

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

STANDARDS OF OFFICIAL CONDUCT

HEARINGS ON HOUSE RESOLUTION 1042

Monday, July 26, 1976

Washington, D. C.

Official Reporters to Committees

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HEARINGS ON HOUSE RESOLUTION 1042

Monday, July 26, 1976

House of Representatives

Committee on Standards of
Official Conduct

Washington, D. C.

The committee met, pursuant to recess, at 10:00 a.m.
in Room 2212, Rayburn House Office Building, Honorable
John J. Flynt, Jr. (Chairman of the committee) presiding.

Present: Representatives Flynt, Price, 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.

1 Mr. Flynt. The committee will come to order.

2 A quorum is present for the purpose of taking testimony
3 and hearing evidence.

4 The first witness before the committee today is our
5 colleague from Connecticut, the Honorable Robert N. Giaimo.

6 Mr. Giaimo, will you please raise your right hand?

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

11 TESTIMONY OF THE HONORABLE ROBERT N. GIAIMO,
12 A REPRESENTATIVE IN CONGRESS FROM THE STATE OF
13 CONNECTICUT

14 Mr. Flynt. Mr. Giaimo, do you have a statement which
15 you wish to make?

16 Mr. Giaimo. No, sir.

17 Mr. Flynt. Do you have any documents which you would wish
18 to present to the committee in addition to what you have
19 already given to us?

20 Mr. Giaimo. No. I submitted to you and to the committee
21 the totality of the documents which I had. I did not bring
22 them along with me today because they were returned to me,
23 and I didn't think you wanted them.

24 Mr. Flynt. They were returned to you. And if we need
25 them, I assume we can, of course, have them back?

Mr. Giaimo. Yes, sir.

1 Mr. Flynt. We thank you for your appearance before the
2 committee and for making the documents available to us.

3 Mr. Marshall.

4 Mr. Marshall. Mr. Giaimo, prior to the hearing you have
5 received copies of House Resolutions 1042 and 1054, as well
6 as copies of the Rules of this committee, copies of the
7 Investigative Procedures and the Chairman's opening statement,
8 is that not correct, sir?

9 Mr. Giaimo. Yes, sir.

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

17 Mr. Giaimo, you were a member of the Select Committee,
18 is that correct?

19 Mr. Giaimo. Yes, sir.

20 Mr. Marshall. Was this from the very beginning
21 of the committee?

22 Mr. Giaimo. Yes, sir. I in fact was the author of the
23 resolution, you will recall, which set up the committee. I
24 was the author of that by virtue of the fact that I was on
25 the Steering Committee -- Steering and Policy Committee

1 of the Democratic Majority, which recommended the establish-
2 ment of this committee. So I handled that legislation for
3 the Steering Committee through the Floor.

4 Mr. Marshall. And when you say you were the author
5 of the legislation setting up the committee, was this the
6 original resolution?

7 Mr. Giaimo. Yes, the original resolution which set up
8 the committee, which we can refer to as the Nedzi Committee.

9 Mr. Marshall. Did you have anything to do with House
10 Resolution 591, which was a subsequent resolution, also in-
11 volving the committee?

12 Mr. Giaimo. Well, I don't recall clearly now what
13 my role in it was. Certainly I was very much involved in
14 it. You mean in the reconstitution of the committee.

15 Mr. Marshall. Yes, sir, that is correct.

16 Mr. Giaimo. Well, I certainly was very much involved
17 in all of the dealings that went on there, and negotiations.
18 But formally, I do not recall what role I played on the
19 Floor. I do not think -- I just don't recall that I
20 directly handled anything on that.

21 Mr. Marshall. Now, you, of course, as a member of the
22 Select Committee, were aware that the committee had adopted
23 certain rules and regulations governing the handling of
24 classified information and classified documents containing
25 classified information?

1 Mr. Giaimo. Yes, and I helped to draft those rules.

2 Mr. Marshall. Judging by your experience as a member
3 of the Select Committee, could you give this committee the
4 benefit of your views as to whether those rules and regulations
5 were followed by the Select Committee members, and by the
6 Select Committee staff?

7 Mr. Giaimo. What you are asking me is in my opinion
8 whether or not we followed the rules protecting classified
9 documents?

10 Mr. Marshall. Yes, that is right. And the classified
11 information in those documents.

12 Mr. Giaimo. And classified information in those
13 documents.

14 Mr. Marshall. Just by way of explanation, some witnesses
15 have made a distinction or apparent distinction between
16 handling of the documents themselves and handling the classified
17 information in those documents, and I thought I might point that
18 out to you.

19 Mr. Giaimo. I was going to make the same distinction,
20 because if you are referring to the handline of classified
21 information, of which there was a great deal of classified
22 information that was sent to the committee, and which was
23 worked on by the staff, and seen by some of the Members,
24 I do not have any evidence that that was handled improperly
25 or with lack of concern for security.

1 So that in my opinion, I would have to say I do not
2 know of anything which endangered security. I understand that
3 almost all if not all of it was returned. In fact, as you
4 recall, and was testified by Chairman Pike, when the CIA,
5 I believe, indicated that much of the classified information
6 was missing, it was later found to be in their possession.
7 So to my knowledge, I don't know that there was any carelessness
8 or lack of concern for classified information.

9 Now, insofar as the document was concerned, the
10 document being our report, again, I do not know that that
11 was handled in any way which was less than prudent or careful.
12 But I do want to stress this difference. And I am a good
13 example of this. That in dealing with that committee report,
14 and in handling that committee report, at no time that I
15 feel that I was dealing with a classified document. And there-
16 fore, we treated it as a working paper. We carried it,
17 right in this very room in fact -- it was presented to us in
18 this room, we worked on it, we amended and changed it. And
19 it was nota classified document. In fact, it was a document
20 which we had every intention of publishing. And as you know,
21 it was only until that last week when we were forbidden and
22 prohibited by the House, that then we clearly abided,
23 and I did, by the will of the House, and felt that this is a
24 document which cannot be published. Now, at all times I
25 personally had my own copy, nad the times when I had it I

1 secured it in my own security system, which is my safe.

2 Mr. Flynt. Do you think it was either appropriate or proper
3 for it to be given to the news media prior to filing with
4 the House?

5 Mr. Giaimo. No, no, sir. I do not think so. But, of
6 course, I do not think -- I think that would be inappropriate
7 to give it to the news media in any event, whether it was
8 a classified -- well, certainly if it were a classified
9 document, it would be inappropriate to give it to the news
10 media. But even if it were not, even if it had nothing in it
11 which endangered security, it would have violated our rule
12 of prior release.

13 Mr. Flynt. And also the executive session rules.

14 Mr. Giaimo. And also the executive session rules of
15 the committee. So that, no, it should not have been released.
16 And I have to reiterate what I heard here in testimony the
17 other day, that the release of it, in my opinion, injured the
18 very serious and important work of this committee.

19 Mr. Marshall. How did that injure the work of the
20 committee?

21 Mr. Giaimo. Because I think what happened as a result
22 of the release of the report to Daniel Schorr, whether it
23 was done by whomever -- and I have no idea whether it was the
24 Congress that did it, or Congressmen, or staff members,
25 or the Executive Branch -- the fact is in my opinion that,

1 you know, whenever something like this happens, in the law,
2 we ask who benefits, and I certainly don't think that
3 Congress benefited from the Schorr release. I think what
4 happened was it impeded a job which I think must be done,
5 and that is to re-establish adequate and proper oversight
6 over the intelligence community. And the release of this
7 document created an atmosphere, both in Congress and in the
8 public, that Congress cannot be trusted to properly have access
9 to secret and classified activities. Now, this is a very
10 dangerous, very dangerous position to be put into. I am hoping
11 that we are going to evolve and work out of this. We already
12 have to agree, as you know. The Senate has established
13 an independent oversight committee. I am hopeful that the
14 House is going to see the wisdom of this, and if not this
15 year, certainly next year, and certainly with the recommendations
16 from this committee, and also the recommendations from the
17 Select Committee which you know were made in a part of that
18 report, and also the interest that I know exists in the
19 Rules Committee in this area, I am hopeful that the House
20 will follow the route of the Senate and establish an intelligence
21 community, oversight committee. I think it is very essential,
22 because I have witnessed for some years now, and this was
23 the reason for my interest in becoming a member of this
24 Select Committee -- I have witnessed the danger that can
25 come about from excessive secretness in government. And it

1 concerns me.

2 The Chairman and I serve on the Defense Subcommittee
3 of Appropriations together, where we are privy to a great
4 deal of information. And I have great concern that we have
5 allowed over the last 25 years secretness in government to
6 become the reason for its own existence, and it poses a
7 danger to the American people, which is of concern to me.
8 We have seen this in recent years. We saw it when I was
9 told by people in the Executive Branch that we were not conduct-
10 ing a secret war in Cambodia, and in fact we were.

11 That is of great concern to me. The Angola situation --
12 and many of the other incidents which are in our report,
13 which do not jeopardize national security, but which the
14 American should know their government has done, and which in
15 my opinion the government did unwisely.

16 Now, we have got to re-establish this kind of Congressional
17 control over secret intelligence agencies.

18 Mr. Flynt. I would like to ask a question at that
19 point. Now, of course, the Central Intelligence Agency
20 has a variety of roles and missions. There is some question
21 as to whether all of those roles and missions are clearly
22 defined in the charter of the CIA.

23 Mr. Giaimo. True.

24 Mr. Flynt. Now, on the question of the espionage activities
25 engaged in by the CIA, which many people believe was the

1 original basis for the establishment of that agency as the
2 focal point of organized intelligence activities of the
3 United States -- now, as to the espionage activities carried
4 on by the CIA -- and let me, if I may, preface that statement
5 by saying this -- preface that question by saying this:
6 Espionage s a dirty business. There is no way that I know
7 of to clean it up. Persons who engage in it recognize that their
8 lives are laid on the line when they enter into it. Now, as
9 regards the espionage portion of the intelligence gathering
10 capability of the CIA, do you feel that those activities should
11 be made public?

12 Mr. Giaimo. No way, no, sir.

13 Mr. Flynt. Now, would you elaborate?

14 Mr. Giaimo. We have no disagreement, Mr. Chairman.

15 Let me just back up and say I have a great deal of respect
16 for the CIA. I think they have done an excellent job.
17 I also think that the former Director, who was the one that
18 we dealt with in most instances, Mr. Colby, was an outstanding
19 Director of the Central Intelligence Agency. But this
20 predates Mr. Colby, and it goes back over many years. It goes
21 back to the days of Mr. Helms, it goes back before that, it
22 goes back to the Cuban situation, the Bay of Pigs, and even
23 before that. And you recall obviously from your statement
24 the difficulty when the Central Intelligence Agency was
25 set up in the days of Harry Truman, who they were given

1 a mission, but then there was that catch-all phrase which
2 broadened the mission. I have absolutely no objection,
3 in fact, I recognize the necessity for an intelligence function.
4 I even go beyond that to the counter-intelligence function,
5 and all that that involves. That isn't the problem.

6 Any nation in the world today must have that capability.
7 And we have it, and we must make certain that it is a good
8 capability. And I think the CIA which handles not only CIA
9 functions -- but the head of it acts as the Director
10 for Central Intelligence for all of the agency's functions
11 as well.

12 I think where we began to get in trouble was not in
13 intelligence gathering, or in counter-intelligence, but in
14 covert actions.

15 Now, What are covert actions? Covert actions are implement-
16 ing secretly policies of the U. S. of a political or
17 para-military nature covertly. There may be occasions when
18 they are justified, and have to be used, mostly in a wartime
19 period, in my opinion. And there is no problem with them
20 in wartime. It happens in peacetime, over the last 20 years,
21 if you will watch the growth of covert actions, you will
22 find that in fact, what the United States began to do was
23 to do covertly what it no longer wished to do openly, and it
24 began to interfere covertly in the activities, political
25 activities, in other countries. This is a dangerous road.

1 And more than that, it is secret government.

2 Let me just give you one clear example from recent
3 days.

4 The question of U. S. involvement in Angola, just this past
5 year. Perhaps we should have been involved in Angola, perhaps
6 we should not have been involved. But the question of whether
7 the U. S. should be involved in Angola is one of governmental
8 policy, which the American people should know about and be able
9 to ratify or disaffirm, so that the government would at least
10 know how its people felt about an involvement in another
11 country.

12 Now, if we do that openly, our involvement in Angola,
13 then the people know, and they can react as they reacted
14 for example and indicated their displeasure with our involvement
15 in Southeast Asia. But if these things are done in secret--
16 and I am not going to state here whether in fact they were
17 done or not, although I think it is quite well known as to
18 what our role in Angola was -- if these things are done
19 in secret, then the American people cannot ratify or dis-
20 affirm because they do not know what their government is
21 doing. That would be a covert action. And that is dangerous,
22 and I think wrong.

23 Mr. Flynt. Now, are you saying that the United States
24 should not participate in the Angolan situation -- period?

25 Mr. Giaimo. I am saying that if the U. S. wanted to

1 involve itself in the Angolan situation, it should do so
2 openly, so that its people know what it is doing, and therefore
3 the people can affirm or disaffirm what the U. S. Government
4 is doing.

5 Mr. Flynt. All right.

6 Now, getting back --

7 Mr. Giaimo. The same with other countries in Europe.

8 Mr. Flynt. Getting back to the intelligence gathering
9 mission, the espionage mission which we discussed a moment
10 ago, did you gain the impression that there were members
11 of the staff of the Select Committee who felt that they wanted
12 to disclose the espionage activities of the United States?

13 Mr. Giaimo. No, sir. In fact, I think all in all the
14 committee and the report was very careful -- I recall from
15 some of the changes which we made -- of course, you have been
16 told how we went over the report, and the changes with CIA,
17 and they make recommendations for changes, and so forth --
18 I recall that we tried to be careful to make certain that
19 intelligence operations were not jeopardized. I could
20 even give you a specific example which I couldn't do in
21 open session. But in closed session, you have probably been
22 told about it, where we took particular steps to change
23 the report to protect the source of information.

24 But you know, a lot of loose talk came in about those
25 days. People, for example, indicated, some Members indicated--

1 not members of the committee, but Members of Congress,
2 when we had the debate on the Floor, that names of agents,
3 for example, were involved. Well, of course not. And certainly
4 I would have objected violently, as we all would have,
5 to that type of disclosure. And that was not involved.

6 Mr. Flynt. Mr. Marshall.

7 Mr. Marshall. Mr. Giaimo, you stated that you viewed
8 the working draft of the Select Committee's report as a working
9 paper, and that there was the thought that this was going
10 to be made public at some future date.

11 Mr. Giaimo. Yes.

12 In other words, it was not a classified document.

13 Mr. Marshall. Was there any classified information in
14 the Select Committee's draft of its report, either the January
15 19th draft or as modified and changed as it wound up in the
16 January 23rd draft?

17 Mr. Giaimo. I suppose that there was. I have great
18 difficulty with this question of what is classified and what
19 is not because, you know -- in other words, if this is a
20 classified document, and this is put in verbatim, then yes.
21 But what about the information which I gleaned from reading
22 classified information. I believe it has been testified
23 by our Chairman that there was classified information -- you
24 can correct me if I am wrong. But I think it was information
25 that we as a committee overwhelmingly decided should be made

1 public, and that it did not and would not jeopardize
2 the national security.

3 Mr. Marshall. Did you think that the reasons underlying
4 the original classification of the information were adequately
5 made aware to the committee so that it could reach a
6 decision that was fully informed before the declassified
7 information?

8 Mr. Giaimo. I believe they were, to the best that you can
9 ever accomplish that task, and that would be, you know, to go
10 into the reasons why thousands of documents were originally clas-
11 sified substantially, yes -- in every case, no.

12 Mr. Marshall. Now, where were you, sir, when you received
13 your draft of January 19, 1976?

14 Mr. Giaimo. Was the 19th that Friday?

15 Mr. Marshall. The 19th was on a Monday.

16 Mr. Giaimo. All right. That was the MONday of the last
17 week that we met. And we warpped it up Friday. And then we
18 met again the following Monday, didn't we?

19 Mr. Marshall. All right. January 19th was Monday.

20 Mr. Giaimo. What was the date we went to the Rules
21 Committeee? Was that the next day, or a week later?

22 Mr. Marshall. No, sir, that was a week later, I
23 believe.

24 Mr. Giaimo. Okay. So the 19th was the last week of our
25 markup, and we met in here every day from the 19th to that

1 Friday, which was the 23rd.

2 Mr. Marshall. Yes, sir.

3 Mr. Giaimo. All right.

4 Where was I when I received my draft on the 19th?

5 Mr. Marshall. Yes.

6 Mr. Giaimo. I --

7 Mr. Marshall. What I am trying to get at was how was
8 the original draft distributed to the Select Committee?
9 Was it delivered personally to you -- to the Members of the
10 Select Committee? Was it delivered personally to you?

11 Mr. Giaimo. Yes. The reason I am hesitating is because
12 there was one instance where the draft was delivered to me
13 personally in my office by a committee member. I am not sure
14 that that was on the 19th. I think it was, because from then
15 on, I had possession of the draft, and came here each day and
16 carried it with me, and would leave it here, rather, and
17 they would make the Changes that we had agreed on that day, and
18 it would be presented to me the following morning here.

19 Mr. Marshall. What about the draft of January 23rd,
20 which was the final draft?

21 Mr. Giaimo. The final draft. My recollection is that
22 I carried that final draft back to the office with me,
23 and kept it from then on, and I am not so sure that I got
24 some of the latest changes that were put into it as
25 a result. But they were -- I don't recall the nature of those

1 changes. But I think I kept -- in fact, I know I kept
2 the draft on the 23rd.

3 Mr. Marshall. Mr. Giaimo, the reason I am asking the
4 question is we are trying to trace the location of each of the
5 drafts and any changes to determine if there was careless
6 handling of the drafts or information which was classified.

7 Mr. Giaimo. My recollection is that on the 23rd, which
8 was the Friday, and the last day that we marked up, that I
9 took the draft back to my office.

10 Mr. Marshall. Now, Mr. Daniel Schorr stated in an
11 article in the Rolling Stone, on April 8, 1976, that he had
12 possession of a draft of the Select Committee's report
13 on January 25, 1976. Now, did you give this report or a draft
14 of the report to Mr. Schorr or to any other person?

15 Mr. Giaimo. No, sir.

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

17 Mr. Giaimo. No, sir.

18 Mr. Marshall. Do you have any knowledge whatsoever
19 of the circumstances surrounding the publication of the
20 report or draft or any part thereof -- that is the publication
21 to unauthorized persons, such as the media, or outside
22 the committee?

23 Mr. Giaimo. No.

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

25 Mr. Giaimo. No, I do not.

1 Mr. Marshall. Did you give the report --

2 Mr. Giaimo. Except I read in the last few days that a
3 copy of the report was given to the CIA by one of the Members
4 of the committee.

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

9 Mr. Giaimo. No, I did not. The reason I hesitate there
10 is that I think I have told your investigators that I had
11 a discussion about portions of the draft with a member
12 of the Executive Branch, an Ambassador, who had access to
13 information in the report, had access to the report, obviously
14 from the CIA, and we did discuss some of the points that
15 he thought might be injurious, and we subsequently changed
16 the report to take care of those concerns.

17 Mr. Marshall. Was this discussion taking place prior
18 to the January 23rd report?

19 Mr. Giaimo. Yes, yes, because we incorporated those
20 changes into the report, either on the 23rd -- I think it
21 was the 23rd -- either the 23rd or the 22nd. But it was that
22 week that I discussed this with him.

23 Mr. Marshall. Let me ask you this: Did you read the
24 Village Voice version of the report?

25 Mr. Giaimo. I scanned it. I took a quick look at it.

1 But quite honestly, I didn't read the whole thing. And more
2 importantly, I did not read it with a comparison to try to -- it
3 was just too much of a job.

4 Mr. Marshall. Directing your attention to the discussions
5 you had, that you have just described about a part of the
6 report that was finally changed in the January 23rd draft,
7 do you remember whether the Village Voice contained the
8 draft as originally put out before your discussions with
9 the Ambassador, or whether those changes were in it?

10 Mr. Giaimo. No, I do not recall. But that would be
11 easy to check.

12 Mr. Marshall. Would it be possible for that to be
13 checked, sir, outside of these hearings, and to ask you,
14 since you were the only one privy to those discussions, to
15 advise this committee?

16 Mr. Giaimo. Sure. I do not have a copy of the Village Voice,
17 but you do.

18 Mr. Marshall. We have a copy or two around here.

19 Mr. Giaimo. As a matter of fact, the report that I turned
20 over to you had some of the information, some additional
21 papers, which were given to me by CIA, which listed some
22 of the objections, and if we went through those, I think we
23 could see where the changes were made. I recall one of the
24 changes made reference to a country which we deleted.

25 Yes, we could follow that through.

1 Mr. Marshall. If you have just a few moments, and if
2 you would be willing to confer with a member of our staff,
3 we would like to check that out.

4 Mr. Giaimo. Yes.

5 Mr. Marshall. Finally --

6 Mr. Mitchell. Will counsel yield? I was thinking over
7 the weekend that no one has been able to identify the
8 Village Voice copy with any other copies that were in
9 existence. And one of the reasons was because two pages were
10 missing. I think it would be a very simple thing to remove
11 two pages from any kind of a document. Could we make a compari-
12 son with the Village Voice version -- assuming that two pages
13 were not missing, and then compare it with existing documents.
14 I think that might prove very fruitful.

15 Mr. Marshall. We have that comparison.

16 Mr. Mitchell. Thank you.

17 Mr. Marshall. Finally, did you give the report --
18 excuse me.

19 Do you know of anyone who made the report of the
20 Select Committee or a draft of the report before the Select
21 Committee available to someone outside of the Select Committee
22 on Intelligence?

23 Mr. Giaimo. Do I know of anyone who did? No, I don't.
24 Well, copies of the report were obviously available to people
25 in the Executive Branch.

1 Mr. Marshall. The CIA and so forth, as has been
2 testified.

3 Mr. Giaimo. No question. I cannot prove who did it, but
4 I felt confident, as we were going along, that some of our
5 colleagues certainly were in close communication with people
6 in the Executive Branch.

7 Mr. Marshall. My question really refers to communications
8 outside of the exchange that may have been going on between
9 the Executive Branch and the Select Committee on Intelligence
10 as to what should be published, what changes should be made,
11 things beyond those communications, or in addition to those
12 communications.

13 Mr. Giaimo. No, I do not, except as I said earlier, that
14 I think -- the publication of this information injured
15 the committee and the committee's work. No question about it in
16 my mind.

17 Mr. Flynt. Mr. Price.

18 Mr. Price. No questions.

19 Mr. Flynt. Mr. Spence.

20 Mr. Spence. Yes, Mr. Chairman.

21 Mr. Giaimo, talking about Angola a little bit earlier, --

22 Mr. Giaimo. Yes, sir.

23 Mr. Spence. As to whether or not we should have
24 been involved, I think you said in any event, it should be
25 done in public, so the people could affirm or ratify
the action. Aside from whether we should or should not have

1 been involved, do you think we have time, Congress has
2 time, or the Executive has time, to debate before the American
3 people, and just how would they ratify it?

4 Mr. Giaimo. Well, of course the question you are
5 asking me goes to the very roots of government. And it is
6 to that issue that I give greater concern than I do to anything
7 else. Our founding father cautioned us about an all-powerful
8 government. We Americans, in our trusting way, seem to have
9 at times forgotten that lesson, and we seem to encourage
10 all-powerful governments, and we only have to look back less
11 than a decade to see the threats which could come about
12 from an all- from all-powerful government.

13 Now, we have got to take steps at all times to protect
14 ourselves against this. And this is the reason why I insist
15 the Congress must know what is going on in secret in government,
16 because otherwise how can we protest, how can we say stop?
17 And the Angola situation would make a perfect case. You say
18 there might not be time to have a debate. The alternative,
19 then, is that the people know nothing, and government decides
20 what course of policy we shall engage in as a nation. And
21 that, to me, is the end of democracy.

22 Now, if you have agencies that can do that, and if you
23 encourage them, I assume you history teaches us that it will
24 be but a short time before those secret involvements take
25 place in a Chile, in an Angola, in a Cambodia, in a Bangladesh,

1 or where have you, and before you know it, they will bein
2 to take place in New York, in Chicago, in North Haven,
3 Connecticut, or elsewhere. And that scares the living daylights
4 out of me. This is why I believe that any secret agency has
5 to be held on an extremely short tight leash.

6 Mr. Spence. You are talking about all-powerful government.
7 And I share your concern. But we talk about the Executive
8 being all-powerful, or could we also be talking about Congress?
9 What is all-powerful government?

10 Mr. Giaimo. All right. You know, I wish that I could
11 worry about the all-powerfulness of Congress, but quite
12 frankly, I don't think you have to worry about that at all.
13 Congress, if anything, lacks power. So I just don't think that
14 you have to worry about an all-powerful Congress. The last time
15 Congress was all-powerful was in the days of Thaddeus Stevens,
16 I think, and ever since then it hasn't been, and look at the
17 mess it got into then. But today you have to worry about
18 an all-powerful Executive. And certainly in the 18 years I have
19 been down here, I have seen all-powerful Executives, and
20 it concerns me.

21 Mr. Spence. Well, it is debatable -- the people in the
22 public, when they think of all-powerful government, most of
23 them are thinking, I think, about regulations, rules, laws,
24 taxes passed and all the rest. That is what I get complaints
25 about.

1 Mr. Giaimo. That is true.

2 Mr. Spence. Getting back to Angola, as a matter of
3 fact, didn't we do just as you suggested? We did take it
4 out into the public, and didn't Congress then overrule what
5 the Executive did?

6 Mr. Giaimo. But do you know that we only did that
7 because there was a leak of American involvement in Angola?
8 There was a leak. There has never even been an admission to
9 this date as to whether or not the U. S. was involved that I
10 know of. But there was a leak, and it was that leak which
11 stimulated Congress. I was part of that activity. I recall
12 it well. It was only that leak which stimulated Congress to
13 say no more.

14 Mr. Spence. In any event, rightly or wrongly, that
15 action on the part of Congress is given as the reason why Angola
16 went Communist.

17 Mr. Giaimo. Oh, well, that is not so at all. I don't
18 know the reason why Angola went Communist. I am not even
19 certain that Angola has gone Communist. I do not know what
20 they have gone over there. We have three tribes fighting
21 each other.

22 But that isn't the point. The opposite of that would be
23 we should have become involved in order that Angola not become
24 Communist. Now, even if we should, maybe we should have
25 been in Angola. The point is who decides whether we should be

1 in Angola, Henry Kissinger, or the American people?

2 Mr. Spence. How could the American people decide?

3 Mr. Giaimo. How can they decide if they don't know
4 the facts, and if they are not informed?

5 Mr. Spence. Do you have a big town meeting of everybody
6 in the country and debate it?

7 Mr. Giaimo. That is what our founding fathers said. Our
8 founding fathers did not say that the Committee of Forty,
9 and the President, and a few other people, should quietly
10 sit in a room and decide we are going into Cambodia, we are
11 going into Laos, we are going to go into Angola, or elsewhere?
12 That is not the government that I have learned about and
13 serve.

14 Mr. Spence. Well, there again, it is debatable as to
15 who should conduct foreign policy, whether the Congress as a
16 whole, the American people as a whole, or the Executive, and
17 how much everybody can be in on the conduct of foreign policy.

18 Mr. Giaimo. I do not think it is debatable that foreign
19 policy should be conducted in secret, and that American foreign
20 policy should be kept a secret from its people, and from
21 their representatives in Congress. I do not think it was
22 right when the Secretary of Defense or of the Air Force --
23 I think it was of the Air Force, told us, in a committee
24 some years ago, that we were not bombing in Cambodia, and involved
25 there, when in fact we were. Now, once you go down that road

1 in government, you do not have democracy. And you cannot justify
2 this under the cover of expediency, or quickness. You say,
3 can you have a town meeting? Yes, you have a town meeting.
4 If you want to see the greatest town meeting we have
5 had in my lifetime, it was the town meeting that took years
6 as to what we should be doing and should not do in Southeast
7 Asia. That was a town meeting.

8 Mr. Spence. Over a long period of time.

9 Mr. Giaimo. And I come from a state which was the daddy
10 of town meetings up in New England. We still have them in
11 fact.

12 Mr. Spence. That is all I have.

13 Mr. Flynt. Mr. Bennett.

14 Mr. Bennett. I am certainly inclined to agree with the
15 thrust of your testimony, that covert operations should be
16 kept at a minimum. I am even open-minded to the idea
17 that possibly they should be prohibited. I have some worry
18 about the way in which the report was handled, as if, since
19 secret information was involved in it, a committee of Congress,
20 or a majority of members of Congress-- of a committee of
21 Congress -- should have presented Congress with a situation
22 of having to close up and not publish a report which they had
23 not read. But that is history, and Lord knows, I have made
24 my share of mistakes. And I do feel there was some sort
25 of a mistake made in that type of presentation.

1 But I understand your principal thrust. And I must say
2 I agree with your principal thrust. And I am a member of the
3 CIA Committee. And I have been a member of the CIA Committee
4 for many years. I was not a member for a while, not because
5 I did not want to be on it, but I was sort of a thorn in the
6 side of a lot of people then, by being critical of what I thought
7 indicated intervention in foreign affairs in a secret manner
8 that was damaging to our country.

9 Now that I have been put back on the committee by
10 the elections last year, I pursued that same type of criticism.
11 I wish that I had a firm, hard definitive answer as to
12 whether there ever ought to be covert operations.

13 My guess is this country has suffered more from covert
14 operations than they have ever gained by it. And they are not
15 new. As a matter of fact, there was a secret meeting of
16 Congress in the early 1800s which was designed to take over
17 Florida. U. S. troops were sent down in the early 1800s.
18 It was a fiasco. In fact, the most prominent book on this
19 subject is called The Florida Fiasco, written by Rembert
20 Patrick.

21 I just don't have very many illustrations in my knowledge--
22 and I am a student of history -- that indicate that
23 covert operations by our country have been beneficial. And I
24 think somebody ought to make a study of it, and see if any of
25 them ever have been. I doubt if they ever have been.

1 Thank you very much for your contribution.

2 Mr. Giaimo. If I may just comment, I agree with you,
3 Mr. Bennett, and I know you are a student of history, and
4 concerned about the excessive powers of government. I am
5 troubled, like you are. I haven't decided in my own mind
6 whether we should eliminate all covert activities, because
7 I can foresee, I said earlier, certainly in wartime -- but
8 that is not really a good test, because in wartime we do many,
9 many things which we are prohibited from doing in peacetime.
10 But even in peacetime it is conceivable that there may be some
11 emergency situations where we must perform a covert action.
12 And perhaps we should. But in most instances, I don't think
13 they have been successful. In most instances they have deterred
14 America from the great role which America had in its relations
15 with other countries, in that we dealt from a moral base.
16 This was always our strength. Now we have lost that in
17 recent years. I think it is a mistake. And therefore, they
18 look at us, you know, in other countries, the emerging radical
19 groups, if you will -- but these are the emerging groups in
20 Latin American countries, and in some European countries --
21 take a look at Italy, about which I know a great deal. And
22 the first thing they think of when they think of the United
23 States, is CIA, and covert actions. This isn't serving our
24 cause or our purpose. And we ought to really reanalyze it.

25 Now the difficulty is when you make it easy to do, when

1 you institutionalize covert actions as we have, then you
2 are giving an easy weapon to an all-powerful Executive.
3 And that is what I think is dangerous, and can get us
4 into trouble, and can jeopardize our liberties. That is my
5 concern.

6 Mr. Bennett. I have no further questions.

7 Mr. Flynt. Mr. Quillen.

8 Mr. Quillen. Thank you, Mr. Chairman.

9 Mr. Giaimo, if secret operations of our intelligence
10 agencies were made known to committees of the Congress, don't
11 you think the same thing would happen as happened in the
12 deliberations of the Select Committee on Intelligence, that
13 there would be leaks?

14 Mr. Giaimo. Well, I don't know that they came from the
15 committee.

16 Mr. Quillen. I am not saying they did, either. But
17 at the same time, when information is known generally, there
18 tends to be leaks.

19 Mr. Giaimo. Yes. But, you know, we are talking about
20 a great big government here, and we are concerned about the
21 leaks which can come about from some number of Congressmen,
22 or Senators, 435, and 100. But you know, there are many
23 thousands in the Executive Branch who have access to this
24 information. And I do not place a greater reliability or trust
25 on someone because he works in the Executive

1 Branch than I do on one who works in the Congress, and who
2 is a member of Congress.

3 The answer, I think, is yes, it is difficult. But the
4 alternative is that Congress does not know of the secret
5 workings of government. And to me that is more dangerous than
6 the fact that a secret bit of information will out.

7 Now, you have got a balancing problem here. All of
8 this involves a very serious balance. One is the need
9 for secrecy by government, in its intelligence functions,
10 which are, as I said to the Chairman -- which are valid
11 and necessary. There is a need for secrecy in many of
12 government's acts. But you do have to balance that with
13 how does this secrecy jeopardize the rights and privileges
14 of the American people. And we have seen, just in the last few
15 years, that those rights have been jeopardized, and infringed
16 upon.

17 So you have to have that balance. And the only way I
18 can see that you are going to have some control is for
19 Congress to know now.

20 Now, Congressional committees have been privy to a lot
21 of this information. I serve on an Appropriations Committee
22 of Defense, which is privy to almost all of this information,
23 all of it. You gentlemen serve on -- many of you -- on
24 committees that are privy to this information. I don't know
25 of any leaks. And I haven't witnessed leaks over the years
from either the Armed Services Committee or the Appropriations

1 Committee. We have this leak of a report, not a classified
2 document, but a report, and even that I do not know who
3 leaked it. It could be the committee, it could have been the
4 Executive Branch -- I don't know. But I think you have to
5 run that risk.

6 Now, on the other hand, I have witnessed many, many,
7 many leaks in my 18 years in Congress, and most of them have
8 come from the Executive Branch, and most of them have come
9 from Cabinet members in the Executive Branch.

10 When they do it, of course, it is not a leak -- it is
11 an accepted mode of informing the public, and not doing it
12 directly. Now, we all know that has been done, and it
13 has been done by every Secretary of State since I can
14 remember. And in fact, when they do it, you see, it becomes
15 a declassification, an automatic declassification.

16 Mr. Quillen. I think what we are really finding here,
17 not only today, but during these hearings, that other committees
18 have strict regulations as to the handling of classified
19 material, whereas maybe the Select Committee on Intelligence
20 handled it loosely.

21 Mr. Giaimo. I do not know that that is so. That is
22 a finding you will have to make.

23 Mr. Quillen. I am not stating that as a statement of
24 fact, but just from testimony.

25 Mr. Giaimo. I was not that close to the staff

1 observation so I would be able to observe whether that
2 is a fact or not. That is a finding I cannot make.

3 But you know -- you seem to be talking about the release
4 of classified information. I think you have a real job
5 to do here, and that will be in your recommendations, as
6 to how to solve this problem. How do we handle this very
7 sensitive area that we have to get into as a Congress -- how
8 do we handle it and handle it properly, so that we do not
9 jeopardize the legitimate secret functions of government.
10 But the concern should not be with how do you write rules
11 to classify -- to keep secret information secret. I think
12 your biggest problem -- because we have plenty of rules for
13 that right now, and even we Congressmen are under a rule
14 that we have to be careful how we declassify or publish
15 it. But your real big problem is going to be what does a
16 Congressman do when he finds out that something has been
17 done that is wrong -- how does he perform his constitutional duty
18 to inform his colleagues in the Congress? That is the real
19 tough nut. And our rules are very weak in this area,

20 In other words, I find out, for example, that we were
21 conducting a secret war in Cambodia. Do I become, because
22 I found that out, in secret, it violates my concept of what
23 my government should be doing -- how do I inform you, my
24 colleagues? There has to be a way -- whether it is a
25 secret session of the House, which I understand the rules
are very difficult to obtain, or some other way. But

1 we do have to figure out what do we do when we become privy
2 to secret information, how do we protect it and at the
3 same time inform our colleagues, so that they know about it, and
4 can make a congressional decision about it? Any light that
5 you can shed on that is going to be helpful. And I know your
6 Rules Committee, Mr. Quillen, is concerning itself with that,
7 as it should, because our rules, I think, are weak.

8 Mr. Quillen. You have made a good point. The Select
9 Committee probably was set up with misgivings, restructured,
10 so to speak, a second time, and then went into operation.
11 Maybe it was just an ill omen all the way through. The last
12 time a secret session was held in the House was back in 1807.
13 Maybe those sessions should be held more often. I would like
14 to submit this for the record. Mr. Chairman.

15 Mr. Flynt. Without objection.

16 (The information follows:)

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1 Mr. Giamo. Well, you know that the Senate had a
2 secret session, I believe, this past year. I think it was on
3 Angola, in fact.

4 Mr. Quillen. Actually, I had some information in my
5 possession that night and had intended to make a motion for a
6 secret session had the Young amendment failed. But we are here
7 today as a mandate of Congress. Overwhelmingly, more than
8 two to one, they said -- the House said -- the report should
9 not be released. And now we are trying to find out what
10 happened.

11 We certainly respect your views, and they ring really a
12 responsive chord throughout the nation. But somehow the
13 Members of Congress and committees of Congress, and staff
14 members must abide by the classified document regulations that
15 we, as members, abide by.

16 Maybe out of this will come some fine recommendations.

17 But we need to put our finger on who leaked the report.

18 Mr. Giaimo. No question about that. And there is no
19 question of what you said, that we cannot develop a system here
20 where any one of 435 Congressmen can just merely decide for
21 himself what he will keep secret and what he won't. But there
22 has to be some rule whereby Congress and members of it can
23 object to secret activities which they consider wrong.

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[REDACTED] STAT
2 Mr. Quillen. There is one thing that has been bothering
3 me about your testimony. You have repeatedly said that there
4 was no classified material in the report and that it was
5 prepared to be released. Maybe you didn't say "no classified
6 material in the report." You said the report itself was not
7 classified.

8 Mr. Giaimo. That is right. I believe it did have
9 classified material in there, or information which was gleaned
10 from reading --

11 Mr. Quillen. From classified material. Does this make
12 the whole report classified, in your opinion?

13 Mr. Giaimo. No, I don't think so -- no. Because I
14 think what you do there, you see, is Congress or a committee
15 of Congress is making a determination and saying, "We are
16 going to publish our thoughts and views on this."

17 I have to go back to specific examples. The secret war
18 in Cambodia is a good one. When we found out about that
19 in Congress, we published it, in effect, and therefore we
20 published what was a secret. And I am sure they had all kinds
21 of security stamps on everything that was going on in Cambodia.
22 They even kept it from the Secretary of the Air Force, as
23 I recall. He didn't know the war was going on. But at
24 that point we published what was theretofore a secret. There
25 are times when you are going to have to do that. The
question is how do you do it. Should one Congressman have

2 1 the right to do it? I am not so sure. But he should have a
2 way to inform his colleagues.

3 Mr. Quillen. There should be a method.

4 Mr. Giaimo. There should be a method.

5 Now, let me tell you -- I have sat up many a night
6 thinking about these problems for years, because they are
7 troublesome ones. There may come a time when something happens
8 that I become privy to will so shock my conscience I feel I
9 have to talk about it and tell the people what their government
10 is doing. In that case, sure, I have the right, under the
11 Constitution, to get in the well of the House and say it. And
12 I can't be questioned in any other place. I sure as heck can
13 be questioned by my colleagues. And I may even be thrown out
14 of Congress. And at that point, I would have to make the
15 decision -- what is more important. Now, that is dangerous,
16 because what you are doing is setting yourself up as the sole
17 arbiter of what is right and wrong, good or bad, and that should
18 be done very carefully.

19 But I certainly can see where one felt that in good
20 conscience he had to take to the well and speak out, even
21 though he destroyed his own career.

22 But let's hope that we don't have to, and that we have
23 other avenues developed where we can inform our committees
24 and the House -- maybe in secret session, maybe otherwise.

25 But I think we have to.

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And perhaps that is the good that can come from all of the work of the last year-and-a-half on both sides of the dome.

Mr. Quillen. Mr. Chairman, that is all I have to say. I would like for the record to give the date of the last secret session of the House -- it escapes me now.

Mr. Flynt. Without objection.

Mr. Hutchinson.

Mr. Hutchinson. I have no questions, Mr. Chairman.

Mr. Flynt. Mr. Quie.

Mr. Quie. No questions.

Mr. Flynt. Mr. Mitchell.

Mr. Mitchell. Thank you, Mr. Chairman.

Mr. Giaimo, you have raised enough red flags to keep all of us here all week.

You spoke of covert operations. We are not really here to discuss them. But I think the classic example of perhaps a justifiable covert operation would have been if someone had gotten to Adolph Hitler -- it might have been a step in the right direction.

Mr. Giaimo. You mean during the war or before?

Mr. Mitchell. What's the choice?

Mr. Giaimo. Well, we have discussed that. The problem is it is understandable in the case of Adolph Hitler. But how about in the case of somebody that we don't like down the street?

1 That is the danger with that. Anyway --

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2 Mr. Mitchell. I'm a little confused about the situation
3 of classification. Mr. Quillen went into it, Mr. Marshall,
4 and Mr. Flynt. You don't feel, or a majority of the committee
5 apparently didn't feel that if there was a classified document
6 intact in the total committee report, that the total committee
7 report was still not classified?

8 Mr. Giaimo. That wasn't the situation. I don't think
9 there was --

10 Mr. Mitchell. How about the footnote about the Jackson
11 matter? Wasn't that intact, lifted from classified information?

12 Mr. Giaimo. I don't recall whether it was lifted intact --
13 you mean about the fact that Jackson had cautioned the CIA --
14 was that it?

15 Mr. Mitchell. Yes.

16 Mr. Giaimo. I certainly don't think that that was a
17 statement that jeopardized the national security in any way.

18 Mr. Mitchell. In other words, the committee could
19 determine what does and what does not jeopardize the national
20 security.

21 Secondly -- if the document had contained intact a
22 classified document, you still feel that would not classify
23 the committee report. A hypothetical situation. There
24 was in that committee report a document that was lifted intact,
25 placed in the committee report.

5 1 Mr. Giaimo. Let me answer your question this way. I think
2 that Congress -- I have been talking about individual members
3 of Congress with Mr. Quillen. But let me just talk about
4 committees of Congress. I think a committee of Congress, acting
5 for the Congress, and if it is supported certainly by the
6 Congress -- I think a committee of Congress can so insofar as
7 an executive branch classified matter is concerned, "We are
8 going to tell the Congress and the American people about this
9 matter; we are not going to abide by your executive branch
10 classification."

11 Now, I think Congress, congressional committees, can
12 do that, and I think they do do that in many instances.

13 Now, we also made the judgement, however, when we did
14 that -- and I have to stress this -- that at no time did we
15 think that anything in that report -- and I think that right
16 now -- nothing in that report jeopardizes the national security
17 of the United States.

18 Mr. Mitchell. When we talk about other committees being
19 able to declassify, and your committee, we are plowing new
20 ground, I think. You say other committees declassify. I am
21 not aware of these situations. Do you feel that any committee
22 of Congress, without the approval of the Congress as a body,
23 can declassify any information?

24 Mr. Giaimo. I think that is a cloudy area -- whether
25 any committee can. This gets back to the fact that we are

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1 talking about the need for rules changes. And I think there
2 is very real need for these rules changes. We are all groping,
3 because in the last few years this question has come up. So
4 I don't know about any committee. But I know that some committees
5 historically have done it. I know that my appropriations com-
6 mittee, if it set its mind to publicizing something, would do it.
7 I feel that the Armed Services Committee would do it -- and
8 that there are some other committees, I am sure.

9 Now, whether it is all committees, I don't know.

10 But we do need clarification, because many of us are
11 worried -- we want to act under the rules, but we recognize that
12 we have to know what the rules are, and are they adequate.

13 Mr. Mitchell. I think you stated there should be a better
14 method. I think we all certainly feel that there should be,
15 too. But until a better one does come along, it seems like
16 it might be a good idea to abide by the rules we have for
17 members generally.

18 I don't think you want to recommend that every member
19 divulge classified information on his own.

20 Mr. Giaimo. Sure we will abide by the rules we have.
21 But I don't know what reference that has to the report.
22 Remember that until the Rules Committee and the House acted,
23 this was a report which was to be published, which was not
24 considered by a substantial majority of the Committee as
25 endangering the national security, nor was it considered a

7 1 classified report.

2 Mr. Mitchell. It is a question of whether a committee
3 of the House can declassify. We all know that Congress can
4 make laws and declassify. I think there is no question there.
5 The connection with what I stated was that someone, perhaps
6 not a committee member, someone did offer the whole report to
7 the public.

8 Mr. Glaimo. And that was wrong.

9 Mr. Mitchell. I have no further questions.

10 Mr. Flynt. Mr. Cochran.

11 Mr. Cochran. Thank you, Mr. Chairman.

12 One of the difficulties in being the junior man on the
13 committee is that everybody asks all your questions before they
14 get around to you.

15 But I have one that I have been wondering about. And
16 that is, in our mandate, we are asked to look into the cir-
17 cumstances surrounding the publication of the report, and to
18 make findings and recommendations thereon. It has been the
19 judgment of the committee so far, and as outlined by the
20 chairman in his opening statement when the hearings began,
21 that this second part, the recommendations phase of our
22 work, is probably just as important, maybe even moreso, than
23 the initial phase of locating the source of the report that
24 was published. He observed in his opening statement that
25 Section 5 of Article I of the Constitution provides, and I

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8 2 will read: "Each House shall keep a journal of its proceedings
3 and from time to time publish the same excepting such parts
4 as may in their judgment require secrecy."

5 You referred very eloquently to our Founding Fathers, and
6 their view that the people have a right to decide issues of
7 national policy and the like, and certainly that is true. But
8 it was also contemplated, apparently, by the forefathers,
9 that there would be proceedings of each House that might
10 require secrecy.

11 In connection with the recommendations phase that we are
12 obliged to make, we have to ask the question now, do we have
13 adequate procedures and rules to deal with information that
14 we have as a body which ought to be kept secret.

15 In the conduct of your work on the Select Committee on
16 Intelligence, I know that you probably spent a good deal of
17 time talking about some of the subjects that you raised with
18 respect to how does Congress go about declassifying or getting
19 out information that the executive branch wants to maintain
20 in secrecy.

21 My question is did you at the same time consider this
22 question of the appropriateness or the value of the rules and
23 procedures that we now have to maintain legitimately classified
24 information as secret information.

25 Mr. Giaimo. We met as a committee when we formed and
when we wrote our rules and adopted rules, many of which were

9 1 adopted from other committees, I believe, which had been
2 involved in this area, to try to set up proper rules to secure
3 the integrity of the secret information. Yes, we did concern
4 ourselves with that. It is a matter of great concern to me
5 and to many members of that committee and other committees,
6 because, you know, that is an inherent problem whenever you
7 tell anyone anything --when two people know--how do you keep
8 the secret. And the more people that know it -- and the dif-
9 ficulty is that many people in Congress know more about secret
10 activities now than they used so, so it is a problem for us.

11 In the executive branch many people know about it, and I
12 am sure it is a problem for them, too.

13 Mr. Cochran. Did you get into the question of the rules
14 of the House?

15 Mr. Giaimo. Yes.

16 Mr. Cochran. Or the procedures of the House with respect
17 to maintaining secret information?

18 Mr. Giaimo. The rules of the House, as I recall we
19 did -- about how to maintain secret information.

20 Mr. Cochran. Earlier in your testimony, you made a
21 statement -- I think it was in response to a question Mr.
22 Quillen may have asked, or maybe Mr. Spence -- about
23 maintaining secret information, and you responded by saying
24 that we have plenty of rules for that. Well, if we do,
25 I think that is reassuring to the members of the committee

10 1 and also to the House. Do you think that those rules, if we
2 do have plenty of them for that, are adequate, considering the
3 additional oversight responsibilities the House is apparently
4 assuming unto itself with respect to intelligence gathering
5 operations?

6 Mr. Giaimo. Perhaps I should have said we have adequate
7 rules, rather than plenty, because I don't know they are that
8 numerous. But we have adequate rules. And my experience on
9 two committees, for some years, has been that we have had no
10 problems keeping secrets. The problem is that now, in the last
11 few years, because of the wrong-doings of some of our members
12 of the intelligence community, and because of Congress's
13 awareness that it has not been observing what they were doing,
14 as it should, the problem is now what do we do to get away from
15 these rules that I said we have adequate rules -- and usually
16 they were very stringent rules -- that things were kept in
17 such secret, not only were they not divulged to the House, but
18 to many, many members of the House who didn't know about them.

19 The difficulty is to get away from our old way of
20 doing things. Our old way of doing things was the "old boy"
21 system, where there were a couple of senior people in the
22 Congress, in the House or the Senate, who were privy to much
23 of this secret information, and no one else -- even members
24 of the subcommittee.

25 Just bear in mind that on the Defense Appropriations

11 1 Subcommittee, on which I have served for some number of years,
2 it was only about two years ago, Mr. Chairman, that we became
3 privy to the CIA -- the secret activities. Up until then it
4 was an Ad Hoc Subcommittee. We didn't even really know who
5 they were. It was not an official committee.

6 Now we were able to change it so the whole subcommittee
7 hears the CIA's activities and its budget.

8 So we have had to loosen up the rules in that sense.
9 And it has been healthy. And there have been no secrets leak.

10 Mr. Cochran. Is there a rule of the House that would
11 prohibit the release of legitimately classified information
12 by a House employee to a representative of the news media?

13 Mr. Giaimo. I think -- you know better than I, because
14 you have been studying them lately and I have not -- I think
15 there is a prohibition, isn't there? Certainly our rules
16 provided contractually for that, with our staff.

17 Mr. Cochran. I am not sure we have a rule of the House
18 like that. I am not even sure we have a rule that would
19 prohibit, for instance, a member of the Congress who might,
20 as you suggested a moment ago, improperly not take the well
21 of the House and disclose legitimately classified information but
22 outside of the regular conduct of his job as a member give
23 information that is secret information to some unauthorized
24 person. I don't think we have such a rule.

25 Mr. Giaimo. I don't think we do, either, now.

12 1 Mr. Cochran. The question is do we need such a rule.

2 Mr. Giaimo. I think we are getting dangerously close
3 to an Official Secrecy Act, which I object to most strongly
4 and would not want to see. And therefore I don't think that
5 you would have that kind of a rule, because it would in effect
6 impose an Official Secrets Act type legislation which we
7 do not have, and which would be unconstitutional, given some
8 of the recent decisions in the Pentagon Papers and other things.

9 Mr. Cochran. I have no further questions.

10 Thank you very much.

11 Mr. Flynt. I just have one question, prompted by the
12 line of questioning of the gentleman from Mississippi.

13 What would be your objection to an official secrets act?

14 Mr. Giaimo. I think that there is more harm and danger
15 that would come about from it, Mr. Chairman, than would be
16 the benefits. What would be the benefits? The benefits would
17 be to punish people who found out about secret government
18 activities and published them. Now, I have no sympathy for
19 people doing that. But -- you know, we are going on a long
20 time here. I don't want to take the committee's time. I would
21 love to discuss this, because it is a subject that I think
22 needs discussing.

23 Mr. Flynt. Let me rephrase the question. If we
24 could properly determine which secrets ought to be kept,
25 would you have an objection to providing some mechanism for

13 1 keeping those?

2 Mr. Glaimo. Yes, sir, Mr. Chairman. I grew up with a
3 healthy mistrust of government. I feel that you have got to,
4 like Thomas Jefferson and others said -- you have got to worry
5 about government, because government will perpetuate itself,
6 and therefore when a citizen finds out something that shocks
7 him -- for example, again, that secret war in Cambodia -- and
8 he speaks out about it, I think that the public interest is
9 better served by finding out.

10 Now, if you have an official secrecy act, you are going
11 to intimidate this man or woman, and they are going to be
12 concerned with going to jail, and therefore they may keep
13 quiet and become part of the conspiracy of secret and silence.

14 We would have been better served, for example, in
15 the Bay of Pigs episode, where we are told that certain news-
16 papermen knew about it but kept it quite -- we would have been
17 better served if they had broken that secret and published
18 it and let the American people know. We might not have had
19 that Bay of Pigs incident.

20 I think democracy survives better in an atmosphere of
21 awareness and openness. And I think an Official Secrecy Act
22 would tend to intimidate people, and intimidation is the name
23 of this game of secrecy.

24 Mr. Flynt. Would you give away our research and
25 development specifications?

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Mr. Giaimo. Would I give it away?

Mr. Flynt. Yes. I mean do you think that ought to be made public?

Mr. Giaimo. No. I don't think a lot of these secrets ought to be made public. But I think we have survived for two hundred years without an Official Secrecy Act. And I don't think that I would want to see one imposed today.

Now, England has one, and England has been able to survive with one. But I would not like to see us do it here in the United States. It would be in my opinion going the wrong way, in that it would be giving government an added weapon against its citizens.

Remember, there were some courageous people who many of us dislike and disagreed with who spoke out during the days of Vietnam and would have violated an Official Secrets Act if it had been in existence. What do you do if you have a tyrant in government? You could be compelled by an Official Secrets Act from speaking out against him.

These are all, as you know, philosophical, controversial, tough questions to answer.

We have done pretty well as a government. We have done very well as a people. For two hundred years we have served our nation well. And we are a great nation and a great government. Let's keep it that way.

I think if we can survive without it, let's do it.

11:15
Fls. AM

1 Mr. Bennett. What you said about the Bay of Pigs brings
2 back to me a very difficult decision I had to make, because
3 I was a member of the CIA Committee at that time, and I was
4 informed about it, in advance.

5 My own personal feeling was that it would not succeed,
6 without going into the details of it, basically it was because
7 not enough force was involved. My own conclusion was, if it
8 was to be undertaken, it ought to be openly undertaken to
9 re-establish democratic government in Cuba. And I went to see
10 President Kennedy about it.

11 I did not release the information to the public because
12 I really didn't know what I should do. I thought if I went
13 to the President, in whom I had great confidence, that that is
14 what I should do, and that is what I did do.

15 At this moment I don't know whether I should say what he
16 told me at that time or not. But I can say he shared my
17 feeling of disquietude about covert operations, and I think
18 I will leave it at that point, except to say that this was a
19 difficult governmental decision for me to make.

20 I was adamantly opposed to what I thought was going to
21 transpire, and I thought Mr. Allen Dulles had a euphoria about
22 the situation which had no foundation in military probabilities,
23 and yet he was obviously going to go ahead.

24 Now, the same thing obtains, well, not the same thing
25 because we are not planning any more Bay of Pigs at the moment,

1 but the same sort of decision occurs before the CIA Committees
2 now.

3 I am not talking about necessarily covert operations, but
4 as to the propriety of covert operations, not necessarily
5 specific ones.

6 As I said before to you, I am not convinced that they
7 are worth it. I think the dangers and damage that comes to
8 our country, my own judgment at this moment is, have exceeded
9 any possible benefits. And I share with you your concern
10 about secret government. I would like to add to it that it's
11 not just Presidential secret government, it partly is
12 bureaucratic secret government.

13 When a thing like this is already well planned, and
14 while implemented and the President is prepared with this, it's
15 almost a fait accomplis, in my opinion, in some cases, and
16 the decision must be a very difficult one for the President
17 to make.

18 So, I am saying to you it isn't that the President who
19 sits up here and thinks up all of these things to do, but
20 having an institution like the CIA which can go headway with
21 a covert operation, of course, with the consent of the
22 President, I presume in every case, doesn't keep down bureau-
23 cracy thinking up new adventures. And my own judgment is it
24 has been more harmful to our country than beneficial.

25 There are probably examples of places where covert

1 operations have been helpful, but when I add them all up, going
2 back to the early history of our country, and coming down to
3 today, I don't think it adds up on the plus side. And it
4 does terrible damage to the United States' leadership potential,
5 which is based basically upon what is morally right, and what
6 is proper, to sustain itself on its own merits.

7 Mr. Flynt. Mr. Price?

8 Mr. Price. No questions.

9 Mr. Flynt. Thank you, Mr. Giaimo, for your appearance
10 before the Committee and your comments and contributions to
11 the Committee.

12 Mr. Giaimo. Thank you very much, Mr. Chairman.

13 Mr. Flynt. Mr. Roscoe B. Starek III.

14 Mr. Starek, would you raise your right hand, please.

15 Do you solemnly swear that the testimony you will give
16 before this Committee in the matters now under consideration
17 will be the truth, the whole truth and nothing but the truth,
18 so help you God?

19 TESTIMONY OF ROSCOE B. STAREK III, MINORITY COUNSEL ON
20 THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS
Mr. Starek. I do.

21 Mr. Flynt. You may be seated.

22 Counsel?

23 Mr. Starek. Thank you, Mr. Chairman.

24 Mr. Marshall. Mr. Starek, for the record, would you state
25 your full name and present residence?

1 Mr. Starek. Roscoe B. Starek III, 7201 47th Street,
2 Chevy Chase, Maryland.

3 Mr. Marshall. Would you talk just a bit louder, Mr.
4 Starek?

5 Now, Mr. Starek, where are you presently employed?

6 Mr. Starek. I am employed as the Minority Counsel on
7 the Subcommittee on Civil and Constitutional Rights of the
8 House Judiciary Committee.

9 Mr. Marshall. Mr. Starek, you were counsel, were you not,
10 sir, to the Select Committee on Intelligence?

11 Mr. Starek. Yes, Mr. Marshall.

12 Mr. Marshall. And when did you begin work as counsel
13 for that committee?

14 Mr. Starek. As I recall, June 9, 1975.

15 Mr. Marshall. And when did you leave that committee?

16 Mr. Starek. I went off the payroll on February 29, 1976.

17 Mr. Marshall. Now, you are presently appearing at the
18 invitation of this committee?

19 Mr. Starek. Yes, sir.

20 Mr. Marshall. Prior to the hearing you have received
21 copies of House Resolution 1042 and 1054, as well as copies
22 of the rules of this committee, the investigative procedures,
23 and a copy of Chairman Flynt's opening statement.

24 Mr. Starek. That is correct.

25 Mr. Marshall. Do you have a written prepared statement

1 which you wish to file with this committee?

2 Mr. Starek. No, I do not.

3 Mr. Marshall. Do you have an oral statement which you
4 wish to make to the committee?

5 Mr. Starek. No, sir.

6 Mr. Marshall. You have turned over to this committee
7 staff all documents which were requested that you turn over
8 and in your possession involving your Select Committee work?

9 Mr. Starek. Yes, I have.

10 Mr. Marshall. In the event that your evidence or
11 testimony may involve information or data concerning an
12 executive session of the Select Committee on Intelligence or
13 classified information, or information which may tend to
14 defame, degrade or incriminate any person, would you please
15 call that to this committee's attention in a timely fashion
16 so it may take appropriate action under the rules of the House
17 of Representatives?

18 Mr. Starek. Yes, sir.

19 Mr. Marshall. Mr. Starek, you have prepared a memorandum
20 dated February 23, 1976 addressed to the Honorable Robert
21 McClory, did you not, sir?

22 Mr. Starek. Yes, sir.

23 Mr. Marshall. And that memorandum concerned security
24 regulations and procedures in the Select Committee on Intelli-
25 gence, is that right, sir?

1 Mr. Starek. That is correct, sir.

2 Mr. Marshall. Is it not correct that this memorandum
3 contains a survey, if you will, of your views as to the
4 security procedures and whether they were adhered to during
5 the Select Committee's life?

6 Mr. Starek. Yes, sir.

7 Mr. Marshall. Could you summarize for us very briefly
8 your views as set out in that memorandum and any up-to-date
9 amendments to the memorandum that you think should be made
10 and brought to this committee's attention?

11 Mr. Starek. Well, as I recall --

12 Mr. Marshall. You may have a copy of the memorandum
13 if that would be helpful to you.

14 Mr. Starek. That would be helpful.

15 Well, as I recall, I reviewed the security regulations
16 and cited specific or cited examples as to when the regulations
17 were adhere to and reviewed the physical facilities for Mr.
18 McClory, with respect to the safes and who had possession of
19 the combinations of those safes, to my knowledge, and basically
20 I outlined a system of how the security regulations and
21 procedures were to work, and then I described how, in fact,
22 they did work.

23 Mr. Marshall. Is it correct to say that it was your
24 view, as set out in that memorandum, that the security pro-
25 cedures were by and large adhered to initially during the

1 life of the committee, but that as things got more hectic
2 and time pressures became greater that these security pro-
3 cedures were not adhered to?

4 Mr. Starek. I think that is a fair statement. But I
5 think that specific phrase, as I used it in the memorandum,
6 referred to one specific security measure.

7 Mr. Marshall. All right, sir. Would you elaborate
8 which specific security measure you are referring to?

9 Mr. Starek. It was the one with respect to reviewing
10 classified materials in a secure library area or secure
11 area near the files.

12 Mr. Marshall. And what did you conclude about that, sir?

13 Mr. Starek. As time went on, and I think you received
14 testimony earlier to this effect, that persons were allowed
15 to review and work with materials at their desks.

16 Mr. Marshall. Now, did you also find instances where
17 persons on the staff were allowed to contact the various
18 governmental departments directly to obtain documents without
19 going through the chain of command through the Staff Director?

20 Mr. Starek. I am not sure I follow you. Everybody
21 who went to the particular agencies were sent with the full
22 knowledge of the Staff Director.

23 Mr. Marshall. But were there instances where the members
24 of the staff would contact those persons in other agencies
25 directly, rather than going through one central committee staff

1 member for that purpose?

2 Mr. Starek. Where members of our staff would contact
3 representatives of the various intelligence agencies?

4 Mr. Marshall. Yes, sir, correct.

5 Mr. Starek. Well, at each intelligence agency we had
6 to work through specific liaison staffs that were set up, and
7 I don't now recall any instances where persons did not deal
8 with the designated persons in the intelligence agencies
9 directly before then seeking interviews with members of the
10 intelligence agencies.

11 Mr. Marshall. Now, what were the circumstances surrounding
12 your preparing that memorandum?

13 Mr. Starek. Mr. McClory asked me to prepare it.

14 Mr. Marshall. Would you hand that memorandum, if you
15 would desire, to the court reporter so she may make it an
16 exhibit to your testimony?

17 (The above-referred to memorandum follows:)

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1 Mr. Flynt. Without objection, this memorandum will be
2 included in the report at this point.

3 Mr. Marshall. Now, did you see members of the news
4 media in the Select Committee spaces during the period January
5 19 to Hanuary 23, 1976?

6 Mr. Starek. Well, yes, sir, but only in the foyer or
7 entryway area.

8 Mr. Marshall. And who were those news media persons that
9 you observed?

10 Mr. Starek. Well, I recall seeing Daniel Schorr there.
11 Others that I didn't recognize. I think Jim Adams was probably
12 there also at one point. There were several persons who I
13 assume, who I think were reporters, persons that I had seen
14 in our committee hearings.

15 Mr. Marshall. Did you have any direct or personal
16 contact with these persons in the news media?

17 Mr. Starek. You mean in the time period we are talking
18 about?

19 Mr. Marshall. Yes, during that time period.

20 Mr. Starek. Not that I recall.

21 Mr. Marshall. With whom were they speaking or were
22 they talking at the time you observed them?

23 Mr. Starek. Well, I don't remember anyone in particular,
24 Carolyn Andrade, our administrative officer, sat out in that
25 area, and often times representatives of the news media would

1 come by to pick up public documents which were oftentimes
2 placed on an empty desk that was in there, was in that entry-
3 way, so I know they must have spoken with her. I just don't
4 recall anyone else.

5 Mr. Marshall. Do you recall telling our staff you saw
6 Mr. Schorr speaking with Mr. Donner, Field and Carolyn
7 Andrade? Does that refresh your recollection?

8 Mr. Starek. Do you mean the specific period January 19th?

9 Mr. Marshall. Yes, sir.

10 Mr. Starek. I don't recall, but that could be the case.
11 That is generally who representatives of the news media, if
12 they came for a purpose other than picking up material, they
13 would request to see Mr. Donner or Mr. Field.

14 Mr. Marshall. All right. You have looked at the draft
15 of the report or part of the report which appeared in the
16 Village Voice, have you not, sir?

17 Mr. Starek. Yes, I have.

18 Mr. Marshall. Do you have any judgment as to which
19 particular draft of the Select Committee's report was the one
20 published in the Village Voice?

21 Mr. Starek. Not specifically, not exactly. I know it
22 certainly wasn't the first draft and it wasn't the final draft.

23 Mr. Marshall. When you say the first draft, you are
24 referring to the draft of January 19?

25 Mr. Starek. That is correct.

1 Mr. Marshall. And the final draft, the draft of
2 January 23 as adopted by the committee?

3 Mr. Starek. When I say final draft I mean a draft
4 including changes which the staff was authorized to make
5 during the week of January 26th.

6 Mr. Marshall. What is the basis for your view that
7 it was not the first nor the last draft?

8 Mr. Starek. Simply by reading, having read the draft.

9 Mr. Marshall. Is there any specific part of the text
10 which appeared in the Village Voice which would enable you to
11 identify more closely which particular draft it contained?

12 Mr. Starek. Well, specifically, I recall certainly the
13 sections of the report which I helped write, and those were
14 not exactly the same as they were written or as they were
15 completed during the week of the 26th.

16 I think of in particularly one footnote which I am sure
17 was changed because we had a lengthy debate over it.

18 Mr. Marshall. Do you recall which footnote that was?

19 Mr. Starek. Not by number but it had to do with a
20 presentation by Mr. Kirschstein and myself to the Select
21 Committee.

22 Mr. Marshall. At least in one draft you and Mr.
23 Kirschstein were referred to specifically in the footnote.

24 Mr. Starek. That is correct.

25 Mr. Marshall. But the Village Voice did not contain

1 that reference?

2 Mr. Starek. That is correct.

3 Mr. Marshall. With regard to that particular footnote,
4 do you have any recollection as to when that footnote was
5 changed as to which draft it was changed in?

6 Mr. Starek. It was changed during the week of the 26th
7 early on, I think.

8 Mr. Marshall. During the what?

9 Mr. Starek. Week of the 26th of January.

10 Mr. Marshall. The 26th of January?

11 Mr. Starek. Yes.

12 Mr. Marshall. But the change did not appear in the
13 Village Voice?

14 Mr. Starek. That is correct.

15 Mr. Marshall. All right, sir.

16 Mr. Starek, Mr. Schorr, Daniel Schorr has stated in an
17 article in Rolling Stone of April 8, 1976 that on January 25th,
18 1976, he had possession of the Select Committee report, at
19 least a draft of that report.

20 Did you give this report or a draft of the report or any
21 portion of the report to Mr. Schorr or to any other person?

22 Mr. Starek. No.

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

24 Mr. Starek. No, sir.

25 Mr. Marshall. Do you have any knowledge whatsoever of

1 the circumstances surrounding the publication of any draft
2 of the Select Committee's report or of any part thereof?

3 Mr. Starek. No, sir.

4 Mr. Marshall. Do you know of anyone who has such
5 knowledge?

6 Mr. Starek. No, sir.

7 Mr. Marshall. Did you give the report or a draft of
8 the Select Committee's report, or make any part of the Select
9 Committee's report or a draft available to anyone outside
10 of the Select Committee on Intelligence?

11 Mr. Starek. No, sir.

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

13 Mr. Starek. No, not directly. I have read the newspaper
14 that one of the members did. But, other than that, I have
15 no direct knowledge.

16 Mr. Marshall. When you say you read in the newspaper
17 that one of the members did, are you referring to the testimony
18 last week?

19 Mr. Vtarek. Yes, sir.

20 Mr. Marshall. All right, sir, that was the member who
21 is supposed to have made it available to the CIA, is that
22 the particular reference?

23 Mr. Starek. That is what I am referring to, sir.

24 Mr. Marshall. Other than that, do you have any knowledge
25 of anyone who made the report or a draft of the Select

1 Committee's report available to anyone outside of the Select
2 Committee on Intelligence?

3 Mr. Starek. No.

4 Mr. Marshall. All right.

5 Mr. Flynt. Mr. Price?

6 Mr. Price. No questions.

7 Mr. Flynt. Mr. Hutchinson?

8 Mr. Hutchinson. No questions.

9 Mr. Flynt. Mr. Bennett?

10 Mr. Bennett. No questions.

11 Mr. Flynt. Mr. Quie?

12 Mr. Quie. No questions.

13 Mr. Flynt. Mr. Mitchell?

14 Mr. Mitchell. No questions.

15 Mr. Flynt. Mr. Cochran?

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

17 Mr. Flynt. Mr. Spence?

18 Mr. Spence. No, I don't have any questions.

19 Mr. Flynt. Mr. Starek, we thank you for your appearance
20 before the Committee, and you may step down.

21 Mr. Starek. Thank you, Mr. Chairman.

22 Mr. Flynt. The Committee will recess subject to the
23 concurrence of the Committee, until one o'clock this afternoon.
24 The hour of one o'clock for reconvening is suggested in an
25 effort that we may expedite the hearings and use all available

1 time for this purpose.

2 Without objection, the Committee will stand in recess
3 until 1:00 p.m. this afternoon.

4 (Whereupon, the committee recess, to reconvene at
5 1:00 p.m. this afternoon.

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AFTERNOON SESSION

Mr. Flynt. The Committee will come to order.

A quorum is present for the purpose of taking testimony and receiving evidence.

Mr. Rushford, will you rise and be sworn?

You do solemnly swear that the testimony you will give before this Committee in the matters now under consideration will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Rushford. I do.

Mr. Flynt. Mr. Marshall?

Mr. Marshall. Mr. Rushford, would you state your name and present address for the record, please?

TESTIMONY OF MR. GREGORY G. RUSHFORD, FORMER MEMBER OF
THE STAFF OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. Rushford. My name is Gregory Gene Rushford. I reside at 261 Commons Drive in Vienna, Virginia.

Mr. Marshall. You are appearing at the invitation of the Committee.

Mr. Rushford. I am appearing voluntarily, yes, sir.

Mr. Marshall. Prior to the hearing you received copies of House Resolution 1042 and 1054, as well as the rules of the Committee, investigative procedures adopted by this Committee and a copy of Chairman Flynt's opening statement?

Mr. Rushford. Yes, sir.

1 Mr. Marshall. Now, as I understand it, Mr. Rushford,
2 you were a member of the Select Committee staff during its
3 existance?

4 Mr. Rushford. I was a staff member.

5 Mr. Marshall. All right, sir, and when did you come to
6 the Select Committee?

7 Mr. Rushford. Sometime around June 20th of 1975.

8 Mr. Marshall. All right, sir, and when did your duties
9 terminate?

10 Mr. Rushford. The last day of February, 1976.

11 Mr. Marshall. Could you outline very briefly the scope
12 of your duties and responsibilities with the Select Committee?

13 Mr. Rushford. I was an investigator and I did the
14 investigation on the analytical performance of the intelligence
15 agencies on six foreign events that we selected at random, the
16 Mid East War, Cyprus crisis, and four others and did some
17 work on the Forty Committee's procedures and did the
18 investigation on the adequacy of Soviet compliance with the
19 SALT talks.

20 Mr. Marshall. All right. Do you have a written, prepared
21 statement which you wish to make to the Committee at this time?

22 Mr. Rushford. No, sir.

23 Mr. Marshall. All right. Do you have an oral statement?

24 Mr. Rushford. Not at this time.

25 Mr. Marshall. Now, have you produced for the staff of

1 this Committee the documents which you were requested to
2 produce which concern the subject matter of this investigation,
3 that is, the documents in your possession?

4 Mr. Rushford. I had no documents in my possession, and
5 produced none.

6 Mr. Marshall. Now, in the event your evidence or
7 testimony may involve any information or data concerning
8 executive sessions of the Select Committee, classified
9 information or any information or data which would tend to
10 defame or incriminate or degrade any person, would you advise
11 this Committee so it can take appropriate and timely action
12 under the rules of the House of Representatives?

13 Mr. Rushford. Yes.

14 Mr. Marshall. Mr. Rushford, did you have anything to
15 do with the distribution of the first complete draft of the
16 Select Committee's report, that is the draft of January 19,
17 1976?

18 Mr. Rushford. I had very little to do with it, but I
19 did have something to do with it.

20 Mr. Marshall. All right, would you outline for us what
21 your responsibilities were in that regard?

22 Mr. Rushford. Well, the day the report was distributed,
23 you say January 19th?

24 Mr. Marshall. Yes.

25 Mr. Rushford. There were several copies originally

1 distributed to I believe five of the members which had some
2 sort of typographical error, and I substituted then the Volume
3 I, and visited several offices.

4 Mr. Marshall. Now, while in the cours of your visits
5 to several offices, did you have occasion to observe any
6 staff of committee members, that is Select Committee members
7 reading the January 19 draft that had been distributed
8 earlier that day?

9 Mr. Rushford. Yes. When I delivered the copy of the
10 report to Congressman Aspin's office I walked in the office,
11 and to the right was a staff member of Mr. Aspin's who was
12 reading the volumes of the report and I just switched the one
13 volume and left.

14 Mr. Marshall. Did you have any other instances where you
15 saw staff of committee members, that is Select Committee
16 members having access to the January 19 draft or a later draft?

17 Mr. Rushford. Not where I saw it, but where I discussed
18 the subject on the telephone. I called Congressman McClory's
19 office and spoke with Mr. Ahern, and he said he was reading
20 Volume II while the Congressman was reading Volume I.

21 Mr. Marshall. Did you have any responsibilities with
22 regard to the distribution of the January 23, 1976, that is,
23 draft, that is the draft subsequently with some changes that
24 was adopted by the Select Committee?

25 Mr. Rushford. No.

1 Mr. Marshall. Now during the course of the Select
2 Committee's deliberations in preparation for issuing its
3 report, did it come to your attention that there had been any
4 leaks from the Select Committee or from any other sources?

5 Mr. Rushford. There were no leaks on any projects that
6 I was involved in. But I do remember two such leaks, though,
7 sometime in October, I guess.

8 Mr. Marshall. Of 1975?

9 Mr. Rushford. Yes.

10 Mr. Marshall. Were the sources of those leaks ever
11 identified, to your knowledge?

12 Mr. Rushford. No.

13 Mr. Marshall. Was any investigation initiated to
14 determine the source of those leaks?

15 Mr. Rushford. Well, I believe so, but since I wasn't
16 directly involved in the subject matter I wasn't involved
17 in what actually was done to uncover the leak and I really
18 don't know.

19 Mr. Marshall. Did you ever see any news media persons
20 inside of the Select Committee spaces, and by that I mean
21 past the security guard that was posted to log people in and
22 out?

23 Mr. Rushford. Not that I recall, no.

24 Mr. Marshall. Do you recall overhearing a conversation
25 between Mr. Field and a man who was later identified as "Dan"?

1 Mr. Rushford. Oh, yes.

2 Mr. Marshall. All right, sir, when was that conversation?

3 Mr. Rushford. It was in the week or so before the
4 report was voted on to be made public, somewhere between
5 January 19, I suppose, and the 23rd.

6 Mr. Marshall. Where were you when you overheard that
7 portion of the conversation?

8 Mr. Rushford. I was standing back at Searle Field's
9 desk and we were discussing the matter, and the phone rang
10 and he picked it up and somebody talked, and he said, "Dan,
11 there is no way I am going to give you," you know, "a copy
12 of this, you are going to have to wait your turn," or something
13 like that, and then I laughed and I said, "Is that Dan
14 Schorr?" And he said, "Yes," and that is all there was to it.

15 Mr. Marshall. All right. Now, you published an article,
16 did you not, in the National Observer for the week ending
17 May 15th, 1976, entitled "Our Passive, Timid CIA."

18 Mr. Rushford. Yes, I did. I did not write the
19 headline.

20 Mr. Marshall. All right, did you write the article?

21 Mr. Rushford. Yes.

22 Mr. Marshall. Now, do you recall signing an agreement
23 when you went on the Committee staff that you would not
24 divulge information you obtained by reason of your employment,
25 that is, information which is not in the public domain?

1 Mr. Rushford. Yes, that's right.

2 Mr. Marshall. Where did you get the information in that
3 article? So I may give you the general train, what I am
4 interested in determining is how you construed this agreement
5 that you had signed, and the possible conflict, if there is
6 such a conflict, between the agreement and the fact that you
7 had published an article on the CIA?

8 Mr. Rushford. I have published two. One in the Washington
9 Monthly entitled, "Making Enemies."

10 Mr. Marshall. I take it that didn't come by reason of
11 your work on the Committee staff, did it?

12 Mr. Rushford. Yes. It had something to do with it. It
13 was a story of our struggle to get classified information.

14 I can answer your questions very easily.

15 Mr. Marshall. All right, if you will.

16 Mr. Rushford. The National Observer article was
17 derived entirely from the public hearings of the Pike Committee,
18 and have been published, and before I wrote any article, even
19 based on public information, I discussed this with Searle
20 Field and Congressman Pike, and I later discussed the National
21 Observer article with Congressman Mc Clory, and nobody saw
22 any objection to it. In fact, any reporter could have written
23 the same articles if they had read the hearings, and analyzed
24 them.

25 Mr. Marshall. Mr. Schorr has stated in an article in the

1 Rolling Stone of April 8th, 1976, that he had possession of
2 the Select Committee report of January 25, 1976. Did you
3 give this report or a draft of any part of this report or
4 any other Select Committee report to Mr. Schorr or to any other
5 person?

6 Mr. Rushford. No, I had absolutely nothing to do with
7 it.

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

9 Mr. Rushford. No.

10 Mr. Marshall. Do you have any knowledge whatsoever of
11 the circumstances surrounding the publication of any draft
12 of the Select Committee or draft of the Select Committee
13 report?

14 Mr. Rushford. No.

15 Mr. Marshall. Or any part of it?

16 Mr. Rushford. No, except I attended the executive
17 session when the Committee went over the report line by line
18 to vote on whether this should be made public. Other than
19 that, I have no knowledge.

20 Mr. Marshall. Do you know of anyone who has such
21 knowledge?

22 Mr. Rushford. No.

23 Mr. Marshall. Did you give the report or make any part
24 of the Select Committee report available to anyone outside of
25 the Select Committee on Intelligence? By that I mean report

1 or any draft of the report?

2 Mr. Rushford. No.

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

4 Mr. Rushford. No.

5 Mr. Flynt. Mr. Spence?

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

7 Mr. Flynt. I have no questions.

8 Mr. Marshall, do you have any further questions?

9 Mr. Marshall. No, sir, I don't.

10 Mr. Flynt. We thank you for your appearance before the
11 Committee.

12 Mr. Rushford. You are welcome.

13 Mr. Flynt. You may step down.

14 The Committee will stand in recess until 1:45.

15 (A short recess was taken.)

16 Mr. Flynt. The Committee will come to order.

17 Mr. Marshall. Miss Poor, would you take the witness
18 stand, please?

19 Mr. Flynt. Ms. Poor, would you raise your right hand,
20 please?

21 You do solemnly swear that the testimony you will give
22 before this Committee in the matters now under consideration
23 will be the truth, the whole truth and nothing but the truth,
24 so help you God?

25 TESTIMONY OF MS. SUSAN POOR, FORMER MEMBER OF THE
SELECT COMMITTEE ON INTELLIGENCE ACCOMPANIED BY
MICHAEL GREENBERG, COUNSEL

1 Ms. Poor. I do.

2 Mr. Flynt. You may be seated.

3 Mr. Marshall. Ms. Poor, would you state your name for
4 the record please?

5 Ms. Poor. Susan Poor.

6 Mr. Marshall. Would you speak up just a bit, please,
7 so we can hear you?

8 Ms. Poor. My name is Susan Poor.

9 Mr. Marshall. Where do you live, Ms. Poor?

10 Ms. Poor. 4114 South 36th Street, Arlington, Virginia.

11 Mr. Marshall. Are you presently employed?

12 Ms. Poor. Yes, I work for Congressman Edward Koch.

13 Mr. Marshall. Now Ms. Poor, you were a member of the
14 staff of the Select Committee on Intelligence?

15 Ms. Poor. Yes.

16 Mr. Marshall. When did you first become employed by the
17 Select Committee?

18 Ms. Poor. September 3, 1975.

19 Mr. Marshall. And when did you terminate your duties
20 with the Select Committee?

21 Ms. Poor. The end of February, 1976.

22 Mr. Marshall. Could you give us your job title and
23 a general outlined of your duties with the Select Committee?

24 Ms. Poor. I was hired as a research assistant for the
25 Committee, and that included doing some background research,

1 memorandum for some of the investigators, working on the
2 security areas in the back in terms of charging out documents
3 and letters preparing briefing books for hearings.

4 Mr. Marshall. Now, you are appearing at the invitation
5 of the committee?

6 Ms. Poor. Yes.

7 Mr. Marshall. All right. And you are appearing with
8 counsel?

9 Ms. Poor. Yes.

10 Mr. Marshall. Would you introduce your counsel or have
11 him identify himself?

12 Mr. Greenberg. My name is Michael Greenberg.

13 Mr. Marshall. Prior to the hearing, Ms. Poor, you
14 received copies of House Resolution 1042 and 1054 and copies
15 of the rules of the Committee, and a copy of the investigative
16 procedures of this committee, and a copy of the Chairman's
17 opening statement, have you not?

18 Ms. Poor. Yes, I have that here. I have it, I have not
19 read the Chairman's opening statement. We just got that
20 today.

21 Mr. Marshall. All right, if you should desire to consult
22 with counsel with regard to the opening statement, you may do
23 so now.

24 Mr. Greenberg. Mr. Marshall, this was just handed to
25 us right now. I don't think we have had a chance to read

1 through it, and I think we will go ahead.

2 Mr. Marshall. You would like to go ahead, all right.
3 Do you have a written statement you would like to file with
4 the Committee at this time?

5 Ms. Poor. No, I do not.

6 Mr. Marshall. Do you have an oral statement which you
7 would like to present to the Committee at this time?

8 Ms. Poor. No, I don't.

9 Mr. Marshall. Now, have you produced to the staff of
10 this Committee all documents which were in your possession
11 with regard to the Select Committee on Intelligence's work?

12 Ms. Poor. No. I was never asked to do that.

13 Mr. Marshall. And do you have any documents in your
14 possession?

15 Ms. Poor. I have some memoranda that I drew up while
16 I was on the Committee.

17 Mr. Marshall. Did those contain classified information,
18 to your knowledge?

19 Ms. Poor. No, they did not.

20 Mr. Marshall. Would you be willing to allow the staff
21 to look at those memoranda?

22 Ms. Poor. Yes, I would.

23 Mr. Marshall. Now, in the event your evidence or
24 testimony may involve information or data concerning an
25 executive session of the Select Committee on Intelligence or

1 classified information or evidence which may tend to defame,
2 degrade or incriminate any person, would you please advise
3 this Committee in a timely fashion so that it can take
4 appropriate action, under the rules of the House of Repre-
5 sentatives?

6 Ms. Poor. Yes.

7 Mr. Marshall. To whom did you report on the Select
8 Committee staff, Ms. Poor?

9 Ms. Poor. My immediate supervisor was Jackie Hess.

10 Mr. Marshall. And would you, for the record, identify
11 Miss Hess' job title, if you know it?

12 Ms. Poor. I am not sure I have it exactly, she was the
13 head of the research department and the head of the security
14 for the committee.

15 Mr. Marshall. Now, Ms. Poor, we have received testimony
16 here identifying the first person that leaked drafts of the
17 Select Committee on Intelligence's report as a January 19,
18 1976 draft. Do you recall that particular draft of the
19 report?

20 Ms. Poor. If that was the draft that went out to the
21 Committee members, that is the one that I would recall.

22 Mr. Marshall. Do you recall that there were two distinct
23 distributions to the Committee members, the first being the
24 original draft of the Select Committee's report, and the
25 second being a later draft or a draft of the January 23, 1976?

1 Ms. Poor. They were not two separate deliveries of the
2 report. I mean, there were changes made on the January 19
3 version.

4 Mr. Marshall. And you recall that the January 23rd
5 draft, with some changes, was finally adopted as the Select
6 Committee's report?

7 Ms. Poor. Yes.

8 Mr. Marshall. All right. Now, with regard to the
9 January 19, 1976 draft, that is the first draft that was
10 distributed to Committee members, did you have any responsi-
11 bility to assist in distributing that draft or preparing it?

12 Ms. Poor. I had responsibilities in preparing and
13 distributing it.

14 Mr. Marshall. All right. Now, would you outline in
15 your own words what you did in connection with the preparation
16 of that draft?

17 Ms. Poor. In preparation of the draft, I was working
18 under the supervision of Emily Sheketoff and what I did then
19 was at her direction.

20 Mr. Marshall. All right.

21 Ms. Poor. Mainly I typed pages of the report that
22 were eventually going to go into the final report, and as they
23 were written we would typ them, and then they would be
24 compiled into the report.

25 Mr. Marshall. All right. Did you have any other

1 responsibilities such as Xeroxing of those pages?

2 Ms. Poor. I did do some Xeroxing at her direction, yes.

3 Mr. Marshall. Now, where was the Xerox machine located
4 in the Select Committee spaces?

5 Ms. Poor. It was in the second section, the whole
6 Committee room, as you walk past the reception area, it would
7 have been behind the first wall and there was a door there and
8 the Xerox machine was right behind that first division.

9 Mr. Marshall. Was there a staff member assigned to the
10 Xerox machine to control what was xeroxed, and the numbers of
11 copies Xeroxed of the Select Committee draft report?

12 Ms. Poor. No one that I knew that was specifically
13 assigned to do that, no.

14 Mr. Marshall. Did you yourself do some Xeroxing of
15 the January 19, 1976 draft of the Select Committee report?

16 Ms. Poor. Yes, I Xeroxed some of those pages.

17 Mr. Marshall. Could you then determine the number of
18 copies xeroxed or did you have to check with somebody in charge
19 of the machine to determine?

20 Ms. Poor. That wasn't my decision to make. When I was
21 at the machine, the number was already set, and I was just
22 taking over for somebody else who had been Xeroxing before
23 I Xeroxed.

24 Mr. Marshall. What was the number set on the January 19,
25 1976 report?

Ms. Poor. I believe it was twenty.

1 Mr. Marshall. But that had already been set at the time
2 you did your Xeroxing?

3 Ms. Poor. Yes.

4 Mr. Marshall. Was there anyone to oversee your Xeroxing
5 to determine that you Xeroxed only twenty or did not change
6 the numerical designation on the machine?

7 Ms. Poor. Well, Emily Sheketoff was there coordinating
8 the whole effort, and it was on her direction the machine was
9 set at 20, and we were deciding to do 20. That is all we were
10 collating at that point.

11 Mr. Marshall. Was there anyone there supervising your
12 work to determine if an additional number was Xeroxed?

13 Ms. Poor. Emily Sheketoff was there.

14 Mr. Marshall. The whole time you were Xeroxing?

15 Ms. Poor. Yes, she was there in the same area as the
16 Xerox machine.

17 Mr. Marshall. Now, did you personally Xerox 20 copies
18 of the entire report or did you simply Xerox a portion of the
19 report?

20 Ms. Poor. Only a portion of it.

21 Mr. Marshall. Now, how were the copies -- excuse me,
22 did you wish to confer?

23 Did you participate in the collation of the copies,
24 putting them together?

25 Ms. Poor. I believe I did, yes.

1 Mr. Marshall. Were the copies after they were put
2 together, that is the copies of the Select Committtee's
3 January 19, 1976 report, were they numbered in any way?

4 Ms. Poor. No, they were not.

5 Mr. Marshall. Was there any identifying characteristic
6 on any of the copies that you knew about?

7 Ms. Poor. No.

8 Mr. Marshall. By that I mean so you could designate one
9 copy and identify it as opposed to another copy of the same
10 report?

11 Ms. Poor. No.

12 Mr. Marshall. Was that ever discussed, to your knowledge?

13 Ms. Poor. I don't remember it being discussed.

14 Mr. Marshall. Now, after the copies were put together,
15 were they distrubted to Committee members?

16 Ms. Poor. Yes, they were. But later on that day, after
17 they had been assembled.

18 Mr. Marshall. Who was in charge of the distribution?

19 Ms. Poor. That was sort of a combined effort. I would
20 say Searle Field and Emily Sheketoff were the people who
21 were organizing us to deliver the reports.

22 Mr. Marshall. Did you take part in the actual delivery
23 of the reports?

24 Ms. Poor. Yes, I did.

25 Mr. Marshall. To whom did you deliver the reports?

1 Ms. Poor. I delivered the report to three or four
2 offices. The only one I honestly remember going to was
3 Congressman Johnson's office.

4 Mr. Marshall. Is there any particular reason why you
5 recall that particular report?

6 Ms. Poor. No.

7 Mr. Marshall. When you delivered the report, or reports
8 to the offices that you delivered them to, were you given any
9 instructions as to how you were to make delivery, to whom
10 you were to make delivery of the January 19 draft?

11 Ms. Poor. No. We were told to take them to the offices
12 and deliver them and leave them there.

13 Mr. Marshall. Were you given instructions as to who
14 you were to give them to?

15 Ms. Poor. No.

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1 Mr. Marshall. What was your understanding with regard
2 to to whom you might make delivery?

3 Miss Poor. My understanding was that I was to take it
4 to the office, and leave it in the Member's office, in his
5 inner office. If the Member was there, I would give it
6 directly to the Member.

7 Mr. Marshall. And if the Member was not there, what were
8 your instructions?

9 Miss Poor. I don't recall having any specific instructions.
10 I would go into the office and say, "I have the report" and
11 leave it perhaps on the desk, in the inside office.

12 Mr. Marshall. Is it your testimony, then, that you were
13 simply to use your own judgment in your understanding of what
14 you were to do if the Member was not present?

15 Miss Poor. I guess so, yes.

16 Mr. Marshall. Now, do you recall, even though you
17 cannot recall the names of Members, Select Committee Members,
18 to whom you made distribution, other than Mr. Johnson, do
19 you recall what you did with those drafts to other Members?
20 That is, did you deliver them personally to the Members
21 you delivered drafts to, or just simply leave it in their
22 offices, or can you recall?

23 Miss Poor. I don't remember.

24 Mr. Marshall. At the time you picked up the drafts of
25 the January 19th report for distribution, were you required

1 to sign out in any log or other record that you had received
2 a certain number of pies that were designated to go
3 to a particular Congressman?

4 Miss Poor. No, I wasn't.

5 Mr. Marshall. When you made your delivery, and came back
6 to the Select Committee spaces, were you required to fill
7 out any report, or to sign in that you had made deliveries?

8 Miss Poor. No.

9 Mr. Marshall. Were you required to make an oral report
10 to anyone about the delivery that you had made?

11 Miss Poor. Not that I recall. I mean if we had had any
12 problem, I guess we would have said that we hadn't delivered
13 it. But we were not required to do anything of that sort.

14 Mr. Marshall. As I understand from your testimony, you
15 were not required to obtain any signatures at the time
16 of delivery?

17 Miss Poor. No.

18 Mr. Marshall. Did you make your delivery alone or with
19 some other person?

20 Miss Poor. Alone.

21 Mr. Marshall. Was it your understanding this was the
22 method of delivery as to the other Select Committee Members,
23 that is, the ones you did not physically deliver copies to?

24 Miss Poor. I assumed so.

25 Mr. Marshall. Do you recall who else was going to make

1 deliveries besides yourself?

2 Miss Poor. The people that were there at the time
3 making deliveries, I believe, were Susan Paisner and John
4 Burke, and I don't know if anybody else took copies or not.

5 Mr. Marshall. With regard to the drafts of the report,
6 January 19th report, that you delivered, were they in
7 sealed envelopes, or otherwise enclosed?

8 Miss Poor. They -- there were two volumes with each
9 report, and they were in black binders. And that was all.

10 Mr. Marshall. The black binders were not themselves
11 enclosed in an envelope?

12 Miss Poor. No, they were not.

13 Mr. Marshall. Was there a cover letter?

14 Miss Poor. Yes.

15 Mr. Marshall. Accompanying the binders?

16 Miss Poor. Yes, there was.

17 Mr. Marshall. Did you read the cover letter?

18 Miss Poor. Yes, I did read it. I don't remember what
19 it said, exactly.

20 Mr. Marshall. Was this a letter signed by Mr. Field?

21 Miss Poor. Yes, it was.

22 Mr. Marshall. Dated January 19?

23 Miss Poor. I am not sure of the exact date.

24 Mr. Marshall. Now, with regard to any changes that
25 were made in the January 19, 1976 draft, how were they

1 handled for purposes of distribution?

2 Miss Poor. Well, the committee started to hold hearings
3 on the 20th about the report. And changes that were made --
4 for instance, in the morning session, we would start making
5 those changes, typing those changes perhaps during lunch,
6 and then changes that were made in the afternoon session,
7 we would work on that afternoon.

8 Mr. Marshall. And how would those changes physically
9 be distributed to the Members?

10 Miss Poor. Sometimes they were taken to the committee
11 rooms -- to the committee room for the next hearing. I believe
12 occasionally they were also taken to Members' offices, directly
13 to the offices.

14 Mr. Marshall. Did you take part in the distribution
15 of changes?

16 Miss Poor. I did. I remember at one point -- and
17 I am not sure the date of this at all -- taking a page with
18 a change in it again to Congressman Johnson's office, and
19 then also on Saturday the 24th I had taken a copy of the
20 book, of the final report, up to Congressman Treen's office.

21 Mr. Marshall. Do you recall whether you delivered
22 those personally that day to Mr. Johnson and Mr. Treen,
23 or did you leave that at the offices?

24 Miss Poor. Mr. Johnson's, I again left it at his office.
25 I replaced the pages and took out the ones that were to go

1 back to the committee room. And I delivered Mr. Treen's
2 to him directly.

3 Mr. Marshall. Were there other Members of the Select
4 Committee that you made distributional changes to?

5 Miss Poor. I -- you mean in their offices? I don't
6 remember particular changes that I made for any individual,
7 no.

8 Mr. Marshall. Mr. Chairman, I have talked with this
9 witness beforehand. In my judgment at this point it would
10 be appropriate for the committee to entertain a motion to go
11 into executive session.

12 Mr. Flynt. Mr. Spence.

13 Mr. Spence. Mr. Chairman, pursuant to Rule 11(2)(k) (5), I
14 move that we go into executive session at this time.

15 Mr. Flynt. This is a motion which must be made in
16 open session with a quorum being present. It is a motion on
17 which a recorded roll call vote must be taken. The question
18 is, shall the committee now go into executive session. I
19 will ask the Staff Director to call the roll.

20 Mr. Swanner. Mr. Flynt.

21 Mr. Flynt. Aye.

22 Mr. Swanner. Mr. Spence.

23 Mr. Spence. Aye.

24 Mr. Swanner. Mr. Price.

25 (No response.)

1 Mr. Swanner. Mr. Quillen.

2 Mr. Quillen. Aye.

3 Mr. Swanner. Mr. Teague.

4 (No response.)

5 Mr. Swanner. Mr. Hutchinson.

6 Mr. Hutchinson. Aye.

7 Mr. Swanner. Mr. Hebert.

8 (No response.)

9 Mr. Swanner. Mr. Quie.

10 Mr. Quie. Aye.

11 Mr. Swanner. Mr. Foley.

12 (No response.)

13 Mr. Swanner. Mr. Mitchell.

14 (No response.)

15 Mr. Swanner. Mr. Bennett.

16 Mr. Bennett. Aye.

17 Mr. Swanner. Mr. Cochran.

18 Mr. Cochran. Aye.

19 Mr. Swanner. Mr. Chairman, seven Members answer aye,
20 five members absent, not voting.

21 Mr. Flynt. On this vote, by record vote, the yeas are
22 seven, the nays are none. A quorum of the committee being
23 present, a majority of the quorum having voted to go into
24 executive session, the committee now resolves itself into
25 executive session and will reconvene immediately in the

1 adjoining room.

2 (Whereupon, at 2:03 o'clock p.m., the committee proceeded
3 in executive session.)

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3 p.m.

1 Mr. Flynt. The Committee will come to order.

2 The Committee is in open session.

3 A quorum is present for the purpose of hearing testimony
4 and receiving evidence.

5 Mr. Marshall?

6 Mr. Marshall. Ms. Poor, did you have any portion of your
7 earlier public testimony which you wished to correct?

8 Ms. Poor. Yes. I just wanted to say that as far as
9 Xeroxing copies of the report, I don't think there were more
10 than 20 or 30 pages that I actually Xeroxed, and, when we
11 were getting the report ready. I would like to clarify that.

12 And also in the other material I have that you requested
13 to see, you wanted to see, there is a portion of that, a
14 paragraph that is classified material, that is based on
15 classified material, it itself is not.

16 Mr. Marshall. When you say it's based on classified
17 material, do you have a paragraph that you refer to which
18 was drawn from a classified document?

19 Ms. Poor. Yes.

20 Mr. Marshall. Is the paragraph that you yourself have
21 classified, or does it simply come from a classified document?

22 Ms. Poor. No, it came from a classified document.

23 Mr. Marshall. The paragraph you yourself have is not
24 classified?

25 Ms. Poor. No.

1 Mr. Bennett. Well, by way of clearing the record here,
2 I think she is not making an accurate statement because there
3 wasn't any way to declassify, so it came from a classified
4 document, so it was classified.

5 She had no way to declassify it and neither did members
6 of Congress have a way to declassify. They can make it public,
7 but they cannot declassify it.

8 I mean maybe I am wrong. I don't know of any procedure
9 for a member of Congress to declassify. He can make it
10 public.

11 Mr. Marshall. I think the member is correct. What I am
12 trying to distinguish though, is putting aside for a moment
13 the rule that anything in a classified document is per se
14 classified, I am trying to determine from the witness whether
15 the matter she had was the information which brought about
16 or provoked the security classification of the original
17 document.

18 Mr. Bennett. I don't believe she would be in a position
19 to pass on that.

20 Mr. Marshall. I don't know whether she would or not.

21 Mr. Bennett. I would like to further interrogate her
22 because she had some knowledge or ability to find out about
23 classified documents, if she knows a paragraph is not
24 classified in a classified document, so I don't think she will
25 say that. You are not saying to us that you have any special

1 knowledge that makes this particular paragraph non-sensitive?

2 Ms. Poor. No, Mr. Bennett, I am not.

3 Mr. Bennett. That is my understanding of the law about
4 classifications.

5 Mr. Marshall. Are you through?

6 Mr. Greenberg. We are through.

7 Mr. Bennett. I am through.

8 Mr. Marshall. I was referring to counsel, not you,
9 Mr. Bennett, although if you have any further questions?

10 Mr. Bennett. I don't want to be argumentative, but it
11 is a rule you can't just take out material and you can't
12 just set aside from that because she doesn't have, and I
13 don't have, nobody in this room has, the ability to declassify
14 a paragraph out of a classified document.

15 Ms. Poor. My instructions at that time was to draw up
16 this memorandum, which is what I was doing. When I was done
17 with it I gave it to Aaron Donner to read. He knew the part
18 in that one paragraph had the classified information in it.

19 I was under no instruction as to that material itself.

20 Mr. Marshall. How did you happen to retain this particular
21 paragraph?

22 Ms. Poor. I originally got it from -- well, I am not
23 sure. What do you mean exactly?

24 Mr. Marshall. Well, you say you had in the memoranda in
25 your position one paragraph that came from a classified

1 document. The question is how did you happen to have it in
2 your possession? That is, how does it enter into the
3 memorandum?

4 Ms. Poor. It is a document that was kept in the safes
5 in the Committee.

6 Mr. Marshall. Yes, but what I want to know is how you
7 happened to have it in your possession?

8 Ms. Poor. I don't -- I don't have the whole document.

9 Mr. Marshall. But you have this paragraph.

10 Ms. Poor. I have a memorandum I wrote.

11 Mr. Marshall. The question is did you simply take a copy
12 of the memoranda home with you?

13 Ms. Poor. Yes.

14 Mr. Marshall. And you retained it after your duties
15 at the Select Committee had been discharged. Is that correct?

16 Ms. Poor. Yes.

17 Mr. Marshall. Now, going back to the distribution -- do
18 you have anything else?

19 Ms. Poor. I should say I was never asked for it back
20 either, the memorandum I drew up.

21 Mr. Marshall. Going back to the distribution of the
22 January 19, 1976 draft with the changes that we were talking
23 about at the time we went from public session into executive
24 session, when you carried the changes from the January 19, 1976
25 draft to the various offices of the Members of the Select

1 Committee, did you yourself make the physical changes in the
2 January 19 draft in the offices you visited or did you simply
3 hand the changes to someone in the office to be made?

4 Ms. Poor. No, if I brought a change to the office, I
5 removed the page that was to come out and replaced it with the
6 proper page.

7 Mr. Marshall. Then what did you do with the old pages?
8 That is the pages you removed?

9 Ms. Poor. I brought that back and gave it to Emily
10 Sheketoff.

11 Mr. Marshall. Now, was there any statement or record
12 that you had to keep of the old pages that you were bringing
13 back to the office?

14 Ms. Poor. I did nothing of that sort, no.

15 Mr. Marshall. You did not have to report to anyone?

16 Ms. Poor. I can't -- I had to come back to Miss Sheketoff
17 and give her the page. It was not my responsibility to keep
18 track of which pages had been changed.

19 Mr. Marshall. You did not have to identify to Miss
20 Sheketoff which pages you were giving back to her, coming
21 from a particular member's copy?

22 Ms. Poor. No, I handed back to her the change I had
23 made, that is all.

24 Mr. Marshall. But you did not have to identify that
25 change as having been taken from a particular member's copy?

1 Ms. Poor. I am sure I came back and mentioned to her
2 that this page had been changed from a certain Congressman's
3 book. There was no system whereby I would come back and say
4 this change has been completed.

5 Mr. Marshall. Now, with regard to the January 19, 1976
6 draft of the Select Committee's report, how many copies were
7 made for distribution, do you know?

8 Ms. Poor. There were 20 copies made.

9 Mr. Marshall. All right. Now how many of those copies
10 went to members?

11 Ms. Poor. Thirteen.

12 Mr. Marshall. Was there any distribution of that draft
13 to the CIA?

14 Ms. Poor. I believe that one copy went to the CIA, yes.

15 Mr. Marshall. That leaves then six remaining copies?

16 Ms. Poor. Yes.

17 Mr. Marshall. Now, what was done with those six copies?

18 Ms. Poor. They were kept in the Committee staff room,
19 they were kept in the safes in the back. And they were
20 usually brought up to Committee hearings during the following
21 week as changes were made in the report.

22 Mr. Marshall. Were those copies numbered?

23 Ms. Poor. No, they weren't.

24 Mr. Marshall. Was there ever any accounting for those
25 copies, so far as you know?

1 Ms. Poor. Nothing formal. They were counted. In the
2 beginning of the week there was more of an effort to keep
3 track of them, but by the middle of the week there was not
4 that much of an effort made anymore.

5 Mr. Marshall. Who was in charge of taking those copies
6 from the safe and bringing them up to hearings and then
7 bringing them back?

8 Ms. Poor. The people who worked back there were the
9 ones that actually carried them upstairs. I did that, as
10 did Susan Paisner and John Burke. We all carried them up and
11 anybody going up to the Committee room might have taken a
12 book up there. I was instructed to do that either by Emily
13 Shekatoff or Jackie Hess.

14 Mr. Marshall. During the time you actually carried the
15 drafts, six drafts from one place, from the safes to any
16 other place, they were needed, did you ever determine there
17 were less than six present?

18 Ms. Poor. I don't recall ever counting before one of
19 those hearings to find out how many there were exactly.

20 Mr. Marshall. So, you really cannot testify of your
21 own knowledge how many were actually present at any given time?

22 Ms. Poor. That is true.

23 Mr. Marshall. Ms. Poor, Mr. Daniel Schorr stated in an
24 article in Rolling Stone of April 8, 1976, that he had
25 possession of the Select Committee report on January 25, 1976.

1 Did you give this report or a draft of the report, or any
2 draft of the Select Committee to Mr. Schorr or any other person?

3 Ms. Poor. No, I did not.

4 Mr. Marshall. Now, do you know anyone who did?

5 Ms. Poor. No, I don't.

6 Mr. Marshall. Do you have any knoweldge whatsoever of
7 the circumstances surrounding the publication of the Select
8 C ommittee report or any part of the report or any draft of
9 the report?

10 Ms. POor. No.

11 Mr. Marshall. Do you know of anyone who has such
12 knowledge?

13 Ms. Poor. No, I don't.

14 Mr. Marshall. Did you give the report or a draft of
15 the report or make any part of the report available to anyone
16 outside of the Select Committee on Intelligence?

17 Ms. Poor. No, I did not.

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

19 Ms. Poor. No.

20 Mr. Marshall. That completes my questions, Mr. Chairman.

21 Mr. Flynt. Mr. Bennett?

22 Mr. Bennett. No questions.

23 Mr. Flynt. Mr. Quillen?

24 Mr. Quillen. Yes, would the counsel yield on the answer
25 to that question a moment ago? When you said outside of

1 the Committee, she had testified prior to that statement
2 that she delivered copies outside of the Committee room to
3 members' offices.

4 Mr. Marshall. Well, the question was did she give the
5 report or make any part of the report or a draft available to
6 anyone outside of the Select Committee on Intelligence.

7 Mr. Quillen. You mean outside of the membership?

8 Mr. Marshall. Yes, sir.

9 Mr. Quillen. I wanted to clarify that.

10 Mr. Chairman, I have no questions.

11 Mr. Flynt. Mr. Hutchinson?

12 Mr. Hutchinson. I have no questions.

13 Mr. Flynt. Mr. Bennett?

14 Mr. Bennett. No questions.

15 Mr. Flynt. There are no further questions to be asked
16 of you, Ms. Poor, and we wish to express the thanks of the
17 C ommittee to you and your counsel for appearing here before
18 us and for the testimony which you have given to the Committee.

19 You may step down.

20 Ms. Poor. Thank you.

21 Mr. Marshall. Sandra A. Zeune to the witness stand.

22 Mr. Flynt. You are accompanied by counsel, Mrs. Zeune?

23 Mrs. Zeune. Yes, sir.

24 Mr. Flynt. In just a moment we will identify counsel.

25 Would you please rise to be sworn?

1 You do solemnly swear that the testimony you will give
2 before this Committee in the matters now under consideration
3 will be the truth, the whole truth and nothing but the truth,
4 so help you God?

5 TESTIMONY OF MRS. SANDRA A. ZEUNE ACCOMPANIED BY
6 MR. STEPHEN J. KOVACIK, JR., COUNSEL
7 Mrs. Zeune. I do.
8 Mr. Flynt. Mr. Marshall?

9 Mr. Marshall. Would you state your name for the
10 record?

11 Mrs. Zeune. Sandra A. Zeune.

12 Mr. Marshall. And you are appearing here at the
13 invitation of the Committee?

14 Mrs. Zeune. Yes, sir.

15 Mr. Marshall. Would you have your counsel identify
16 himself for the record?

17 Mr. Kovacik. My name is Stephen J. Kovacik, Jr..

18 Mr. Flynt. Of the District of Columbia?

19 Mr. Kovacik. No, sir, I am from Columbus, Ohio.

20 Mr. Flynt. Thank you, sir. We welcome you before the
21 Committee.

22 Mr. Kovacik. Thank you. It's an honor and privilege,
23 sir. Thank you.

24 Mr. Marshall. Miss Zeune, prior to the hearing you
25 received copies of Resolution 1042 and 1054.

 Mrs. Zeune. Yes, sir.

 Mr. Marshall. As well as copies of the rules of the

1 Committee?

2 Mrs. Zeune. Yes, sir.

3 Mr. Marshall. Plus a copy of the investigative
4 procedures adopted by the Committee.

5 Mrs. Zeune. Yes, sir.

6 Mr. Marshall. And a copy of Chairman Flynt's opening
7 statement?

8 Mrs. Zeune. Yes, sir.

9 Mr. Marshall. Do you have a written statement you wish
10 to file with the Committee at this time?

11 Mrs. Zeune. No.

12 Mr. Marshall. Do you have an oral statement which you
13 wish to make to the Committee at this time?

14 Mrs. Zeune. No.

15 Mr. Marshall. Have you produced through the Committee
16 staff all documents in your possession concerning the Select
17 Committee on Intelligence?

18 Mrs. Zeune. Documents that I took home from the Committee?

19 Mr. Marshall. Yes.

20 Mrs. Zeune. No, sir. I have not produced those documents.

21 Mr. Marshall. All right. Do you have those documents
22 with you now?

23 Mrs. Zeune. Yes, sir.

24 Mr. Marshall. All right, are you willing to allow the
25 Committee to look at them?

1 Mrs. Zeune. I will allow the Committee to look at the
2 documents that I brought home from the Committee. I would
3 prefer not to supply my personal notes that I may have
4 taken.

5 Mr. Marshall. May a member of the Committee staff now
6 look at the documents you are now willing to let it look at?

7 Mrs. Zeune. Certainly.

8 Mr. Marshall. With regard to what you refer to as your
9 personal notes, were these notes dealing with personalities
10 on either the Select Committee staff or the Select Committee
11 members themselves, or what?

12 Mrs. Zeune. I would say so, yes.

13 Mr. Bennett. Say what?

14 Mr. Marshall. She would say so, yes.

15 Is there anything in those personal notes other than
16 your person comments or views, or personal information about
17 people involved in the Select Committee's work?

18 Mrs. Zeune. No, sir, personal comments only.

19 Mr. Marshall. And dealing only with the people?

20 Mrs. Zeune. Yes, sir.

21 Mr. Bennett. Would the gentleman yield?

22 Mr. Marshall. Yes.

23 Mr. Bennett. I assume from what you have said that
24 nothing in these personal notes would throw any light upon
25 where the leak occurred?

1 Mrs. Zeune. No, sir.

2 Mr. Flynt. We will reserve ruling on the requirement
3 for additional papers and documents until further questions
4 have been asked, at which time the Chair will make a ruling.

5 Mrs. Zeune. Yes, sir.

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

13 Mrs. Zeune. Fine.

14 Mr. Marshall. Mrs. Zeune, when did you join the Select
15 Committee on Intelligence staff?

16 Mrs. Zeune. June 15, 1975.

17 Mr. Marshall. And when did your duties terminate?

18 Mrs. Zeune. May 5, 1976.

19 Mr. Marshall. Could you outline for us briefly your job
20 title and describe your duties on the staff?

21 Mrs. Zeune. I was hired as a researcher on June 15 and
22 in August I was promoted to investigator and I worked
23 exclusively with the CIA.

24 Mr. Marshall. Did you, in working exclusively with the
25 CIA, did that require you to contact a particular person at

1 CIA or did your contacts range over a number of persons in
2 the CIA?

3 Mrs. Zeune. There was a general understanding that if
4 we wanted interviews or documents we were to make a written
5 request or a verbal request by phone to the review staff, on
6 occasion we would deal directly with future witnesses or
7 people we were going to interview, yes.

8 Mr. Marshall. Was this a review staff of CIA that you
9 made the request of?

10 Mrs. Zeune. Yes, sir.

11 Mr. Marshall. Now, with regard to persons that you
12 wished to interview or documents that you wished to examine,
13 were you the one who decided or selected those persons and
14 documents, or were you simply following instructions of
15 someone else?

16 Mrs. Zeune. Usually I would decide.

17 Mr. Marshall. And what would be the basis for your
18 decision, that is, how would you identify a particular person
19 or document that you wanted to look at?

20 Mrs. Zeune. We usually knew who we wanted to interview
21 just by their job title, if we just wanted to talk to them,
22 the witnesses were selected among the people, of course, that
23 we had talked to. In terms of documents, after interviewing
24 people you could, usually, had a general idea of what they have
25 available, and quite frankly, sometimes you would take a stab

1 at it and hope they had something or at least hope they
2 would supply it if they had it.

3 Mr. Marshall. With regard to documents which you looked
4 at, did these documents contain classified information?

5 Mrs. Zeune. Yes, sir.

6 Mr. Marshall. Now, would you view these documents within
7 the Select Committee spaces or did you go to CIA to look at
8 them?

9 Mrs. Zeune. Both.

10 Mr. Marshall. On the instances where you went to CIA
11 to look at the documents, what security procedures did you
12 have to undergo in order to have access to the documents?

13 Mrs. Zeune. Once the documents were made available at
14 the agency?

15 Mrs. Zeune. Yes, what did you have to do in order to
16 look at the documents at the agency?

17 Mrs. Zeune. We were generally put in a reading room,
18 sometimes there was someone with us from the agency, sometimes
19 there wasn't. We were just given access to the documents and
20 told whether or not we could take notes, whether or not we
21 could take names, et cetera.

22 Mr. Marshall. I take it then the condition of taking
23 notes and taking names varied depending upon the document
24 you were looking at.

25 Mrs. Zeune. Yes, sir.

1 Mr. Marshall. Did you have to sign for the documents in
2 any way?

3 Mrs. Zeune. Just to review it at the agency?

4 Mr. Marshall. Yes.

5 Mrs. Zeune. No, sir.

6 Mr. Marshall. Now, are you familiar with something
7 called the Jackson memorandum?

8 Mrs. Zeune. Yes, sir.

9 Mr. Marshall. Was this memorandum mentioned in a
10 document which you looked at at CIA?

11 Mrs. Zeune. Yes, sir.

12 Mr. Marshall. Would you tell us, did you make a copy
13 of the information in the Jackson memorandum?

14 Mrs. Zeune. A Xerox copy?

15 Mr. Marshall. No, Ma'am, a note copy, hand-written copy.

16 Mrs. Zeune. Yes, sir.

17 Mr. Marshall. And when you looked at that particular
18 document, were any restrictions put on you as to what you
19 could or could not do with the documents?

20 Mrs. Zeune. Yes, sir.

21 Mr. Marshall. What were those restrictions?

22 Mrs. Zeune. I was informed that the documents that
23 they had given me, which was a set of files regarding a
24 particular subject, were raw files, they were not sanitized
25 in any way, I could take notes but I could not take names.

1 Mr. Marshall. Now, could you elaborate on what you
2 actually understood was meant by you could take notes but not
3 take names?

4 Mrs. Zeune. The files which were given me contained
5 both real names and cover names, and code names. And it was
6 my understanding that I could take notes but I was to write
7 down no names.

8 Mr. Marshall. Did you follow those instructions?

9 Mrs. Zeune. Yes, sir.

10 Mr. Marshall. Now, with regard to the Jackson memorandum,
11 do you recall when this occurred, that is when you made those
12 notes?

13 Mrs. Zeune. I believe it was the first or second week
14 in December of 1975.

15 Mr. Marshall. Now, when you returned back to the Select
16 Committee spaces, did you report those notes that you made
17 from the Jackson memorandum to any person?

18 Mrs. Zeune. I typed the notes up, and distributed a
19 copy, I believe, to Mr. Donner, who was the counsel, Mr.
20 Field, the staff director, and supplied an extra copy to
21 Mr. Donner for the Chairman.

22 Mr. Marshall. Did you go over to CIA to look for the
23 information in the Jackson memorandum or was that something
24 you simply came upon while pursuing other information?

25 Mrs. Zeune. I was not looking for it, no, sir.

1 Mr. Marshall. It came as a surprise to you?

2 Mrs. Zeune. Very much so.

3 Mr. Marshall. Did you advise anyone at CIA that you were
4 making copies of the information that you did copy?

5 Mrs. Zeune. No, sir. Wait, pertaining only to the
6 Jackson memo?

7 Mr. Marshall. Yes, Ma'am.

8 Mrs. Zeune. No, sir. Can I clear that up? When they
9 gave me access to the files I was permitted to take notes
10 on anything in those files as long as I did not take names.

11 Mr. Marshall. Did anyone inspect your notes that you
12 took on this particular occasion to determine if you had
13 followed the instructions you were given about taking notes,
14 but not taking names?

15 Mrs. Zeune. No, sir, I never had my notes inspected
16 on any occasion.

17 Mr. Marshall. Did you ever even have to show your
18 notes to anyone at CIA to determine if you were following
19 instructions at any time?

20 Mrs. Zeune. No, sir.

21 Mr. Marshall. They simply left that up to your individual
22 judgment, is that right?

23 Mrs. Zeune. Yes, sir.

24 Mr. Marshall. Now, did you have responsibility for
25 delivering a draft of the Select Committee's report to any

1 member of the Select Committee?

2 Mrs. Zeune. First draft?

3 Mr. Marshall. Yes, Ma'am.

4 Mrs. Zeune. I really don't recall. I would imagine so.

5 Mr. Marshall. Do you recall delivering any final draft
6 or changes between the first draft and the final draft to any
7 Select Committee member?

8 Mrs. Zeune. I recall one draft, it may have been the
9 final draft, I don't know, to Congressman James Stanton,
10 Congressman Dellums and Congressman Aspin, their offices.

11 Mr. Marshall. At their offices?

12 Mrs. Zeune. At their offices.

13 Mr. Marshall. But you don't recall whether this was the
14 January 19 or first draft?

15 Mrs. Zeune. No, sir.

16 Mr. Marshall. Do you recall the day of the week that you
17 made the delivery?

18 Mrs. Zeune. No, sir, I am sorry.

19 Mr. Marshall. From whom did you get the drafts in order
20 to make the delivery?

21 Mrs. Zeune. On our staff?

22 Mr. Marshall. Yes, Ma'am.

23 Mrs. Zeune. I would imagine once they were correlated
24 they were usually stacked up in the security area, they each
25 had a tag on them who they were to go to, several persons

1 grabbed three or four and off they went.

2 Mr. Marshall. But, you don't recall whether one person
3 was in charge of passing them out to you to make delivery?

4 Mrs. Zeune. Not specifically, no, sir.

5 Mr. Marshall. You just simply went in and got the
6 number of drafts you were supposed to make delivery on and made
7 the delivery, is that right?

8 Mrs. Zeune. I would imagine that we were told that the
9 drafts were ready to be delivered and they asked if anyone
10 would do it, and, of course, several of us volunteered.

11 Mr. Marshall. When you say you would imagine, it is your
12 testimony you just don't recall specifically one way or another?

13 Mrs. Zeune. No, sir.

14 Mr. Marshall. That is, you do not recall?

15 Mrs. Zeune. I do not recall.

16 Mr. Marshall. All right. Now, with regard to the
17 deliveries that you made to Mr. Stanton, Mr. Dellums and
18 Mr. Aspin, did you make personal delivery to each of those
19 Representatives or did you make some other form of delivery?

20 Mrs. Zeune. I don't believe I delivered any of the
21 drafts to the Congressmen personally.

22 Mr. Marshall. Do you recall to whom you delivered the
23 drafts?

24 Mrs. Zeune. No, sir, I do not. I am sorry.

25 Mr. Marshall. Do you recall whether you delivered them

1 to a person in one of those offices or did you simply leave
2 the draft with the offices?

3 Mrs. Zeune. I don't recall specifically. I doubt that
4 I would have just laid it on the desk and left.

5 Mr. Kovacik. Excuse me, sir, can we clarify whether or
6 not what her instructions were as to the delivery of these
7 drafts?

8 Mr. Marshall. Be happy to have her clarify that.

9 Mr. Kovacik. Thank you. For the benefit of the Committee,
10 what were your instructions as to delivery, were you instructed
11 to deliver them personally to the Congressman or his office?

12 Mrs. Zeune. No, sir, no, sir; deliver them to the office.

13 Mr. Kovacik. Thank you, sir.

14 Mr. Marshall. Were you given any more specific instructions
15 than that, then simply to deliver to the offices?

16 Mrs. Zeune. No, sir.

17 Mr. Marshall. You were not required to get any signatures?

18 Mrs. Zeune. No, sir.

19 Mr. Bennett. Can I interrupt there? I am not really
20 quite clear about what you remember and don't remember about
21 the stack of drafts. I get the impression that perhaps you
22 do remember that there was a stack of these reports, and
23 that they were labelled in some way to go to specific offices,
24 and that you do remember that you were not told to get any
25 particular ones, but were instead told to pick up whatever you

1 could appropriately deliver.

2 Mrs. Zeune. That is correct.

3 Mr. Bennett. That is correct?

4 Mrs. Zeune. Yes.

5 Mr. Marshall. Do you recall delivering Mr. Dellums'
6 copy specifically?

7 Mrs. Zeune. Yes, sir.

8 Mr. Marshall. Where did you deliver that copy specifically?

9 Mrs. Zeune. I believe it was given to the receptionist
10 in his office with the understanding that Congressman Dellums
11 would receive the copy.

12 Mr. Marshall. At the time you gave that copy to the
13 receptionist in Congressman Dellums' office, was the copy
14 sealed in an envelope?

15 Mrs. Zeune. No, sir.

16 Mr. Marshall. Was it just simply in the black binders?

17 Mrs. Zeune. Yes, sir.

18 Mr. Marshall. Did you give her any instructions as to
19 how she was to safeguard that copy until it was delivered
20 personally to Congressman Dellums?

21 Mrs. Zeune. No, sir, I made it clear to her what it
22 was exactly, and she seemed under the impression that she
23 understood that it was to go to the Congressman.

24 Mr. Marshall. Do you recall making delivery of any copy
25 of the Select Committee's report or a draft of the report in

1 in the horseshoe of the Rayburn Building?

2 Mrs. Zeune. No, sir.

3 Mr. Marshall. Going back to the notes you described
4 that you took at CIA on reviewing some of the documents and
5 referring specifically to the Jackson memorandum, did those
6 notes include names of persons?

7 Mrs. Zeune. At the time I took them?

8 Mr. Marshall. Yes, Ma'am.

9 Mrs. Zeune. No.

10 Mr. Marshall. Did you later supply the names?

11 Mrs. Zeune. Yes, sir.

12 Mr. Marshall. How did that come about? Did you simply
13 go back to your office and fill in the names?

14 Mrs. Zeune. Before I left the agency I went back
15 through the memorandum, memorized the names and places where
16 they went, and filled them in at the Committee offices, that
17 is correct.

18 Mr. Marshall. Had you used this memorization of names
19 on other occasions when you looked at the CIA documents under
20 which you had certain restrictions?

21 Mrs. Zeune. I don't recall ever using it intentionally
22 as I did at that time, no, sir.

23 Mr. Marshall. What was the reason for your doing it
24 intentionally at that time?

25 Mrs. Zeune. First of all, of course, I knew it would be

1 something that both the Committee and the staff would be
2 interested in, the staff meaning Mr. Field and Mr. Donner
3 certainly. I was interested in it myself in that it
4 proved, or I shouldn't say proved, it was another bit of
5 evidence of what the Committee was trying to prove.

6 Mr. Marshall. What was the Committee trying to prove?

7 Mrs. Zeune. I should not have said trying to prove. It
8 was another instance where the Congress had served to protect
9 the intelligence community.

10 Mr. Marshall. I am not sure I understood your last
11 answer. Could you repeat it for me?

12 Mrs. Zeune. You mean you didn't hear it or you didn't
13 understand it?

14 Mr. Marshall. I didn't quite hear it, and whether I
15 understand it or not, would you speak up just a'bit?

16 Mrs. Zeune. Sure. The committee -- may I make a brief
17 statement?

18 Mr. Marshall. Certainly.

19 Mrs. Zeune. It was the Committee's contention that
20 for years the Congress had served to not only oversee the
21 intelligence community but to somewhat protect it. When I
22 saw the memorandum and that was not the only memorandum in the
23 file, when I saw the group of memorandums it served as another
24 bit of evidence of what the Committee's contention was. That
25 was my primary interest.

1 Mr. Marshall. Now, what is the source of information
2 that you have concerning the Committee contention as you have
3 just stated that contention to be?

4 Mrs. Zeune. Mr. Marshall, I would say first of all the
5 Committee's Resolution, but just having worked for the
6 Committee for six months at that time.

7 Mr. Marshall. That was your understanding then based
8 upon the initial resolution as well as your experience with
9 the Committee?

10 Mrs. Zeune. Absolutely.

11 Mr. Marshall. Now, when you made the notes concerning
12 the Jackson memorandum, did you make a verbatim long-hand
13 copy of the memorandum leaving out the names as you have
14 testified?

15 Mrs. Zeune. Not one-hundred percent, no, sir.

16 Mr. Marshall. Did you judge it to be a complete copy?

17 Mrs. Zeune. Yes, sir.

18 Mr. Marshall. Mr. Daniel Schorr has stated in an article
19 in the Rolling Stone of April 8, 1976, that he had possession
20 of the Select Committee report on January 25, 1976. Did you
21 give the Select Committee's report or a draft of the report
22 or any part of the Select Committee's report or a draft to
23 Schorr or any other person?

24 Mrs. Zeune. No, sir.

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

1 Mrs. Zeune. By that do you mean do I have factual
2 evidence? My answer to that would be no. I do not have
3 factual evidence.

4 Mr. Marshall. Do you have any evidence whatsoever?

5 Mrs. Zeune. No, sir, no evidence.

6 Mr. Marshall. Well, I am intrigued by your description of
7 evidence as factual, and I don't mean to dispart with you, but
8 I am trying to ask you if you have any information whatsoever
9 concerning how Mr. Daniel Schorr obtained a draft of the
10 Select Committee's report or any part of the text of that
11 report?

12 Mrs. Zeune. I have no first-hand knowledge, no, sir.

13 Mr. Marshall. How about second-hand or secondary infor-
14 mation?

15 Mr. Kovacik. Are you speaking of hearsay or something
16 like that?

17 Mr. Marshall. I am speaking of any kind of information,
18 whether it meets the rules of evidence, any information what-
19 soever. Any shreds, no matter how remote or no matter how
20 far-fetched.

21 Mrs. Zeune. Mr. Marshall, sure, as everyone would
22 testify, for many months there has been speculation and hearsay
23 galore. I could really not in good conscience attest to
24 anything I have heard.

25 Mr. Bennett. Could I ask a question at this point? I

1 find a little inconsistency. I don't think you meant to do it,
2 but you said you didn't copy the memorandum one-hundred
3 percent, and then counsel asked you whetheryou took it to be
4 a complete copy and you said yes, and of course, those two
5 answers are inconsistent.

6 Mrs. Zeune. By verbatim, no, sir. There would have been
7 two or three sentences that I would have left out.

8 Mr. Bennett. Substantially complete?

9 Mrs. Zeune. Yes, sir.

10 Mr. Bennett. I understand.

11 Mr. Quillen. Well, Mr. Chairman, go ahead.

12 Mr. Flynt. No, go ahead. I was going to recess until
13 we can vote.

14 Mr. Quillen. Just one statement, and I admit I did not
15 have an opportunity to come back immediately. When you were
16 saying the purpose of the Committee and then later changed
17 it, do you mean to tell me that the staff members were brain-
18 washed as to what they were going to do in the Committee, the
19 purpose of the Committee was to disprove something?

20 Mrs. Zeune. I certainly wouldn't use the word "brain-
21 wash", sir.

22 Mr. Quillen. That is my word, not yours.

23 Mrs. Zeune. It was a facet of the Committee's investi-
24 gation, yes.

25 Mr. Quillen. To do what, to prove what?

1 Mrs. Zeune. To, perhaps I should not have used the word
2 prove.

3 Mr. Quillen. You struck that and I can accept that.

4 Mrs. Zeune. Okay, it was certainly my understanding that
5 a facet of the Committee's investigation would be the lack of
6 Congressional oversight in the past.

7 Mr. Quillen. And that lack of Congressional oversight was
8 going to be exercised by the Committee in a corrective
9 fashion?

10 Mrs. Zeune. We certainly hoped to make an effort for
11 better Congressional oversight, yes, sir.

12 Mr. Quillen. I won't pursue this now, Mr. Chairman.
13 Thank you.

14 Mr. Flynt. The bells have sounded indicating that a
15 recorded vote is in progress on the Floor of the House of
16 Representatives. I suggest that we stand in recess until we
17 vote and I would like to urge every member of the committee
18 to return as soon as he has voted.

19 (A short recess was taken)

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Mr. Flynt. The committee will come to order.

The Chair observes that a quorum is present.

I recognize the gentleman from South Carolina.

Mr. Spence. Mr. Chairman, pursuant to Rule 11 (2)(k)(5),
I move that we go into executive session at this time.

Mr. Flynt. You have heard the motion. This is a
motion which must be made in open session with a quorum of
the committee present.

Under the rules, a recorded vote is required.

The question is shall the committee now go into
executive session. The Staff Director will call the roll.

Mr. Swanner. Mr. Flynt.

Mr. Flynt. Aye.

Mr. Swanner. Mr. Spence.

Mr. Spence. Aye.

Mr. Swanner. Mr. Price.

(No response)

Mr. Swanner. Mr. Quillen.

(No response.)

Mr. Swanner. Mr. Teague.

(No response)

Mr. Swanner. Mr. Hutchison.

Mr. Hutchison. Aye.

Mr. Swanner. Mr. Hebert.

(No response)

1 Mr. Swanner. Mr. Quie.

2 Mr. Quie. Aye.

3 Mr. Swanner. Mr. Foley.

4 (No response)

5 Mr. Swanner. Mr. Mitchell.

6 Mr. Mitchell. Aye.

7 Mr. Swanner. Mr. Bennett.

8 Mr. Bennett. Aye.

9 Mr. Swanner. Mr. Cochran.

10 Mr. Cochran. Aye.

11 Mr. Swanner. Mr. Chairman, seven members vote "aye",

12 no members vote "no", five members absent, not voting.

13 Mr. Flynt. On this vote by rollcall, the yeas are seven,

14 the nays are none. A quorum being present, and a majority

15 of the quorum having voted in favor of the motion, the committee

16 now resolves itself into executive session, which will convene

17 in the adjoining room.

18 (Whereupon, at 4:05 p.m. the committee went into

19 executive session.)

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Open
Sess

1 Mr. Flynt. Before closing the meeting today, let
2 me express on behalf of the committee the committee's thanks
3 to Miss Zeune and to Mr. Kovacik.

4 We thank you for your cooperation and for the information
5 which you have given to this committee. You are not under
6 subpoena, are you?

7 Mrs. Zeune. No.

8 Mr. Flynt. With the thanks of the committee, you may
9 be excused. The committee does not anticipate it at this
10 time, but in the event it should be necessary to recall you,
11 we will make every effort to do it at a time absolutely
12 convenient to you.

13 Mrs. Zeune. Thank you.

14 Mr. Flynt. Without objection, the committee stands
15 adjourned until ten o'clock tomorrow morning.

16 Let the record show that the meeting which is to be
17 convened at ten o'clock tomorrow morning night, under the
18 rules of the Democratic caucus, have to be delayed. The
19 Chair will seek permission by unanimous consent of the Democratic
20 caucus for us to meet while the caucus is in session. If that
21 unanimous consent is granted, the meeting will begin promptly
22 at ten. If that unanimous consent is not granted, there may be
23 a delay in proceeding. But the present plans are for the
24 committee to reconvene at ten o'clock tomorrow morning.

25 The committee stands adjourned.

(Whereupon at 4:45 p.m. the committee adjourned to

reconvene at 10:00 a.m. Tuesday, July 27, 1976.)
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