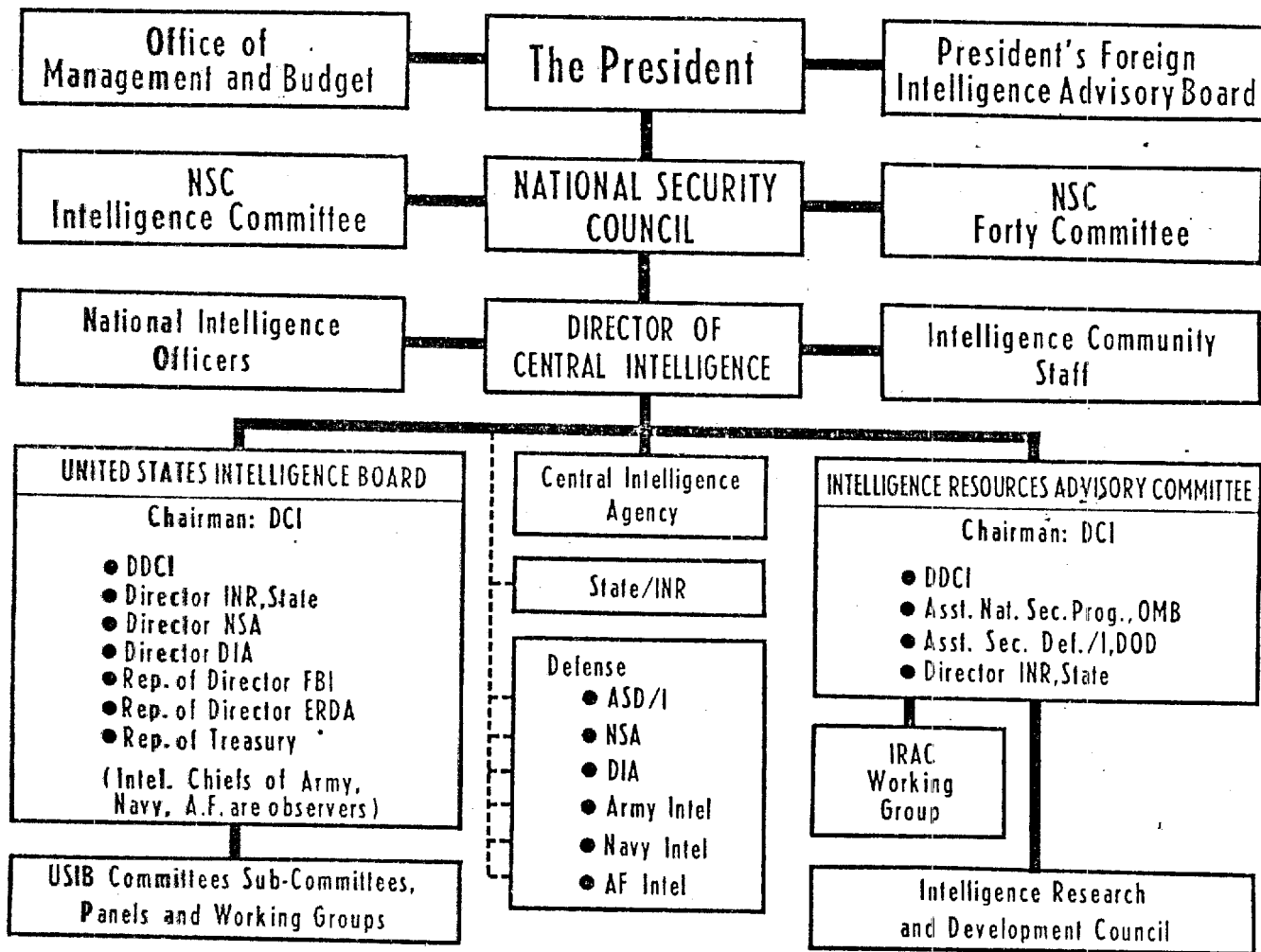


## NATIONAL INTELLIGENCE COMMUNITY STRUCTURE



— DIRECTION  
- - - RECOMMENDATION/  
GUIDANCE/ADVICE

## National Foreign Intelligence Community Structure



# National Intelligence

## POLICY

### THE PRESIDENT

- President's Foreign Intelligence Advisory Board

### NATIONAL SECURITY COUNCIL

- NSC Intelligence Committee
- NSC Committees

### THE CONGRESS

- Armed Services
- Foreign Affairs

## PRODUCTION

### UNITED STATES INTELLIGENCE BOARD

- |            |             |
|------------|-------------|
| • CIA      | • DIA       |
| • State    | • Army      |
| • Treasury | • Navy      |
| • ERDA     | • Air Force |
| • FBI      | • NSA       |

### INTELLIGENCE COMMUNITY STAFF

### NATIONAL INTELLIGENCE OFFICERS

### USIB COMMITTEES

## RESOURCES

### INTELLIGENCE RESOURCES ADVISORY COMMITTEE

- |       |         |
|-------|---------|
| • CIA | • State |
| • DOD | • OMB   |

### THE CONGRESS

- Appropriations Committees

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19. Can you tell me the precise role and the membership of the functions of the President's Foreign Intelligence Advisory Board? Do they report directly to the President? How often do they meet with the Agency and communicate with the President? (See attached)

The President's Foreign Intelligence Advisory Board was originally established by President Eisenhower in 1956 as the President's Board of Consultants on Foreign Intelligence Activities. Reconstituted and renamed by President Kennedy, the Board has been continued by each succeeding President.

Composed of a non-partisan group of distinguished private citizens, the Board performs a continuing review of all foreign intelligence and related activities conducted by the departments and agencies of the U.S. Government. It is responsible for advising the President on the overall national intelligence effort and for recommending to him appropriate measures to increase the effectiveness of the U.S. Intelligence Community. Since 1969 the Board has also been charged with the task of making a yearly, independent assessment of the nuclear threat to supplement the regular intelligence assessments made by the Intelligence Community.

The present chairman, Admiral George W. Anderson, Jr., United States Navy (Retired), former Chief of Naval Operations and U.S. Ambassador to Portugal, devotes most of his time to the Board's work and has an office and full-time staff in the Executive Office Building. Every other month on a regular basis he convenes the Board for a two-day meeting, an important part of which is the two-hour briefing provided by the DCI. This session allows the Board members to get a report from the DCI on a variety of topics of their own choosing. It also gives the DCI the opportunity to draw the Board's attention to activities of particular significance, and to seek the members views and/or assistance on intelligence matters as appropriate. On occasion the DCI will bring along with him to these sessions key officers who will brief the Board on selected items. On other occasions, depending upon the Board's interests, officers from CIA may be asked to appear before the Board in separate session.

Based on Rockefeller and Murphy Commission recommendations, the President has approved expanding the responsibilities of the Board and a new Executive Order is being prepared. It is expected that the new E.O. will provide for an expanded staff for the Board, and that its duties will be enlarged to include ensuring compliance of the Intelligence Community with applicable provisions of the Constitution and laws of the United States, Executive Orders, and Directives of the National Security Council in addition to its responsibilities for reviewing the quality of the foreign intelligence effort and the organization and management of the Intelligence Community.

Attachment  
List of Members

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20. I realize that you have been out of the country for a period of time and are not familiar with the details of the Agency's activities in the past, but on the basis of the knowledge that you have about past Agency practices, such as assassination plots, mail intercept programs and drug testing, what is your position on this?



21. How will you insure that abuses that have cropped up in the past will not happen in the future? How will you make sure you will know what is going on?

22. What changes do you contemplate making in the Agency from a management standpoint? You have undoubtedly given some thought to changes that you would make in the Agency management and organization, what conclusions have you reached or what thoughts do you have in this regard? (See attachment to question 7)

23. What would you do if the President asks you to carry out an order which you have reason to believe is illegal?

DOCUMENTS AND INFORMATION REQUIRED BY SENATE ARMED  
SERVICES COMMITTEE FOR DCI CONFIRMATION HEARING

1. Complete biography.
2. Financial statement covering all securities and investments which raise the prospect of a conflict of interest, i.e., companies doing business with CIA. (NOTE: A full financial statement of all holdings should first be submitted to the General Counsel to determine which, if any interests, have any connection with CIA.)

SUBJECT: DDO Suggested Changes to OLC Responses

Question 16 Insert a second paragraph to read as follows:

Specifically, the Agency should be given some enabling legislation, such as for example the authorization to collect intelligence and conduct covert action operations. It is the consensus in the intelligence community that secrecy legislation is needed if we are to maintain our intelligence capability.

Question 17 Add another paragraph as follows:

On the other hand, experience gained in working under the Executive Order for almost one year has pointed up certain omissions and ambiguities; for example, a clearer statement is needed on the DCI's responsibilities for coordination of all foreign intelligence and counter-intelligence activities of the U.S. Government and his responsibilities for the protection of sources and methods. Modification of the Executive Order along these lines is not controversial and will make the Executive Order a better policy document. The adjustments mentioned do not address themselves to a request for relief from disciplines imposed but are merely adjustments in ambiguities and contradictions to reflect current realities and the impact of experience, as well as the Attorney General guidelines.

Question 18 The final sentence in the second paragraph should read as follows:

Clandestine collection is developed and maintained to collect only that information which is otherwise not available.

Add the following to the end of the final paragraph:

In addition, certain information such as plans and intentions can only be collected by human sources.

18. What is the proper distribution of resources within CIA for collection vs. production? For overt vs. clandestine collection? For scientific vs. human collection?

All collection and production must of course be focused to meet specific requirements and priorities. The resources involved must be carefully and judiciously allocated and utilized to assure that these requirements and priorities are fully met. Collection must be tied to definite requirements and not be collection for the sake of collection. This requires a continual reevaluation and retailoring of the assets involved. There must also be a built-in flexibility to allow the shifting of certain of these assets to meet emergency situations without adversely affecting ongoing programs.

Recognizing the considerable efforts required in the collection of information by clandestine assets, there are considerable resources allocated to the continual review and compilation of all available overt materials and sources of possible interest. Clandestine collection is developed and maintained as a position capability to collect information not otherwise available.

Ongoing scientific collection programs provide needed information, particularly concerning those geographic areas to which access is restricted or denied. Human sources supplement technical information collected and carry out intelligence assignments beyond the capability of the technical collection efforts.

## THE ROLE OF THE DCI

(Talking paper for use in closed session with the Senate Select Committee on Thursday, 11 December 1975.)

### INTRODUCTION

1. Role of the DCI is difficult to describe in the abstract since it depends on a variety of factors, of which the authority actually assigned him by law or directives is only one.
2. Other important factors include:
  - a. The world situation, and the type of problems which are most critical to the United States.
  - b. The expectations of the President, and how the President approaches his decision making.
  - c. The personal relationship of the DCI with the President.
  - d. The personality and character of the DCI himself.
3. A brief look at the primary focus of individual DCIs suggests what each of them considered most important--and indicates a wide diversity in their approaches to the job:
  - a. The first DCIs, through the period of General Smith, focused almost entirely on organizational matters, establishing the CIA and defining its role.
  - b. Allen Dulles devoted most of his attention to covert action, and in his period this loomed large in CIA resource use.
  - c. Mr. McCone was primarily interested in improving the quality of estimates, and in initiating several of the major technical collection systems on which the Community now puts so much dependence.
  - d. Admiral Raborn was in the job hardly long enough to become a major influence in any particular area.
  - e. Mr. Helms divided his attention primarily between substantive intelligence support and advice to the President and supervision of overseas operations of the Agency.

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f. Dr. Schlesinger was DCI for only a very brief period, and he put his major attention during those months to matters of restructuring and reorienting CIA and to emphasizing the Community role of the DCI.

g. My tour has been devoted largely to serving as spokesman for the Intelligence Community and strengthening Community aspects of the U.S. intelligence effort. I have paid less attention to details of Agency operation than most of my predecessors.

4. It was fifteen months before Dr. Schlesinger and I came into the office that the President issued his landmark directive of 5 November 1971 on "Organization and Management of the U.S. Foreign Intelligence Community."

a. I should stress that this document, and NSCID No. 1<sup>1</sup> which put the President's Memorandum in directive form, added to the responsibilities of the DCI, but did nothing to increase his authority. That authority, then and today, extends only to the CIA.

b. It was this directive which, for the first time, charged the DCI to prepare for the President an annual budget recommendation for the entire Intelligence Community, including tactical intelligence.

c. The directive also charged the DCI to:

(1) Plan and review all intelligence activities and the allocation of all intelligence resources.

(2) Produce the national intelligence required by the President and other national consumers.

(3) Chair and staff all Intelligence Community advisory boards or committees.

(4) Reconcile intelligence requirements and priorities within budgetary constraints.

d. The President put special emphasis on the need for:

(1) Assuring authoritative and responsible leadership for the Community as a whole.

(2) Continuing review of the U.S. intelligence effort with respect to national requirements.

(3) More efficient use of resources by the Community in the collection of intelligence information.

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(4) Review and revision of the assignment of intelligence functions within the Community to eliminate inefficient, unnecessary or outmoded activities.

(5) Improvement in the quality, scope and timeliness of the Community's product.

(6) Use of intelligence to enhance the formulation of the foreign, military and economic policies of the U.S. Government, and the planning for and conduct of military operations by U.S. forces.

5. On the basis of my experience in seeking to execute this directive, I see the DCI role as involving three basic ingredients.

6. First, he must assure that high quality intelligence is provided to the President and to policy and decision-making levels of the Government.

a. This involves a variety of tasks.

(1) The DCI must seek to assure that the Intelligence Community has adequate resources to collect, process, and produce the intelligence needed.

(2) He must assure there are mechanisms for liaison with consumers to determine what is needed, and that sound analysis is applied to the development of estimates.

(a) To this end, I have put great reliance on my National Intelligence Officers and the United States Intelligence Board.

(b) I also have used my Intelligence Community Staff to review and evaluate the performance of the Community, particularly in crisis situations.

(3) The DCI must provide guidance to the Intelligence Community, both as to current needs and as the basis for planning.

(a) To accomplish this I have used a number of guidance documents.

1. Key Intelligence Questions are published annually to identify matters of particular importance, and we have developed procedures to set strategies for collection and production and to evaluate the manner in which the agencies of the Community respond to the KIQs.

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2. "Substantive objectives" are included in my annual Objectives for the Intelligence Community.

3. Guidance for the coming five years is provided in my annually issued Perspectives for Intelligence.

4. Supplementing the Perspectives we annually prepare a directive (DCID 1/2) which provides specific listing of the priority which applies to each of more than 100 topics of intelligence interest. This measure of expected importance to U.S. interests is assigned by topic to each country of the world to which some intelligence importance attaches. The guidance is applicable for planning purposes over the next five years.

5. The FOCUS exercises which review the adequacy of collection in specific countries.

(b) My National Intelligence Officers and my Intelligence Community Staff are directly involved in the development of these guidance documents.

7. The second major DCI function is what is often referred to as "management" of the Intelligence Community, but can more aptly be called leadership of the Community.

a. The leadership role of the DCI depends in large measure on the guidance which he issues and his use of coordination mechanisms such as the United States Intelligence Board and the Intelligence Resources Advisory Committee.

(1) This is because he has no authority actually to manage any elements of the Community except the CIA and the two small offices which directly support him: The National Intelligence Officers and the Intelligence Community Staff.

b. The DCI has two primary vehicles for his involvement in Community management decisions.

(1) The first of these applies to the Community as a whole. It is his National Foreign Intelligence Program Recommendation which he submits to the President each December through the OMB.

(a) In preparation for this document, the DCI's Intelligence Community Staff participates in detailed budget reviews with the major organizations of the Community.

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(b) Major issues are raised for discussion before the Intelligence Resources Advisory Committee, which the DCI chairs.

(c) By the time the program recommendation is ready to go to the President, the DCI is quite aware of the management issues which are engaging the components of the Intelligence Community. His guidance during reviews, and his recommendations set forth in the program recommendation document are a major element of the DCI's Community management role.

(2) The second management vehicle available to the DCI is a specialized one stemming from the fact that he is chairman of the two-man Executive Committee (or EXCOM) for the National Reconnaissance Program.

(a) The second member is the Assistant Secretary of Defense for Intelligence.

(b) This EXCOM arrangement is based on a ten-year old agreement between the Secretary of Defense and the DCI, and stems from the fact that both the CIA and the Defense Department are deeply involved in the space satellite business.

(c) The EXCOM is responsible for decisions on the program and budget of the National Reconnaissance Program.

(d) No comparable EXCOM arrangement exists for the other major collection programs (signals intelligence and human source activities).

c. Despite existence of the NRO EXCOM and the National Foreign Intelligence Program Recommendation, I feel it necessary to stress that the DCI is not the manager of the national intelligence effort.

d. In an overall sense, he is its leader, its spokesman, its primary coordinator, but not its manager.

8. The third major DCI responsibility stems from his position as operating head of the Central Intelligence Agency.

a. Because of competing demands on my time, particularly Community matters and the requirement that I serve as spokesman for the Community and advisor of the NSC, I have left the detailed management of the Agency largely to my Deputy Directors.

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b. My role has been primarily one of issuing directives and utilizing a system of management by objective to measure accomplishments and to assess responsiveness of the Agency to its responsibilities.

(1) I have been very fortunate in having top quality deputies in whom I could put great reliance.

DESCRIPTION OF OPTIONS

9. Looking to the future, I recognize that there is a considerable number of options applicable to definition of the role of the senior U.S. foreign intelligence officer--whether or not he is termed the DCI.

10. In my view, determining which option is best requires decisions in three areas.

11. First, what does the President expect of his senior intelligence officer and how does he intend to use him?

a. Since this is a matter which each President must decide, I will not explore it in any length.

b. Suffice it to say the senior intelligence officer can be:

(1) Someone who is a Presidential confidant, or, at the other extreme, might see him very seldom.

(2) Someone who is responsible for production of national intelligence and for warning--or is merely a channel for such from the producers.

12. Second, what authority is the senior intelligence officer to have with respect to resource matters?

a. Is he to be responsible for actually approving the budgets of component organizations of the Intelligence Community in detail?

b. Or is he to be charged only with recommending an overall budget figure without specific approval authority?

c. Or is he to have no Community budgetary role at all?

13. And, third, is the senior intelligence officer to continue as the operating head of the CIA or be separated from the Agency?

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14. Determination as to details of the role of the senior intelligence officer can be worked out once decisions have been reached as to the second and third of the factors I have mentioned-- budgetary authority and the relation to management of CIA.

15. With these factors in mind, I visualize four major options for determining the role of the DCI (or whatever title is given to the senior intelligence officer) and for working out the kind of Intelligence Community structure which will enable that role to be fulfilled.

16. I would like to sketch these four options briefly, and indicate the PROs and CONS that apply to each.

#### THE FIRST OPTION

17. The senior foreign intelligence officer would be a member both of the White House Staff and of the National Security Council. He would have supervisory and direct management authority over the major national intelligence organizations--CIA, NSA and NRO. The CIA would have a separate director. The NSA and NRO would each become a statutory executive agency. The senior intelligence officer would have responsibility for production of national estimates and for the warning function, and would have a staff for these purposes. Departmental and agency intelligence would be a responsibility of the departments and agency (CIA). Community coordination mechanisms would be as desired by the senior intelligence officer.

##### a. PROs

(1) The President and the Congress would have one man upon whom to charge responsibility for effectiveness of the U.S. national intelligence effort-- and that man would have the tools to carry out the job.

(2) The national intelligence effort would be highly centralized through direct management controls from the top, embracing CIA, NSA and NRO.

(3) Responsibility for substantive national intelligence of direct interest to the President and the NSC would be located in the White House Staff.

(4) The Intelligence Community would have a senior spokesman with greater access to the President than the DCI now has.

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(5) Separation of the senior intelligence officer from CIA would eliminate any charge of favoritism from other agencies.

(6) Clear delineation of organizational functions and responsibilities would be enhanced.

b. CONS

(1) Such extreme concentration of intelligence authority in a single person would pose serious problems if that person is politically motivated and more interested in responding to policymaker desires than in concentrating on unbiased intelligence.

(2) The Department of Defense could be expected to object strenuously to 'separate executive agency status for NSA and NRO, which are now within Defense.

(3) Major legislative actions would be required.

(4) The necessary bureaucratic changes would have a major, if only temporary, unsettling impact within the Intelligence Community.

(5) Unless adequate coordination machinery is provided, conflict could arise among the departmental secretaries and the senior intelligence officer over estimates prepared in the White House Staff and over what is national and what is departmental intelligence.

(6) The senior intelligence officer would require a sizeable separate staff.

(7) The national intelligence and warning production staff would be handicapped by lack of direct access to the analytic base.

THE SECOND OPTION

18. The senior intelligence officer would be attached to the Office of the President and serve as advisor to the NSC. The CIA would have a separate director. The senior intelligence officer would have responsibility for production of national estimates and for the warning function. Budgets of the CIA, NSA and NRO would require approval of the senior intelligence officer, but he would have no direct management authority over these organizations. NSA and NRO would remain, as now, within the Department of Defense structure. The senior intelligence officer would serve as Inspector General of the Community for the President.

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a. PROs

(1) Some of the PROs for this option are the same as those for Option One:

(a) Increased access to the President by an intelligence spokesman.

(b) Separation of the senior intelligence officer from CIA to reduce any charges of favoritism.

(c) Responsibility for production of national estimates would still be in the White House Staff though the resources for producing them would be elsewhere.

(2) Other PROs directly applicable to the second option are these:

(a) The senior intelligence officer would not be burdened with administrative management chores since he would not have management responsibility for CIA, NSA and NRO, but he still would hold a strong hand through his budget approval authority.

(b) Little legislative action would be required.

(c) Defense Department objectives might be less strong than in the case of Option One.

b. CONS

(1) The CONS for this option also include some of those applicable to Option One.

(a) Location of the senior intelligence officer within the White House Staff would increase the risk of politicization of the intelligence effort.

(b) There would be a major, even if only temporary, unsettling effect within the Intelligence Community.

(c) The senior intelligence officer's staff for production of substantive intelligence would be handicapped by lack of direct access to the analytic base.

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(d) Unless coordination mechanisms were particularly effective there would be risk of conflicts with departmental secretaries over the content of estimates produced by the senior intelligence officer and over determination as to what are national and what departmental intelligence activities.

(2) Other CONs directly applicable to Option Two are these:

(a) The line of authority of the senior intelligence officer would be limited to budgetary control.

(b) Budget controls might not be sufficient to eliminate "end runs" by agency heads.

(c) Detailed control by the senior intelligence officer of sensitive clandestine (CIA) activities would be weakened by bureaucratic barriers.

### THE THIRD OPTION

19. The senior foreign intelligence officer would be, as now, the operating head of the CIA. The CIA would retain its present function, and existing Community coordination organs would continue. The DCI would chair Executive Committees--or EXCOMs--for the NSA as well as the NRO. These EXCOMs would have approval authority for programs and budgets of NSA and NRO, but the organizations would remain within the Department of Defense. Departmental intelligence activities, including tactical intelligence, would be solely departmental responsibilities. The DCI would have two deputies, with appropriate staffs, one for Community management and one for direct management of CIA.

a. PROs

(1) The present Community structure would be maintained and somewhat strengthened.

(2) The DCI would have more responsibility than now for the three major national programs--CIA, NSA and NRO--encompassing the major collection activities (SIGINT, imagery and human source).

(3) The concept of a national intelligence Community independent of departmental or White House pressures would be continued.

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(4) Conflicts between the DCI and departmental heads concerning departmental intelligence activities would be minimized.

(5) The DCI would continue to serve as spokesman before Congress for all national intelligence activities.

(6) Bureaucratic changes would be few, so turbulence would be minimal.

(7) No legislative action would be needed for organizational changes.

b. CONs

(1) The senior foreign intelligence officer would continue to be separated from the White House and would still be clearly subordinate to the Secretaries of State and Defense in the NSC structure.

(2) The DCI would have only partial authority for non-CIA budgets and programs.

(3) Problems of DCI and CIA access to sensitive departmental activities and communications would continue.

(4) Some ambiguities would continue concerning differentiation between national and departmental or tactical intelligence activities.

(5) Adoption of this "partial" option would mean missing an opportunity for a major reshuffling within the Intelligence Community which could markedly enhance the authority of the senior foreign intelligence officer and erase the bad image which the CIA has recently acquired.

THE FOURTH OPTION

20. The Intelligence Community concept would be abandoned. The DCI would have no operating responsibilities other than as head of the CIA. No consolidated Intelligence Community budget recommendations would be prepared. State, Defense and CIA would separately support intelligence needs of policy levels of the Government. Some agency and departmental functions could be redistributed. (An example would be transfer of CIA responsibilities for collection and analysis of technical intelligence to the Defense Department.)

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a. PROs

(1) Visibility of CIA would be reduced, which could assist continuation of clandestine activities.

(2) Renaming of CIA and reduction in the scope of its responsibilities could enhance a "fresh start."

(3) The CIA service and support structure could be reduced somewhat.

(4) Specialized activities, such as technical intelligence, could be concentrated in a single department.

(5) Reduction in the analytical role of CIA could facilitate creation of an intelligence analytic staff in the NSC structure to produce national intelligence.

b. CONs

(1) Resource constraints and increasing dependence on technology in intelligence activities emphasize the need for greater centralization of intelligence management, not abandonment of a Community concept.

(2) The DCI would not be able to provide service to the Congress commensurate with what he now does.

(3) Coordination of national intelligence estimates and other national intelligence activities would be much more difficult.

(4) Independence of intelligence advice and assessments to the President and the NSC would be much reduced. Parochial views could well replace a broad interdisciplinary approach especially in the technical and scientific arena.

(5) The CIA would lose much of its present flexibility in support to the Government as a whole.

(6) Bureaucratic upheaval costs would be high.

(7) CIA would experience a major loss of cohesion and lowering of morale.

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21. The foregoing discussion of basic options and their pros and cons represents only my personal views.

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22. Obviously, there are many variations within each of these options. And others may think of additional pros and cons.

23. The Administration has not yet developed a formal position, and I do not wish to express any personal preference in advance of the Administration decision.

24. I trust, however, that I have provided you with food for thought which will be useful in the follow-on discussions which you hold among yourselves.

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 ROLE OF THE SENIOR U.S. FOREIGN INTELLIGENCE OFFICER (DCI)

RELATIONSHIPS/  
 RESPONSIBILITIES

OPTIONS

	1	2	3	4
Position in Exec. Branch Hierarchy	Manager of Intel. Community	Sr. Intel. Officer w/ Budget Approval Authority	Sr. Intel. Officer & Chairs EXCOMs	CIA Director
Relationships: To White House	Member W.H. Staff	Att'd to Office of President	Advisor	Advisor, as CIA Head
To NSC	Member	Advisor	Advisor	Advisor
To Nat'l Intel. Community	Manager	Sr. Officer & Coordinator	Sr. Officer & Coordinator	No Authority
To CIA	Line Manager, but CIA has separate Director	CIA has separate Director	Operating Head	Operating Head
To NSA	Line Manager over NSA Director*	No direct management authority**	Chairs NSA EXCOM	No Authority
To NRO	Line Manager over NRO Director*	No direct management authority**	Chairs NRO EXCOM	None, if EXC abolished
Responsibilities: Fiscal	Full	Approves CIA, NSA & NRO Budgets	Yes, for CIA; as EXCOM Chairman for NSA & NRO	For CIA Only
Dept/Tactical Intel. Budgets	None	None	Makes Recommendations	None
Prod. of Nat'l Estimates	Yes	Yes	Yes, as now	Yes, if USIB continues
Warning	Yes	Yes	Yes, as now	For CIA Only
Inspector Gen'l	For CIA/NSA/NRO	For Community	For CIA Only	For CIA Only
Covert Action	Line Manager, CIA conducts	Recommendation to Pres. CIA conducts	As Now	As Now
Congressional Spokesman	For Community	For Community	For Community 25X1	For CIA Only
Staff support needs	Separate Staff	Separate Staff	Two Deputies-- Community & CIA	For CIA Only

\* NSA and NRO become Executive agencies, separate.

\*\* NSA and NRO remain in Defense Department

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Possible Questions to be asked of Ambassador Bush at his Confirmation Hearings

1. What is the present function of the 40 Committee? What do they do? How does it relate to supervision of the Agency and to the chain of command between the President, the National Security Council and the Agency? How many intelligence communities are there as part of the intelligence community structure from the NSC, 40 Committee standpoint. IRAC being one and who chairs those committees?
2. Can you tell me the precise role and the membership of the function of the President's Foreign Intelligence Advisory Board? Do they report directly to the President? How often do they meet with the Agency and communicate with the President?
3. Would you explain to us the procedures that are followed under the provisions of Section 662 of the Foreign Assistance Act of 1961, as amended, with respect to so-called covert action?
4. Do you have any information or experience as to how well or how badly this procedure is working and have there been any leaks as a result of these briefings of the various committees? (Covert action)
5. How long do you plan to stay in this job if you are confirmed?
6. Has the question of your possible nomination to the Vice Presidency been discussed with you? If so, in what context? What would you do if you were offered the job? Do you presently have any specific plans for running for political office of any kind?
7. A suggestion from  Show to Bush clips from the Congressional Record on people supporting him or not supporting him in his nomination as Director of Central Intelligence.
8. What are your views on many of the issues that have developed from the investigations.
9. What role does Congress play in covert action?

25X1

10. A suggestion: Pull together all of the questions that have come out of the House and Senate Select Committees.

11. What is your position regarding the establishment of a joint committee on intelligence? Do you have any thoughts as to what the jurisdiction of such a committee should be?

12. When Mr. Ford dismissed former Director Colby he said he wanted to have someone in whom he had confidence and he wanted to have his own "team." This raises in the minds of some people a serious question as to the possible vulnerability to political pressure from the White House and elsewhere. What are your views on this and to what extent do you feel you will have and to what extent would you insist on your right to draw up intelligence estimates as you see them from any political pressure from the White House or elsewhere?

13. What if the quarter back asks you to run off tackle? Can you turn him off? Can you as a team member tell the President you will not do this thing?

14. He could be asked a whole series of questions on the intelligence community and his role in the intelligence community. Will he attempt to override the Defense Department or State Department?

15. What is your concept of your role as Director of Central Intelligence? Especially with respect to responsibilities to the so-called intelligence community?

16. Do you feel you are qualified to accept the job of Director of Central Intelligence?

17. Why do you think you are qualified to assume the responsibilities of Director of Central Intelligence?

18. What do you perceive to be your responsibilities to the Congress as Director of Central Intelligence if you are confirmed for that position?

19. Things Bush will need: Biography; financial statement; courtesy calls to the oversight committees, especially Stennis.

20. With your experience as an Ambassador, what is your philosophy with respect to the role of the ambassador?

21. What is the proper role of secret intelligence agencies in a domestic society?

22. What is CIA's role in activities in the United States?

23. I realize that you have been out of the country for a period of time and are not familiar with the details of the Agency's activities in the past, but on the basis of the knowledge that you have about past Agency practices, such as assassination plots, mail intercept programs and drug testing, what is your position on this?

24. What changes do you contemplate making in the Agency from a management standpoint? You have undoubtedly given some thought to changes that you would make in the Agency management and organization, what conclusions have you reached or what thoughts do you have in this regard.

25. How will you insure that abuses that have cropped up in the past will not happen in the future? How will you make sure you will know what is going on?