

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

STANDARDS OF OFFICIAL CONDUCT

HEARINGS ON HOUSE RESOLUTION 1042

Thursday, July 22, 1976

Washington, D. C.

Official Reporters to Committees

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 Lowell P. Weicker
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STANLEY BACH, Accompanied by: KENNETH L. ADAMS, Counsel, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D. C. 20037	576

TESTIMONY

HOUSE ETHICS COMMITTEE

A. SEARLE FIELD 22 July 1976

22 July 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Comments Concerning 22 July House Ethics
Committee Hearing

1. The lead off witness today was A. Searle Field former staff director for the House Select Committee. Mr. Field had no prepared opening statement and did not bring any documents with him to turn over to the Ethics Committee, stating that he has no documents in his possession relevant to the inquiry. It should be noted here that Congressman Foley acted as chairman of the Committee today in lieu of Congressman Flynt's absence.

2. In general, Field's comments can be described as an attempt to shift the blame, for both previous leaks of classified data to the media and the leak of the report to Dan Schorr, from the HSC to the Executive Branch of government. He made frequent comments concerning the CIA's lack of expertise in handling classified information and described the CIA's records keeping as "sloppy." Since a copy of Mr. Field's testimony will be available shortly, only the following portions of his testimony are highlighted in view of their significance to this agency.

a. Mr. Field was questioned extensively concerning various leaks of information, both classified and unclassified, to the press during the tenure of the House Select Committee and was asked whether he or his committee had conducted any investigations of leaks. Mr. Field indicated that they had conducted investigations by interviewing various staff members and comparing the data in the news stories with information available to them and had never been able to determine who the source of the leaks actually was. Mr. Field inferred that the majority of the leaks of which he was aware could just as easily have come from the executive branch.

b. Field volunteered that the allegation that the draft reports had not been properly controlled by the committee is false. Mr. Field stated he knew how many copies they had; that they kept good records; they knew where they went; and added that most of the classified documents they received from the CIA did not have numbers.

c. Again in connection with leaks Field said one article concerning the Italian situation had disclosed that the U.S. Ambassador to Italy had a copy of the report. He said he had asked the CIA if they had sent copies of the report overseas and that the CIA replied that they had sent copies of the report to various embassies.

d. Field stated that he was confident that none of the leaks came from his staff, including the leak to Dan Schorr. He added that the leaks did not begin until they disseminated copies of the report to the executive branch who had no controls or numbers on their copies of the report.

e. With reference to the meeting on the night of 22 January with CIA and Mr. Packman, Mr. Field recalls that CIA representatives there did take a copy back with them. He stated that this would have been a copy with the changes as of that date. He added that with this copy, and the discussions that took place that evening, the CIA would easily have been able to create the 23 January version of the report as voted by the Committee.

f. With reference to Rogovin's attempts to obtain a copy of the 23 January version from Mr. Field, he stated that he had told Mr. Rogovin on 23 January that he absolutely could not have a copy. Mr. Field said he made this decision on his own but soon thereafter he called Aaron Donner who in turn called Chairman Pike , both of whom concurred.

g. Mr. Field was asked whether Mr. Rogovin was present during the meeting on 22 January and replied that he was not sure but seemed to recall that Mr. Rogovin was present. Mr. Field added that the CIA claims that they did not take a copy with them that night, but Mr. Field finds that hard to believe since the 19 January version would have been worthless to them during that meeting. He said he recalls the CIA discarded their 19 January version and used one of the staff versions during that meeting.

h. Mr. Field stated that the HSC staff had examined the version of the report which appeared in the Village Voice and found that it was a strange draft, with some of the 23 January changes in it but not all of them. Mr. Field stated the Village Voice version looked like the late 22 January version with someone else adding in about half of the subsequent changes. He stated that it was not something that the staff would have had.

i. Mr. Field on several occasions during his testimony addressed the missing documents flap. Each time stating flatly that his staff had returned all of the documents, that the CIA's records keeping was sloppy, and that we did not know what we had sent or received from the Committee.

j. With regard to security, Mr. Field stated that he retained a Mr. Herb Brooks on his staff who had 25 years of experience with the CIA. Mr. Field stated that it was he (Field) that was in charge of security and that Jackie Hess was not in charge of security. Field added that he was not impressed with the security expertise of any CIA official with whom he came in contact and said "the CIA was incredibly sloppy in their handling of classified documents."

k. With regard to the Jackson memo, Field stated that most of the investigation was done at the CIA by taking notes from files. In fact he stated the CIA eventually provided them with typewriters to compile their notes which were then used in the HSC investigation. He stated that the CIA watched them take the notes and knew that they had the information regarding the Jackson memo.

1. Again with regard to leaks, Mr. Field emphasized that the leaks did not appear to have come from the committee staff. One example Mr. Field cited was a leak concerning the Iranian situation, which Mr. Field point out appeared in the press on the night that Mr. Colby was fired. Mr. Field stated that that particular article was embarrassing to Kissinger and it was Field's opinion that intelligence officials had leaked the information to embarrass Kissinger. Mr. Field cited as further verification a NYT article by Crewdson (no date given) containing basically the same information as the leaked story, which cited senior intelligence officials as the source.

3. As indicated Mr. Field was given a wide rein insofar as his comments before the Committee and at one point was asked to address statements he had allegedly made to another staff member, Mr. Oliphant. Mr. Field was allowed to state that Mr. Oliphant is not a credible witness, that Mr. Oliphant was a bad investigator, had serious problems with his reports and that Mr. Field had serious difficulties in initially hiring Mr. Oliphant. He was described by Mr. Field as a disgruntled employee.

4. While a few more questions were allowed with Mr. Field, shortly after the discussion concerning Mr. Oliphant the committee adjourned into executive session to hear the remainder of Mr. Field's testimony.


John S. Hunt

Dempsey

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HEARINGS ON HOUSE RESOLUTION 1042

- - -

Thursday, July 22, 1976

- - -

House of Representatives,

Committee on Standards of
Official Conduct

Washington, D. C.

The committee met, pursuant to notice, at 10:00 a.m.
in Room 2212, Rayburn House Office Building, Honorable
Thomas S. Foley presiding.

Present: Representatives Foley, Price, Teague, Bennett,
Spence, Quillen, Hutchinson, Quie, Mitchell and Cochran.

Also present: John M. Swanner, Staff Director; John
Marshall, Legal Counsel; David Bowers, Investigator; Harvey
Harkness, Associate Counsel; Jay Jaffe, Staff Member; Andrew
Whalen, Staff Counsel; Miss Jan Loughry, Staff Counsel;
Robert Carr, Associate Counsel.

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1 Mr. Foley. The Committee on Standards of Official Con-
2 duct will come to order.

3 The first witness for this morning's hearing is Mr.
4 Searle Field.

5 TESTIMONY OF MR. A. SEARLE FIELD

6 Mr. Foley. Mr. Field, will you please stand and be
7 sworn.

8 Do you solemnly swear that the evidence you will give
9 in the matters now under consideration will be the truth,
10 the whole truth and nothing but the truth, so help you, God?

11 Mr. Field. I do.

12 Mr. Foley. Counsel.

13 Mr. Marshall. Mr. Field, will you state your full name
14 for the record.

15 Mr. Field. Yes. I use, of course, the initial A. My
16 name is A. Searle Field.

17 Mr. Marshall. Where do you presently live?

18 Mr. Field. I live in the town of Mystic, Connecticut.

19 Mr. Marshall. Are you employed there?

20 Mr. Field. I am employed nearby.

21 Mr. Marshall. With whom are you employed?

22 Mr. Field. I am with a family business, Field Concrete
23 Pipe Company, and I work as a vice president with them.

24 Mr. Marshall. Prior to that employment did you have a
25 position with the Select Committee on Intelligence?

1 Mr. Field. I was the staff director.

2 Mr. Marshall. When did you come to the Select Committee
3 on Intelligence as staff director?

4 Mr. Field. The Select Committee on Intelligence that
5 I believe your investigation is concerned with was formed
6 sometime in July of 1975 and shortly thereafter I was hired
7 as their staff director.

8 Mr. Marshall. If I tell you House Resolution 591 was
9 adopted by the House on July 17, 1975, would you tell me ap-
10 proximately when you came to work as staff director of that
11 committee?

12 Mr. Field. There was a meeting on committee business
13 shortly thereafter. I can't be precisely sure, sometime
14 within a matter of days.

15 Mr. Marshall. You are appearing here at the invitation
16 of the committee?

17 Mr. Field. That is correct.

18 Mr. Marshall. Are you appearing with counsel?

19 Mr. Field. No, sir. I am accompanied by my wife and
20 many friends but that is about it.

21 Mr. Marshall. Prior to this hearing you received copies
22 of House Resolution 1042 and 1054, a copy of the rules of the
23 House Committee on Standards of Official Conduct, a copy of
24 the investigating procedures adopted by this committee and a
25 copy of the Chairman's opening statement for this particular

1 hearing, have you not, sir?

2 Mr. Field. Yes, I guess I have. I haven't read the
3 opening statement.

4 Mr. Marshall. In the event you would like to do that,
5 and I anticipate a suspension fairly shortly, please read it
6 then.

7 Mr. Field. Thank you.

8 Mr. Marshall. Do you have a written prepared statement
9 which you wish to make to the committee at this time?

10 Mr. Field. No, sir. I think the best thing would be
11 just to go right to questions.

12 Mr. Marshall. You have no oral statement you would like
13 to present to the committee?

14 Mr. Field. Not at this time, no.

15 Mr. Marshall. Did you bring with you any documents in
16 your possession concerning the subject matter of the inquiry?

17 Mr. Field. No, sir.

18 Mr. Marshall. Do you have any such documents?

19 Mr. Field. No, sir.

20 Mr. Marshall. In the event that your evidence or tes-
21 timony may involve information or data concerning an execu-
22 tive session of the Select Committee on Intelligence or classi-
23 fied information or evidence which may tend to defame, degrade
24 or incriminate any person, please advise this committee in a
25 timely fashion so the committee can take appropriate action

1 under the rules of the House of Representatives. Is that
2 clear?

3 Mr. Field. I would be happy to.

4 Mr. Marshall. Thank you.

5 Mr. Foley. Mr. Field, we have a quorum call on the
6 floor of the House. The committee will have to suspend for
7 approximately 10 or 15 minutes.

8 (Short recess.)

9 Mr. Foley. The committee will come to order.

10 Mr. Marshall. Mr. Field, on what date did you leave the
11 Select Committee on Intelligence?

12 Mr. Field. I honestly don't recollect. It was some-
13 time -- I believe we went with our recommendations in February
14 and then I stayed on the payroll for I think two weeks after
15 we wound up our last deliberations on the recommendations
16 so that would have been sometime around either the first of
17 March or the 15th of March.

18 Mr. Marshall. What was the address of your residence
19 at the time you came to work for the Select Committee on
20 Intelligence, that is, Washington and environs?

21 Mr. Field. 1411 - 33rd Street, Northwest.

22 Mr. Marshall. Is that in Georgetown?

23 Mr. Field. Right.

24 Mr. Marshall. Did you live there during the time you
25 remained with the Select Committee?

1 Mr. Field. Yes. The whole time.

2 Mr. Marshall. Would you physically describe the house
3 in which you lived and the way it appeared from the outside?

4 Mr. Field. It was a townhouse and I believe it's an
5 off-white color.

6 Mr. Marshall. Two-story?

7 Mr. Field. Three-story. It has a basement which is
8 more or less just below street level so it appears to be 3-
9 story.

10 Mr. Marshall. What color? Off white?

11 Mr. Field. I don't know colors.

12 Mr. Marshall. Would you tell me whether it's a light
13 color or a dark color?

14 Mr. Field. It's a light color.

15 Mr. Marshall. Can you think of any distinguishing
16 characteristics of that house as might be apparent to one
17 seeing it for the first time?

18 Mr. Field. Is there somebody that was surveilling it?
19 Nothing unusual that I can point out. It has a door and win-
20 dows and has a roof.

21 Mr. Marshall. Shutters?

22 Mr. Field. Yes. Upstairs. But I don't think there
23 is anything distinguishing. It's a townhouse. It is in a
24 row of houses and I think they all look relatively the same.

25 Mr. Marshall. Would you tell me the names of the nearest

1 cross streets to your house?

2 Mr. Field. It's between O and P.

3 Mr. Marshall. I am sorry. I couldn't get your answer.

4 Mr. Field. It is between O and P on 33rd Street in
5 Georgetown.

6 Mr. Marshall. Were you living in that house on February
7 6, 1976?

8 Mr. Field. Yes, I think so. I don't know what -- I
9 don't know whether I was there all day. I am not sure what
10 you are driving at.

11 Mr. Marshall. I just want to know if that was your resi-
12 dence on February 16, 1976.

13 Mr. Field. Yes.

14 Mr. Marshall. Was your family living there with you?

15 Mr. Field. Yes, sir.

16 Mr. Marshall. Did you have any domestic employees in
17 your home?

18 Mr. Field. No.

19 Mr. Marshall. To your knowledge did a Miss Susan Parker
20 come to your residence on February 6, 1976?

21 Mr. Field. Who?

22 Mr. Marshall. Susan Parker.

23 Mr. Field. I have never heard the name to the best of
24 my knowledge.

25 Mr. Marshall. Have you ever delivered a draft of the

1 Select Committee report to Miss Susan Parker or a person
2 who identified herself as an employee of Mr. Clay Felker,
3 of the Village Voice or one of his corporate agents?

4 Mr. Field. Absolutely not. I have never heard of Susan
5 Parker. To the best of my knowledge I have never met anybody
6 by that name. I guess I am beginning to get what you are
7 driving at here now. I did not provide a copy of the report
8 to anybody outside of the committee.

9 Mr. Marshall. On that date or any other date?

10 Mr. Field. On that date or any other time or any other
11 place.

12 Mr. Marshall. During the course of your work as staff
13 director for the Select Committee on Intelligence did it
14 come to your attention there were leaks from the Select Com-
15 mittee on Intelligence of their work product?

16 Mr. Field. That is a very complicated question and I
17 don't think it is possible to answer it simply yes, no, or
18 maybe.

19 Mr. Marshall. Simplify it for me if you will.

20 Mr. Field. There were many things that the Select Com-
21 mittee looked into. Some of these things would later appear
22 in reports. We were concerned that they may have come from
23 our committee. We oftentimes examine these things. We would
24 do research on the articles. We would try to analyze them to
25 see if there was some way of identifying whether they spe-

1 cifically had come from our committee or not. We were never
2 able to prove or even come really close to what I would call
3 proof that something had come from the committee and/or if
4 it had, whether it came from any specific member or staff
5 or some employee of a member.

6 Mr. Marshall. When you say we --

7 Mr. Field. The answer to your question would be we
8 became aware of allegations, we became aware of situations that
9 could have involved a leak from our committee. We never were
10 able to prove that one did.

11 Mr. Marshall. When you say we, do you refer to specific
12 persons on either the Select Committee itself or the Select
13 Committee staff who either were assigned responsibility or
14 took responsibility for this?

15 Mr. Field. I would say both. There were times when we
16 would be, the staff, myself and the people that I worked with
17 on the staff, other times we worked with the Chairman and
18 with other members of the committee to try to determine this.

19 Mr. Marshall. Was there any designated group who were
20 charged with this responsibility to evaluate the allegations
21 of leaks that you referred to and to determine if the Select
22 Committee or the staff was the source of these leaks?

23 Mr. Field. I would be in charge of that type of respon-
24 sibility very clearly. I would work with the Chairman on
25 that. He also would be -- that would be his responsibility.

1 At times we would make use of staff personnel. Primarily
2 Aaron Donner and Jeff Weldon worked on that type of thing. I
3 refer to a few instances where they did analyze articles
4 and news pieces and I believe they also had help from people
5 on the staff.

6 Mr. Marshall. How about Mr. Boos; did he have any respon-
7 sibility in this regard?

8 Mr. Field. Jack Boos was primarily our chief investiga-
9 tor so his primary day-to-day responsibility would be conduct-
10 ing the investigation. Obviously we would consult with him.
11 We consulted with him on most things we did but I would say
12 the responsibility for it and the initial work was primarily
13 mine and Aaron Donner's.

14 Mr. Marshall. Is it your testimony you were never able
15 to establish that the committee or the staff was the source
16 of any leaks outside the committee?

17 Mr. Field. Any leaks of classified information, that
18 would be correct.

19 Mr. Marshall. What about leaks of other types of infor-
20 mation which was not classified?

21 Mr. Field. Again you are in a complicated area. If you
22 take a news story, there are all sorts of sources quoted
23 from time to time. On occasion, and I must admit it was not
24 frequent, there would be a reference to a committee source.
25 As I recall, every time there were other sources as well,

1 intelligence sources, that type of thing, a government source.
2 It was difficult for us in those instances and I again re-
3 call one we spent a lot of time on to determine whether the
4 committee source which was being quoted on something of an
5 opinion-type thing in a nonclassified area, that the CIA
6 was sloppy, according to a committee source, which would be
7 different from saying that the CIA conducted a certain opera-
8 tion or did a certain type of activity which would be refer-
9 ring to something classified or something of a secret nature.

10 Mr. Marshall. My question is, were you able to -- ex-
11 cuse me -- identify any person on the committee or on the
12 committee staff who gave information or disclosed information,
13 classified or not, to persons outside the Select Committee
14 or staff?

15 Mr. Field. Just to finish my answer, we never identi-
16 fied to my satisfaction there was any secret information that
17 came out through an identified committee source.

18 The second point, we never identified a specific person
19 at any time. In other words, we never actually got down to a
20 named person.

21 Mr. Marshall. As staff director did you take any means
22 to prevent --

23 Mr. Field. May I add one point to that?

24 Mr. Marshall. Sure.

25 Mr. Field. I am sure your experience is worth considering

1 here at this time. It is not easy to identify the source
2 of a story. You have been through this at considerable ex-
3 pense and energy with some very talented people.

4 We recognized that. We did what we could short of put-
5 ting somebody on the rack. If the newsmen won't tell you and
6 the source doesn't volunteer, there are very few avenues
7 available to you.

8 Mr. Marshall. Did you ever go to a newsman and ask him
9 the source of his information?

10 Mr. Field. No, because frankly that would have been
11 a very difficult avenue to take from two points of view as
12 far as I am concerned. First, I was not in that business,
13 vis-a-vis the news media, I didn't want to get into that.
14 That was not within the scope of our resolution. Second of
15 all, I did not want to be in a position of contacting news-
16 men excessively or unnecessarily. Third, I suppose I would
17 mention on two separate occasions the issue of leaks came
18 before the committee and there were specific resolutions
19 placed before the committee as to whether or not they would
20 authorize the staff to conduct investigations of the leaks.

21 On both occasions the committee decided not to have the
22 staff look into leaks.

23 Mr. Marshall. Was this by formal vote?

24 Mr. Field. By formal vote.

25 Mr. Marshall. Do you recall when this was?

1 Mr. Field. I recall the most important one which would
2 have been the Monday or Tuesday, probably the Tuesday -- my
3 dates aren't all that terrific -- the Tuesday after the
4 weekend of the 25th. I remember Congressman Kasten introduced
5 a resolution.

6 Mr. Marshall. That would have been the 27th?

7 Mr. Field. I believe there were two votes for it, maybe
8 three. Kasten, Milford and I believe Aspin voted for it. The
9 rest of the committee voted against it. So by that overwhelm-
10 ing vote we were instructed not to look into these things.
11 We did work for the committee and we followed the dictates of
12 the committee and I was not in a position of being able to
13 pursue just beyond conversations in talking with the members
14 and working on the evidence that we had by analyzing articles
15 and that type of thing.

16 Mr. Marshall. Let me ask the staff if they will give
17 you a copy of the New York Times article of Mr. John F.
18 Crewdson which appeared in the New York Times on January 26,
19 1976.

20 Let the record show that a copy of that has been given
21 to you.

22 Mr. Field. I have a Nicholas M. Horlock.

23 Mr. Marshall. That is page 1. Look at page 2. Do you
24 see the Crewdson article?

25 Mr. Field. Yes.

1 Mr. Marshall. Go down to the second paragraph underneath
2 Mr. Crewdson's byline. "The 338-page report which has not
3 been released but a copy of this was obtained by the New York
4 Times discloses a number of irregularities uncovered by com-
5 mittee investigators."

6 Did that article come to your attention following its
7 publication in the New York Times on January 26, 1976?

8 Mr. Field. Definitely.

9 Mr. Marshall. All right, sir. Was any investigation
10 initiated by you or anyone on the committee or the staff as
11 to the source of Mr. Crewdson's information -- excuse me,
12 let me finish the question, then you may respond -- any in-
13 vestigation initiated by you or any member of the staff con-
14 cerning that part of the article which says, "A copy of
15 the 338-page report was obtained by the New York Times"?

16 Mr. Field. I think you will find that this sequence of
17 events -- I believe this was the Monday that I am referring
18 to that led to the Kasten resolution, and I proceeded accord-
19 ing to the instructions of the committee, and the committee
20 instructed me not to conduct this type of investigation,
21 so that would be my primary response.

22 However, not to avoid it because there is specific com-
23 mittee action here, I as staff director did take an interest
24 in the copies of the report. I read numerous articles point-
25 ing how our reports were supposed to be uncontrolled and so

1 forth. That is not true. We knew how many copies of the
2 report we had, we knew where they were going, where they went,
3 we kept track of that, we checked constantly on that, we kept
4 records of that. We corroborated those records from time
5 to time at frequent intervals, usually every day. At any
6 point I would ask -- and I did ask a number of times during
7 the week -- I met with the Chairman and went over with him --
8 as to where the different copies were.

9 As to the issue of numbers and identification on a re-
10 port, I would only say that most of the documents that we
11 received from the CIA and the FBI did not have numbers on
12 them. It is not necessarily common practice in the area of
13 classified documents. I think the general public may be led
14 to believe that it is but it is not, mainly because it doesn't
15 make a lot of difference. If there is a number on a report if
16 somebody hands it to somebody to be Xeroxed --

17 Mr. Marshall. I don't mean to interrupt you but I in-
18 tend to ask you in some detail on the subject.

19 Mr. Field. But you asked me if I had done things. I
20 am not trying to say for the record, yes, we did a number of
21 things.

22 Mr. Marshall. I am asking you about the January 26
23 article. Was anything done about it with regard to what Mr.
24 Crewdson's source was and the statement that he had obtained
25 and/or the New York Times had obtained a copy of the report?

1 Mr. Field. We proceeded as we had been all along with
2 this same procedure to identify where the copies of the report
3 were, who had them, what kind of procedures they had conducted
4 vis-a-vis their own reports. During the week after the com-
5 mittee had told us not to conduct a formal investigation of
6 this, we did analyze these articles to see if we could some-
7 how tell if nothing else which version of the report appeared
8 to have been either given to the New York Times or that they
9 had access to. It is a little unclear as to whether they
10 actually had a copy or merely had access to one and were
11 pretending they had a copy.

12 In any event, we did analyze these articles to see if
13 there were distinguishing features in those stories.

14 Mr. Marshall. What was your conclusion?

15 Mr. Field. It was mixed. There were definitely things
16 in the articles which would have come from one of the reports
17 that had been circulated to our members.

18 Mr. Marshall. Let me interrupt you here. When you say
19 one of the reports would have been circulated to one of our
20 members, are you referring to the initial circulation of the
21 complete report as the January 19, 1976 draft?

22 Mr. Field. Again we are now getting into a whole se-
23 quence of circulation and versions which I know you have been
24 through many times. Let me revise that statement.

25 Mr. Marshall. Excuse me. I am trying to identify for

1 the record what you mean by various drafts being circulated.

2 Are you referring to the January 19 draft?

3 Mr. Field. Let me begin over again with what I was
4 trying to get at here because I will clear that up.

5 The information which these articles have, which were
6 probably the most detailed articles about the report, al-
7 though most of the attention has been given to Daniel Schorr,
8 that information was in reports that were circulated. There
9 were other articles that had information that we did not pos-
10 sess.

11 Mr. Marshall. Which were those articles?

12 Mr. Field. One in particular dealt with, as I recall,
13 subjects of pornographic movies the CIA had made. We didn't
14 know who the subjects were and the names and so forth were
15 coming out in these articles which was very strange to us.

16 Mr. Marshall. Can you identify the article as to publi-
17 cation or date?

18 Mr. Field. I can't. If you had a set of the articles
19 I could easily identify it. It may even be somewhere in here
20 (indicating). I would be happy to try to identify one after-
21 wards if you would like.

22 There were stories on it which looked as though they
23 may have come out of Italy. We knew there was a copy of our
24 report in Italy with the ambassador. We found that out be-
25 cause he telegraphed us with his comments, at which point I

1 asked the CIA if they had telegraphed this around the world,
2 and they said they had to any and all embassies -- to any em-
3 bassies which might be affected by our report, which I was
4 led to believe was a fair number of embassies. The Italian
5 stories contained --

6 Mr. Marshall. My question is --

7 Mr. Field. So I have very mixed reactions on this.

8 Mr. Marshall. You testified at length but you never
9 really identified what you mean by drafts being circulated.
10 Again I ask you, are you referring to the first complete
11 draft being circulated, the January 19, 1976 draft?

12 Mr. Field. What are you now referring to as far as my
13 reference to drafts being circulated?

14 Mr. Marshall. Your testimony was various drafts had
15 been circulated. My question --

16 Mr. Field. Do you want to start at the beginning?

17 Mr. Marshall. I want you to answer my question. My
18 question is, what do you mean by saying various drafts had
19 been circulated? Were they identified by date, was there
20 some other source of identification on them so we can know
21 what we are talking about when we say drafts are being cir-
22 culated?

23 Mr. Field. The drafts that had been circulated -- I am
24 not being evasive; I am not quite clear exactly what you
25 want. Let me try this. The drafts that had been circulated

1 beginnong on the previous Monday, each day there had been dif-
2 ferent changes made and inserted in the drafts. We referred
3 to those as different drafts; actually they were merely the
4 same draft updated.

5 Mr. Marshall. You say the previous Monday. Is that
6 January 19?

7 Mr. Field. Yes.

8 Mr. Marshall. Is that the first time a draft was cir-
9 culated to the members of the committee? May I have an an-
10 swer? Was that the first time --

11 Mr. Field. Yes.

12 Mr. Marshall. Yes?

13 Mr. Field. Yes, it was the first time that even the
14 Chairman had seen the report.

15 Mr. Marshall. All right.

16 Mr. Field. The drafts were identifiable because we had
17 a record of the committee proceedings where changes had been
18 made so we could tell precisely when a change had been made
19 and if, for example, a piece of information appeared in this
20 story, and from our general recollection we would say now
21 that says something we either added or deleted later on, we
22 could find out, yes, in fact it had been Wednesday morning
23 that information had been deleted or added.

24 If it had been deleted Wednesday, then it would be a
25 pre-Wednesday version that would be in here.

1 Mr. Marshall. Did you go through that process with Mr.
2 Crewdson's story?

3 Mr. Field. Yes.

4 Mr. Marshall. What was your conclusion there as to the
5 identification of drafts as the source of Mr. Crewdson's
6 story?

7 Mr. Field. We were not able to identify a specific
8 draft.

9 Mr. Marshall. Were you able to determine from reading the
10 article and from your knowledge of the state of drafts on a
11 particular date whether the statement, a copy of which was
12 obtained by the New York Times, was in fact a correct state-
13 ment?

14 Mr. Field. I was never able to determine that, no.

15 Mr. Marshall. Do you have any personal opinion about
16 that?

17 Mr. Field. I don't know of any conceivable way I ac-
18 tually could obtain -- unless you were to call John Crewdson
19 and ask him.

20 Mr. Marshall. My question is, from your analysis of the
21 drafts do you have any judgment as to whether this statement
22 is a correct statement or not?

23 Mr. Field. I do not know whether he had a copy, no.

24 Mr. Marshall. Was it called to your attention that Mr.
25 Daniel Schorr on a television show on January 28, 1976, ex-

1 hibited to the camera a document which he purported to say
2 was a copy of a draft of the Select Committee's report?

3 Mr. Field. I am not sure of the exact days. I remember
4 coming in one morning and somebody said the night before
5 Daniel Schorr had held up on TV a copy of what appeared to be
6 one of our drafts.

7 Mr. Marshall. Did you make an investigation?

8 Mr. Field. This was after the Kasten resolution had
9 been defeated by the committee.

10 Mr. Marshall. My question is, did you make an investi-
11 gation?

12 Mr. Field. I could not make an investigation.

13 Mr. Marshall. Your answer is no, you did not make an
14 investigation?

15 Mr. Field. Yes.

16 Mr. Marshall. If you wish to explain why you could not,
17 I think I understand your position. Did anyone make an inves-
18 tigation?

19 Mr. Field. As to whether Daniel Schorr had a copy?

20 Mr. Marshall. As to whether what he exhibited on TV was
21 in fact a draft of the Select Committee report.

22 Mr. Field. No formal investigation. There were various
23 people that said it didn't look like the binder we used.
24 Whether or not I don't know.

25 Mr. Marshall. Were you disturbed about this, either

1 the Crewdson article or Mr. Schorr's appearance on TV?

2 Mr. Field. I was extremely disturbed beginning with the
3 previous week. If you go back to the proceedings of our com-
4 mittee during that period of time you will see that I talked
5 with the committee about it, I expressed my concern, I ex-
6 pressed my displeasure with it, I spoke to the staff about
7 it at times. Yes, I was very concerned. This was the one
8 thing that could destroy our committee and discredit it.

9 Mr. Marshall. Are you saying your concern fell on deaf
10 ears insofar as the members of the Select Committee?

11 Mr. Field. That implies this was coming from the com-
12 mittee. In other words, yes, if the leak was from the com-
13 mittee it was falling on deaf ears. If the leak was not
14 from the committee, then they may not have been in position
15 to heed my concern and to do something.

16 Mr. Marshall. But your testimony is the committee took
17 no steps?

18 Mr. Field. I had the feeling they were equally concerned.

19 Mr. Marshall. You were not concerned to take steps to
20 investigate the source if it was within the committee?

21 Mr. Field. You have to go back to the transcript of
22 that vote and the debate.

23 Mr. Marshall. May I have an answer to my question?

24 Mr. Field. I am answering your question. I don't think
25 you can place their refusal to vote in the area of lack of

1 concern. That sounds a little cavalier about it. They had
2 serious problems vis-a-vis time. They were running out of
3 time. They had four or five days left in the life of the
4 committee. There was no indication they would go to the
5 floor for an extension. The resolution that we had setting
6 us up to investigate the intelligence agencies of the United
7 States did not authorize us to conduct that kind of investi-
8 gation. So we had serious legal problems with it, particu-
9 larly if you try to subpoena somebody. You have a specific
10 resolution. We did not.

11 Mr. Marshall. The House resolution setting up your
12 committee provides in Sections 2 and 6 that certain secur-
13 ity procedures were to be adopted.

14 Mr. Field. Were to be adopted but it did not say we
15 had the power or authority to investigate leaks from the ex-
16 ecutive branch, which this easily could have been, or leaks
17 from the Congress.

18 Mr. Marshall. As staff director was it your view simply
19 the security rules and regulations were going to be adopted
20 and if they were carried out, fine, and if not, you were help-
21 less? Surely that wasn't your view, was it, Mr. Field?

22 Mr. Field. You are changing the issue slightly.

23 Mr. Marshall. I am asking a question which is about
24 your view as to whether there should be some inquiry that the
25 rules and regulations were not adopted.

1 Mr. Field. The answer is no. I did expect that we
2 would and could and did do things where we suspected there
3 may have been a problem of the staff. I was quite confident
4 as a result of my work in the staff, the informal, if you
5 want to call it, investigations that I had done, inquiries,
6 examination of reports and so forth, that these things had
7 not been coming from the staff.

8 Mr. Marshall. Let's talk about that. What is the basis
9 for that conclusion on your part that they were not coming
10 from the staff?

11 Mr. Field. Well, there are many, many events that would
12 lead you to that.

13 Mr. Marshall. Give me one basis.

14 Mr. Field. One of the first ones would be this. That
15 staff worked on the final report for five to six weeks, worked
16 intensely on it. Most of the staff was involved. There
17 wasn't even a speculation piece in the newspaper, even the type
18 of things you heard about the Senate Intelligence Committee --
19 that it has been learned the Senate Intelligence Committee
20 will reopen an investigation of the assassination of John
21 Kennedy. There was not a hint of what our report was going
22 to contain. The staff involved in that report put together
23 the final version of the draft on Sunday evening, January
24 18 it must have been.

25 Prior to that time there was no single draft of the re-

1 port. It had been in pieces and so forth and had not been
2 rewritten or retyped. So you didn't have something that
3 somebody could have taken away prior to that time and some-
4 how arranged to get to the press. That was circulated to
5 the members on Monday, January 19. It was also circulated
6 to the executive branch. The news media were inquiring about
7 this report before most of the people that worked on the
8 thing even left the office. Most of the key people on that
9 report had been with me constantly from the time it was cir-
10 culated until the news article or news reports were coming in.

11 Secondly, at the same staff level there were no avail-
12 able reports to the staff. We had six copies in the staff.
13 Those were under lock and key which I personally supervised.
14 I remember one staff member -- I believe he is here this
15 morning -- Ross Starek wanted to read the report. I was even
16 leery about anybody reading it for half an hour. I didn't
17 want those things out of control. I finally agreed to let
18 him read it right there where I believe Jack Boos was ne-
19 gotiating this. Jack would watch him and it would be a
20 limited period of time so I could be sure it didn't go any-
21 where. That is how concerned we were.

22 We kept control on those and they were in the news. That
23 is one of many instances I can go through which indicates you
24 are not talking of staff people.

25 Mr. Marshall. Are we talking about committee members?

1 Mr. Field. I am not going to speculate beyond the staff.
2 I am responsible for the staff.

3 Mr. Marshall. Are you saying there was no reference
4 made until distribution was made to the executive branch as
5 well as committee members?

6 Mr. Field. And to the executive branch which Xeroxed
7 many, many copies and had no better control on it than we
8 did. They didn't put any numbers on it, which I think is
9 significant.

10 Mr. Marshall. Did you meet with Chairman Pike on January
11 17, 1976, to discuss a plan for distribution of the January
12 19 draft when those had been compiled and completed?

13 Mr. Field. If that is the Friday before, yes, I recall
14 our meeting.

15 Mr. Marshall. What were your recommendations about dis-
16 tribution at that meeting?

17 Mr. Field. I recommended the report not be distributed,
18 that it be kept in the secure area of the committee. To the
19 best of my knowledge nothing that had ever been kept in the
20 secure area of the committee had ever appeared anywhere in
21 print and this would, I felt, assure that the report would be
22 kept by the committee confidential until or unless they chose
23 to make it public.

24 Mr. Marshall. Was it your view then committee members
25 would have to come to the Select Committee space in order --

1 Mr. Field. To a library area we had set up.

2 Mr. Marshall. Were those recommendations followed?

3 Mr. Field. No, they were not.

4 Mr. Marshall. Was any reason given as to why they were
5 not followed?

6 Mr. Field. We had a discussion and I was not the only
7 one there. I think Jack Boos was there and Aaron Donner and
8 the Chairman. We discussed the pros and cons. One of the
9 consequences in that kind of plan was the fact it would be
10 much more difficult for members to read the report and thereby
11 participate intelligently in the discussions of the next week.
12 As I recall, I think that was the main objection to it. I
13 think there was also a feeling on Mr. Pike's part that this was
14 a report of a House committee, this was going to become pub-
15 lic. It was written to be public, that we were not going to
16 go around stamping it Top Secret. That view was also ex-
17 pressed. In any event, the upshot of it was I was given in-
18 structions as to how it should be circulated.

19 Mr. Marshall. Would you tell us what those instructions
20 were?

21 Mr. Field. It was to have a covering letter on it, that
22 we were not to use Top Secret stamps -- we didn't have any.
23 Had I stamped it Top Secret I would have broken the law be-
24 cause since I am not an executive branch employee I am not
25 empowered by law to classify things. But it was not to be

1 stamped even Sensitive Material, which is a term we often
2 used instead of the Top Secret term.

3 It was not to be identified, in other words each copy
4 marked with numbers, that kind of thing.

5 Mr. Marshall. Did the January 19 draft or January 23
6 draft contain Top Secret information?

7 Mr. Field. There was -- that report was in no way
8 classified.

9 Mr. Marshall. I understand that. I am asking if it
10 contained Top Secret information.

11 Mr. Field. Yes. I say that in a general term. I
12 couldn't identify for you specifically which line, which
13 phrase. I presume it did. There was Top Secret, Secret,
14 and Confidential. It may not have contained anything Top
15 Secret but it could have.

16 Mr. Marshall. If it didn't have a classification of Top
17 Secret did it have information which in your judgment had
18 been taken from documents that had been classified Top Secret?

19 Mr. Field. I would feel confident in saying there was
20 classified information in it. Whether there was anything Top
21 Secret I can't say. Restricted code word and so forth, no.
22 I would have to go back to the report and analyze it.

23 Mr. Marshall. You touched on this area in your testi-
24 mony. I would like to give you an opportunity to complete
25 this. Were the drafts numbered beginning with the distribu-

1 tion of the January 19 draft, also the distribution of any
2 changes to the January 19 draft as well as the draft of
3 January 23? Were any of those numbered?

4 Mr. Field. No. Per the instructions of the committee
5 through the Chairman.

6 Mr. Marshall. Was there any other system that you had
7 for keeping account of persons who received the drafts as
8 well as reception of changes in the drafts?

9 Mr. Field. Yes.

10 Mr. Marshall. Would you tell us what that system was?

11 Mr. Field. We kept a record which I reviewed from time
12 to time of who had received which copy or who had received
13 copies, if they received a second one because they had come
14 to a hearing without their first one. If the executive
15 branch had received one, if they had received a second one
16 and then how many we had at the staff level, which I -- you
17 were asking earlier why did I not suspect the staff. We kept
18 things under lock and key. After the first few days there
19 had been cases where members had come to a hearing and had
20 forgotten their report and we had given them one of our six
21 spare copies. After a few days we were down to two copies
22 so there just weren't a lot of available copies at the staff
23 level.

24 There were a lot more elsewhere all over the place.

25 Mr. Marshall. Were these copies that you loaned at a

1 moment's notice perhaps ever retrieved or otherwise accounted
2 for?

3 Mr. Field. I believe some of them were, yes.

4 Mr. Marshall. Were all of them?

5 Mr. Field. I am going back in recollection now because
6 my recollection is some were not.

7 Mr. Marshall. Were you personally in charge of this dis-
8 tribution system you described or did you have a person on
9 your staff who had more immediate operational responsibility
10 for it?

11 Mr. Field. That is precisely correct. I took full re-
12 sponsibility for it. There was somebody obviously who did
13 this.

14 Mr. Marshall. Who did?

15 Mr. Field. Emily Sheketoff would have been the primary
16 person. She will no doubt appreciate my mentioning it.

17 Mr. Marshall. We will give Miss Sheketoff ample oppor-
18 tunity to explain her view of things as well.

19 Mr. Field. I am sure.

20 Mr. Marshall. Was there anyone else who had operational
21 responsibility for this system of distribution besides Miss
22 Sheketoff?

23 Mr. Field. Not operational responsibility, no. If she
24 were not in or were out of a room I might turn to somebody
25 to help on some element of it or if we gave a copy of a report

1 to somebody I might ask somebody to come down and make sure
2 that was given to Emily later and she inserted it in her rec-
3 ord.

4 Mr. Marshall. Had you instructed Miss Sheketoff that the
5 drafts contained classified information and given her suf-
6 ficient facts to enable her to form an opinion to whether
7 there was some care needed in the distribution and account-
8 ing of the drafts or any changes?

9 Mr. Field. We get gack to the classified situation. We
10 did not use the term Classified because the draft was not
11 classified.

12 Mr. Marshall. I understand that, but I am trying to
13 distinguish between something on the draft, what you referred
14 to earlier as classified information --

15 Mr. Field. Emily was very aware of the report. So was
16 everyone on the staff. They knew exactly what was in it.
17 The letter circulated pointed out it would be a violation
18 of our committee rules if it were revealed to any unautho-
19 rized person. Emily knew that, the staff knew it. Those who
20 were distributing, I talked to personally, pointed out the
21 necessity for making sure this went to the members, that it
22 contained what we called executive session material.

23 Mr. Marshall. Following distribution of the January 19,
24 1976, draft, were you present at a meeting on the evening of
25 January 22nd, going in on the morning of January 23, 1976, at

1 which Mr. Packman of the State Department, various representa-
2 tives of the CIA were there to comment and discuss proposed
3 changes in the January 19 draft?

4 Mr. Field. Yes.

5 Mr. Marshall. Was a copy of the draft of January 19 or
6 any changes that were agreed to at that meeting taken by
7 representatives of the CIA from that meeting?

8 Mr. Field. You would have to go back to the records
9 on that. My recollection is yes.

10 Mr. Marshall. How many?

11 Mr. Field. I did not deal directly with them. As a mat-
12 ter of fact, I had been a peripheral participant in that meet-
13 ing so I really think you ought to go back to the records on
14 that.

15 Mr. Marshall. Whose responsibility was it --

16 Mr. Field. I remember asking afterwards if they had
17 taken one with them and I was told yes.

18 Mr. Marshall. Who did you get that answer from?

19 Mr. Field. I don't recall.

20 Mr. Marshall. But it is your belief that the CIA took
21 copies from that meeting?

22 Mr. Field. Yes. And I asked many, many times after
23 these articles began appearing because these were later ver-
24 sions because it would be very important if the CIA had taken
25 a copy at a point or obtained one later. I didn't realize one

1 had been given to them on that Saturday and it was very
2 important to us to know whether they had somehow obtained a
3 later report. The only avenue I knew was that evening when
4 they had been in and I believe that they would have taken one.
5 I asked, I was assured that they had taken one.

6 Mr. Marshall. You have no recollection of who told you
7 these things?

8 Mr. Field. No. I probably asked five or ten people.
9 Two or three probably said yes. I know I asked Aaron Donner,
10 I asked Jack Boos, I would assume I asked Emily Sheketoff. I
11 probably asked some of the other people who were involved
12 that night. I know I received affirmative answers on that.

13 Mr. Marshall. Did the CIA request a copy of the Select
14 Committee report on January 24, 1976?

15 Mr. Field. Which day is that? Is that Friday?

16 Mr. Marshall. That is Saturday.

17 Mr. Field. Saturday. No. Friday night I got a tele-
18 phone call from Mr. Rogovin.

19 Mr. Marshall, This is January 23rd you are referring to?

20 Mr. Field. Yes.

21 Mr. Marshall. Tell us about that telephone call.

22 Mr. Field. Mr. Rogovin wanted a copy of our final re-
23 port.

24 Mr. Marshall. What did you say to him?

25 Mr. Field. I said absolutely not.

1 Mr. Marshall. Was this a decision you made or was it a
2 decision that you were passing on under instruction?

3 Mr. Field. As I recall the sequence I believe I made
4 this decision at that point because I did not have authority
5 to give him one. Then I called Aaron Donner, either that
6 night or the next morning, who talked to the Chairman, who got
7 back to me and concurred in the decision and said, yes, that
8 is the right decision.

9 We were concerned at that point that if we handed out
10 our final version there would be some attempt to run book
11 reviews of it out of the White House or the CIA. In fact, on
12 Monday Mr. Colby was up giving a news conference, character-
13 izing our report, and it was the kind of thing we hoped to
14 avoid by saying it is our final version, you will wait along
15 with everybody else until it becomes public.

16 Mr. Marshall. Were there any changes made after the
17 meeting on January 22, 23, and whatever changes were agreed
18 to there and the report adopted by the Select Committee on
19 January 23rd?

20 Mr. Field. Yes. If I were to characterize them I would
21 say they were not many. There were perhaps half a dozen.
22 That would be my recollection. Generally speaking, it was
23 the type of thing where the committee would vote to delete a
24 footnote or would vote to delete a word. They were reason-
25 ably easily identifiable. I mention this only because that

1 Thursday copy becomes reasonably significant because it
2 wouldn't have been hard for somebody to go from a Thursday
3 copy --

4 Mr. Marshall. That is January 22nd?

5 Mr. Field. Right -- where there were a lot of changes
6 made. But once you had that version, if you did, to get to the
7 Friday version would not have been hard. You could probably
8 have talked to somebody who had been in the committee proceed-
9 ings that day and gotten a pretty good rundown. You could do
10 it by memory almost.

11 Mr. Marshall. Was Mr. Rogovin at this meeting on the
12 evening of January 22nd-23rd?

13 Mr. Field. I am not sure. I seem to recollect him com-
14 ing in at some point but even though I am under oath I wouldn't
15 want to swear to that.

16 One other important point about that I read in one of
17 the newspaper articles -- or maybe it was Mr. Bowers' opening
18 statement the CIA apparently said they didn't take that copy
19 with them. I find that rather incredible because the version
20 they would have come in --

21 Mr. Marshall. The 19th version?

22 Mr. Field. Yes, to conduct this negotiation, and where
23 we ended up later that night, the original versions would
24 have been, to be honest about it, worthless to them. I re-
25 member them discarding their version early on in the negotia-

1 tions and using one of our remaining copies to negotiate
2 from and make changes because they were talking from such a
3 completely different version when they started out it was just
4 hopeless.

5 Mr. Marshall. If the CIA took the copy of whatever was
6 agreed to on the evening of January 22-23 when you talked to
7 Mr. Rogovin on the evening of the 23rd did he give any reason
8 as to why he was requesting a copy of something the CIA al-
9 ready had?

10 Mr. Field. It was for official purposes. In other
11 words, the general tenor of the conversation -- he was quite
12 annoyed that we were being uncooperative in not giving them
13 an official final version so they can be sure -- I pointed
14 out there had been very few changes and I couldn't imagine
15 what purposes they needed a copy of that report on that Fri-
16 day night for, but for whatever purpose it would be they
17 had something that was close enough. Then there was this
18 sort of thing: We want a final complete corrected clean ver-
19 sion.

20 My problem with that was the CIA had no more need for
21 that. The reason we had given them a copy of the report in
22 the first place was so they could make comments on things they
23 claimed were sensitive and we said maybe they were not sensi-
24 tive. Once the committee had voted 9 to 4 to make that a
25 public report, that process was ended. There was not going to

1 be any further negotiation and there were not further negotia-
2 tions.

3 Mr. Marshall. Let me interrupt. When you say a vote
4 of 9 to 4 you are referring to January 23?

5 Mr. Field. That is right. After that, when Mr. Rogovin
6 called up, my response to him was there is no purpose in
7 having copies floating out in the executive branch. We are
8 concerned about it coming out of the executive branch. We
9 did not want it coming out earlier via the White House or
10 any other place. I spoke to him about it that night, had
11 quite a discussion with him about that.

12 Mr. Marshall. Have you read the version published in
13 the Village Voice on February 16 and February 23, 1976?

14 Mr. Field. I must admit I haven't read the whole thing
15 for two reasons. First of all, I read it and I have read it
16 enough and you can only read these things so many times.

17 Mr. Marshall. You say you wrote a lot of it. You are
18 referring not to authorship in the Village Voice but your
19 prior authorship?

20 Mr. Field. The words written there were often written
21 by me.

22 Mr. Marshall. The question is when. I take it that
23 was earlier work you had done. You are not a writer for the
24 Village Voice.

25 Mr. Field. Yes. The second reason, I was very dis-

1 couraged. I didn't buy a copy of the Village Voice, I never
2 have, and I never will. I was pretty discouraged.

3 Mr. Marshall. Based upon the part of the article or
4 articles that you read, were you able to form any judgment
5 as to which draft or which draft as amended or changed the
6 Village Voice had obtained?

7 Mr. Field. The staff worked at one point in analyzing
8 the Village Voice article and my recollection of the results
9 of that was that it appeared -- well, it was a strange draft,
10 to be honest. I think you have found the same thing. It had
11 some of the Friday changes in it.

12 Mr. Marshall. Excuse me. Friday? Are you talking
13 about January 23?

14 Mr. Field. Yes. This would be the last day we made
15 revisions. It had some of those changes in it which would
16 indicate it was a very late version of our committee's re-
17 port. But it didn't have all of the changes in it for Fri-
18 day. There were some missing pages which may not be signifi-
19 cant. It was probably passed around to the point where
20 pages could be missing. I understand from your report there
21 were two pages in your report that were not in the Village
22 Voice. But the most important thing from our point of view
23 was the changes were contained in the Village Voice.

24 Mr. Marshall. My question is, did you form a judgment
25 as to which draft appeared there?

1 Mr. Field. It looked like the late Thursday draft with
2 somebody adding in half of the Friday changes, that kind of
3 thing. It didn't strike me as anything we would have had at
4 the committee level because -- this goes back to the question
5 way back, why did I have confidence in the staff? At the
6 committee staff level I feel quite confident we kept accurate
7 copies. I know we did because it was our report that went to
8 press eventually. We had the ultimate responsibility and
9 we only had one or two copies. We kept them both up in case
10 we needed two copies for the printer. We had a copy and a
11 backup copy. Those were accurate. So when this appeared
12 and it was inaccurate I don't know of any way a staff-typed
13 copy could have been that way.

14 Mr. Marshall. The staff failed to make all of the changes
15 in particular copies. You have had such a conversation with
16 Congressman Treen, have you not?

17 Mr. Field. You would have to recite that conversation
18 to me. I am not sure what you are driving at. No, the staff
19 copies were accurate. Now, whether the members' copies were
20 accurate, I believe that is what you are referring to. That
21 is a different story. That depended on whether the member
22 got his copy to us in time to get that day's changes in it or
23 whether we had to go to his office or do it, that type of
24 thing. Our staff copies were accurate.

25 Mr. Marshall. Didn't you tell Congressman Treen there

1 were some instances where the staff had failed to get changes
2 to Select Committee members?

3 Mr. Field. That is to the members.

4 Mr. Marshall. Yes, sir. The staff had failed to get
5 some of the changes to the members.

6 Mr. Field. I was talking about the staff copies.

7 Mr. Marshall. I understand that. May I have an answer
8 to my question? There were instances where the staff had
9 failed to get changes to the Select Committee members?

10 Mr. Field. And/or the member had failed to get his
11 changes. We worked for the member. If he chose to take his
12 report home for the weekend, which I know Mr. Treen either
13 took his report or left it with us for a period of time, and
14 I believe in that context I pointed out to him he didn't have
15 all the changes.

16 Mr. Marshall. My question is for whatever reason, with-
17 out trying to assign fault one way or the other, there were
18 drafts in the possession of members which did not have all
19 of the committee changes; is that not correct?

20 Mr. Field. Yes, but let me elaborate on that.

21

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1 Mr. Marshall. All right.

2 Mr. Field. The changes that would not have been
3 in there would have been of a block nature. In other words,
4 either you got the Tuesday changes, let's say, or you
5 didn't, or you got the Wednesday changes or you didn't.
6 But this was a case in the Village Voice type situation where
7 you had half of the Friday changes.

8 Mr. Marshall. Didn't Mr. Treen challenge you about the
9 changes on Monday, January 26, and the fact that they had
10 not been made in some of the Members' drafts?

11 Mr. Field. Monday, the 26th?

12 Mr. Marshall. Yes. There were four specific changes
13 which had not been made in Members' drafts.

14 Mr. Field. Yes.

15 And I am not sure that doesn't get into executive
16 session type discussion.

17 Mr. Marshall. I am not asking for the substance.

18 Mr. Field. There was something unusual about those
19 changes, which I don't want to get into right now. And that
20 was a little different. That was not a routine change.
21 There had been a situation here where the staff had been told
22 to do certain things -- it is hard to explain -- and we were
23 waiting upon word from others before we did them.

24 Mr. Marshall. Let me interrupt there. We can go into
25 executive session.

1 Mr. Field. It was not an accidental missing of things
2 which the Friday Village Voice thing would have been. In
3 other words, the Friday Village Voice thing was not something
4 which would be an explanation for them being missing. Those
5 four, there was a different controversy.

6 Mr. Marshall. Did you at any time take a draft of
7 the Select Committee's report, beginning with the draft of
8 January 19, 1976, any changes up until then, after the report
9 was adopted on January 23, home with you?

10 Mr. Field. No.

11 Mr. Marshall. Did you at any time take any draft of the
12 Select Committee's report?

13 Mr. Field. No.

14 Mr. Marshall. Let me finish -- outside the committee's
15 space?

16 Mr. Field. I assume you would not count going to
17 hearings.

18 Mr. Marshall. No, sir, I mean other than going to
19 hearings.

20 Mr. Field. To the best of my knowledge, no, unless
21 I went up and visited one of the Members and took them
22 with me -- up to see Chairman Pike, for example. Short of
23 that kind of business, no, I did not.

24 Mr. Marshall. Was any draft ever delivered to you
25 at your home?

1 Mr. Field. Yes.

2 Mr. Marshall. All right. When was that?

3 Mr. Field. I'm not exactly sure. It was either on
4 Saturday or Sunday.

5 Mr. Marshall. The 24th or 25th of January, 1976?

6 Mr. Field. The 24th or 25th.

7 Mr. Marshall. Who delivered it?

8 Mr. Field. Bob Brauer.

9 Mr. Marshall. And what were the circumstances of that
10 delivery, insofar as they were known to you?

11 Mr. Field. As I recall, he called, he had been working
12 on Congressman Dellum's individual views, and he had finished
13 working with the report, and wanted to return it to the
14 committee. As I recall, the committee -- there was nobody
15 there.

16 Mr. Marshall. This is what Mr. Brauer told you?

17 Mr. Field. Yes, my recollection is that he told me he had
18 finished with it, and wanted to get it back to the committee,
19 that I told him I didn't believe anybody was at the committee,
20 that I was on my way down, that I would wait, if he
21 would bring it by the house, that I would take it down to the
22 committee and lock it up, which I did.

23 Mr. Marshall. This is a telephone conversation you had
24 with Mr. Brauer before he delivered the copy to you at your
25 home?

1 Mr. Field. That is correct.

2 Mr. Marshall. Did he give you any explanation as to the
3 urgency of calling you on a Saturday or Sunday, whichever it
4 was, about delivering the draft to you?

5 Mr. Field. I didn't get any feeling of urgency. I
6 think it was perfectly normal. He wanted to get it back
7 to the committee. And that was my recollection of that telephone
8 call.

9 Mr. Marshall. What did you do with the draft after you
10 received it from Mr. Brauer?

11 Mr. Field. I took it to the committee and locked it up.

12 Mr. Marshall. Did you ask Mr. Brauer if he had made
13 any copies, or if there were other copies outstanding of the
14 draft?

15 Mr. Field. No, I did not.

16 Mr. Marshall. Did he volunteer that information?

17 Mr. Field. No, he did not.

18 Mr. Marshall. Now, were there any other instances, to
19 your knowledge, where drafts of the Select Committee's report
20 were outside the Select Committee's spaces other than
21 those which had been distributed to Members, and to the
22 CIA, or the Executive Branch, as you testified.

23 Mr. Field. What do you mean other instances? He was
24 a member -- he was a staff -- I know of other staff people
25 who saw it. That was not an unusual circumstance.

1 Mr. Marshall. When you say who saw it, you mean who
2 saw it outside the Select Committee spaces?

3 Mr. Field. Yes. They wouldn't have seen it in our space,
4 no way.

5 Mr. Marshall. Who were they?

6 Mr. Field. I remember discussing it with Paul Ahern,
7 who works for Congressman McClory, and he had detailed knowledge
8 of the report, had obviously read it. I remember one of our
9 staff people telling me that Congressman Aspin's Press
10 Secretary had been reading it. Those are two instances. I
11 vaguely recall others, but not well enough that I would
12 want to --

13 Mr. Marshall. Now, turning your attention to --

14 Mr. Field. By the way, I also have spoken with people
15 who have friends in the White House, who have absolutely
16 nothing to do with intelligence, classified information,
17 personnel, and so forth, who read our report.

18 Mr. Marshall. Who were they?

19 Mr. Field. I will tell you in executive session.

20 Mr. Marshall. All right.

21 Turning to the Select Committee's procedures for
22 safeguarding sensitive or classified information, were there
23 any instructions or procedures or even customs adopted with re-
24 gard to trash --that is clippings or copies of documents,
25 which would be either classified or sensitive, and how that

1 trash was to be disposed of at the end of the working day,
2 or some other periodic time?

3 Mr. Field. Yes, we had numerous discussions of it,
4 talked with the CIA about it, talked with the House of
5 Representatives about it, many things.

6 Mr. Marshall. What were those procedures that you
7 actually adopted with regard to trash?

8 I am not interested about your lunch
9 trash. I am talking about classified documents trash.

10 Mr. Field. The main procedures in the first instance
11 was we just collected it, as I recall. We then obviously
12 began to accumulate a large amount of trash. We tried to
13 determine what prior committees had done, including committees
14 such as the Impeachment Committee, the Senate Watergate
15 Committee. We found that they had had very severe problems
16 locating an incinerator, which would be the best way to
17 get rid of it. We tried to find an incinerator. Eventually
18 we did locate an incinerator. I approved and spoke with the
19 Chairman about a procedure by which one of our staff
20 members would take this to an incinerator. We had a problem
21 with that later on. I know we got into extensive
22 discussions with the CIA, trying to get them to pick up our
23 trash, and take it away for us. And I honestly do not recall.
24 The upshot of that I believe we worked out an arrangement
25 with them. But you would really have to get into that with

1 other people.

2 Mr. Marshall. There is evidence before this committee
3 that trash which may have contained classified documents
4 was simply stuck out in the hall. Do you have any knowledge
5 of that?

6 Mr. Field. I have no knowledge of that. I would find
7 that very unusual, and I doubt it.

8 Mr. Marshall. Was there anyone on the committee staff
9 who had the responsibility for monitoring trash in the
10 committee's spaces to determine whether it should go into
11 a sensitive type procedure for destruction, or whether it
12 could be put into a common waste receptacle for destruction.

13 Mr. Field. I would say anybody that was in our library
14 and documents control section would have had that responsibility.

15 Mr. Marshall. My question is, was there anyone assigned
16 the specific responsibility?

17 Mr. Field. I would say they were all assigned that
18 responsibility.

19 Mr. Marshall. I don't mean to quarrel with you about
20 your answer.

21 Mr. Field. I really mean that.

22 Mr. Marshall. I am concerned that nobody had the
23 specific responsibility -- unless you can tell me that it
24 was Mr. or Mrs. so-and-so's responsibility to do it.

25 Mr. Field. I had the responsibility for security. I

1 would tell people who were in certain areas, such as the
2 people in the library area, that they were to do -- they were
3 to destroy the classified documents, if they were to
4 be destroyed. If there were specific documents to be destroyed,
5 to come to me for approval, as to whether they were to be
6 destroyed. We returned -- I believe we returned all of them.
7 We got into a big flap about this with the CIA. We had 75,000
8 documents that were classified, many of which were our
9 documents. And I believe we returned every one of them. So
10 when you talk of destroying classified documents, I do not
11 think we did.

12 Now, we occasionally had copies of things. I approve the
13 destruction of those. And it could be anyone of a number of
14 people.

15 Mr. Marshall. What was the procedure for destruction
16 of classified or copies of classified documents?

17 Mr. Field. We put it through the shredder.

18 Mr. Marshall. You put it through the shredder?

19 Mr. Field. Right.

20 Mr. Marshall. And were you the only one who had
21 the specific responsibility to see that that information was
22 put through the shredder, or did you delegate that to anyone
23 else on your staff?

24 Mr. Field. Somebody would come to me and say, is it
25 all right to destroy the copies of the material we had for

1 today's hearing? And I would say yes. And then the person
2 who had come to me and asked permission to do it would do it.

3 Mr. Marshall. Who was in charge of seeing that various
4 persons came to you when there was a decision to be made
5 about destruction of copies of classified documents?

6 Mr. Field. I was.

7 Mr. Marshall. To your knowledge, did any of the staff
8 members keep personal files in their desks containing classified
9 information?

10 Mr. Field. Yes.

11 Mr. Marshall. Did you take any steps to stop this
12 practice?

13 Mr. Field. The desks were all in a secure area.

14 Mr. Marshall. The question is: Did you take any steps
15 to stop this practice?

16 Mr. Field. I didn't stop it. I encouraged it. This was
17 a secure area. They obviously worked at their desks. I
18 don't know of a desk at the CIA or the FBI where people don't
19 work, have their documents, have their documents in files.
20 So I encouraged people to work at their desks. I am not
21 sure I follow what you are driving at.

22 Mr. Marshall. I'm sure you did. But I am talking about
23 storage of classified documents overnight. Were they
24 encouraged to store these documents in their desks overnight?

25 Mr. Field. I know that we had files elsewhere in the

1 committee .

2 Mr. Marshall. Excuse me just a moment.

3 Mr. Quillen. Mr. Chairman -- would the gentleman yield?

4 Mr. Field, did you, as Staff Director, deliver any of the
5 copies of any report to any members of the staff of the
6 Select Committee on Intelligence or the Committee on Intelligence
7 in the Senate?

8 Mr. Field. No, we did not.

9 Mr. Quillen. Did you work with members of that
10 committee during this hearing?

11 Mr. Field. We had contact with the staff.

12 Mr. Quillen. Not this hearing, but your hearing, the
13 operations of the Select Committee.

14 Mr. Field. Right. We had contact with them. We worked
15 primarily in the legislative area, as to proposals, that
16 kind of thing.

17 Mr. Quillen. But no copies of your report were delivered
18 to any staff member or anyone in the Senate?

19 Mr. Field. That is correct.

20 Mr. Quillen. Thank you, Mr. Chairman.

21 Mr. Foley. With the Committee's approval, we will
22 stay in session until the second bells ring.

23 You may proceed.

24 Mr. Marshall. Did you retain a gentleman named Mr. Herb
25 Brooks on the committee staff?

1 Mr. Field. Herb Brooks worked in the -- yes, Herb
2 Brooks worked in the Document Control Section. He had
3 25 years of experience with the CIA, and I notice that when
4 Mr. Bowers put together his report -- by the way, he said
5 there was a 24-year old girl who was in charge of security.
6 That is incorrect. I was in charge of security. She carried
7 out a number of functions related to security, so did Mr.
8 Brooks. Mr. Brooks probably carried out more functions with
9 respect to security than she did. And he had 25 years with
10 the CIA. And that really ought to be included.

11 Mr. Marshall. Did you rely heavily on Mr. Brooks'
12 experience in handling of classified information?

13 Mr. Field. No. I frankly was not impressed by the
14 experience of any CIA or FBI people I saw in handling
15 classified information. I think it is interesting that we
16 have subjected our committee staff to this microscopic
17 investigation -- and I'm frankly amazed at how little has come
18 out. My experience with the CIA was that they were incredibly
19 sloppy in handling classified documents. They would come
20 up to me in the hall with a courier, and he would hand me a
21 stack of things without ever asking who I was, and not knowing
22 me. Somebody would point down the hall, that is Mr. Field
23 down there -- and hand me a stack of things and off he would
24 go, often times without me signing for it.

25 Mr. Marshall. I am a little confused by your statement
that Mr. Brooks had 25 years of experience with the CIA,

1 and that ought to be enough for anyone, and your statement
2 that in your experience CIA 'doesn't know what it is doing
3 when it is doing when it is handling classified documents.

4 Mr. Field. I would not say it doesn't know what it is
5 doing. All I am saying is I do not think they possess any
6 particularly God-given greater ability at handling and
7 organizing information than we did. Our records were far
8 superior to theirs. When we returned documents, we had complete
9 records, extremely accurate, of everything we had.
10 We had every single one of 75,000 classified documents, and
11 we returned it to them. We had documents they did not even
12 know they had given us, that they had lost receipts. They
13 used to call us up and ask us --

14 Mr. Marshall. That opens another line of questions. Do
15 you know how you obtained documents that CIA did not know
16 they had given you?

17 Mr. Field. They found receipts. They had lost them.
18 They lost their records -- their records on the back of
19 envelopes. We were finding things for them constantly.
20 They would call us up and ask us whether we received something
21 because they lost records of it, and we knew.

22 Mr. Marshall. Do you recall instances with regard to
23 the Jackson memo?

24 Mr. Field. That raises another very interesting point.

25 Mr. Marshall. Let me see if I can ask you a question

1 first, before we get to that interesting point. Do you
2 recall the Jackson memo?

3 Does that trigger some meaning in your mind?

4 Mr. Field. Yes, it does.

5 Mr. Marshall. Was that not a specific instance where
6 the CIA at least took the position with your committee that
7 that memorandum had been taken out of their possession
8 or the information in it taken out of their possession
9 without their concurrence?

10 Mr. Field. We did not take the memo. We took the
11 information from the memo. We took the information from hundreds
12 and thousands of memos. They knew what we took, because
13 they sat there, and you can bet your bottom dollar they watched
14 every word we wrote down. They knew we had that. I read
15 in Mr. Bowers' statement here that I had wanted that memo
16 to be up front in the report or something. When I wrote
17 the draft of the report, I didn't even know we had that memo.
18 The only reason it got in late as a footnote was because
19 the Chairman asked where it was. I went down and found it,
20 read it. And put it in at his request.

21 This is used very conveniently as kind of an inuendo
22 that then it led off the two news stories, Daniel Schorr
23 and John Crewdson, and because I wanted it up front and they
24 had it up front maybe there is some relationship here.
25 I didn't know we had it. I don't know where Mr. Bowers

1 got that information, but I would appreciate if he is
2 going to make that kind of allegation, if when he interviewed
3 me he had simply asked me, "did you have an excessive interest
4 in the Jackson memo," and the answer would be no.

5 Mr. Field. I will let you complete your answer if you
6 wish.

7 Mr. Foley. The committee will at this point stand
8 in recess until 1:00 p.m.

9 Mr. Field, can you return at 1:00 p.m.?

10 Mr. Field. Yes, Mr. Chairman. I have an airplane back to
11 Connecticut this afternoon.

12 Mr. Foley. We hope to be able to finish your testimony
13 to accommodate that.

14 The committee will stand in recess until 1:00 p.m.
15 this afternoon.

16 (Whereupon, at 11:35 o'clock a.m., the committee
17 was recessed to reconvene at 1:00 o'clock p.m., the same
18 day.)

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AFTERNOON SESSION

1:30

Mills

Mr. Bennett (presiding): The committee will come to order.

We will reconvene on the note which we left off. I believe there was a statement in mid-air.

Mr. Field. Thank you, Mr. Chairman.

Mr. Chairman, Senator Weicker^{is} is here, and I had talked with Mr. Foley. Senator Weicker would like to make just a brief statement, if he could. If it is all right with the committee, I would like to invite him just to make a brief statement.

Mr. Bennett. With unanimous consent, it is agreed to.

We are glad to welcome our former colleague back.

Senator Weicker. Thank you very much, Mr. Chairman.

Mr. Marshall. May I inquire if I have the right to cross-examination?

Senator Weicker. Well, you can always try.

1 STATEMENT OF LOWELL P. WEICKER, JR., U. S. SENATOR
2 FROM THE STATE OF CONNECTICUT

3 Senator Weicker. Mr. Chairman, thank you very much, and
4 Members of your committee, for allowing me to say a few words.

5 I am here watching your proceedings, which I think are
6 very thoughtful, and very thorough.

7 Searl Field is not just an ex-employee of mine -- he is
8 now a constituent also, having bought a home in Mystic,
9 Connecticut.

10 I am not here in any way to involve myself in the merits
11 of the matter before you, but rather just to make several
12 comments as to this man.

13 He was my Assistant Counsel on the Watergate and did
14 an outstanding job. Searl is a person of enormous integrity,
15 and enormous ability. And very frankly, I think that as
16 an outsider, as to one who observed the proceedings over
17 here on the House side, and the work of that particular
18 committee, I think the committee did an outstanding job,
19 and did a tremendous service for the American people. And
20 I was very proud of the House of Representatives, as indeed
21 I have been over the years for the work done here.

22 But I know that what this town needs, very frankly, is
23 more Searl Fields. And believe me, when you go ahead and
24 lock horns with the establishment, they are going to close
25 the ring, and they always do. And the first ones to go ahead

1 and feel the crunch are the idealists, are those who refuse
2 to compromise, are those individuals of integrity. And I
3 want to make sure that we continue to attract the type of
4 people that have those qualities. Searl is one of them.

5 Very frankly, I offered to him a position back on my
6 staff, after he was through with his work over here in the
7 House. He chose not to accept, not on the basis that he
8 would not want to work for me, or he didn't feel the job was
9 worthy of his abilities, but very frankly, he was discouraged.
10 And I think that is bad.

11 As I say, if there is anything this country needs, and
12 this Capitol needs, it is courage, it is idealism, it is
13 the willingness to get the truth out. And if you are going
14 to go ahead and confront the Establishment, and I have done it,
15 believe me, they play rough.

16 But, you know, when it comes to a stand-up-and-be-counted
17 time, I will tell you where I want to stand, next to guys
18 like this.

19 That is really all I have to say. Thank you.

20 Mr. Bennett. Thank you very much.

21 I think really we would be better off if we went
22 to answer that roll call and came right back.

23 (Short voting recess.)

24

25

SD
Intell.
7-2-76
1:50

1 Mr. Foley. The Committee on Standards of Official Con-
2 duct will resume its sitting. The Chair wishes to explain,
3 unfortunately we had two votes seriatim which has taken the
4 time for members to respond and return.

5 Counsel.

6 Mr. Marshall. Do you wish to complete the answer that
7 you were in the middle of when we suspended or had you completed
8 your answer?

9 Mr. Field. I had one other point I wanted to make.
10 This was in reference to the Jackson memo which appeared in
11 the final report, and to go back to the issue of taking notes
12 at the CIA and the propriety of that, I would point out
13 that I would say most of our investigating was done via the
14 technique of sitting in a room where files would be brought
15 out and our investigator would take rather extensive notes
16 and would bring the notes back in. The fact is that the
17 CIA they eventually provided us with typewriters because some
18 of our investigators could type faster than write so it was
19 not unusual for us to take information from a memo that had
20 been made available to us and use those notes as part of our
21 investigation. I think that is helpful.

22 There is sort of an implication the Jackson memo was
23 purloined and that was very much part of our routine investi-
24 gative method.

25 Mr. Marshall. In your testimony this morning you men-

1 tioned there at one time were records kept by the Select
2 Committee staff concerning distribution of various drafts
3 of the Select Committee report?

4 Mr. Field. That is correct.

5 Mr. Marshall. Do you know where those records are now,
6 sir?

7 Mr. Field. I would assume they were with the committee
8 records which are -- I believe the Clerk of the House has
9 ultimate custody. I guess they are at the Archives.

10 Mr. Marshall. Were there logs showing distribution to
11 particular persons on particular dates of particular drafts?

12 Mr. Field. Yes. The word log is a word of art but
13 they were records. Identification of who had copies, how
14 many copies, that kind of thing. From time to time we would
15 turn them into reports. There would be a memo to me or the
16 Chairman saying this is the result of our latest --

17 Mr. Marshall. These were in existence at the time you
18 left your duties as staff director?

19 Mr. Field. I would presume they were. I can't guarantee.
20 The day I left I didn't go back to check to see if they were
21 still there. It is possible somebody, when there was no more
22 use for them, had destroyed them. But I would doubt it.

23 Mr. Marshall. Mr. Lehman, who was a member of the Se-
24 lect Committee, testified that he was unavailable to have
25 received his copy of the January 23 draft.

1 Mr. Field. That is correct.

2 Mr. Marshall. And that he attempted to obtain what he
3 referred to as his copy on January 24 the following day which
4 was a Saturday, by going by the Select Committee offices and
5 inquiring as to the whereabouts of that copy. He stated
6 although the staff made a search they were unable to pro-
7 duce his copy and that another copy was created on the spot,
8 as it were, and handed to him.

9 Were you aware that Congressman Lehman was unable to
10 find his copy when he went by the staff spaces on January 24
11 and, if so, was an investigation made to determine the where-
12 abouts of that copy?

13 Mr. Field. I would address myself to the use of the word
14 staff couldn't locate them. On that Saturday morning -- we
15 had been through a very intense week up until two or three
16 o'clock in the morning, night after night. The previous week-
17 end we had worked all weekend. That Saturday morning I
18 finally took off and went shopping. I don't think there were
19 maybe more than one or two people in the committee offices.
20 The fact the staff would not be in that morning would not be
21 surprising to me if one of the members went by and you didn't
22 have your complement of librarians and people who could lo-
23 cate these things and it did not come to my attention Mr. Leh-
24 man had had a problem with his copy. Come Monday I am sure it
25 was worked out. But if he had been given another copy, his

1 copy was then identified and so forth.

2 Mr. Marshall. My question is, do you know for a fact --
3 not whether you are sure -- that Mr. Lehman's copy, the copy
4 delivered to his office on the 23rd which he did not receive
5 and which he testified was then taken back to the Select
6 Committee spaces, was ever accounted for as to its whereabouts?

7 Mr. Field. As I testified, I don't recall the Lehman inci-
8 dent. I do recall the early part of that next week going
9 through checks of the copies and being satisfied that all
10 the copies were accounted for. So in a general sense my an-
11 swer would be yes, I do not recall the specific instance.

12 Mr. Marshall. You do not know where Mr. Lehman's copy
13 was at the time he attempted to locate it on January 24 spe-
14 cifically?

15 Mr. Field. No, although I wasn't in Saturday morning.

16 Mr. Marshall. Did you know Mr. Daniel Schorr before
17 undertaking your duties as staff director?

18 Mr. Field. I would want to be careful about the use of
19 the word know. I knew who he was.

20 Mr. Marshall. Had you ever met him?

21 Mr. Field. I watched television.

22 I don't recall whether I ever met him or not. I know
23 he had covered the Watergate hearings on the Senate side. I
24 had no dealings with him over there. We met at some point when
25 reporters were standing around on a break. I may have met

1 him. It didn't make enough impression for me to recall be-
2 ing introduced to him. I did not know him in any sense that
3 I would walk up to him and strike up a conversation or that he
4 would know me out of the blue.

5 Mr. Marshall. Did you from time to time while you were
6 staff director seek Mr. Schorr's advice or guidance as to how
7 the Select Committee should handle its dealings with the
8 press or deal with the question of leaks?

9 Mr. Field. Let me begin with another description of Mr.
10 Schorr.

11 Mr. Marshall. I hope you are going to end with an answer
12 to the question.

13 Mr. Field. I will. No question about it.

14 I did not have any relationship with him in that sense.
15 Let me put it in colloquial terms. I never had a drink with
16 Daniel Schorr, I never did anything socially with him, never
17 had dinner or even a cup of coffee with him. To the best of
18 my knowledge I have never entered into a conversation with
19 him outside of such as in this room where we held a great
20 many hearings where he might wander up to the table and ask
21 some questions or out in the hall, that type of thing when we
22 were walking out. So I did not have that kind of relation-
23 ship with him.

24 Now, what you are referring to is on New Year's Eve the
25 committee had come across what I considered a very serious

1 matter. The FBI -- we had uncovered what appeared to be a
2 kickback scandal in the FBI, a major scandal. The FBI obviously
3 was concerned about this. Just prior to New Year's Eve they
4 sent a number of agents out and attempted to intimidate one
5 of our witnesses. They had made up a statement for him to sign
6 recanting part of his testimony before our committee and ac-
7 cording to Mr. Kaiser who was the witness, had forced him to
8 sign it.

9 We were extremely concerned about this matter because the
10 treatment of our witnesses was a very important, very serious
11 problem. We developed information on that and I want to say
12 more about that and I am sure you want to talk more about
13 that.

14 I was quite concerned that the FBI was going to release
15 a publicity wash on us announcing to the public that one of
16 our key witnesses in that scandal had recanted some of his
17 testimony before the committee. I wanted to make sure that
18 the true facts were known before the FBI hit us with this
19 publicity.

20 After we had put the facts together I called Daniel
21 Schorr because it was New Year's Eve, to ask if they had a
22 news program that night because I was going to make some in-
23 formation available vis-a-vis the treatment of our witnesses,
24 nothing to do with the substance of our investigation, nothing
25 to do with our work product, strictly the procedures and the

1 treatment of our witnesses. I was not going to make it
2 available if there was not going to be any news in the news-
3 papers, anything like that. I didn't know how things oper-
4 ated on New Year's Eve. It is a very unusual day of the
5 year. I called to see if there was a newscast. I was not
6 asking for his views, I was asking for information. I got
7 the information. He said there was a newscast. I said,
8 Fine, thank you. We will have a packet of materials the com-
9 mittee will be making public, a letter to the Attorney General
10 of the United States, a public letter, and this will be avail-
11 able this afternoon.

12 That I hope answers your question did I call him. I
13 believe that is what you were referring to.

14 Mr. Marshall. Let me ask you this. To be completely
15 fair with you, I am not trying to trap you at all, but would
16 you say this to Mr. Shore in that telephone conversation:
17 "Look, I called Daniel Schorr, I get a lot of good advice from
18 Daniel Schorr. He has given me a lot of good advice and I
19 asked him what to do on this situation" -- meaning the situa-
20 tion that you have just testified to -- "and he said the best
21 thing to do is make a direct attack."

22 Will you comment on whether you made that statement or
23 words to that effect.

24 Mr. Field. I do not recall words to that effect. As I
25 have said, my recollection is that I called to find out if

1 there was a newscast, if this would be a good night to re-
2 lease some information that we were quite concerned about and
3 we wanted to make sure came out and got due attention so we
4 would not be caught in a crossfire with the FBI trying to
5 discredit our witnesses.

6 Mr. Marshall. Is this how newsmen happened to be in
7 the committee spaces later on on December 31, 1975, specifi-
8 cally Mr. Schorr, Mr. Jim Adams, Mr. Lawrence Stern, and per-
9 haps others?

10 Mr. Field. I would think that report, the materials we
11 put together on that, were distributed to the press in gen-
12 eral, to all press. They were supposed to be.

13 Mr. Marshall. Do you recall those persons being there
14 on that day?

15 Mr. Field. Yes. The instruction was this material was
16 to go to the press gallery. This was a public letter to the
17 Attorney General of the United States enclosing the facts
18 that we had developed from Mr. Kaiser, nothing from the work
19 product of our committee.

20 Mr. Marshall. Was a transcript shown to those reporters
21 on that day when they were there?

22 Mr. Field. A transcript relating to the events of the
23 treatment of one of our witnesses. It did not contain any
24 information related to the relationship between U.S. Reporting
25 and the FBI, related to the kickback scandal or any of the

1 targets of that investigation. It did not contain any of our
2 investigative work product. It contained strictly the inter-
3 view with Mr. Martin Kaiser, that he wanted to make sure for
4 the Attorney General's purposes he had an accurate and fac-
5 tual description from Mr. Kaiser's own mouth of how the FBI
6 had treated one of our witnesses.

7 Mr. Marshall. Was this meeting set up at your di-
8 cretion or someone else's direction?

9 Mr. Field. That was set up explicitly at my direction --
10 the meeting with Mr. Kaiser?

11 Mr. Marshall. The meeting with the newsmen later on that
12 day to receive the package you described?

13 Mr. Field. Yes.

14 Mr. Marshall. I want to make certain. Was that meet-
15 ing with the newsmen in the committee spaces set up at your
16 direction or someone else?

17 Mr. Field. Yes, at my direction.

18 Mr. Marshall. Were all newsmen invited or just selected
19 newsmen?

20 Mr. Field. I am going back in my recollection now. I
21 would say that the materials were to be distributed to all
22 newsmen, any newsmen who came by the committee and wanted to
23 know what these were and so forth would get a description of
24 them. As I recall, there was no major attempt to select out
25 newsmen.

1 Keep in mind there were obviously certain newsman who
2 covered us, typically AP, UPI, NBC, ABC; the large organiza-
3 tions would have somebody who would cover you constantly.
4 Those people obviously would be in line for an explicit de-
5 scription of exactly what it is we are saying here.

6 Mr. Marshall. Do you recall a conversation with Mr.
7 Oliphant concerning the New York Times article by Mr. Crewdson,
8 a copy of which has been previously exhibited to you during
9 the morning testimony, in which you told Mr. Oliphant the
10 following while walking back with him in the committee space:
11 "Boy, they really put a lot in the New York Times report."
12 That is what he said. You said, "Yes. I didn't think it was
13 so bad when I looked at page 1, but when I got to page 14 it
14 was terrible. You know I had to call the New York Times
15 and tell them not to print any more."

16 Then he said editorially, "Boy, you really feel like an
17 ass hole when you have to tell the New York Times to hold
18 your own story."

19 Did you make those statements to Mr. Oliphant?

20 Mr. Field. I never said it to Tim Oliphant.

21 Mr. Marshall. You never said it in the context of the
22 discussion of the New York Times --

23 Mr. Field. I never said I called the New York Times or
24 that I had told them to hold a story or that it would be dif-
25 ficult to hold a story of your own. That is an absolute lie.

1 Tim Oliphant is not a credible witness. He was not a good
2 investigator in the sense of his ability to get facts straight.
3 I had not been able to put him in charge of the investigation
4 which I had intended to because of his inability to be accur-
5 ate and to corroborate the charges that he used to make. I
6 had serious problems hiring him because his FBI report had
7 not been good.

8 Mr. Foley. I think if you are going to continue in
9 these particular remarks regarding the FBI report they should
10 be continued in executive session.

11 Mr. Field. I appreciate that, Mr. Chairman.

12 In general let me generalize, since Mr. Oliphant has
13 made a number of charges here, I think all I want to do
14 from the point of view of the record --

15 Mr. Marshall. I am not identifying Mr. Oliphant as
16 the source of information; I am simply asking you whether you
17 made those remarks. You deny them. If you wish to make com-
18 ments about Mr. Oliphant I think under the rules of the House
19 we must go into executive session and I will give you an op-
20 portunity to make such a statement in executive session.

21 Mr. Field. The only problem I have now is you have put
22 in a statement by him that is very damaging to me. I must be
23 able to respond to that kind of thing and be able to defend
24 my position and I only want to point out that Tim Oliphant was
25 a disgruntled employee.

1 Mr. Bennett. I think the attorney said Mr. Oliphant
2 has not been identified as the man who said that.

3 Mr. Marshall. I did not identify Mr. Oliphant as the
4 source of the information.

5 Mr. Field. I didn't say it and obviously I don't know
6 who else could --

7 Mr. Marshall. Let's go on to this. Are you familiar
8 with the practice in Washington of distributing advance cop-
9 ies of rather lengthy reports or reports that may require some
10 analysis to newsmen in advance of the date they are actually
11 released?

12 Mr. Field. Yes.

13 Mr. Marshall. Was that practice ever followed by the
14 Select Committee on Intelligence to your knowledge or by any
15 member of the staff?

16 Mr. Field. I don't recall. The only document I would
17 know of, the final report. We have the instances where we
18 were subpoenaing Dr. Kissinger and holding him in contempt.
19 We have reports on that. I don't believe any of those were
20 released ahead of time.

21 Mr. Marshall. I want to clear up your last answer be-
22 cause there may be an interpretation that you do not wish to
23 give. Let me ask you specifically, did the Select Committee
24 or any member of its staff to your knowledge distribute ad-
25 vance copies, as we are using that phrase, to any member of

1 the media or to any member outside the Select Committee?

2 Mr. Field. Of the final report?

3 Mr. Marshall. Of the final report or the January 19 draft
4 or any change in between or afterwards.

5 Mr. Field. Not to my knowledge. Unless you want to call
6 Congressman Aspin's lending of the report to the CIA a dis-
7 tribution of an advance copy.

8 Mr. Marshall. Any other besides whatever the facts may
9 be on that?

10 Mr. Field. No. I know of no other.

11 Mr. Marshall. You made no such advance distribution, as
12 we are using that term?

13 Mr. Field. Absolutely not. As a matter of fact, as
14 you know from Mr. Aspin's testimony, I steadfastly refused
15 that.

16 Mr. Marshall. When the Select Committee on Intelligence
17 adopted its final report on January 23, 1976, was it your
18 belief that that report was going to be made public? I am
19 talking about on January 23.

20 Mr. Field. Yes.

21 Mr. Marshall. I take it it was a surprise to you when
22 the House voted on January 29 that the report was not to be
23 made public?

24 Mr. Field. There were intervening events.

25 Mr. Marshall. Would you like to elaborate?

1 Mr. Field. On Friday when you had the 9-to-4 vote,
2 this became the report of the committee, clearly there was
3 an anticipation this would be some day a public report. At
4 that time there was no inkling that the House would act --
5 as you gentlemen all know, the committee report would have
6 become a public report simply by the Chairman putting it in
7 the hopper, filed with the Clerk. The only way something
8 could have been intervened, if for some reason the House had
9 an opportunity to vote on some aspect of this. We saw no
10 prospect of that until I believe on Tuesday when Chairman
11 Pike had gone to the floor and asked for a unanimous consent of
12 one day extension of the life of the committee.

13 Mr. Foley. Would you identify the date?

14 Mr. Field. Tuesday the 27th.

15 So the minority members of individual views could
16 have five days for them to be written and attached to the re-
17 port. The House was not going to be in session on Friday so
18 we had to get a resolution on the floor of the House to allow
19 us to file on Friday instead of on Thursday when the House
20 would be in session. When he didn't get unanimous consent
21 on the floor, we then were faced with the prospect that we
22 would have to go to the Rules Committee and get a rule. It
23 was only at that point that an opportunity became available
24 to the House to do something which would otherwise interrupt
25 the normal flow of publication of this report.

1 As you know, on Wednesday we went to the Rules Committee,
2 an amendment was attached to our extension which suppressed
3 the report. The point is between Friday and Tuesday I don't
4 think there was any inkling on our part that this would not
5 become public. We obviously did not want it to be public
6 until Friday. We didn't have our printed copies until Fri-
7 day.

8 Mr. Marshall. Mr. Daniel Schorr has stated in an article
9 in Rolling Stone on April 8, 1976, that he had possession of
10 a draft of the Select Committee report of January 25, 1976.
11 Did you give this report or a draft of any part of the report
12 or a part of the text to Mr. Schorr?

13 Mr. Field. I am glad you asked that question.

14 (Laughter.)

15 I waited for three hours and I wondered when somebody
16 was going to ask what I see to be the critical question here.

17 Mr. Marshall. Would you answer it?

18 Mr. Field. Yes. I did not give a copy of the report
19 to Daniel Schorr, I did not give him a part of the copy of
20 the report, I did not brief him on the report, I do not know
21 who did it. I do not know who gave him a copy of it. I have
22 no facts or evidence which would relate to the giving of the
23 report to Daniel Schorr.

24 Mr. Marshall. I take it from your added answer you know
25 of no one who did give the report or a part of it to Mr. Schorr?

1 Mr. Field. No, I do not.

2 Mr. Marshall. Do you have any knowledge whatsoever of
3 the circumstances surrounding the publication of the Select
4 Committee report in the Village Voice or any part of the re-
5 port that was published in the Village Voice on February 16,
6 1976?

7 Mr. Field. No. Just two comments. Let me go back to
8 the Rolling Stone thing. There is sort of a presumption here
9 that is accurate and what appears in the Rolling Stone is the
10 gospel as to when Daniel Schorr got the report. Maybe I am
11 a little more skeptical but I don't tend to believe every-
12 thing in the Rolling Stone. I haven't read the Rolling Stone
13 articles but it strikes me very strange that kind of infor-
14 mation would be coming out in that form.

15 I throw that element of skepticism on my part. I am
16 not all that believing as to timing.

17 Mr. Marshall. I really don't want to cut you off. I
18 want to be completely fair to allow you to put on the record
19 what you deem relevant but I would like to request an answer
20 to my question. Do you have any knowledge whatever as to the
21 circumstances surrounding the publication of the report or
22 any part of the report in the Village Voice?

23 Mr. Field. I began the answer with no.

24 Mr. Marshall. Who has any knowledge of the circumstances
25 surrounding the publication?

1 Mr. Field. I would suspect the people at the Village
2 Voice and the attorney who handled it and Daniel Schorr.
3 Beyond them I have no knowledge.

4 Mr. Marshall. Did you give the report of the Select
5 Committee on Intelligence or any draft of the report or any
6 part of the draft of the report to anyone outside the Select
7 Committee on Intelligence?

8 Mr. Field. Yes, to Mitchell Rogovin, to Martin Packman.

9 Mr. Marshall. Excuse me. Did you give the report to
10 Mr. Rogovin? I thought your testimony was you refused to let
11 him have it?

12 Mr. Field. This was the initial draft.

13 Mr. Marshall. Is there anyone else that you gave a
14 draft of the Select Committee report?

15 Mr. Field. No. Certainly no unauthorized person. There
16 may be somebody like Mr. Packman or Semour Goldman of the CIA
17 but nobody outside of CIA, State Department and members of
18 the committee.

19 Mr. Marshall. Members of the Select Committee?

20 Mr. Field. That is right.

21 Mr. Marshall. Do you know of anyone who did?

22 Mr. Field. No, I don't.

23 Mr. Marshall. Mr. Chairman, I think this concludes my
24 public session.

25 Mr. Foley. Very well.

1 Do any of the members have questions they would like to
2 ask at this time? It is the intention of the Chair to re-
3 ceive a motion to resolve the committee into executive ses-
4 sion.

5 Mr. Bennett. I could ask in closed session but if I
6 could ask one or two questions in open --

7 Mr. Foley. Mr. Bennett.

8 Mr. Bennett. You testified earlier about the Italian
9 copy. Did you identify the date on that copy?

10 Mr. Field. I have not, although searching back through
11 my recollection it was after that Monday or Tuesday. As I
12 seem to recall, it was late in the week of the 26th. It would
13 have been sometime around Wednesday or Thursday.

14 Mr. Bennett. You never saw the contents of that?

15 Mr. Field. I read the article. It was a front-page
16 article in the New York Times.

17 Mr. Bennett. Could you identify what version it might
18 be?

19 Mr. Field. Version of the report?

20 Mr. Bennett. Yes. You said the 19th or the 23rd.

21 Mr. Field. It appeared to be the final, the 23rd-24th
22 version.

23 Mr. Bennett. What is the earliest date that can be at-
24 tributed to the Schorr copy on the basis of its content?

25 Mr. Field. I would say that really couldn't have been

1 before Thursday, the 23rd or 22nd, because there were a large
2 number of changes made on Thursday. It would have been very
3 difficult for somebody to have incorporated them via some
4 other means other than getting the actual report.

5 Mr. Bennett. Earlier in your testimony you said you
6 didn't identify any secret information being released in the
7 report or didn't identify any secret information going out
8 from the committee, but didn't the report contain secret in-
9 formation?

10 Mr. Field. This is a complicated area. My answer would
11 be this, that we did not have the authority to classify in-
12 formation. What we did was as the congressional equivalent
13 we had a procedure for treating it as executive session ma-
14 terial with rules which we felt were simply rules which would
15 be known in the executive branch as secret material. We
16 treated the report as executive session material. When the
17 committee voted 9 to 4 to release it, the committee voted not
18 to keep it as executive session material any longer.

19 Now, whether at that point what had been executive ses-
20 sion material became declassified in the executive branch
21 sense, is an issue, as you know, has gone to the floor to the
22 House. I believe the House has expressed its opinion they do
23 not feel that was a proper analogy, in other words that the
24 releasing of it from executive session thereby declassified
25 it in the sense as we know the words.

1 That was an issue that went to the floor. As staff di-
2 rector and at the staff level we didn't really get into that
3 philosophical debate too much and I would prefer to leave
4 that to the members of Congress who have to decide as to whe-
5 ther Congress can declassify information.

6 Our committee I think felt -- I know -- that they had
7 declassified it by voting it out of executive session. Now,
8 the House to some degree disagreed with that. I would just
9 as soon stay out of that.

10 Mr. Bennett. I understand the confusion about it be-
11 cause I think it led to most of the problem the committee was
12 confronted with but I think the difficulty is apparently the
13 committee from the testimony we have so far had, at least
14 the committee staff and probably the committee itself, felt
15 not just that Congress could declassify -- which obviously
16 it can, because it makes the laws of the country and it can
17 make a law to declassify anything it wants to -- but appar-
18 ently the committee and its staff felt a member of Congress
19 could declassify or a committee of Congress.

20 That is a concept which I have never heard urged by any-
21 body in all of my years in the government.

22 Normally the procedure is that when something is classi-
23 fied it can't be paraphrased or can't be lifted and put in some
24 other paper without carrying the same classification. When
25 you say that Congress couldn't classify it, it is my under-

1 standing that everybody who has secret information has to
2 allow that classification to continue in anything that it uses
3 the material in.

4 I realize the statutes are a little fuzzy on the sub-
5 ject and the regulations are, but that has always been my
6 opinion and apparently it was not shared by the committee or
7 its staff. Is that correct?

8 Mr. Field. The committee very clearly felt it had the
9 authority to treat the material as it saw fit through its
10 vote. If it felt it was not classified they could vote it
11 and say we are not treating this any longer as classified
12 material.

13 The staff I think simply followed the committee on this.
14 We did what the committee decided. If the committee said
15 we are voting it out of executive session, we feel it is ap-
16 propriate to publish the report in five days, as staff direc-
17 tor I wasn't going to sit there and say no. I worked for the
18 committee. When they made a decision like that, obviously we
19 abided by it.

20 Mr. Bennett. Did anybody in the staff ever consider
21 pointing out to the committee that the way things were going
22 the committee was going to declassify before Congress ever
23 had a chance to see whether it ought to be declassified or
24 not?

25 Mr. Field. I didn't think we had to point out to the com-

1 mittee that some of the material in there had come from
2 classified documents. They certainly knew. As we went
3 through the report really for hundreds of hours with the com-
4 mittee -- many, many hours -- we would tell them exactly where
5 each quote had come from, what the nature of it was, the pros
6 and cons of it, the CIA's objections and thoughts. So the
7 committee was thoroughly apprised. That we felt was our
8 duty, to let them know exactly what the facts were.

9 What the committee decided we abided by.

10 Mr. Bennett. In retrospect you realize, however, you
11 presented Congress with the necessity of voting on whether
12 or not they would release a report which had secret informa-
13 tion in it without Congress ever having an opportunity to
14 study it by the procedures by which you presented it to the
15 floor?

16 Mr. Field. I would say first of all, you say you presented
17 Congress --

18 Mr. Bennett. I mean the committee. In retrospect you
19 can say the committee presented to Congress a report which
20 they had to either make secret right then, knowing it had
21 secret information in it, or had to expose without ever know-
22 ing what the contents of it was?

23 Mr. Field. The Congress had appointed this committee
24 to represent it and this committee as representatives of the
25 Congress had not only read it but had read it in minute detail

1 with extensive reporting of every single item that could be
2 controversial in the respect of secret or not secret. I
3 think it is something of an overstatement to say that the
4 Congress had not read it. This committee had read it, had
5 read it extensively and voted 9 to 4 with a bipartisan vote.

6 Mr. Bennett. But analogously, I meet almost every day
7 in a committee which has secret material and we report to Con-
8 gress as we must on that legislation, and we never put in the
9 report anything that is secret and we have the same direction
10 that your committee has. But I assume from the leadership
11 you had in the committee, assume because the committee was
12 appointed and because it was going to look at secret informa-
13 tion, it had a right to declassify it in a report which
14 Congress itself would never have an opportunity to read al-
15 though it knew it had secret information in it. That is an
16 astounding conclusion. It is astounding to me you would ever
17 come to this conclusion.

18 Did you ever think about asking that the committee have
19 the advice of people who handled secret material to tell you
20 how it should be handled?

21 Mr. Field. If I could back up just a minute, this whole
22 issue of whether we felt we had the authority and so forth I
23 really think is better directed to the members of the comit-
24 tee. I did not get into the philosophical debate on this too
25 much.

1 Mr. Bennett. I asked you the same thing.

2 Mr. Field. I am not here to second guess their votes
3 and their positions on this type of issue.

4 Yes, we sought advice on the alternative ways, and we
5 did present them to the committee. For instance, we could
6 have had a classified report and an unclassified one -- we
7 couldn't classify it; we could have had an executive session
8 report.

9 Mr. Bennett. I think the people who handled secret ma-
10 terial would have told you to stamp it secret. This leads
11 me to the last question I want to ask you and that is: You
12 have expressed concern about the fact that this material was
13 leaked but you have given me the impression that you are more
14 concerned and were more concerned about the fact that the
15 committee was embarrassed in its competition with the execu-
16 tive branch than you were concerned about the fact that secret
17 material might fall in the hands of our enemies.

18 I can understand how you might have that conclusion if
19 your guidelines were that you could just declassify at will
20 and any member can declassify anything it wants to and a com-
21 mittee assigned to handle material can just put it into a
22 report and that is the end of declassification, which, I as-
23 sure you, that is not the ordinary way Congress operates.

24 They handled such matters every day. I just came from a
25 CIA subcommittee myself that met today. So that material was

1 viable. We will have a report eventually but it won't have
2 secret material in the report.

3 In retrospect, do you think maybe more thought should
4 have been given to that aspect of revealing secret material?

5 Mr. Field. There is a bit of a misconception perhaps
6 as to how we went about this. You say we thought we could de-
7 classify at will and it creates the feeling of a cavalier
8 attitude about declassifying. We put an enormous amount of
9 effort in trying to determine whether or not some things re-
10 main in the report or not. We debated it, we voted, con-
11 stantly we passed on the advice of the best people in the
12 United States of America to the members of our committee as
13 to what the various positions were as to each piece that we
14 considered.

15 I suspect we put more thought and heartache and effort
16 into it. We took out hundreds if not thousands of things in
17 the report as a result of our deliberations, discussions. On
18 the other hand, let's not kid ourselves about what goes on
19 in the executive branch and set up a straw man. There is this
20 magnificent system downtown of declassifying. I recall one
21 day when we had one document we wanted to declassify that
22 was almost 700 pages, and the CIA declassified it for us in
23 about ten minutes.

24 The people I was negotiating with on the declassifica-
25 tion had been on the job, had been employed by the CIA far

1 less time than I had been employed working on the investi-
2 gation from our end. There was not 25 years' experience on
3 the part of the fellow who was sitting right there and had
4 the authority to immediately say that is fine, that can go in
5 the report.

6 I am not trying to create the impression I take a casual
7 attitude toward this but let's not paint the picture of Con-
8 gress as just flipping this around -- let's print the whole
9 thing.

10 We carefully considered it. I think we put in a more
11 sincere and hard and difficult effort than I have ever seen
12 in the executive branch declassification.

13 Mr. Bennett. I am of the opinion what you say, you
14 are saying from your heart and the way you feel about it. I
15 just don't quite understand how you come to the conclusion
16 that the Congress which has the power to make law and has the
17 power to say who is to classify and who doesn't declassify
18 has delegated to a committee or an individual in Congress the
19 right to declassify something. It seems to me it is up to
20 Congress to pass better laws with regard to classification
21 and declassification, not to abuse the rules and regulations
22 we have now and to abuse what we now have is what disturbs me
23 about this.

24 I think if I had been on the staff my major disturbance
25 I think would be not that the fact that the committee would

1 be embarrassed -- committees of Congress are hardly ever
2 very popular -- but more the fact that something might be
3 released that would hurt the country, and I have yet to have
4 heard that said as a major thing coming from anybody on the
5 committee. I have never heard any congressman or member of
6 the staff say, "I was really concerned that information harm-
7 ful to our country could be released." It is always "The
8 committee might be embarrassed." There is no reason to be
9 embarrassed. When you are a giant -- and Congress is a giant
10 -- and Congress in this matter is not making adequate laws
11 for the preservation of security. It can make laws, it can
12 say a congressman can declassify it, can say that a committee
13 of Congress can declassify. It said none of it.

14 It allowed the executive branch; and the fault is not the
15 fault of the executive branch; the fault is of Congress in
16 not making rules and regulations with regard to classification
17 and declassification.

18 To sum up, the thing that disturbs me most about this
19 is the committee is more disturbed about the fact the commit-
20 tee was embarrassed by the leaks than it was as a matter of
21 not controlling the materials in the processes of legisla-
22 tion and reporting than it was about leaks that might be
23 hurtful to the country.

24 Mr. Field. Mr. Bennett, in response, I think the reason
25 you may have that impression -- there may be a good reason for

1 it -- is that by the time you are down to the point of the
2 committee voting on its report we had already shown our con-
3 cern for secrets that might hurt the nation by spending, as
4 I say, many, many hours. On the staff we worked until five
5 o'clock in the afternoon with the committee and then would
6 go into the session with the CIA, FBI, State Department, until
7 two or three in the morning. We had been doing this for months
8 not until two or three in the morning but had been talking to
9 them. We had shown our concern that way.

10 By the time we came down there we were confident that
11 we had resolved that issue, that we had through enormous ef-
12 fort and through many hours and our expression of concern
13 through those meetings, through gathering that information,
14 making an honest effort to report on that, believe me, we
15 spent more time on assuring there was nothing in there that
16 would hurt this country than we did on anything else in this
17 investigation.

18 I also want to make a point. I am not a screaming radical
19 liberal. I am not here to destroy the United States. I am a
20 citizen of this country.

21 Mr. Bennett. Nobody has accused that of you, certainly.

22 Mr. Field. My grandfather was the chief of the state
23 police. I am not some kind of SDS. To imply that I would
24 not care if there was something in that report that could in
25 any way harm my country --

1 Mr. Bennett. Sir, to be very frank with you, nobody
2 has given me the impression at the hearings they were more
3 concerned about whether or not some secret material might
4 be released that would be damaging to my country; that they
5 were more concerned about that than they were about the em-
6 barrasment with the committee. Nobody has given me that im-
7 pression. Maybe I am getting that impression from you now.
8 Are you more concerned about that?

9 Mr. Field. Absolutely. We were extremely concerned
10 and that was why we spent so much time with the CIA and the
11 various other agencies making sure that nothing that came
12 out in that report would be beneficial to anybody else, any
13 other country.

14 Mr. Bennett. To summarize for you, I think you are
15 saying the reason why you are not so concerned now is because
16 you feel that you have done such an excellent job in keeping
17 from the public anything that would be damaging to our coun-
18 try; is that it?

19 Mr. Field. Yes, I was satisfied with the process we
20 had gone through with the CIA. I could reveal in executive
21 session the kinds of things that were left in the report that
22 were not settled by negotiations, and I think if you were to
23 take the time, you would see there were more politcal consider-
24 ations in their objections that were left than there were gen-
25 uine what I call national security objections.

1 This is a judgment. It takes time to explain these
2 things.

3 Mr. Quie. Mr. Chairman.

4 Mr. Foley. Mr. Spence, do you have any questions?

5 Mr. Spence. I yield to Mr. Quie.

6 Mr. Quie. Are you going to go down the line? I just
7 had one question I wanted to ask before we go into executive
8 session.

9 Just one thing because I expect we will go into execu-
10 tive session and Mr. Marshall is going to proceed with ques-
11 tioning.

12 In order to get this whole picture clear in my mind, on
13 January 19, Mr. Field, you indicated that was the first time
14 the report was made available to the members and Chairman
15 Pike.

16 Mr. Field. Yes.

17 Mr. Quie. When was the report put in a folder, or what-
18 ever it is, ready for them?

19 Mr. Field. It was right about the same time. You are
20 talking a question of hours. Sometime during the night of the
21 18th to the 19th. I would say about four o'clock in the
22 morning.

23 Mr. Quie. The staff was working Saturday, Sunday and
24 into Sunday night?

25 Mr. Field. Yes.

1 Mr. Quie. That is my question.

2 Mr. Foley. Mr. Spence.

3 Mr. Spence. Just a few short ones, Mr. Chairman.

4 In the area of security of the copies of the drafts of
5 the documents that were passed out. You said you didn't num-
6 ber these documents but you still had a good record of who
7 had what and you could tell where all the copies were. What
8 if someone would have called up and said they found a copy
9 of this report on a bus downtown somewhere without any number
10 on it or anything; how could you have told whose copy it was
11 without canvassing all members?

12 Mr. Field. That is what we would have done, going
13 to the people who we knew had copies and ask them if they still
14 had copies.

15 Mr. Spence. Mr. Lehman's copy he never yet has found
16 and you gave him another copy. Did you have two copies
17 charged out to him with no numbers?

18 Mr. Field. There may be a slight misconception. When
19 he says he had his copy --

20 Mr. Spence. Working copy, marginal notes and so forth.

21 Mr. Field. We didn't necessarily treat it as his copy.
22 If, for instance, the changes we introduced into the copy were
23 made and we inserted the new pages and took out the old ones,
24 we may say that is a copy we now have in the committee. If
25 Mr. Kasten came down and said -- let's say we had Mr. Kasten

1 and Mr. Lehman's at the same time. We would get Mr. Lehman's
2 updated and there are no apparent notes in the margin that
3 would be of value to him. Mr. Kasten's isn't done yet. We
4 might give Mr. Lehman's copy to Mr. Kasten. The record is
5 he now has a copy and Mr. Lehman does not yet.

6 Mr. Spence. You said the staff had six copies and two
7 because some people didn't bring theirs. Each time you gave
8 a copy did you make them sign for it and they would say, "I
9 received this date copy No. 6" or just a copy?

10 Mr. Field. Just a copy. We would keep a record of the
11 fact they received a copy.

12 Mr. Spence. And they may have two copies?

13 Mr. Field. Yes. Some members did.

14 Mr. Spence. Do you have any way of recording or keep-
15 ing a record of the people who made copies of pages on the
16 Xerox machine?

17 Mr. Field. I am not sure I follow.

18 Mr. Spence. You had a Xerox machine there?

19 Mr. Field. Yes.

20 Mr. Spence. People would take parts of it and Xerox
21 pages and take that all with them. Was there anyone there to
22 log out Mr. so-and-so made a copy of pages 34 and 35?

23 Mr. Field. We did that for them. We would take the
24 report and we would take it down and take out the pages that
25 were to be replaced and put in it the new page which we had

1 Xeroxed. Our people were responsible for that. That was in
2 a secure area.

3 Mr. Spence. They logged that in the log?

4 Mr. Field. There would be no reason to log that.

5 Mr. Spence. I am talking about extra pages, valid
6 pages, not corrections, and I want these two pages to Xerox.

7 Mr. Field. I don't believe we ever made up extra pages
8 so somebody could take, say, page 73 with him. We only made
9 it up if there was to be a correction. We would put in the
10 new one, take out the old one and destroy it.

11 Mr. Spence. Could a member go in and make his own copy?

12 Mr. Field. No. As a matter of fact, one of the members
13 came in and wanted to take a look at the report, and to show
14 you the kind of security we had, one of our staff ladies took
15 the report from him and when he got angry she sat with it in
16 the ladies' room until he went away.

17 Mr. Spence. You talked about a January 22 meeting
18 with people from the CIA, that they took a copy home that
19 night. Did they have to sign for it?

20 Mr. Field. No. I had a record of that and informed
21 the person who was keeping records -- not the CIA. The State
22 Department person I gave the copy to, I informed the person
23 that night she was there that I had given a copy to the State
24 Department.

25 Mr. Spence. You said some other people told you the CIA

1 took it?

2 Mr. Field. Yes. They didn't sign for it; our record
3 shows they took a copy.

4 Mr. Spence. Does your record today show that CIA took
5 a copy home that night?

6 Mr. Field. We would have to go back to the records.

7 Mr. Spence. You testified earlier that people told you.

8 Mr. Field. It is my recollection.

9 Mr. Spence. Other than word of mouth can you verify:
10 something by your logs?

11 Mr. Field. The only way to verify would be to go back
12 to the records.

13 Mr. Spence. You have something like 70,000-odd classi-
14 fied documents, I guess, from CIA, DOD, and different people,
15 I suppose. Did you return all of these? Has it ever been
16 agreed on the date by CIA and you and your committee they have
17 all been returned?

18 Mr. Field. I am confident in saying under oath that we
19 returned every single document. They initially said there was
20 a discrepancy of 280 or something like that. Out there we
21 spent literally half an hour, hour and a half, something like
22 that, and by going back to our records immediately pointed
23 out to them 190, some of them, or something like that. That
24 was five o'clock at night. At that time we called the Chair-
25 man and he said this is just a sham.

1 Mr. Spence. If someone from CIA said, "Document 430,"
2 and you say "Here it is" and check it offhand, go down a
3 list? How did you do it?

4 Mr. Field. They had a list of what they had given us.
5 They had a list of what we returned. We showed in about half
6 the cases where they said they had given us something they
7 hadn't, and we could prove it. When they went back and
8 checked further and went down and looked in other rooms, they
9 would find, sure enough, they had made a mistake. I don't
10 mean to sound like I am bad mouthing the CIA but their rec-
11 ords were not good. Our records were far superior.

12 Mr. Foley. Mr. Hutchinson.

13 Mr. Hutchinson. No questions.

14 Mr. Foley. Mr. Quie.

15 Mr. Quie. No.

16 Mr. Foley. Mr. Mitchell.

17 Mr. Mitchell. Thank you, Mr. Chairman. -

18 In your efforts to stop leaks did you at any time ask
19 anyone if they were divulging information that shouldn't be
20 let out? Did you query one person?

21 Mr. Field. Yes.

22 Mr. Mitchell. Who?

23 Mr. Field. I throughout the investigation would --
24 this came up a number of times and I would ask the staff, I
25 would ask them in meetings, I would ask them individually. I

1 probably asked all the staff at some point or other whether
2 they had some relationship with newsmen. We had meetings
3 where I would lay down the law, where anybody caught talking
4 to a reporter would be fired. This would be the one thing
5 that would destroy the committee. We had experience in this
6 from Watergate. The common tactic is to evade the issues,
7 evade the facts. If something would appear in the Newsweek
8 that could have been from our committee I would oftentimes
9 go down and ask those working on that issue, "Did anybody
10 talk to you from Newsweek? Do you know anybody who did?
11 Does this look like it came from your materials?"

12 Mr. Mitchell. I am confused about accountability. You
13 stated on several occasions that you had maintained accurate
14 records of distribution of reports and I am sure you are
15 familiar with what Mr. Bowers says as a result of his investi-
16 gation. On page 11 he quotes the staff as saying there was
17 a rush, it was extremely disorganized. Another staff on
18 page 12 as saying we lost control as soon as they started
19 discussing the report.

20 I am going to read Mr. Bowers' statement and I would like
21 to have you tell me which parts of it you feel are inaccur-
22 ate. This is what Mr. Bowers had to say: "It was so dis-
23 organized that those in charge could not recall who made the
24 deliveries to which offices."

25 Is that correct?

1 Mr. Field. You are now getting back six, eight months
2 but I could probably tell you a pretty good job of who dis-
3 tributed to what office.

4 Mr. Mitchell. Would you, please?

5 Mr. Field. I know that Roger Carroll delivered some
6 of the copies.

7 Mr. Mitchell. To whose office? Would you rather refer
8 to your record you are talking about?

9 Mr. Field. One of my problems is all of our records are
10 locked up in the Archives. We have no access to them. You
11 are asking me questions under oath without my being able to
12 refer to my notes and records and it is a little unfair. I
13 can only say to my recollection at the time we knew full well.
14 We knew which offices Carroll was going to.

15 Mr. Mitchell. And the time the deliveries were made?
16 That would be part of your record you referred to?

17 Mr. Field. I would like to know who is saying this.

18 Mr. Mitchell. This is Mr. Bowers' conclusion. What I
19 am asking you for is where you disagree with Mr. Bowers'
20 statement.

21 Mr. Field. I disagree with him on that point.

22 Mr. Mitchell. So you do feel you knew not only who
23 made the deliveries to which office and the records will
24 probably show this, you also knew the time they were made?

25 Mr. Field. They were all made a little after 12 Monday

1 morning.

2 Mr. Mitchell. Mr. Bowers also says there was no specific
3 control system. You disagree with that?

4 Mr. Field. I have testified at length about that today.

5 Mr. Mitchell. "Copies of the draft contain no identifica-
6 tion whatsoever."

7 Mr. Field. That was per instruction of the committee.

8 Mr. Mitchell. "They were not numbered."

9 Mr. Field. As per instruction.

10 Mr. Mitchell. Why is that? Why wasn't there a number
11 on that? What was the rationalization?

12 Mr. Field. I would respectfully suggest that you ask
13 the Chairman.

14 Mr. Mitchell. The Chairman specifically requested the
15 documents not be numbered?

16 Mr. Field. That is my recollection.

17 Mr. Mitchell. The last thing Mr. Bowers said, "...nor
18 were they charged out so they could be accounted for." Do
19 you feel they were?

20 Mr. Field. What do you mean charged out?

21 Mr. Mitchell. A log kept.

22 Mr. Field. We had a record of who had copies and we used
23 to call them up. I am sure he received this testimony. We
24 had people go back to the offices to check to make sure they
25 were there and that type of thing.

1 Mr. Mitchell. I have no further questions, Mr. Chair-
2 man.

3 Mr. Foley. Mr. Cochran.

4 Mr. Cochran. I have no questions.

5 Mr. Field. Mr. Chairman, there are just one or two
6 things which I would like to address and I won't take much
7 time before we go into executive session. I don't want to
8 take up your time but I feel while we are in open session it
9 is important to get one or two things on the record.

10 The first thing is I am slightly concerned about some
11 of the tone of this report (indicating), in particular one
12 phase of it where --

13 Mr. Foley. Are you referring to Mr. Bowers' report?

14 Mr. Field. To Mr. Bowers' report.

15 He refers at one point to a series of leaks and then
16 leads up to a discussion of the Daniel Schorr leak. He leaves
17 the impression that all the things he has talked about in
18 here -- let me see if I can find it -- all of the pieces of
19 information that this committee had investigated that came out
20 in the press were the responsibility of the committee or the
21 committee staff. Specifically he refers to an early memo
22 which we had of the Nedzi committee where we talked of infil-
23 tration of the Executive. It is not properly classified as
24 any kind of a leak. That was a perfectly public document
25 which I prepared.

1 It says leaks of information concerning the White House.
2 It is not a leak. It is a document I prepared for the use
3 of the members when they went before the Rules Committee
4 as to whether the Nedzi committee should be re-established
5 as what became the White committee. I prepared for them a
6 memo which would give them the issue which I felt would jus-
7 tify a new investigation. It was not secret. At that time
8 we didn't have the right to have classified information. We
9 never got classified information. It couldn't have been a
10 leak of classified information at that time. We didn't have
11 it.

12 The leaks about the Cypress crisis. I wish he would be
13 more specific, but I was around the committee the entire
14 time. I don't recall a leak about that being attributed to
15 our committee.

16 Leaks regarding technical reconnaissance. That was a
17 case where we did extensive analysis of articles, primarily
18 of Newsweek magazine which contained information in that area.
19 We came up with a large percentage, around 60 percent of the
20 information in the Newsweek article was information which we
21 did not possess, and that we therefore could not have been a
22 major source of that story. If anything, it could have been
23 a corroboration of certain elements but clearly there was a
24 substantial source else where. It was not the committee. The
25 committee was never named as a source.

1 Leaks about alleged U.S. involvement in Iran. That
2 story came out on the Saturday night that William Colby was
3 fired. It was a very embarrassing story as far as Dr. Kiss-
4 inger was concerned, about his role and John Connally's role
5 in this situation. It was my clear impression after the fact
6 that people in the intelligence agencies who were probably
7 bitter about Mr. Colby being fired in what they may have per-
8 ceived as a power struggle with Secretary Kissinger may have
9 rigged this to embarrass him. One of the pieces of evidence
10 we circulated at that time, there was a New York Times article
11 again by Mr. Crewdson, I believe, with that whole story in
12 it. It quoted from beginning to end senior intelligence of-
13 icials. We had no senior intelligence officials on our com-
14 mittee.

15 The leaks concerning several alleged CIA covert opera-
16 tions. It is a vague charge. Then we go -- and perhaps it
17 is significant to note that Daniel Schorr was the recipient
18 of some of these leaks. It may well have been significant
19 because it didn't come from us and I have good evidence they
20 didn't come from us in the early stages and if they were com-
21 ing from somewhere else I would hope this committee would
22 look in a balanced way at both sides of this.

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1 The Pike Committee has been hurt a great deal by this
2 general mindset that it was beset by a lot of leaks. It causes
3 me tremendous problems. I knew the facts. I was there.
4 The facts don't jibe with the public opinion, and I don't seem
5 to be able to get through on that and make the point that I just
6 don't feel those are fair charges and by innuendo tie us in with
7 those.

8 We have to be specific and stick to facts on this, and
9 evidence, and I just think to some degree the idea that we were
10 responsible for a rash of leaks is really unfair.

11 Let's take the final report as it is and debate it, and I
12 am here to answer questions on it, but to throw a lot of in-
13 nuendo in with this I think is unfair. That I one thing I
14 am quite concerned about.

15 Another point is some of the members of the committee
16 -- I notice Mr. McClory yesterday said security was terrible,
17 lax, irresponsible. You know, I sort of have strange feelings
18 that after the committee shuts down these members now have all
19 this great knowledge and blame everything on the staff.

20 During the entire course of the investigation I never heard
21 that from Mr. McClory. He was the ranking Republican member.
22 He could have come to me at any point and said, "I think we
23 have real problems of security. I think we ought to have a
24 motion to direct the staff to come up with better security
25 measures." I never heard anything from anybody.

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1 David Treen and Dale Milford are the only two who I feel
2 are qualified to speak to this.

3 Mr. Spence. Mr. Kasten?

4 Mr. Field: I never talked to Mr. Kasten except for the
5 last day when he made the motion we investigate Daniel Schorr.

6 We worked for this committee. If they didn't like what
7 we were doing at staff level, they had every opportunity to
8 come in and rectify the situation. This after-the-fact
9 criticism bothers me from the point of view of the reputation
10 of the staff. We worked very hard on this kind of thing.

11 I want to reiterate I think the security at the staff
12 level was excellent. I challenge any of you to come up
13 with evidence that it was not. If it was not, I will admit
14 it is not, but I think it was excellent. I think that staff
15 did a terrific job.

16 I think we handled more classified information, more
17 securely than the CIA or the FBI or those other agencies
18 ever could. If you had sat through the discussions I had
19 on SALT intelligence and the problems Dr. Kissinger has, it
20 was on the wires in 12 hours.

21 Let's not kid ourselves about how super good the
22 executive branch is. It is just there is nobody there to
23 accuse them. At the staff level our security was top flight.
24 I just want to make that point for the record.

25 Mr. Foley. Is there any further statement you care

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1 to make in the open session?

2 Mr. Field. That is it, Mr. Foley. I appreciate your
3 givine me that time.

4 Mr. Spence. Mr. Chairman, pursuant to Rule 112(k)5
5 I move we go into executive session at this time.

6 Mr. Foley. This is a motion that under the rules of
7 the House must be determined by a roll call vote in order
8 to meet in executive session.

9 Is there any discussion on the motion?

10 If not, the staff director will call the role.

11 Mr. Swanner. Mr. Flynt.

12 Mr. Spence. Aye.

13 Mr. Swanner. Mr. Price.

14 Mr. Price. Aye.

15 Mr. Swanner. Mr. Quillen.

16 Mr. Teague.

17 Mr. Hutchinson.

18 Mr. Hutchinson. Aye.

19 Mr. Swanner. Mr. Hebert

20 Mr. Quie.

21 Mr. Quie. Aye.

22 Mr. Swanner. Mr. Foley.

23 Mr. Foley. Aye.

24 Mr. Swanner. Mr. Mitchell.

25 Mr. Mitchell. Aye.

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Mr. Swanner. Mr. Bennett.

Mr. Bennett. Aye.

Mr. Swanner. Mr. Cochran.

Mr. Cochran. Aye.

Mr. Swanner. Eight members vote aye. Four members are absent.

Mr. Foley. Eight members having voted aye, no members having voted no, a quorum being present, the closed session is agreed to.

We will at the conclusion of executive session return for additional public sessions of the committee. The committee will meet in executive session.

Mills
fws

(Whereupon, at 2:55 p.m. the committee adjourned the open session.)

BOB CANTOR

4 p.m.

FLWS ~~MSD~~ 1

(Whereupon, at 4:15 p.m., the committee proceeded into open session.)

Mr. Foley. The Committee on Standards of Official Conduct will come to order.

The committee now resumes its sitting in public session.

The next witness to appear before the committee is Mr. Stanley Bach.

XXXXXX

TESTIMONY OF STANLEY BACH; ACCOMPANIED BY: KENNETH L. ADAMS, COUNSEL, DICKSTEIN, SHAPIRO & MORIN, 2101 L STREET, N.W., WASHINGTON, D. C. 20037

Mr. Foley. Mr. Bach, please rise.

Raise your right hand.

Mr. Bach, do you solemnly swear that the evidence you will give in the matters now under consideration will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. Bach. I do.

Mr. Marshall. Mr. Bach, will you identify yourself for the record, please?

Mr. Bach. My name is Stanley Bach and I am accompanied today by my counsel Mr. Kenneth Adams.

Mr. Marshall. Seated to your immediate right?

Mr. Bach. That is right.

Mr. Marshall. Do you wish to identify yourself further for the record, Counsel?

Mr. Adams. I am with the firm of Dickstein, Shapiro &

1 Morin here in Washington.

2 Mr. Marshall. Mr. Bach, what is your present address?

3 Mr. Bach. 527-A Second Street, Northeast in Washington.

4 Mr. Marshall. Are you presently employed?

5 Mr. Bach. Yes, I am.

6 Mr. Marshall. What are your present duties?

7 Mr. Bach. I am an Analyst in the Congressional Research
8 Service of the Library of Congress.

9 Mr. Marshall. Did you go to those duties from your
10 duties with the Select Committee on Intelligence?

11 Mr. Bach. No, sir, I did not.

12 Mr. Marshall. What did you do in the intervening period?

13 Mr. Bach. A consultant with the National Academy of
14 Sciences.

15 Mr. Marshall. Was that the only intervening employment?

16 Mr. Bach. Yes, sir.

17 Mr. Marshall. Prior to the hearing, you received
18 copies of House Resolutions 1042 and 1054 as well as rules
19 of this committee and investigative procedures adopted by
20 this committee and a copy of Chairman Flynt's opening statement,
21 have you not, sir?

22 Mr. Bach. That is correct.

23 Mr. Marshall. Do you have a prepared statement which
24 you wish to file with the committee at this time?

25 Mr. Bach. No, I do not.

1 Mr. Marshall. Do you have any oral statement which you
2 care to make to the committee at this time?

3 Mr. Bach. No, sir.

4 Mr. Marshall. Have you produced to the committee all
5 documents which you were subpoenaed and requested to bring?

6 Mr. Bach. Yes, I have.

7 Mr. Marshall. In the event that your evidence or
8 testimony may involve information or data concerning an
9 executive session of the Select Committee on Intelligence
10 or should it involve classified information, any information
11 which may tend to defame, degrade, or incriminate any person,
12 please advise this committee in a timely fashion so that
13 it can take appropriate action under the Rules of the House
14 of Representatives.

15 Mr. Bach. I shall.

16 Mr. Marshall. Mr. Bach, what were your duties with the
17 Select Committee on Intelligence?

18 Mr. Bach. Mr. Marshall, I had three primary responsi-
19 bilities. First, I was assigned to prepare briefing materials
20 for the members of the committee on a series of issues on
21 which the committee might decide to make recommendations.

22 Second, I was assigned the responsibility to prepare
23 a preliminary, partial draft of a final report.

24 Third, I had supervisory responsibility for the
25 preparation and publication of the committee's public meetings

1 and hearings.

2 Mr. Marshall. When you say "preliminary, partial
3 draft of the final report" --

4 Mr. Bach. Yes.

5 Mr. Marshall. -- could you describe a little further
6 what that means within the context that the testimony
7 thus far that has been produced has referred to the January
8 19, 1976 draft --

9 Mr. Bach. Yes.

10 Mr. Marshall. -- as being the first complete draft
11 of the committee report?

12 Mr. Bach. Mr. Marshall, I am referring to a wholly
13 different document. Beginning in October, I believe, until
14 mid-December, with the assistance of several other members
15 of the staff, I prepared a draft of what I anticipated
16 might become the working draft for the committee. It was a
17 partial draft because it did not include any material on
18 a number of subjects the committee had investigated.

19 That draft was submitted to the staff director and the
20 general counsel in mid-December, and it was essentially
21 discarded. There is essentially no overlap between the draft
22 I prepared and the draft that was submitted to the members
23 of the committee on January 19.

24 Mr. Marshall. At any time did it come to your attention
25 that there were leaks occurring with regard to information

1 which the committee had available?

2 Mr. Bach. I certainly became aware of newspaper articles
3 and radio and television accounts of executive sessions the
4 committee had had, and of material which the committee had
5 received.

6 Mr. Marshall. Did you recognize any part of your
7 preliminary, partial draft in any of those news accounts or
8 TV broadcasts?

9 Mr. Bach. No, sir.

10 Mr. Marshall. Mr. Daniel Schorr has stated in an
11 article in the Rolling Stone of April 8, 1976 that he had
12 possession of the Select Committee report or a draft of the
13 report on January 25, 1976.

14 Did you give this report or a draft of the report or
15 the text of any part of the draft to Mr. Schorr or to any
16 other person?

17 Mr. Bach. I did not.

18 Mr. Marshall. Do you know anyone who did?

19 Mr. Bach. No.

20 Mr. Marshall. Do you have any knowledge whatsoever of
21 the circumstances surrounding the publication of the
22 Select Committee's report or any draft of that report?

23 Mr. Bach. No, I do not.

24 Mr. Marshall. Or partial publication of the text of
25 that report?

1 Mr. Bach. No.

2 Mr. Marshall. Do you know of anyone who has such
3 knowledge?

4 Mr. Bach. No, I do not.

5 Mr. Marshall. Did you give the report or make any
6 part of the Select Committee's report available to anyone
7 outside of the Select Committee on Intelligence?

8 Mr. Bach. No, sir.

9 Mr. Marshall. Or any part of that report?

10 Mr. Bach. No, sir, I did not.

11 Mr. Marshall. Do you know of anyone who did?

12 Mr. Bach. I do not.

13 Mr. Foley. Mr. Bennett?

14 Mr. Bennett. I take it you had a different type of
15 draft.

16 What was the nature of your draft? How did it differ
17 from the final report?

18 Mr. Bach. Mr. Bennett, I think that the subjects I
19 covered in the draft that I prepared -- well, I should amend
20 that. I didn't write every word myself. I worked with several
21 other people on the staff in doing it. I think that it
22 covered essentially the same subjects that appeared in the
23 report which the committee ultimately adopted. The
24 difference was primarily one of organization, structure, and,
25 in some respects, content, but the basic coverage of the two

1 documents I think were essentially similar.

2 Mr. Bennett. I don't have any further questions.

3 Mr. Foley. Mr. Spence?

4 Mr. Spence. I don't have any questions.

5 Mr. Foley. Mr. Hutchinson?

6 Mr. Hutchinson. You were in charge of preparing more
7 or less of an ongoing, preliminary draft for the use of the
8 committee, at least that is what you conceived it would be,
9 and as I understand it, you kept at that until when, December?

10 Mr. Bach. Until mid-December.

11 Mr. Hutchinson. And then your effort was just totally
12 scrapped; is that right?

13 Mr. Bach. Mr. Hutchinson, I submitted that draft to my
14 superiors on the staff, to the staff director and the
15 general counsel. That was not the draft which became the
16 working document that they worked from and which the committee
17 subsequently worked from.

18 Mr. Hutchinson. And did they tell you why they were
19 rejecting it?

20 Mr. Bach. No, sir.

21 Mr. Hutchinson. So far as you know, it never did reach
22 the committee itself.

23 Mr. Bach. To the best of my knowledge, none of the
24 members of the committee saw that draft.

25 Mr. Hutchinson. So that your efforts, which covered

1 several months, were completely scrapped, and then they
2 started from scratch, and in the matter of two or three
3 weeks had to write an altogether different version; is that
4 right?

5 Mr. Bach. Well, a good deal of the information, and
6 I think the background research, which went into the preparation
7 of my draft and the briefing materials which I prepared for
8 the members laid the groundwork for the report which was
9 eventually written.

10 Mr. Hutchinson. So that your briefing efforts were not
11 in vain, although your drafting efforts were; is that it?

12 Mr. Bach. The briefing materials, Mr. Hutchinson,
13 were distributed to the members of the committee in
14 preparation for the meetings which the committee held in
15 early February on recommendations. I have reason to believe
16 that in some instances that material did prove of value to
17 the committee members.

18 Mr. Hutchinson. I have no further questions.

19 Mr. Foley. Mr. Quie?

20 Mr. Quie. You are talking about early February of '76?

21 Mr. Bach. Yes, sir, that is correct. I believe that
22 is the right time. You will recall that the resolution,
23 and I think this is correct, the resolution which the House
24 adopted did extend the life of the committee briefly, in
25 order to permit time for the committee to deliberate on

1 recommendations, and it did ultimately submit a public
2 report on recommendations. I believe those meetings
3 occurred during the first week of February.

4 Mr. Quie. Thank you. That is all.

5 Mr. Foley. Mr. Mitchell?

6 Mr. Mitchell. Were there substantive differences in the
7 two versions? Was there a lot of new material added, for
8 example, that did not appear in your draft?

9 Mr. Bach. Yes, sir, there was, Mr. Mitchell. I didn't
10 consider myself well enough informed on a number of the
11 issues which the committee had investigated to even attempt
12 a pretense of trying to prepare a full report on them, so
13 when I indicated earlier that it was a partial draft, I
14 stopped my work at the point at which I thought I was no
15 longer competent to proceed. The final report ultimately
16 did cover the subjects in my draft and the others which I
17 didn't attempt.

18 Mr. Mitchell. Mr. Bach, was there a considerable
19 difference in the thrust of the new report as compared to
20 the one you prepared? Did the new report seem to be trying
21 to prove a point that you hadn't directed your report towards?

22 Mr. Bach. Frankly, Mr. Mitchell, I would find it
23 extraordinarily difficult to try to characterize either document
24 very briefly or compare them.

25 Mr. Mitchell. The final report, the essence of it, was

1 compatible with what you had prepared before. There
2 weren't any material differences, in the material that you
3 knew something about and the version you prepared, that
4 just a lot of it was eliminated.

5 Mr. Bach. Oh, I think undoubtedly there were differences
6 in the way certain subjects were handled as there would
7 inevitably be if two different people try to draft a report
8 on the same subject.

9 Mr. Mitchell. Was the thought initially, Mr. Bach, that
10 your draft would play a very major role in the final draft,
11 that it would probably be the final draft with minor
12 alterations, or wasn't that the game plan from the beginning?

13 Mr. Bach. That is a question which I am not really in
14 the best position to answer. I was asked to prepare this
15 material with the assistance of several other people on the
16 staff, which I did. What the expectation of the staff
17 director and general counsel and the chairman was, I really
18 can't say.

19 Mr. Mitchell. Thank you, Mr. Bach.

20 I have no further questions.

21 Mr. Foley. Mr. Cochran?

22 Mr. Cochran. I have no questions, Mr. Chairman.

23 Mr. Spence. Mr. Chairman, pursuant to Rule 11(2)(k)(5)
24 of the House, I move we go into executive session at this
25 time.

1 Mr. Foley. This is a motion that requires a vote of
2 the committee in open session by roll call vote.
3 Is there any discussion?
4 If not, the staff director will call the roll.
5 Mr. Swanner. Mr. Flynt?
6 Mr. Spence?
7 Mr. Spence. Aye.
8 Mr. Swanner. Mr. Price?
9 Mr. Quillen?
10 Mr. Teague?
11 Mr. Hutchinson?
12 Mr. Hutchinson. Aye.
13 Mr. Swanner. Mr. Hebert?
14 Mr. Quie?
15 Mr. Quie. Aye.
16 Mr. Swanner. Mr. Foley?
17 Mr. Foley. Aye.
18 Mr. Swanner. Mr. Mitchell?
19 Mr. Mitchell. Aye.
20 Mr. Swanner. Mr. Bennett?
21 Mr. Bennett. Aye.
22 Mr. Swanner. Mr. Cochran?
23 Mr. Cochran. Aye.
24 Mr. Swanner. Mr. Chairman, seven members vote aye,
25 five members absent not voting.

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Mr. Foley. There being seven members voting aye, five members absent and not voting, the motion is agreed to, a quorum being present.

At this time because the Chair anticipates that the executive session will be a very brief one, I wonder if we could ask all but the witness' counsel, please, and members of the committee staff and the reporter to accommodate the committee by leaving the committee room briefly.

(Whereupon, at 4:28 p.m., the committee proceeded into executive session.)

1 (Whereupon, at 4:44 p.m., the committee proceeded into
2 open session.)

3 Mr. Foley. Are there any further questions of Mr.
4 Bach?

5 If not, Mr. Bach, you are excused with the appreciation
6 of the committee for your appearance before the committee
7 and your assistance in its investigation.

8 The committee has concluded its hearings for today.

9 Mr. Bach, you are also formally released from your
10 subpoena.

11 Mr. Bach. Thank you.

12 Mr. Foley. This concludes the hearings for today.

13 The committee will stand adjourned to meet at 10 a.m.,
14 Monday.

15 (Whereupon, at 4:45 p.m., the committee was adjourned,
16 to reconvene at 10 a.m., Monday, July 26, 1976.)

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