

REPORT ON INVESTIGATION
PURSUANT TO H. RES. 1042
Concerning Unauthorized Publication
of the Report of the
SELECT COMMITTEE ON INTELLIGENCE

REPORT
BY
COMMITTEE ON STANDARDS
OF
OFFICIAL CONDUCT
together with
ADDITIONAL AND INDIVIDUAL VIEWS



OCTOBER 1, 1976

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U.S. HOUSE OF REPRESENTATIVES
84TH CONGRESS

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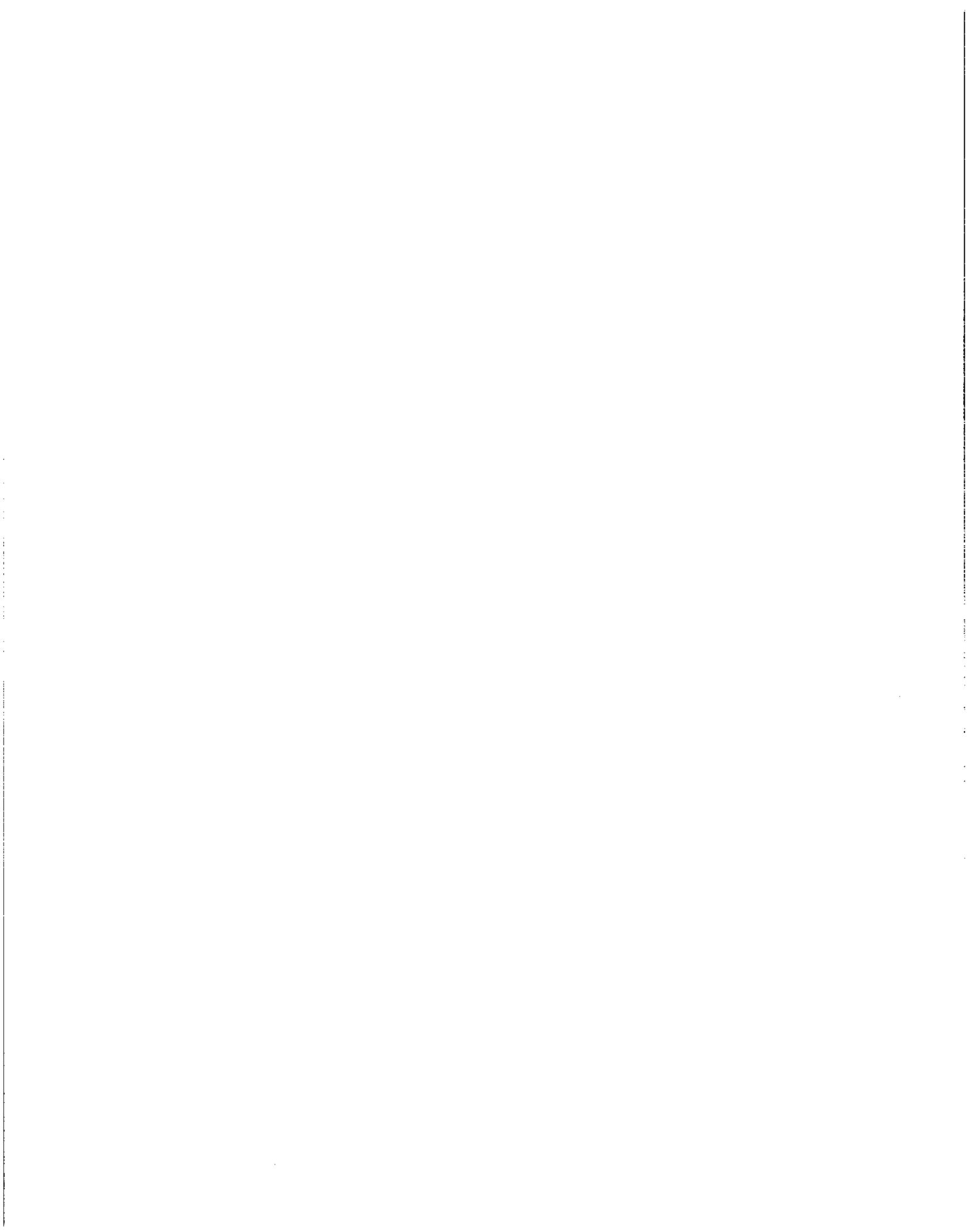
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INVESTIGATION PURSUANT TO HOUSE RESOLUTION 1042 CONCERNING UNAUTHORIZED PUBLICATION OF REPORT OF SELECT COMMITTEE ON INTELLIGENCE

OCTOBER 1, 1976.—Referred to the House Calendar and ordered to be printed

Mr. FLYNT, from the Committee on Standards of Official Conduct submitted the following report on the investigation pursuant to H. Res. 1042 concerning unauthorized publication of the report of the Select Committee on Intelligence.

INTRODUCTION

The House Select Committee on Intelligence initially was established by H. Res. 138, 94th Congress, on February 19, 1975, "to conduct an inquiry into the organization, operations, and oversight of the intelligence community of the United States Government." (Appendix 1.)

On July 17, 1975, H. Res. 591 abolished the Select Committee established by H. Res. 138 and established a new House Select Committee on Intelligence. (Appendix 2.)

Sections 2 and 6 of H. Res. 591 required that before the Select Committee conduct any inquiry it "shall institute and carry out such rules and procedures as it may deem necessary to prevent (1) the disclosure, outside the Select Committee, of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the Select Committee during the course of its study and investigation, not authorized by the Select Committee to be disclosed; and (2) the disclosure, outside the Select Committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government."

A set of "Rules and Security Regulations" was devised by the Select Committee on Intelligence to carry out its functions and duties. (Appendix 3.) All employees of the Committee were required to sign an Employee Agreement that they would abide by H. Res. 591 and by the Committee Rules and Security Regulations. (Appendix 4.)

On Monday, January 19, 1976, the Select Committee staff distributed the first draft of its report to Committee Members and gave a copy to the Central Intelligence Agency. After making numerous changes in the draft, the Committee, on Friday, January 23, 1976, voted nine to four to adopt the report. The staff was to make the approved changes and have the report printed.

By the time the report was adopted, considerable details about its contents already had been leaked to the press. Daniel Schorr, CBS news correspondent, on or about Sunday, January 25, 1976, secured a copy of the report. He broadcast excerpts from it on CBS News that evening, highlighting and displaying a memorandum concerning a Senator which appeared only in footnote 119 on page 73 of the draft.

On the morning of January 28 and the evening of January 28, Schorr displayed other portions of the report on television.

The New York Times on January 26, 1976, published a major article about the Select Committee report, indicating it had portions of the document. The Times also chose the rather obscure memorandum about the Senator as its lead item. (Appendix 5.)

The Chairman of the Select Committee on January 27, 1976, asked unanimous consent that the Committee have until midnight, January 30, 1976, to file its report. A Congressman objected, and the Chairman then introduced H. Res. 982, which follows:

Resolved, That the Select Committee on Intelligence have until midnight Friday, January 30, 1976, to file its report pursuant to section 8 of H. Res. 591, and that the Select Committee on Intelligence have until midnight, Wednesday, February 11, 1976, to file a supplemental report containing the select committee's recommendations.

The Committee on Rules, on January 28, 1976, reported H. Res. 982 after it added the following amendment:

Resolved further, That the Select Committee on Intelligence shall not release any report containing materials, information, data, or subjects that presently bear security classification, unless and until such reports are published with appropriate security markings and distributed only to persons authorized to receive such classified information, or until the report has been certified by the President as not containing information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

The House by a vote of 246 to 124 adopted the amendment to H. Res. 982, and by a voice vote approved the Resolution on January 29, 1976. (Appendix 6.)

The Select Committee filed its report with the Clerk of the House on January 30, 1976, and copies of the report were placed under secure custody. At least one copy remained outside Government control—the one in the possession of Daniel Schorr.

The February 16 1976 issue of The Village Voice, a New York City weekly publication, appeared on newsstands on February 11, 1976, announcing on page 1 its "EXCLUSIVE," a 24-page supplement which it titled in large red letters, "THE REPORT ON THE CIA THAT PRESIDENT FORD DOESN'T WANT YOU TO READ." (Appendix 7.) This supplement contained the text of the second section of the Select Committee report entitled "The Select Committee's Investigative Record."

The February 23 1976, Village Voice, issued on February 18, contained the text of the first section of the Select Committee report entitled "The Select Committee's Oversight Experience."

On February 19, 1976, the House adopted House Resolution 1042 by a vote of 269 to 115. This Resolution authorized and directed the Committee on Standards of Official Conduct to "inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon." (Appendix 8.)

On February 25, 1976, H. Res. 1054 was introduced, requesting the Committee on Standards of Official Conduct be given subpoena power. This was adopted on March 3, 1976, by a vote 321 to 85. (Appendix 9.)

On March 2, 1976, H. Res. 1060 was introduced requesting authorization not to exceed \$350,000 to cover expenses of the investigation. H. Res. 1060 was adopted on March 29, 1976, by a vote of 278 to 87, after the Committee on House Administration reduced the authorization to \$150,000. (Appendix 10.)

An investigative staff was organized during the first week in March, but the delay in approving the budget precluded the start of the investigation until April 1, 1976.

The Committee decided to limit the original inquiry to the Members of the Select Committee on Intelligence and their staffs and the staff of the Select Committee. The second phase of the investigation concerned the Executive agencies where the draft report was circulated.

After these two phases of the investigation were completed, the Committee decided on May 13, 1976, to contact members of the news media in an effort to positively identify the source of the leaks.

On June 24, 1976, the Committee adopted a motion calling for investigative hearings to commence on July 19, 1976.

On June 29, 1976, the Committee adopted motions to call as witnesses all Members of the Select Committee on Intelligence and some staff personnel. No decision was made at that time to call representatives of the news media.

Prior to the start of the hearings, representatives of the Central Intelligence Agency and Department of State also were called as witnesses. These hearings continued through July 29, 1976.

On July 19, 1976, Congressman John J. Flynt, Jr., Chairman of the Committee on Standards of Official Conduct, in a statement opening the investigative hearings pursuant to House Resolution 1042, declared:

In recent months, the Congress of the United States has sought to take a more active role in the conduct of this nation's foreign policy and its concomitant intelligence operations. In furtherance of these efforts, the House of Representatives established a Select Committee on Intelligence to conduct an inquiry into the organization, operations, and oversight of the intelligence community of the United States Government.

Sections 2 and 6 of House Res. 591, required the Select Committee to establish and implement such rules and procedures as it deemed necessary to prevent the unauthorized disclosure, outside the Select Committee, of "any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the

Select Committee during the course of its study and investigation," and to prevent "the disclosure, outside the Select Committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government."

Although certain rules and procedures were established by the Select Committee on Intelligence, we now have reason to believe that there were serious violations and breaches of security during the course of the Select Committee's investigation.

On January 29, 1976, the House of Representatives adopted H. Res. 982 resolving that the Select Committee on Intelligence not release any report, prepared by the Committee pursuant to House Resolution 591, containing materials, information, data or subjects that then bore security classification, unless and until such report or reports were published with appropriate security markings and distributed only to persons authorized to receive such classified information, or until the report or reports had been certified by the President as not containing information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

H. Res. 982 further authorized the Select Committee to file its report by midnight Friday, January 30, 1976, and to file a supplemental report containing the Select Committee's recommendations on or before midnight, Wednesday, February 11, 1976.

We now know that portions and/or all of the Select Committee's report were disclosed to unauthorized persons outside of the Select Committee and that the Select Committee's report was published in part, in "The Village Voice," a New York periodical, on February 16 and February 23, 1976.

In response to this apparent violation of House Resolution 982, the House of Representatives, on February 19, 1976, adopted H. Res. 1042, which authorized and directed the Committee on Standards of Official Conduct to "inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon."

There can be no question about the need to protect certain types of classified information from unauthorized disclosure. Because of the great mobility of modern conventional forces and the instant strike capability of inter-continental weapons, the United States must rely increasingly on military and diplomatic intelligence to provide advance warning about threats to its security. If the House of Representatives is to play an important and vital role in our country's defense, it must continue to have appropriate access to classified information and it must devise appropriate safeguards to prevent unauthorized disclosure of such information.

Unauthorized disclosure of classified information jeopardizes the credibility of the House and threatens the very ability of the House to deal with foreign policy, international affairs, and intelligence operations.

Accordingly, the House has the authority, indeed the duty, to investigate possible violations of its resolutions and protective orders by those subject to its jurisdiction in order to protect the integrity of the legislative process.

These hearings are being held for the purpose of inquiring into, as fully as possible, the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence and reporting back up to the House its findings and recommendations. The Congressional power in question concerns the internal processes of Congress moving within its legislative command; it involves the utilization of the Committee on Standards of Official Conduct to secure testimony and evidence needed to enable the House to investigate and exercise legislative functions belonging to the House of Representatives under the United States Constitution.

The specific legislative purposes involved in these hearings are several.

If the House of Representatives is to participate meaningfully in this nation's foreign policy and oversight of intelligence operations, the House must consider whether new legislation is needed or the Rules of the House should be amended to insure that the House can account for and safeguard the security of classified information which comes into its possession. This requires inquiry into the rules and procedures adopted by the Select Committee on Intelligence for safeguarding classified information and evaluation of the effectiveness of these rules and procedures. The Committee on Standards of Official Conduct, then, seeks to make findings and recommendations concerning the need for more effective security procedures and whether more effective security procedures can be designed to enable the House to carry out a larger role in this nation's foreign policy and the oversight of intelligence operations.

Moreover, the House must consider whether new legislation is needed or whether the Rules of the House should be amended to define and set out standards and conditions for the handling and filing of House Committee reports containing classified information. In these hearings, this Committee will seek to develop whether the circumstances surrounding the publication of the text or of any part of the report of the Select Committee on Intelligence demonstrate a present need for such legislation or amendment to Rules of the House.

Section 5 of Article I of the United States Constitution provides, in part, that "Each House may determine the rules of its proceedings" and "punish its members for disorderly behaviour." This function may appropriately be described as the power of Congress, in particular of the House of Representatives, to discipline its Members, officers and

employees. In these hearings, this Committee will seek to develop evidence as to whether the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence should result in appropriate findings and recommendations by this Committee to the House for discipline of any Members, officers or employee of the House.

Section 5 of Article I of the United States Constitution further provides, in part, that "(E)ach House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy * * *."

The issue here is whether or not the House presently has the effective power to determine which of its proceedings are to be kept secret, and upon making that decision, whether the House has the effective power to enforce that decision by Constitutional means. In these hearings, this Committee will seek to develop evidence as to whether the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence demonstrate a need for the House to enact appropriate legislation of this subject or to amend the Rules of the House in appropriate fashion.

In view of the nature of these proceedings and the subject matter under inquiry, it is expected that some evidence and testimony will, of necessity, be required to be received in Executive Session. Evidence or testimony received in Executive Session cannot be released or revealed in public session or otherwise without the consent of this Committee. These are rules of the House of Representatives and this Committee. The Members, staff and employees of the House are bound by these rules. If this Committee learns that these rules are being violated, it will act promptly and unequivocally in dealing with the persons or organizations involved.

Let the hearings commence.

On August 25, 1976, the Committee voted to subpoena 18 additional former staff members of the Select Committee on Intelligence and four news media representatives, including Daniel Schorr, for hearings on September 8, 1976 and September 15, 1976.

As a result of testimony on September 8, 1976, the Committee voted to recall three former Select Committee staff members and a member of the staff of a Congressman who was on the House Select Committee on Intelligence, for hearings on September 14, 1976.

SCOPE OF INVESTIGATION

The Committee decided the initial phases of the investigation would include interviews with the Members and staff of the Select Committee and those Executive agency personnel who had access to the report. No news media representatives were to be contacted unless such interviews later were deemed essential to the completion of the investigation.

Voluntary interviews began on April 1, 1976. The investigative staff conducted 432 interviews and reinterviews involving 396 people.

These included the 13 Members of the Select Committee, 94 employees and former employees of the House, and 246 officials and employees of the Executive Branch.

Late in the investigation the Committee voted to seek the assistance of certain news media personnel to obtain information not otherwise available. Some 25 contacts were made with them or their attorneys. Only five of those with whom interviews were sought agreed to answer questions on the record.

All of the interviews were voluntary, and the persons interviewed were not required to take an oath. The presence of counsel during interview always was allowed. Transcripts were made of the interviews whenever requested and copies of the transcript were furnished to the person interviewed if requested.

All 13 Members of the Select Committee were interviewed at least twice during the investigation concerning information and documents in their possession pertinent to this inquiry. In addition, 33 members of the staffs of the Select Committee Members who had access to the Select Committee report were interviewed.

Records of the House indicated 43 individuals had served on the Select Committee staff. It was determined that one of these never actually served on the staff. Another was affiliated with the Committee only three days early in 1975. A third individual, whose employment terminated in August, 1975, declined to be interviewed. The other 40 were interviewed, some more than once.

The investigation within the Executive Branch was aimed at determining how many copies of the report existed there and identifying and interviewing persons who had access to such copies. This revealed 136 copies of three versions of the report existed in the Executive Branch—88 of the initial draft, one of a later draft, and 47 of the final draft. Interviews were conducted with 246 Executive agency employees.

Twenty copies of the draft report were made and 18 remained within the Select Committee for use of Members and staff. The other two copies went to the Executive Branch. All but six of the 20 copies were turned over to this Committee. The other six reportedly were destroyed.

A detailed comparison was made of the text of the Select Committee report published in *The Village Voice* against copies of the draft located in the Executive Branch and those obtained from Committee Members. None matched exactly.

Investigative hearings were conducted on July 19, 20, 21, 22, 26, 27, 28, and 29; September 8, 14, and 15, 1976. During these hearings sworn testimony was taken from this Committee's Director of Investigation; from all 13 Members of the Select Committee on Intelligence; from two staff members and one former staff member of Select Committee Members; from all but one of the 35 persons employed by the Select Committee during January, 1976, (the one not called was out of the country); from three representatives of the Central Intelligence Agency; from two officials of the Department of State; from four individuals affiliated with *The Village Voice*; and from Daniel Schorr. Three former employees of the Select Committee and one staff member of a Member of the Select Committee were subpoenaed to testify a second time.

FINDINGS OF INVESTIGATION

THE HOUSE OF REPRESENTATIVES

The Select Committee concluded its hearings on December 19, 1975, amid a flurry of leaks about CIA covert activities.

Some staff members had assembled a preliminary draft report, but this was discarded in favor of a more "hard-hitting, calling it as we saw it" report. The staff had until January 19, 1976, when Congress was to reconvene, to complete the draft. Time was short and pressure was great.

Security procedures frequently were ignored or relaxed in favor of expediency. Staff personnel took work home with them and this often included classified material.

On the weekend of January 17-18, 1976, the staff worked long hours, revising, polishing, typing, assembling the report which exceeded 330 pages. Early on January 19, 1976, they made 20 Xerox copies, dividing the pages of each about equally into two volumes placed in black, spring-clip folders.

The distribution method had been decided a few days earlier, about January 16, 1976, at a meeting of the Select Committee Chairman and top staff personnel. According to one of the staff, he recommended the draft be retained in Committee space and made available to Members for review there. He said the Chairman rejected this plan.

Consequently, one copy of the draft report was delivered to each Member of the Committee or to the Member's office, on the afternoon of January 19, 1976. The copies were not marked in any way for identification; no receipts were required; no log was kept to record delivery. The draft bore no security classification. A copy of a letter signed by the Staff Director accompanied each draft sent to a Member reminding that unauthorized release of the draft "constitutes a violation of Committee Rules." (Appendix 11)

Even before delivery of copies to the Members was completed, an error was discovered. Staff employees had to retrieve various Members' copies to replace page 73 and add a supplemental page 73-A.

This resulted from the insertion of Footnote 119 quoting a memorandum concerning a Senator which had been copied in part from CIA files by a Select Committee employee.

Staff personnel reported the Staff Director had wanted to use the above memo as the lead item in the report. Others reportedly counselled against highlighting it and it was relegated to a footnote on page 73.

The Staff Director denied this report, testifying, "When I wrote the draft of the report I didn't even know we had that memo. The only reason it got in late as a footnote was because the Chairman asked where it was. I went down and found it, read it, and put it in at his request."

Part of the memo was copied in longhand from CIA files on December 15, 1975, by a member of the Select Committee staff. She testified she typed the memo when she returned to the Select Committee office and brought it to the Staff Director's attention "within the next hour."

A copy of the draft report was furnished to CIA about 4:00 p.m. on January 19, 1976. This copy did not contain the revised pages 73 and 73-A.

Leaks of information contained in the report began shortly after distribution was made. By 4:00 p.m. on January 19, 1976, a New York Times reporter had called the Select Committee office with questions indicating he had access to portions of the draft. About the same time another New York Times reporter made inquiry of CIA about information in the draft.

The following morning The Times published a major article revealing data from the report. (Appendix 12.) On succeeding days there were a number of news articles in various papers and frequent radio and TV broadcasts reporting information in the draft report.

The Select Committee met each day from January 20-23, 1976, to consider the drafts. During the meetings some Members occasionally borrowed a staff copy of the report, having failed to bring their own to the meeting. In at least one instance a Member kept an extra copy of Volume I. It was returned to the staff sometime after January 26, 1976.

Several key staff members admitted the disorganized nature of the distribution and accounting for the various copies of the draft and changed pages to it. One staffer commented there was a rush, a lot of pressure and control was lost insofar as accounting for copies was concerned on January 21, 1976.

On Friday, January 23, 1976, the Committee concluded deliberation on the draft. By a vote of nine to four the Committee adopted the report as amended. The Chairman and Ranking Minority Member were to agree on changes in references to the Secretary of State, and the staff had authority to make technical and grammatical changes. The Committee, through its deliberations, and the staff, through negotiations with the Executive Branch, revised approximately 110 pages of the draft before it was adopted.

The staff endeavored to complete the changes approved by the Committee on January 23, 1976, and update the Members' copies as soon as possible. In the rush the staff overlooked making changes to four pages. This was corrected after it was mentioned by a Select Committee Member at a meeting of the Committee on Monday, January 26, 1976. The staff also failed to accurately update some of the Members' copies. Pages were omitted and other mistakes resulted.

During the weekend of January 24-25, 1976, when a copy of the report was made available to Daniel Schorr, all Members of the Select Committee, except two, who said they left their copies with the Committee staff, had custody of a copy of the draft. Two assistants to Members, and two employees of the Committee had copies of the draft in their possession away from their offices.

An Administrative Assistant to a Select Committee Member testified a copy of the report was delivered to him by a Select Committee staffer around 6:00 to 6:30 p.m. on January 23, 1976, in the horseshoe driveway at the Rayburn Building. He stated an unrecalled member of the Committee staff had telephoned the Member's office earlier that day asking if the office needed a copy of the report to work on supplementary views. He said he accepted the offer of a copy which he took home with him and wrote a draft of supplementary views. He kept this copy at his residence until Sunday morning, January 25, 1976, when he took it to the residence of the Staff Director of the Select Committee after arranging to do so by telephone. He said he delivered the copy to the Staff Director since he no longer needed it

and did not want to be burdened with it when going to work Monday on the bus.

A former Legislative Assistant to a Select Committee Member testified he obtained the Congressman's copy of the report from his office on Saturday afternoon, January 24, 1976. He then went to the Select Committee office where he obtained the latest changed pages. He took both items to the Congressman's residence where they worked together on the report.

A Select Committee staff employee, late on Saturday, January 24, 1976, took a copy of the report from the Committee office to his residence for review. She returned the copy to the Committee office on January 26, 1976.

A member of the Committee staff advised that the Staff Director also took a copy to his residence during the weekend of January 24-25, 1976. He denied this; however, he did admit he had at his residence for a time the copy of the report delivered to him by an Administrative Assistant to a Select Committee Member around noon on January 25.

Each of the above individuals specifically denied allowing access to the report by any other individuals or making copies of the report.

A Member voluntarily admitted when first contacted during this inquiry that he had loaned his copy of the report to the CIA on the morning of January 24, 1976. He said this was done after a representative of CIA advised he had been denied a copy of the adopted draft by a member of the Select Committee staff. The Member said he took this action because he hoped there might still be an opportunity for the Committee and the Executive agencies to resolve their differences over the contents of the report. He did not think he was acting contrary to Committee rules.

Asked for his opinion concerning the supplying of a copy of the final draft to CIA, the Select Committee Chairman stated, "I would consider that a leak." He said he would have been surprised if the CIA had not gotten the report since "they got everything" the Committee was doing.

The Chairman of the Select Committee had concurred in the staff member's denial of a copy for CIA.

A Legislative Assistant to a Select Committee Member also admitted on initial contact during this investigation that he had furnished copies of two or three pages of the draft report to a reporter for the Reuters News Agency. He believed this occurred prior to January 23, 1976. He said he took the action because he felt information in the pages alleging CIA used Reuters to circulate "agency-espoused 'news' articles" was incorrect. He felt Reuters should have an opportunity to comment.

Each Member of the Select Committee, their staff assistants, and staff personnel of the Committee were questioned regarding any information they might have concerning the possible source of the leaks.

The Chairman referred to his comments on the House floor on March 9, 1976, wherein he outlined his contention that the Executive Branch had access to the complete Committee report. (Appendix 13.)

He also recited what he termed a series of interesting facts. He said Daniel Schorr, in an article published in the April 8, 1976, issue of Rolling Stone, identified a Department of State official as a source of

rior classified information given to Mr. Schorr. The Chairman noted a former member of the staff of a Select Committee Member who had been closely involved with the work of the Committee, recently had been employed by the Department of State and is working for the official identified. The Chairman pointed out the police log maintained at the Select Committee office showed the former staff member of the Committee Member was in the Committee space on January 24, 1976.

The Department of State official vigorously denied there was any validity to any implication that through this former staff member the official was involved in the leak of the Committee report. The former staff member testified he had not furnished the report or any part of it to unauthorized persons. He admitted being in the Committee space on the afternoon of January 24, 1976, to obtain the latest changes for delivery to the Select Committee Member for whom he worked.

A Select Committee Member on June 23, 1976, advised Committee investigators he had a conversation with Daniel Schorr in the Speaker's lobby shortly after Mr. Schorr displayed a copy of the Committee report on television. He said Mr. Schorr stated he did not get the report from the Committee and that he (the Member) would be surprised if he knew the source of the leak. The Member said he did not know whether or not to believe Mr. Schorr.

On July 29, 1976, the Member testified before this Committee that when he talked to Mr. Schorr in the Speaker's lobby, Mr. Schorr indicated he had received the report from the CIA and said, "Of course I would deny that if anybody ever asked me."

Mr. Schorr testified before this Committee on September 15, 1976. In response to a question as to whether or not he had told the Member he received the report from CIA, Mr. Schorr declared, "I have never discussed with anyone the source from which I obtained the report other than two privileged persons." He subsequently identified the privileged persons as his wife and his counsel, Joseph Califano, but refused to comment further on this matter.

Both the Select Committee Chairman and Staff Director noted there had been no leaks of information in the report until the draft was distributed to the Committee Members and to CIA on January 19, 1976. The Staff Director, in making a strong defense of the Committee staff, declared there were never any leaks of information until the matter came before the Committee and the Executive Branch at Committee meetings or hearings.

The Select Committee, however, was plagued by leaks, whether of its own making or from some other sources. Staff personnel reported frequent discussions about leaks and stern warnings from the Chairman and the Staff Director against talking to the press and leaking information. Several staff members told of concluding that various leaks came from Executive agencies or from Members of the Committee. There was considerable speculation but little evidence of any official action within the Committee to identify the source of the leaks.

Leaks of information being considered by the Select Committee were discussed several times within the Committee. On November 4, 1975, the Chairman opened a meeting by referring to a story broadcast by Daniel Schorr on November 1, 1975, which was "not exactly" but "sort of attributed to this Committee . . . as the

source . . ." The Chairman said it was possible "we do have a leak in this Committee" or it could be someone trying to discredit the Committee.

The Chairman asked Mr. Schorr, who was present, if "you would want to reveal your source or method at this particular time." Mr. Schorr replied, "No thank you."

There followed a discussion among the Select Committee Members concerning possible action regarding the leak. The Chairman said he felt it might not be proper for the Committee to be investigating itself. He said he would not hesitate to ask the FBI to investigate the leak if the Committee thought that was desirable. He stated there was no organization within the Congress to handle such a serious investigation. Various Members voiced the conviction that the leak had not come from a Member of the Committee.

A Select Committee Member moved that Mr. Schorr be called before the Committee in executive session to inquire about the source of the story. After some discussion, during which the Chairman remarked this was not the first leak, the motion was tabled by a voice vote.

On December 19, 1975, the Select Committee discussed a leak of information appearing in an Associated Press story indicating Members of the Committee were considering the release of certain information. A Member commented information on three operations had been discussed by Daniel Schorr on the previous Monday, December 15, 1975.

The Select Committee Chairman declared he did not know who was leaking the information. He said if he did know, he would ask the Speaker "to kick him off the Committee."

During a meeting of the Select Committee on January 20, 1976, the Chairman expressed concern over "the number of leaks which have developed," and said, "I think that the sooner we finish our business, the less this is a problem."

Later that day a Select Committee Member commented that a newspaper report that morning had referred to a footnote in the Committee report. The Chairman added The New York Times directly quotes from the report.

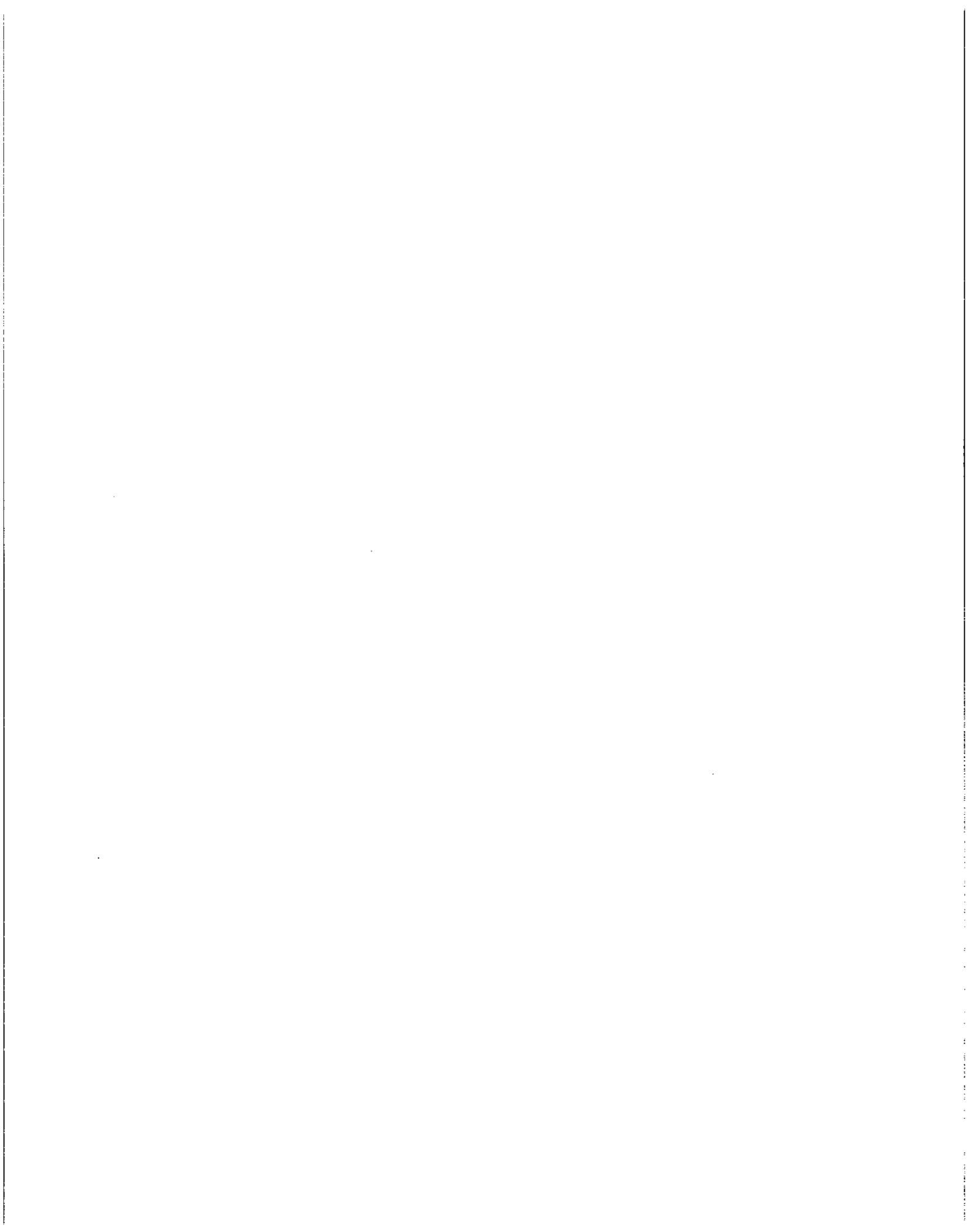
The Member asked how the Members could respond to questions raised about what the Committee is doing to determine the source of leaks. He inquired if the Chairman could enlighten the Members on the source of the leaks.

The Chairman said he could not enlighten the Committee, that he has "some evidence" of the source of leaks, "but rarely any proof." The Member asked if the Committee should not conduct some inquiry regarding the leaks lest it be criticized for not doing so. He suggested the Chairman create a subcommittee for this purpose. The Chairman declared he was not going to appoint "a subcommittee to investigate Members of Congress."

The Member requested the Chairman to at least emphasize the report should be treated as executive session material. The Chairman replied such a warning accompanied the report and the recommendations sent to the Members, adding that he could not supervise "the execution of the individual Member's responsibilities."

On January 28, 1976, the leak of the memorandum relating to a Senator was raised in a Select Committee meeting. A Member in-

inquired why the memorandum was never discussed in the Committee. He asked "why it turns up in a footnote and is leaked to the newspapers." The Staff Director replied the memorandum was discussed in an executive session on January 21. The Member stated at that point the report already had been leaked to the press. The Staff Director replied, "No, it had not. As I recall, it did not appear until Friday." This discussion is followed by a motion by another Select Committee Member that the Chairman appoint a three-man subcommittee to investigate "the allegations that have occurred during the last few days and the leaks that apparently occurred during the last few days and report back to this Committee before its termination." The motion was defeated by a vote of eight to four. The Select Committee Chairman, in testifying before this Committee, stated "We tried on a continuing basis to identify the source of the leaks. We were not very successful." He also testified the Select Committee did not conduct an investigation to determine the source of the leak to Mr. Schorr. He said the Committee's charter was about to expire and it did not have the staff to undertake such an inquiry. The Chairman refused to provide this Committee with information he had concerning the possible source of leaks. He testified, "No, I am not going to do that because all I have is suspicions and I am not going to indulge in suspicions."



COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

THE EXECUTIVE BRANCH

About 4:00 p.m. on January 19, 1976, the Select Committee Staff Director gave a copy of the initial draft report to a CIA representative. The CIA representative received this copy in the Committee offices with the understanding that CIA would coordinate the review of the draft throughout the Executive Branch. He was asked not to distribute copies of the draft outside CIA until January 20, 1976, since all Members of the Select Committee had not yet received their copy.

The CIA representative returned to CIA Headquarters about 5:00 p.m. on January 19, 1976, where 30 copies of the draft were made. The first of the copies was ready about 6:30 p.m. Three were disseminated within CIA. One was delivered to an official at the White House, since he was leaving for a conference in Europe that night. He took the copy with him.

On January 20, 1976, CIA delivered two additional copies of the draft to the White House, two to the Department of State, one to the Department of Defense, one to the Department of Justice, one to the Office of Management and Budget, and one to the CIA Director-designate. CIA made 20 additional copies, for a total of 42 copies for use within the agency for analysis.

In order to obtain an assessment of parts of the report dealing with foreign operations, portions were sent to officials abroad on January 23, 1976. One portion was cabled to an Ambassador in Europe and another section was delivered to CIA representatives in Athens, Greece.

The Executive agencies had only one workday to analyze the draft report since their comments had to be submitted to the Select Committee by the CIA on January 21, 1976. The document containing the comments of the intelligence community was classified Top Secret based on the highest classification of the material contained therein.

The CIA established no control system with respect to copies of the draft report which were circulated within the agency. It could not account for all of the 42 copies it used, many of which were broken into sections to facilitate review.

The White House received three copies of the draft from the CIA and made four additional copies. One copy was destroyed; however, seven copies remained in the White House. The origin of the extra copy is unknown.

The State Department received two copies and made four or five more. Six copies were retained by the Department.

The Defense Department received one copy and made nine. It returned one copy to the CIA, destroyed two and retained seven. On January 23, 1976, Defense sent a complete copy to the National Security Agency which made 16 additional copies, all of which the agency retained.

The Department of Justice received one copy and made six more. Three were returned to CIA, three were destroyed and one was retained. One extra copy was located at the Department of Justice and the official who had it could not recall its origin.

The Office of Management and Budget received one copy which it retained. No copies were made.

The CIA Director-designate received one copy which he retained in his safe. He made no copies.

On January 22-23, 1976, the Select Committee staff met with representatives of various Executive Branch Agencies concerning proposed changes to the draft report. During one such meeting on the night of January 22, 1976, a Department of State official was given a copy of the draft report by a member of the Committee staff.

This copy was retained under secure conditions in the Department of State until April 27, 1976, when it was turned over to investigators of this Committee. No copies of this draft were made.

On January 23, 1976, the Select Committee voted nine to four to approve the draft report.

A CIA representative requested a copy of the approved report from the Select Committee staff on the afternoon of January 23, 1976. The staff, with the concurrence of the Committee Chairman, refused. On January 24, 1976, a Select Committee Member loaned his copy of the report to CIA for copying. His copy had been updated by the Committee staff on the afternoon of January 23, 1976, and returned to him around 7:00 p.m.

The CIA made 30 copies from the Committee Member's copy of the report and returned it to him on the afternoon of January 24, 1976.

The CIA numbered these copies for accountability and on the afternoon of January 24, 1976, delivered two to the White House, two to the Department of State, one to the Department of Defense, one to the FBI and one to the Office of Management and Budget. The remaining copies were kept for review within the CIA.

Seventeen additional copies were made by the agencies to which CIA made distribution for a total of 24 copies in possession of these agencies. Of these, 14 were returned to the CIA, five were destroyed and five were retained by the agencies, four at the White House, and one at the Office of Management and Budget.

The CIA destroyed all extra copies returned. The agency retained 25 copies, one of which was furnished to this Committee.

Every copy of the report located in the Executive Branch and examined by the investigative staff of this Committee was determined to be the initial draft obtained from the Committee on January 19, 1976, or the draft obtained from the Committee Member on January 24, 1976, with the exception of the one copy furnished by the Committee staff to the Department of State official.

Everyone in the Executive Branch identified as having had possession of a complete copy of any version of the draft report was interviewed. Each denied furnishing the report or any portion thereof to unauthorized persons. These interviews involved 70 persons at CIA, 10 persons at the White House, 46 individuals at the Department of State, 54 people in the Department of Defense, 27 people at National Security Agency, 26 persons in the Department of Justice, and 10 employees at the Office of Management and Budget.

The Select Committee Chairman, in remarks on the House floor on March 9, 1976, during interview with investigators of this Committee,

and in testimony before this Committee on July 19, 1976, asserted CIA and State Department representatives were given copies of the draft report and corrected pages to update the drafts during a lengthy meeting with Committee staff personnel on the night of January 22-23, 1976. Some staff personnel who participated in this meeting, including the Staff Director, provided much the same information, at least in part.

The Staff Director contended it would have been a simple matter for the Executive agencies to have determined the few changes the Select Committee approved on January 23, 1976, prior to adopting the report.

This information, coupled with what these agencies were supplied during the meeting with the staff, would have provided virtually a complete report, he claimed. The Staff Director noted The Village Voice published a "funny draft" of the report, one which had some but not all of the changes made by the Select Committee on January 23, 1976.

A Department of State official and two CIA representatives participated in the January 22-23 meeting. The Department of State official said he was given a copy of the draft report during the meeting since he did not have a copy. This copy was later turned over to investigators for this Committee. He testified he did not receive any changed pages. The two CIA representatives testified they were loaned a copy of the draft more current than the one they had for use during the meeting. They testified they did not take this copy with them, leaving with only the copy they brought. They also denied being supplied any changed pages to update their copy.

The Select Committee maintained no receipts or other records to support the claim that Executive Branch representatives were supplied additional copies of the draft or copies of changed pages.

Even if the Executive agencies received the changed pages, and even if they were informed of changes approved at the Select Committee meeting on January 23, 1976, the implication that these agencies were the source of the leak to Mr. Schorr is highly improbable.

The Select Committee staff neglected to make some changes approved on January 23, 1976. This oversight was called to the Staff Director's attention by a Member when the Committee met on Monday, January 26, 1976. The next day, the Member again asked about these changes.

The Staff Director replied, "You are correct on all four. They have been changed."

Some of the changes overlooked by the staff were in footnotes which The Village Voice did not print. Two changes, however, were in material printed by The Village Voice, and the approved changes do not appear in The Village Voice text.

Had the Executive agencies compiled the report as the Staff Director of the Select Committee contended, they undoubtedly would have made the approved changes which the staff overlooked. Hence, had the Executive agencies leaked the report to Mr. Schorr, the overlooked changes would have appeared in The Village Voice text. It should be recalled Mr. Schorr obtained a copy of the report on or about January 25, 1976, before the staff oversight concerning the approved changes was discovered.

Officials of the various Executive agencies asserted no leak of the Select Committee report on portions of it emanated from the Execu-

tive Branch. They pointed out CIA did not obtain a copy of the initial draft report until 4:00 p.m. on January 19, 1976, and copies of this were not available at CIA Headquarters until about 6:30 p.m. Only one copy was disseminated outside CIA that date, this to a White House official who departed for Europe that night.

The CIA Assistant for Press Affairs reported receiving a telephone call prior to 5:10 p.m. on January 19, 1976, from a New York Times Reporter who was attempting to verify information apparently from the draft report.

The Select Committee Staff Director advised that by 4:00 p.m. on January 19, 1976, when the draft was first distributed, The New York Times was calling with questions which indicated they had the contents of some of the more dramatic sections of the report.

CIA officials conducted a detailed comparison of The Village Voice text against the two versions of the draft report they obtained--the draft secured on January 19, 1976, from the Select Committee staff, and the one obtained on January 24, 1976, from a Committee Member. They reported numerous and substantial differences between Village Voice and the January 19 version, and 88 differences with the copy obtained on January 24.

The CIA officials concluded neither of the two versions of the report obtained by CIA and distributed through the Executive Branch could have been the source of The Village Voice text. They also concluded it is impossible to combine pages from the two versions to match the Village Voice text.

Executive agency officials pointed out that on January 25, 1976, when Mr. Schorr and The New York Times apparently gained access to the report, representatives of the various agencies were meeting at the White House considering means to induce the Select Committee to delete or revise objectionable information.

An official of the CIA, who worked with both the Senate and the House Select Committees on Intelligence, testified the publication of classified information contained in the House Select Committee's report caused considerable damage to the CIA's foreign intelligence mission.

THE NEWS MEDIA

This Committee on May 13, 1976, adopted a motion authorizing and directing its investigative staff to interview those representatives of the news media necessary to carry out the mandate of H. Res. 1042 and H. Res. 1054.

These contacts began on June 3, 1976. By then virtually all investigation in the House of Representatives and the Executive Branch had been completed without positively identifying the source of the leak of the Select Committee report.

Information was sought from 24 persons associated with the news media including Daniel Schorr. Little information was received and most media representatives declined to be interviewed.

Four persons affiliated with The Village Voice or its sister publication, New York Magazine, agreed to interview and each later testified before this Committee. They were Clay Felker, Editor-in-Chief of The Village Voice; Aaron Latham, who wrote the introduction to the text of the report; Sheldon Zalaznick, who edited the report; and Susan Parker, secretary to Mr. Felker.

Mr. Felker related he was contacted by a New York City attorney, and advised of the availability of the Select Committee report. Mr. Felker agreed to publish it in *The Village Voice*. The attorney suggested that *The Village Voice* consider a contribution to the Reporters Committee, but Mr. Felker said: "There were no negotiations per se. There was discussion, a request, that we consider making a contribution to the Reporters Committee. However, the request was not made contingent upon the publication of the report. The report was made available to us, no strings attached." He declared no contribution was made to the Reporters Committee or anyone else with respect to this matter.

Mrs. Parker testified she flew from New York City to Washington, D.C., on February 6, 1976, and traveled by cab to Daniel Schorr's residence. She told a maid who answered the door that she had "come for a package for New York." The maid gave her the report which was in a plastic bag in a manila envelope. She returned to New York and delivered it to Mr. Felker.

Mr. Latham reported he made three additional copies of the report. He gave one copy to Mr. Felker, two to Mr. Zalaznick, and kept one for himself.

The Washington Monthly issue of April, 1976, reported Mr. Latham called "a friend on the Pike Committee" to determine if the copy he had was the only one available for publication. The magazine reported that Mr. Latham's contact "made it clear that the Schorr copy, now in possession of Clay Felker, was probably the only one extant."

Mr. Latham declined to discuss his contact on the "Committee staff" when questioned by investigators for this Committee.

Mr. Zalaznick advised he used the original and one copy of the report in editing it for publication. When this was completed he took both copies to his home where he burned them in his back yard grill late in February, 1976.

Mr. Felker testified he threw his copy of the draft in his trash.

Mr. Latham said he took his copy of the report to the office of Joseph Califano, attorney for Daniel Schorr, shortly after the first article appeared in *The Village Voice* on February 11, 1976. He did this on instructions from an unrecalled person in the New York office of his employer. He did not recall if this had been requested by Mr. Schorr or Mr. Califano.

During testimony, Mr. Latham, citing First Amendment protection of sources, declined to answer questions regarding any knowledge he might have about the source of the draft report obtained by Mr. Schorr. He maintained that position even after Chairman Flynt advised him of the necessity of his answering, warned him of the possible consequences, and directed him to answer.

Mr. Califano was asked on June 21, 1976, if *The Village Voice* had returned to him the copy of the draft report it received from Mr. Schorr. He believed the copy was being held by his firm for Mr. Schorr. He refused to turn it over to the investigative staff of this Committee. He doubted it would be made available on subpoena since it might lead to the identity of the source. He did not remember if the return of the document was requested but thought it was by "mutual agreement with *The Village Voice*."

In response to a subpoena, Mr. Schorr appeared before this Committee on September 15, 1976. In an opening statement he said he

would consider making available to the Committee two categories of documents but would not produce his notes or the copies of the Select Committee report in his possession. He also declared he would not could not, betray a source.

Mr. Schorr testified he had attempted to have the Select Committee report printed by various publishers to no avail. He had hoped it would be published as a book or pamphlet. In discussing the report's publication with a representative of the Reporters Committee he had suggested any royalties resulting go to that Committee.

He was aware the House of Representatives had voted the report should not be released when he turned it over to The Village Voice for publication.

Mr. Schorr testified he had discussed his source only with his attorney, Mr. Califano, and his wife. He testified no payments were made by him to obtain the report.

Shortly after Mr. Schorr concluded his opening statement the following exchange took place:

Mr. MARSHALL. Now, with regard to the third category, that is notes taken during coverage of the House Select Committee and scripts, as well as the copies of the report of the House Select Committee on Intelligence prepared pursuant to House Resolution 591, on behalf of the committee I now direct that you produce all copies and drafts of the report prepared pursuant to House Resolution 591 in your possession, custody or control.

Mr. SCHORR. Sir, I must respectfully decline to do so for the reasons stated, that I believe that they are a work product, protected by the First Amendment in the first place, and secondly and more importantly, could conceivably assist you in ascertaining the source.

Mr. MARSHALL. So the record will also be clear, I am making an additional demand, solely related to the report of the Select Committee prepared pursuant to House Resolution 591, and am directing on behalf of the committee that you produce those copies of that report in your possession, and that you produce them at this time.

Mr. SCHORR. My answer remains the same.

Mr. CALIFANO. Mr. Marshall, may I just briefly note that there are two types of documents involved here, as you have noted.

With respect to one item, memoranda, internal reporters' notes, out-takes, if you will, may I cite to the Chair, may I ask of the Chair if he is going to direct the witness to answer, direct separately because with respect to notes and out-takes there is a precedent in the House of Representatives.

That precedent was when Dr. Frank Stanton testified and refused to provide similar material. The House voted at that time 228 to 181 not to cite Dr. Stanton for contempt for refusing to provide that material.

Mr. FLYNT. I have carefully studied the legal memorandum, Mr. Califano, which you have filed with the committee.

I must at this time advise the witness that this committee is acting pursuant to the authority vested in it by Resolutions

1042 and 1054 of the House of Representatives, 94th Congress.

Copies of those resolutions and the opening statement of the Chairman of this committee setting out the legislative purpose of these hearings were served upon you prior to your appearance as a witness here today.

The subject of these hearings is an inquiry into the circumstances surrounding the publication in *The Village Voice* of the text and of any part of the report of the House Select Committee on Intelligence, so that this committee can report back to the House its findings and recommendations thereon.

The papers described in the subpoena duces tecum, including any and all copies or drafts of the report prepared by the House Select Committee on Intelligence, pursuant to House Resolution 591, are pertinent to the subject under inquiry in that these papers may identify or lead to the identification of the person from whom the text and any part of that report were obtained.

This report of the House Select Committee on Intelligence, pursuant to House Resolution 591, is further pertinent to the subject under inquiry, in that it may constitute evidence or lead to evidence as to the method by which the text and any part of the text of that report were obtained.

These matters are part of the circumstances surrounding the publication of the text and any part of the report of the House Select Committee on Intelligence. Production of the copy of this report is necessary to carry out the mandate of the House of Representatives.

If you continue to refuse your copy of this report, notwithstanding the fact that you have been duly served with a subpoena duces tecum, your refusal will be deemed by this committee to constitute a willful refusal to produce your copy of this report upon a matter pertinent to the subject under inquiry, and will subject you to prosecution and punishment by a fine or imprisonment or both, under Title 2 of the United States Code, Sections 192, 193 and 194.

Your refusal to produce your copy of this report will also subject you to prosecution and punishment for contempt of the House of Representatives.

Accordingly, you are hereby advised that I overrule your refusal to produce your copy of this report described in the subpoena duces tecum, served upon you, including your refusal to produce any and all copies of the drafts of the report prepared by the House Select Committee on Intelligence pursuant to House Resolution 591.

As Chairman of this committee, I hereby demand and direct that you produce your copy of this report.

Mr. SCHORR. Mr. Chairman, for the reasons stated, that I cannot engage in a venture aimed at ascertaining the source, I must repeat that I respectfully decline to provide any copies of the report.

Committee Counsel Marshall later stated:

This committee has received testimony under oath from Congressman James V. Stanton that approximately one week after that report was published in The Village Voice Congressman Stanton talked with you in the Speaker's lobby of the House of Representatives.

I have supplied counsel, your counsel, with a copy of Mr. Stanton's testimony in public sessions of this hearing.

At that conversation, Congressman Stanton testified that you told him that you obtained a copy of the text of the report from the Central Intelligence Agency, and that you also said, "Of course, I would deny that if anyone asked me."

Did you make those statements to Congressman Stanton?

Mr. Schorr replied:

Mr. Marshall, I have never discussed with anyone the source from which I obtained the report other than two privileged persons.

Mr. Marshall asked if Mr. Schorr meant by this response that he did not have the conversation with Mr. Stanton. Mr. Schorr said his response "must speak for itself," adding later that he felt his reply was adequate.

Mr. Marshall insisted on an answer to the question concerning the conversation with Mr. Stanton. Mr. Schorr refused to answer.

Chairman Flynt stated he had listened carefully to Mr. Califano's oral argument and had also carefully studied legal memoranda filed with the Committee. Using language similar to that quoted earlier, Chairman Flynt then advised Mr. Schorr of the necessity for him to answer the question, the consequences for his refusing to answer, and directed him to answer.

Mr. Schorr contended his prior answer was sufficiently responsive and refused to comment further.

Following are additional questions put to Mr. Schorr and his response in refusing to answer. After each refusal, Chairman Flynt read him a warning similar to the language quoted earlier and directed him to answer. In each instance, Mr. Schorr persisted in his refusal to answer.

Mr. MARSHALL. Mr. Schorr, from whom did you obtain the copy of the report of the Select Committee on Intelligence, that report being prepared pursuant to House Resolution 591?

Mr. SCHORR. Counsel, I respectfully decline to answer that question on the grounds that I feel that my right to withhold the source is protected by the First Amendment and absolutely essential to the functioning of a free press in this country.

Mr. MARSHALL. Mr. Schorr, did you obtain a copy of the report prepared by the House Select Committee on Intelligence from a member, officer, agent, employee or a staff member of the House of Representatives?

Mr. SCHORR. For the reasons stated, and I won't bore you by repeating them, I decline to answer that question.

Mr. MARSHALL. Mr. Schorr, did you obtain a copy of the report of the House Select Committee on Intelligence prepared pursuant to House Resolution 591 from a member or a staff employee of the House Select Committee on Intelligence?

Mr. SCHORR. As a matter of conscience, and in invoking my First Amendment protection, I respectfully decline to reply to that question.

Mr. MARSHALL. Mr. Schorr, did you obtain a copy of the report prepared by the House Select Committee on Intelligence pursuant to House Resolution 591 from any person or agency employed in the Executive Branch of the United States Government?

Mr. SCHORR. Mr. Counsel, as a matter of personal conscience and relying on my First Amendment protection, I also decline to reply to that question.

Mr. MARSHALL. Mr. Schorr, on what date did you obtain the copy of the report prepared by the House Select Committee on Intelligence pursuant to House Resolution 591?

Mr. SCHORR. For Constitutional reasons, or on Constitutional ground, and for personal reasons, because it is not my intention to provide you with any information which could possibly help you to ascertain the source, I respectfully decline to reply to that question.

Mr. MARSHALL. Those are two separate questions. How many copies (of the Select Committee report) did you make, and of those copies, how many are in your possession?

Mr. SCHORR. Answering the second question first, there are four copies in my possession. With respect to the first question, as to how many copies I made, I must respectfully decline to answer because I cannot answer that question without entering into the internal editorial process of preparing news for dissemination which I believe is protected by the First Amendment. That is to say, that I could not answer that question by telling you something about the internal news workings which I believe are protected by the First amendment.

Mr. BENNETT. Then my final question to you is that did you ever say to your wife or your attorney that the CIA gave you this report?

Mr. CALIFANO. His conversations with his attorney and his wife we regard as privileged.

Mr. BENNETT. Well, they are privileged, but I think they could be waived. So, I am asking the question.

Mr. SCHORR. With due respect, I choose not to waive anything right now.

Mr. Califano, on September 13, 1976, filed a lengthy brief with this Committee.

The brief is based primarily on the premise that the Select Committee on Intelligence voted on January 23, 1976, "to make the report public."

In fact, the motion adopted by the Select Committee on January 23, 1976, was as follows:

Mr. Chairman, I move the adoption of the draft report as adopted to this point, as amended, not as adopted to this point, but as amended.

The motion is absolutely silent with respect to making the report public.

The preceding day the Select Committee had discussed at some length when the report should be released. Several Members ex-

pressed the view that the report should not be released publicly until after it was filed with the House. The Chairman agreed.

The Select Committee Chairman, when interviewed by investigators of this Committee on April 2, 1976, was asked if arrangements had been made for furnishing the news media advance copies of the Committee's report. He replied, "Categorically, no."

Further evidence of the attitude of Members of the Select Committee regarding the public release of the report was provided in testimony before this Committee. A Member of the Select Committee testified on July 20, 1976, that it was his understanding the adoption of the report did not make it public.

The following exchange took place between Chairman Flynt and another Member of the Select Committee when he testified before this Committee on July 26, 1976:

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

MEMBER. No, no, sir. I do not think so. But, of course, I do not think—I think that would be inappropriate to give it to the news media in any event, whether it was a classified—well, certainly if it were a classified document, it would be inappropriate to give it to the news media. But even if it were not, even if it had nothing in it which endangered security, it would have violated our rule of prior release.

Mr. FLYNT. And also the executive session rules.

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

Other contentions in the brief filed on behalf of Mr. Schorr, were that no resolution, rule or regulation of the House or its Committees were violated by the transfer of the Select Committee report to Mr. Schorr.

Section 6(a) of H. Res. 591 provides: "The select committee shall institute and carry out such rules and procedures as it may deem necessary to prevent (1) the disclosure outside the select committee of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the select committee during the course of its study and investigation, not authorized by the select committee to be disclosed; and (2) the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government."

Rule 7.3 of the Rules and Security Regulations of the Select Committee on Intelligence, states: "Until such time as the committee has submitted its final report to the House, classified or other sensitive information in the committee records and files shall not be made available or disclosed to other than the committee membership and the committee staff, except as may be otherwise determined by the committee."

This Committee received testimony from numerous witnesses to the effect that the Select Committee report did contain classified information.

The report was filed with the House on January 30, 1976, the day after the House voted to prohibit its public release unless certain conditions were met.

EXAMINATION OF PHYSICAL EVIDENCE

An effort was made by this Committee to identify and account for every copy of the draft of the Select Committee report as well as any records concerning their distribution.

Twenty copies were produced by the Select Committee staff with one going to each of the 13 Members of the Committee and one to CIA on January 19, 1976. A copy was furnished to a Department of State official on January 22, 1976, leaving the Committee staff with five copies.

The copies were not marked for identification. Staff personnel stated some memoranda were prepared during the period of January 19-23, 1976, accounting for the copies but added these records were destroyed.

The investigative staff of this Committee, with authorization, carefully searched the records of the Select Committee stored at National Archives under custody of the Clerk of the House and found no copies of the draft report nor any records concerning distribution of the draft or changed pages made for it. Likewise, no records were found in the files concerning charge-outs of classified documents or accounting for copies of such documents. Select Committee staff personnel testified these records were destroyed.

During the early stages of this inquiry the investigative staff obtained copies of the draft report from five Members of the Select Committee. The staff also obtained the copy of the draft furnished to the Department of State official and two copies from CIA.

The copies from CIA represented the two versions of the draft obtained by that agency and circulated through the Executive Branch. These were the version of January 19, 1976, obtained from the Select Committee Staff Director and the version of January 23, 1976, obtained from a Select Committee Member. These were the only two versions of the report located in the Executive Branch except for the copy given to a Department of State official which was not reproduced.

The investigative staff conducted a word-by-word comparison of the above identified copies of the draft against the text of the report published in *The Village Voice*.

This disclosed over 90 significant differences between *The Village Voice* text and the draft of the report obtained by CIA on January 19, 1976, and the copy obtained on January 22, 1976, by the Department of State official. The number of significant differences strongly indicates these two versions could not have been the source of *The Village Voice* text.

The comparison of the remaining copies disclosed a varying number of differences, the lowest number being five which appeared in a Select Committee Member's copy and in the copies CIA made from it. These copies contained a page 266 which *Village Voice* reported was missing

from its copy. They each were missing pages 249 and 250 which Village Voice published. Both the Member's and CIA's copies contained identical significant differences on pages 198 and 199 compared to Village Voice.

Subsequently, copies from five additional Select Committee Members were obtained. Three Members reported they returned their copies to the Select Committee office where presumably these copies were destroyed. A staff member testified the Select Committee Chairman directed that all copies of the draft in the possession of the staff, except two, be destroyed for security reasons on January 29, 1976, after the House voted not to release the report. She could not recall how many or whose copies were destroyed.

The Chairman retained the two staff copies, one labeled "Emily—Original" and the other labeled "Vol. I" and "Vol. II." The former is the original of the initial draft; the latter is the master copy kept up to date as changes were made. These were turned over to this Committee by the Chairman of the Select Committee on July 19, 1976. The copies obtained after the initial comparison with Village Voice also were checked. None matched The Village Voice text with the significant differences ranging from three to over 50.

Pages 198 and 199 of the draft were considered the most significant in the comparison since they were revised substantially and were not resolved finally until an error on one of them was corrected on Saturday, January 24, 1976.

Only four of the copies examined contained versions of pages 198 and 199 identical to the text in The Village Voice. These were the master copy obtained from the Select Committee Chairman and the copies obtained from three Committee Members. It was determined these three Members received their copies of the report or the amended pages for updating their copies from the Committee staff on or after Monday, January 26, 1976.

The differences in the various copies examined resulted from staff or Member failure to properly make current changes. This, of course, should not apply to the master copy which presumably was maintained in a current status at all times. When this copy was checked it was found to contain a number of changes made after January 24, 1976.

The text published in The Village Voice reflects the changes made by the Select Committee staff up to Saturday, January 24, 1976.

THE AGREEMENT BETWEEN THE SELECT COMMITTEE AND THE EXECUTIVE BRANCH

For some time after the reorganization of the Select Committee on July 17, 1975, there was growing discord between the Committee and the Executive Branch. The Committee was demanding access to classified information but was receiving little. A confrontation in the courts seemed imminent.

Congressman McClory, Ranking Minority Member of the Select Committee, with support of the other Minority Members, initiated action which led to a meeting at the White House on September 26, 1975. Present were the President, Speaker Carl Albert, Minority Leader John Rhodes, Chairman Pike, Mr. McClory, William Colby,

Director of CIA, Secretary of State Henry Kissinger, and several others.

An agreement was reached at this meeting concerning access by the Committee to classified information and procedures governing the release of this data.

The specifics of the agreement were set forth in a letter from CIA Director Colby to Chairman Pike which was read into the record of the Select Committee meeting on October 1, 1975. This letter reads:

DEAR MR. CHAIRMAN: With the approval of the President, I am forwarding herewith the classified material additional to the unclassified material forwarded with my letter of 29 September 1975, which is responsive to your subpoena of September 12, 1975. This is forwarded on loan with the understanding that there will be no public disclosure of this classified material nor of testimony, depositions, or interviews concerning it without a reasonable opportunity for us to consult with respect to it. In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States the matter will not be disclosed by the committee, except that the committee would reserve its right to submit the matter to judicial determination. In some 12 instances in the enclosed material excisions have been made of particularly sensitive matters. In ten of these instances they would pinpoint the identity of individuals who would be subject to exposure.

In two cases this would violate an understanding with a foreign government that its cooperation will not be disclosed. In each such case, Mr. Chairman, I am prepared to discuss with you and the committee, if necessary, the specific basis for this exclusion due to the exceptionally high risk involved. I am sure that we can come to a mutual understanding with respect to its continued secrecy or a form in which its substance could be made available to the committee and still give it the high degree of protection it deserves. In case of disagreement, the matter will be submitted to the President under the procedure outlined above and the committee would, of course, reserve its right to undertake judicial action.

Sincerely,

W. E. COLBY, *Director.*

Following discussion Mr. McClory moved the Committee accept the materials on the conditions contained in the letter from Mr. Colby. The motion was adopted by a vote of nine to three. (Appendix 14.)

The Select Committee attempted to release certain classified information in mid-December 1975, under terms of the agreement. The Executive agency concerned objected, and the Committee voted to refer two of the three items to the President. The President subsequently exercised his prerogative and ruled against release. His action was moot since the gist of the information involved had been leaked to the press shortly after it was discussed in an executive session of the Select Committee.

According to the news reports the information concerned covert operations in three foreign countries. This was broadcast by Daniel Schorr on CBS news on the evening of December 19, 1975. The Washington Post of December 20, 1975, reported the Select Committee had "balked" at efforts to make public information regarding one of the covert operations. This article reported how the Members of the Select Committee voted on that issue. (Appendix 15.)

During discussion about the release of information concerning covert operations, the Select Committee Chairman indicated the Committee would abide by the agreement and release the data only if the President certified it could be released. He added, however, the Committee would not go through that procedure with respect to the Committee report.

Asked by a Select Committee Member if he thought the Committee could declassify information for the report, the Chairman responded, "Yes."

The agreement became the central issue when the Select Committee first met on January 20, 1976, to consider the draft report.

One Member suggested the Committee receive the comments and observations of the affected intelligence agencies and then take such action as the Committee may decide under the terms of the agreement.

The Chairman responded he did not think he had agreed, and it was not the intention of the Committee to agree, to allow the Executive Branch to write the Committee's report.

The Member persisted he saw no reason to distinguish between material in the report and material arising in Executive Sessions.

The Chairman replied that what the Member was saying was that the President could "tell us what we may have in our report."

The argument continued into the Committee meeting on January 21, 1976, when a Member declared his belief the release of information in the report "is a violation of a solemn agreement between this Committee and the Administration." He felt the Committee had no authority to make the release without the approval of the full House. He said he understood the Chairman considers the agreement not to be binding with respect to the report and that the Executive Branch does not have the right to edit or dictate what should be included in a Congressional report. The Chairman agreed that summarized his views.

This same Member moved that all classified information contained in the draft report be struck unless the full House of Representatives approved its inclusion or unless the provisions of the agreement were complied with. Considerable discussion followed, during which another Member observed that to suggest "the intelligence community would be willing to give us classified information that is considered extremely sensitive with the thought in mind that as of January 31, the reporting date, it could all be made public, that it was only sensitive up until that time. . . . is preposterous, and I think an outrageous interpretation of the final sense of the agreement."

By vote of eight to four, this motion was defeated.

The staff of the Select Committee apparently felt the agreement did not apply to classified documents reviewed by staff members at the various agencies.

On January 22, 1976, the Staff Director told a Select Committee Member that a letter reciting the terms of the agreement accompanied

classified documents sent to the Committee by Executive agencies. He said there had been no "general letter to the Chairman" specifying that any classified material the Committee sees anywhere also is covered by the agreement. He declared "the staff" never signed anything acknowledging the terms of the agreement applied to documents staff members reviewed at the Executive agencies. The Select Committee Chairman was present during this conversation and indicated his concurrence with the Staff Director's views.

The argument over how the agreement should be interpreted spread to the full House on January 26, 1976. The matter came to a head on January 29, 1976, when the House, by a vote of 246 to 124, adopted the amendment to H. Res. 982 which restricted release of the report. (Appendix 16.)

THE NEW YEAR'S EVE INCIDENT

On December 31, 1975, several newsmen, including Daniel Schorr, were invited to the Select Committee office. They were supplied information dealing with a phase of the Select Committee's investigation.

They also were allowed access to the transcript of a sworn interview with a witness conducted the day before by three of the Committee counsel. The original of this transcript, maintained in the files of the Select Committee now in custody of the Clerk of the House, is stamped "Executive Session."

The Select Committee Staff Director said the meeting with the newsmen in the Committee space was "at my direction." He also directed a letter to the Attorney General, copies of which were furnished to the newsmen.

The Select Committee General Counsel advised he did not believe the Select Committee Chairman was contacted. He stated the Staff Director had consulted him on the matter and he "did concur in this action . . . I did concur in the letter to the Attorney General." He said he approved the contents of the letter, its transmission to the Attorney General, "and approved that a copy of the letter be made public." He said as far as he knew, the release of the information on December 31, 1975, was the only such action undertaken by the staff during its existence.

Two of the Select Committee's counsel, who participated in the interview with the witness, testified before this Committee that they had recommended against public disclosure of the situation involved. They recommended it be referred to the Department of Justice. They testified the Staff Director furnished the address of the witness to someone he was talking to by telephone, whom he later identified as Daniel Schorr.

One of the counsel stated the Staff Director said Mr. Schorr is "O.K., don't worry about him."

The other counsel said the Staff Director related, "I called Daniel Schorr . . . He has given me a lot of good advice, and I asked him what to do on this situation and he said the best thing to do is to make a direct attack."

The Staff Director testified he called Daniel Schorr to determine if there would be a newscast that evening, noting it was New Year's Eve. He testified he did not recall stating that Mr. Schorr told him "the best thing to do is to make a direct attack."

All employees of the Select Committee were required to sign the Employee Agreement. Item 5 of this Agreement states:

I further agree that until such time as the Committee has made its final report to the House I will not divulge to any unauthorized person in any way, form, shape or manner the work product or memoranda of the Committee or any material or testimony received or obtained pursuant to House Resolution 591, 94th Congress, unless specifically authorized by the Committee.

Congress was not in session on December 31, 1975. None of the participants in the incident gave any indication that approval for release of the information had been sought from the Select Committee.

The Chairman of the Select Committee testified on July 19, 1976 that he had not approved the release of this information to the news media. He was asked if he considered the action a violation of the Employee Agreement. He said he could not generalize and would want to know what the document was about and what the briefing was about.

By letter dated September 9, 1976, Chairman Flynt furnished the Chairman of the Select Committee pertinent information concerning the foregoing matter, including a copy of the letter to the Attorney General, a copy of the transcript of the sworn interview, and a copy of a news article reporting on this matter.

By letter of September 10, 1976, the Chairman of the Select Committee responded:

Having examined the contents contained within your letter and assuming the accuracy of all of the allegations contained in your letter, the answer to your question would have to be technically that providing a copy of the interview with [] to the press would appear to violate the employee agreement.

SECURITY

Both House Resolution 138 and House Resolution 591, recognizing the sensitive nature of the proceedings mandated, required the Select Committee on Intelligence to adopt rules, procedures and regulations to assure protection of classified material from unwarranted publication.

The Committee adopted Rules and Security Regulations and issued them in booklet form. These formed the basis for the Committee's efforts to maintain control of the large amount of highly sensitive information it received during its inquiry into the U.S. intelligence community.

There follows a listing of the security procedures and regulations adopted, and information developed during this investigation concerning the Select Committee's adherence to them:

1. Members of the Committee shall have access at all times to all materials received or obtained pursuant to H. Res. 138 and H. Res. 591, 94th Congress.

No information was developed during the investigation to indicate non-adherence to this regulation.

2. All committee staff members with appropriate security clearances, as determined by the Committee, will have access to documents and materials as determined by the Staff Director, the Chairman, and the Ranking Minority Member.

Employees of the Select Committee were subjects of FBI background investigations and were required to sign an "Employee Agreement" when entering on duty. Following these two actions and authorization by the Chairman for clearance, staff persons were given clearances and appropriate briefings by CIA. Based on the comments of several staff members, strict adherence was paid to the requirement that clearances be held by staff members prior to their access to classified materials.

3. All Committee staff will submit to the person designated to control the security of materials any and all materials received or obtained pursuant to House Resolution 138 and House Resolution 591, 94th Congress.

An estimated 74,000 to 77,000 classified documents handled by the Select Committee staff indicates the extent of the problem involving security of documents. Generally, these documents were delivered by Executive agencies to the Select Committee with cover letters. On occasion, documents, some classified, were obtained by staff members during visits to intelligence agencies.

A former Select Committee staff member advised on April 21, 1976, there were instances when staff members would obtain documents direct from the agency representatives and then delay placing them in the central files, preferring to keep them in their desks.

A Select Committee Member commented about weak security of the Committee and reported a lack of accounting by staff members of material in the Committee's possession.

A member of the Select Committee staff who was charged with the security of documents, in an undated memorandum to the staff, stated, "It is my considered opinion that, as staffers persist in Xeroxing multiple copies of all memos and briefing summaries they have done, regardless of classification, it makes no sense to continue to deliver the original typed copies to my department. Since [-----] decision has been thus far that staffers may keep personal files, if necessary, and since all staffers have deemed it necessary to keep such files, plus the compilation of a private 'central file' by one staffer, it merely wastes the time of this department and the energy of the secretarial staff, to attempt to keep copies at a minimum. I suggest that all staffers be given the original typed copies initially."

This memorandum further states, "We simply cannot be held responsible for documents which are held to be outside of the realm of document control. This includes documents which are signed for, or brought from an agency, by staff members and kept at their desks because they 'simply have to use them.' My being verbally informed of the receipt of documents does not constitute turning them over to the files for protection."

4. Strict security procedures shall be in force at all times at the offices of the Committee staff, security devices shall be installed and operational and at least one security guard shall be on duty at all times at the entrance to the offices

containing materials. Identification of all persons seeking admission will be required.

When the Select Committee was created by H. Res. 138, a security system was developed by staff members in consultation with intelligence agency personnel, especially with CIA. The Committee occupied space in Rooms 232 and 233 in the Cannon House Office Building in June, 1975, and a uniformed Capitol Policeman was assigned on a round-the-clock basis. Alarms were installed on the doors and windows and all individuals entering the space except Committee Members and staff personnel were required to sign in and out in a log book maintained by the guard and to be escorted by a staff member. Staff personnel were required to sign in and out on the log book when entering the space after 7:00 p.m., on holidays, and weekends.

In August, 1975, the Committee staff moved to Rooms B316 and B317 in the Rayburn House Office Building. The space included a reception room with guard desk and desks for secretaries and typists; a large room divided into sections by low partitions for Staff Director, Counsel, and investigative staff; two interview rooms; a writers and editors room; and a room divided in half by a row of safetype cabinets used to store the documents obtained and developed in the Committee's work.

On one side of the file room were three doors into rooms not assigned to the Select Committee. These doors were sealed by metal strips so they could not be opened without extensive unbolting and the removal of the bindings.

Capitol Police guard service was continued in this space on a round-the-clock basis. Initially, two officers were on duty, one at the B316 entrance, the other in the B317 entrance area. After installation of an alarm on the B317 door, the officer was removed from that post. The door subsequently was secured by a lock which required a key to open from the inside or outside, and the key was not furnished to staffers.

The guard in B316 was provided rosters containing the names of Committee Members and staff personnel authorized to enter the space. All other individuals were required to sign in and out on the guard's log book and were admitted only with the authorization of staff personnel. These visitors were escorted by staff personnel whenever going beyond the reception room into the staff working area. Comments by staff members and others interviewed indicated the escort requirement was followed.

An obvious problem existed in the reception room where visitors could observe the work being performed by the Office Manager, secretaries and typists located there. Visitors here also were in position to overhear conversations among staff personnel and telephone conversations. Visitors in this room were not required to sign in and out.

The alarm system installed on the door for B317 and in the safe cabinet file area was activated after working hours and on weekends, by a switch located near the desk of the officer on duty in B316. The alarm sounded in the Capitol Police House Office Building detail duty room, B220, Longworth House Office Building. The duty officer there would telephonically advise the officer on guard in B316 when it sounded, and he would check the Committee space and take appropriate action. He also was required to notify one of several designated staff members at home.

During the period of August, 1975, through January, 1976, two electronic sweeps were made of the staff working space by Capitol Police. Telephones in the staff working area were checked and sealed twice in the same period.

Consideration was given to the use of a closed circuit television monitoring system but its cost precluded installation.

CIA offered to assist the Committee in setting up a proper security system. CIA was told that its help was not needed.

Comments from various Select Committee staff members and from Executive Branch personnel involved with the Committee inquiry ran the gamut from good to bad concerning security practices by the staff. Some staffers believed there was a strong motivation for the staff to maintain security. Despite this, they noted during times of haste when preparing for hearings and working on the report, some staffers who otherwise had been very security conscious tended to bypass security procedures relating to document handling.

The Committee staffer in charge of security had little prior experience and trained on the job. Some said this made it difficult to maintain staff security. Others said the staff member was most conscientious, did a good job in maintaining staff security under difficult circumstances and badgered staff members to comply with security requirements. There is evidence that over a long period of time some staff members cooperated little in maintaining security.

Asked if there was a "security officer," the Staff Director suggested the Chairman would have to be asked "about this." He said the Chairman "didn't want to call somebody a security officer. He didn't want people walking around with guns, and so on, but that he would rely upon administration and such people and that kind of thing and that we were not going to go around making a lot of show. So he objected rather vehemently to calling [. . .] a security officer or calling anybody a security officer."

On July 22, 1976, the Staff Director testified before this Committee he was in charge of security, and that another staff member had carried out a number of functions relating to security. In a letter dated January 28, 1976, to CIA, the Staff Director refers to "our security officer, [. . .]"

The Select Committee Chairman advised on June 23, 1976, he had discussed security matters with the Committee staff on numerous occasions. This was corroborated by numerous employees. Frequent briefings were given by the Staff Director to the staff concerning security practices to be followed. He stressed that any breach of security resulting in leaks of Committee material or of any information on Committee activities would result in dismissal.

On May 3, 1976, the Staff Director advised he had discussed with the Chairman whether the Committee should have a press secretary or press relations officer. It was decided not to have a press person. The policy was established that the two top staff members, the Chairman, and the Committee Members would be the only ones authorized to talk to the press.

On February 18, 1976, a staff member with security responsibilities advised a Member of the Select Committee there was a lack of security on the Committee. She said the Chairman referred to her as the "librarian" and "laughed off" her complaints. She advised that

joking remarks were made about her role. On one occasion comment was made that she should not refer to herself as the security officer or people would think she was packing a gun. She said there was no regard for security, documents were taken home by members of the staff, and she could not give any assurances that copies were not made. She related that security was breached by members of the staff and Members of the Committee.

A member of the Select Committee furnished a copy of a memorandum prepared by one of the staff members of the Select Committee regarding security. This memorandum indicated the security system and security devices were adequate to insure safekeeping and to prevent mishandling of classified documents and other materials. However, as time passed the strict operating procedures gave way to the Committee's hectic hearing schedule and regulations were overlooked. Staff members signed for documents and were able to take them to their desks and, presumably, out of the office. They could use them for days without returning them to the secure area. Copying and duplicating of the materials was not controlled or regulated. Some staff members obtained documents directly from the agencies and failed to place them in the central files.

A former staff member who had extensive prior security experience and who was with the Select Committee over six months, made a statement before this Committee concerning security.

In this statement he said, "There seemed to be a general misunderstanding on the part of some of the Committee Members and most of its staff of the consequences of poor security or even of what constituted poor security."

He stated, "The incredible pressure of conducting a thorough investigation and producing a meaningful report within only six months resulted in, or encouraged, an attitude that nothing mattered so much as 'getting the job done.' Nothing. Including security."

His statement revealed the following additional information.

Office machine repairmen had routine access to the area where the machines were located. Conversation which flowed freely could easily be overheard by them, and documents, most of them containing highly classified information, were literally scattered about the room.

Classified material was shredded by a mechanical device but the shredded paper was placed in plastic bags in the hallway outside the Committee offices for pick-up by the cleaning crew.

Control numbers were not assigned to Top Secret documents; hence, there was no means of accounting for them.

Staff members loudly discussed classified information within earshot of persons who had "no need to know."

People not officially connected with the Committee had very good access to information coming into the Committee's possession.

The former staff member furnished a photograph taken by him in the Committee offices which he said "illustrates how sloppily the papers were kept, things scattered all over the floor. The mere fact that I could get into the Committee office with a camera and blithely take photographs is, itself, evidence of poor security."

He advised the photograph depicts a room used for typing and interviews of witnesses scheduled to appear before the Committee. He stated the photograph shows "copies of documents which were both

classified and unclassified scattered somewhat willy-nilly over the work area, including the floor." (Appendix 17.)

An employee of General Accounting Office, who served on loan to the Select Committee, furnished a copy of a memorandum he had written to a Committee Counsel on September 8, 1975, setting forth a number of security problems he felt should be corrected. These related to control of incoming documents; control of material extracted from sensitive agency documents by staff members; internal control of work in process; typewriter, tape recorder, and Xerox controls; and file and desk security measures.

He declared in this memorandum that desk check, the timely destruction of sensitive documents and the continuing control of documents were "the only chance this Committee staff has of not being extremely embarrassed at some future date."

He also furnished a copy of a memorandum dated February 17, 1976, he had written to his agency upon completion of his assignment with the Select Committee. In this memorandum he stated:

"I found one problem that existed from the day I was assigned to the Committee to the day I was reassigned—namely, security of classified matter. . . . Initially, until about September 1, 1975, there was little or no control of classified documents received from the agency. This was improved materially in the following months by assignment of a staff member to handle security arrangements in the classified safe file room. However, a continuing problem existed, in that staff members retained classified documents in their desks and briefcases with no thought of the security implications involved. The documents carried agency classifications ranging from Top Secret to Confidential, plus some special classifications which limited distribution of the document to specific channels in the intelligence community. Xerox copies of classified documents which were made by the staff, were not controlled. I brought these problems to the attention of the Staff Director, both orally and in writing, with little or no success."

One Select Committee Member advised it was his belief guards may have admitted unauthorized persons on limited occasions to staff space. He said there was a need for more accurate records to be kept as to when, how and who were to receive the various sensitive documents, and guards should be given a more clear and precise set of security requirements.

Another Select Committee Member advised he felt there was a lack of effective controls on people coming into and using the Committee space.

5. All classified materials will be maintained in safes in a segregated secure area within the Committee's offices. Records of receipt will be kept. The internal handling and disposition of such classified material, including classified waste, will be the responsibility of the security officer.

The documents received from intelligence agencies and those created by the staff, both classified and unclassified, were housed for security purposes in 14 cabinets in the rear area of the staff space. Twelve of these cabinets had combination locks, the other two had key locks. All were located in the room protected by a motion detector alarm system.

A document control clerk was located just outside the safe area. He maintained a log showing the staff member or Committee Member who requested a particular document, the identity of the document, its classification, its date, the time it was signed out, and the initials of the document control clerk who checked it back in.

The log maintained by the document control clerk apparently was destroyed by shredding when the Committee staff was dismantling its operation.

A Select Committee staff member advised that on January 11, 1976, a staff member having security responsibilities, opened the safes but shortly thereafter locked them and left. The first staff member observed a packet containing combinations to the safes had been left on a desk. Some of the staff members needed information and one of the top staff members took the combinations and opened the safes. He left the area, returning with the original and a Xerox copy of the combinations. When questioned during the investigation, he denied Xeroxing the combinations, indicating there was a need to get into the safes and somebody gave him the combinations.

6. All classified materials may be examined only at reading facilities located in a secure area. Notes may be taken but must remain in the secure area of the Committee's offices. Copying, duplicating, recording or removing from the Committee staff offices such materials is prohibited, except as specifically approved by the Staff Director.

For a while staff members were permitted to review documents only at desks in a library area where the document control clerk was located. Later, with authority from the Staff Director, staff members were authorized to take charged-out documents to their desks on a case-by-case basis.

The sense of urgency on the part of staff members often caused problems. Instead of telephoning their requests, staff members began coming directly to the document control clerk and waiting for the documents.

While this was not a violation of security, it made the system more difficult to operate and the staff members who did this tended to depart without signing for the documents. On occasions some staff members reportedly took documents out of the cabinets.

At night documents were supposed to be returned to the safe cabinets but there were occasions reported where documents were located in staff members' desks or taken home. This practice occurred generally during rush periods, allegedly with approval.

Copies of documents frequently were made on a Xerox machine located in the office immediately behind the reception room. A log was maintained to indicate who was using the Xerox machine and how many copies were being made, but this was for cost control rather than document security. There were no security restrictions on the use of the Xerox machine and no accounting for copies made of classified documents.

One of the police officers on duty in the Select Committee space reported finding a secret document in the Xerox machine one night.

One Select Committee Member stated he felt that in some instances, classified documents were not afforded proper security, noting that the Xerox machine appeared to be "going all the time with little or

no accountability of what was being copied." He further stated that he did not think security procedures were adequate and did not think the procedures in effect were properly followed and enforced.

During the investigation of this matter, nine former employees of the Select Committee and one Member of the Committee turned over to this Committee copies of documents they had in their personal possession relating to the work of the Committee. The Member and one of the former employees had in their possession documents clearly marked with security classifications up to Top Secret. One another former staff member had in his possession documents which he admitted were "highly sensitive" and which the Committee determined did contain classified information.

He explained he had these documents in his possession because of a situation which developed during the final days of the Committee staff. He went to the Select Committee office one day and was told by other staff members the CIA was there going over documents and anything he did not want CIA to get he had better shred. Since there was a line of people waiting to use the shredder he put the documents in an envelope and took them home with him.

The Select Committee Staff Director reported the Committee Chairman directed the draft of the Select Committee report should not be classified. He said the Chairman asked him and other top staff members if the report contained anything harmful to national security. They said not in their opinion. The Chairman then instructed it be handled as a normal Committee report.

The Chairman recalled meeting with the top staff people during the week before the draft report was distributed but he did not remember any discussion regarding classification of the report. One former top staff member said he participated in discussion about restrictions on the report and stated the Chairman decided there was no alternative but to give each Committee Member a copy with a cover letter reminding them of Committee regulations.

7. Classified materials used in meetings and hearings will not be removed, copied, recorded or duplicated. At the conclusion of the meeting or hearing the materials will be collected and secured by the security officer.

During the Select Committee hearings a Capitol Police Officer was on duty at the door to the hearing room at all sessions. Numerous classified documents frequently were brought to the hearing room for use of the Members and staff. On one occasion the Chairman asked all staff personnel, except the Staff Director, to leave the hearing room. A staff member voiced concern over the classified documents in the room, for which she was responsible but the Staff Director insisted the Chairman's instructions be followed and she withdrew.

8. Material not classified or material in the public domain will be made available upon request to designated staff of Committee Members. The material will be checked in and out and examined in a designated area of the Committee's office.

No information was developed during the investigation to indicate non-adherence to this regulation.

9. As a condition of employment, each staff member shall execute a security agreement. Staff members failing to abide

by the agreement and these security regulations shall be subject to immediate termination of employment.

In signing the Employment Agreement, Committee employees pledged not to divulge to unauthorized persons any classified information received pursuant to H. Res. 591, both during and after employment, with the Select Committee. In addition they agreed not to divulge to unauthorized persons, until after the Committee's report was made to the House, any material or testimony received under H. Res. 591, unless specifically authorized by the Committee.

As previously set forth in this report, information was developed concerning a situation where information pertaining to an investigation was furnished to the press on December 31, 1975, by employees of the Select Committee without the authority of the Committee.

Information was also developed that a former employee of the Select Committee wrote an article which appeared in a national publication subsequent to his employment on the staff. He indicated that because the House had voted not to release the Committee's findings, the article was derived from the public record.

ACTION BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

On September 22, 1976, this Committee took the following actions: Mr. Hutchinson made the following motion:

Whereas, Mr. Daniel Schorr was summoned to appear before this committee on September 15, 1976, pursuant to a subpoena duces tecum duly issued under authority of the Committee on Standards of Official Conduct of the U.S. House of Representatives, and having appeared, willfully refused to produce certain papers described by said subpoena, as set out in the Resolution attached hereto as Exhibit A.

I move that this Committee report the fact of Mr. Schorr's conduct to the House of Representatives, that the attached resolution be brought before the House of Representatives, and that this committee recommend to the House of Representatives that proceedings be initiated against Daniel Schorr pursuant to 2 U.S.C. Section 192, U.S.C. Section 193, and 2 U.S.C. Section 194.

Mr. Hutchinson read the Resolution identified as Exhibit A to his motion, as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Standards of Official Conduct stating the fact of the refusal of Daniel Schorr at a public hearing on September 15, 1976, to obey a duly issued and served subpoena duces tecum demanding that Daniel Schorr produce certain copies of the Report of the House Select Committee on Intelligence prepared pursuant to House Resolution 591, together with all the fact in connection with said refusal, under the Seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that said Daniel Schorr may be proceeded against in the manner and form provided by law.

On this vote the ayes were five and the nays were six, and the motion was not agreed to.

Mr. Cochran made the following motion:

Whereas, the House of Representatives adopted on January 29, 1976, H. Res. 982, which prohibited the release of the report of the Select Committee on Intelligence until certain conditions were fulfilled, and,

Whereas, Daniel Schorr, a Washington correspondent for the Columbia Broadcasting System, with full knowledge of such House action did cause to be published in The Village Voice newspaper a substantial part of the text of the report of the Select Committee on Intelligence on February 16, 1976, and on February 23, 1976, deliberately disregarding the will of the House as expressed in H. Res. 982, and,

Whereas, Daniel Schorr is an accredited Member of the House Radio and Television Gallery, subject to the terms of Rule XXXIV, Clause 3 of the Rules and Practice of the House of Representatives, and,

Whereas, Rule XXXIV, Clause 3 of the Rules and Practice of the House of Representatives vests in the Speaker the responsibility for and authority to prescribe such regulations and procedures as may be necessary to maintain the House Radio and Television Gallery, therefore,

I hereby move that this committee recommend to the Speaker of the House of Representatives and to the House of Representatives that the privileges of the House Radio and Television Gallery be withdrawn from Daniel Schorr for the remainder of the 94th Congress.

On this vote the ayes were four and the nays were seven, and the motion was not agreed to.

Mr. Foley made the following motion:

Mr. Chairman, I move that the committee release Daniel Schorr, Aaron Latham, Clay Felker and Sheldon Zalaznick from further attendance, testimony and production of books, records, correspondence, memoranda, papers, documents, writings or other tangible things pursuant to the subpoenas of the House Committee on Standards of Official Conduct issued on August 26, 1976. I move further that in taking such action that the committee makes no finding and establishes no precedent regarding the validity of any claim of privilege by said Daniel Schorr or Aaron Latham to refuse to answer questions put to them by counsel of the Committee on Standards of Official Conduct in public session on September 15, 1976, under said subpoenas and further that the committee make no findings as to the validity of any claim of privilege made by the said Daniel Schorr in refusing to produce copies of the report of the Select Committee on Intelligence and other documents and writings under subpoena duces tecum at public hearings of the committee on September 15, 1976. This motion is based on the particular facts that presently appear to the committee.

On this vote the ayes were nine and the nays were one, and the motion was agreed to.

Mr. Bennett made the following motion:

I move this committee do not recommend citation for contempt of Congress for Daniel Schorr and others in these proceedings.

On this vote the ayes were five and the nays were five, and the motion was not agreed to.

OBSERVATIONS AND CONCLUSIONS

LEAK OF THE REPORT

The evidence is uncontested that Daniel Schorr obtained a copy of the Select Committee report and made it available to Clay Felker for publication.

While some testimony indicated the source of the leak was within the Executive Branch, based on all the evidence, this Committee concludes that the source was not associated with the Executive Branch.

This Committee further concludes that the original leak was someone on or very close to the Select Committee staff. The person who leaked the report had to have access to all changes made by the staff through January 23, 1976.

A comparison of the text of the Select Committee report which appeared in *The Village Voice* with available copies of the draft of the report shows that *Village Voice* editorial personnel were accurate and thorough in their editing. The *Village Voice* identified material missing from the copy it had and material which it omitted for space reasons. A few words published were in error, apparently resulting from a bad reproduction of some pages.

None of the copies of the report examined by this Committee, including all versions located in the Executive Branch, matched *The Village Voice* text. Each contained significant variations, not just minor differences.

This Committee located and examined 14 of the 20 copies the Select Committee made of the draft. The other six reportedly were destroyed by the Select Committee staff on January 29, 1976. These involved three staff copies and the copies of three Committee Members.

Daniel Schorr obtained a copy of the draft which was current with all changes made in the report through Friday, January 23, 1976.

CONFLICT BETWEEN SELECT COMMITTEE AND EXECUTIVE BRANCH

The Select Committee devoted the first section of its report to a recitation of its frustration with the tactics employed by the Executive Branch.

The Committee reported while the words from the Executive were always of cooperation, the reality was delay, refusal, missing information and asserted privileges. It reported the President on September 12, 1975, cut the Committee off from all classified information, and the State Department issued an order prohibiting a witness from furnishing data.

The Select Committee found the classification system in the Executive Branch presented many areas of conflict. Problems of oaths and agreements, selective briefings, special restrictions, and the release of classified information frequently arose. The difficulties encountered prompted the Staff Director to comment the staff was "treated as though we were almost a foreign government."

The Committee reported it "began by asserting that Congress alone must decide who, acting in its behalf, has a right to know secret information. This led to a rejection of Executive 'clearances' or the 'compartmentalization' of our staff. The Committee refused, as a matter of policy, to sign agreements. It refused to allow intelligence officials to read and review our investigators' notes, and avoided canned briefings in favor of primary source material. The Committee maintained that Congress has a right to all information short of direct communications with the President."

The Executive agencies, particularly the intelligence community, from the inception were concerned that security measures and practices of the Select Committee were not adequate to insure protection of the highly classified information the Committee was seeking. Some officials in the intelligence community said the Chairman of the Select Committee showed antipathy towards security and that this antipathy permeated the entire Committee staff. The intelligence community offers of assistance to the Committee in setting up and conducting a secure operation were rejected.

Of further concern to intelligence agencies officials was their feeling the Select Committee staff members were basically young, inexperienced, overly aggressive and threatening in their approach. An attitude of distrust resulted.

The agreement worked out in late September 1975, between the Select Committee and the Executive Branch did not resolve the major problems. In the end, this proved the area of greatest conflict between the Committee and the Executive and within the House. A majority of the Select Committee Members concluded the agreement was not applicable to its final report. The House, however, adopted H. Res. 982 on January 29, 1976, to restrict release of the report. This resolution contained basic provisions of the agreement regarding release of classified information.

One Member of the Select Committee, in testimony before this Committee, observed that the Select Committee's problems were in part due to the strong personalities of the Chairman and the Special Counsel for the CIA which led to a "fencing duel." Another problem, he said, was the rush to get out the final report, which placed a severe burden on the staff and representatives of the Executive agencies.

SECURITY

The rules and security regulations adopted by the Select Committee were adequate. They were not, however, strictly adhered to or executed.

The handling of a large volume of highly classified and sensitive data requires the services of a trained professional security officer, with strong administrative support.

This Committee is concerned by information that staff assistants to various Members of the Select Committee, not subject to the restraints put on Committee staff personnel, had considerable access to matters investigated by the Select Committee.

This Committee also is concerned by the fact that when the Select Committee was closed down, apparently little or no effort was made to insure Members and staff personnel left behind documents they obtained during their affiliation with the Committee. A number of classified and highly sensitive documents were discovered by this Committee still in the possession of Select Committee Members and staff personnel months after that Committee ceased to exist.

DANIEL SCHORR

This Committee did not recommend citing Daniel Schorr for contempt for refusing to disclose his source of the Select Committee on Intelligence report.

This Committee does conclude, however, that Mr. Schorr's role in publishing the report was a defiant act in disregard of the expressed will of the House of Representatives to preclude publication of highly classified national security information.

In an article, published in Rolling Stone of April 8, 1976, Mr. Schorr wrote that by early February, 1976, no headlines were left in the Select Committee report since CBS and The New York Times had told the main story. He had concluded he might have the only copy out of Government control. He continued:

I don't think that, as a report, it's all that great. It has about it a sense of advocacy, a way of taking the goriest details out of context to make a case against the CIA. But good report or bad report, it is the result of a long congressional investigation, and I feel that it will die—if I let it die. So, I reach the decision that I must try to arrange to have it published as a book and, if that is not possible, by anyone who will promise to publish the full unexpurgated text.

Mr. Schorr testified before this Committee that he was aware the House of Representatives had voted on January 29, 1976, that the Select Committee report should not be released to the public unless certain conditions were met. He testified he "contacted several persons who I thought might be able to make arrangements, or make inquiries of book publishers, to find out whether it could be published as a book." He said these inquiries "never resulted in anything."

Mr. Schorr testified the Reporters Committee for Freedom of the Press put him in touch with a New York attorney who contacted some book publishers to no avail. This attorney finally advised him that Mr. Felker was the only person willing to publish the report. Mr. Schorr said he made a copy of the report in his possession available to Mr. Felker on February 6, 1976.

While Mr. Schorr claimed he wanted no money for himself from the publication of the Select Committee report, he indicated his willingness to designate a favorite charity to receive such funds. He testified he suggested any royalties or remuneration resulting from his role go to the Reporters Committee.

Mr. Felker testified his printing of the report was not contingent on making any payment to anyone. He said no payment was made. Disclosure by The Washington Post of the involvement of Mr. Schorr and the Reporters Committee in the publication of the report initially resulted in a denial by one and no comment from the other.

Mr. Schorr, according to the Post article of February 12, 1976, declared, "I have no knowledge of how The Village Voice acquired its copy. I had no connection with it and I do not mean by that to state that I have a copy."

The article also reported, "The reporters committee agreed, after a telephone poll of its trustees, not to say anything publicly because of the 'confidentiality' of its conversation with Schorr."

This Committee is encouraged by the fact the journalism profession itself exposed the involvement of Mr. Schorr and the Reporters Committee in the publication of the Select Committee report. In addition to the Post, The Washington Monthly issue of April, 1976, and Esquire of June, 1976, revealed additional information about this matter. (Appendix 18, 19, 20.)

Such self-policing of the profession certainly will reduce the potential for a constitutional confrontation on the First Amendment. A wider adherence by journalists to their canons and ethics also would help.

This Committee recognizes the free press, as is its right, often disagrees with the Government over the control of information. It is not axiomatic, however, that the news media is always right and the Government is always wrong. We suggest those who embrace this concept reevaluate their position and adopt a more objective outlook.

No doubt a newsman can find someone who will print information without regard to potential damage to our national welfare. Newsmen, just like anyone else, are not infallible in their judgment of what is right or wrong, good or bad, for our Nation.

The mere assertion by a newsman that he revealed some Government secret "for the good of the country" does not insure the country actually will benefit. Nor is the assertion that the Government overclassifies or improperly classifies much information a guarantee that the revealed secret will not do great harm.

The fact is, the news media frequently do not possess sufficient information on which to make a prudent decision on whether the revelation of a secret will help or harm. We suggest caution and discretion should be the watchwords.

This Committee did not recommend that Mr. Schorr be held in contempt, but it does consider his actions in causing publication of the report to be reprehensible.

COMMITTEE RECOMMENDATIONS

LEGISLATION DEALING WITH CLASSIFICATION AND DECLASSIFICATION OF SECURITY INFORMATION

This Committee recommends that the Leadership of the House assign a Committee to promptly initiate research and study which will lead to establishing a classification and declassification system. This task should begin immediately.

Disputes about classification and declassification of national security information will continue to cause difficulties, conflicts and confrontations, and impede the flow of vital information among the three Branches of Government unless there is a vehicle for resolving these disputes in an orderly manner.

Specific criteria should be established to define the type of information which can be classified, how and when it can be declassified, and the selection of persons authorized to carry out these functions.

Thought also should be given to providing a system whereby conflicts between the Branches over declassification can be resolved to preclude unilateral release of security information.

HOUSE RULES GOVERNING CLASSIFIED INFORMATION

This Committee recommends that the Leadership of the House direct an appropriate Committee to promptly undertake the drafting of new House rules applicable to all Members, Committees and employees of the House, concerning obtaining, retaining and using classified information.

To insure uniformity in the execution of whatever rules result, this Committee suggests a small staff of professionals be recruited and trained as security officers, to function under the authority of the Speaker or perhaps the Sergeant at Arms. These individuals could be responsible for obtaining and controlling all classified documents sought by or in the possession of the House, its Members, Committees and employees.

Secure depositories should be constructed within the House complex for the storage of all such records, to replace the current patchwork system whereby every Committee, old or new, has to devise its own ways and means and whereby individual Members and their staffs frequently have virtually no secure means of retaining classified data.

The professional staff of security officers also could take over the responsibility of screening those applicants for security clearance in the House, again to replace the current system whereby Members and/or Committee Chairman make the decision.

This professional staff also could be used to conduct inquiries into leaks of information within the House, there being no present organization to handle this function.

This Committee recommends the House consult the Executive Branch in establishing the proposed rules and suggested professional staff to draw on its knowledge and expertise in the area of security.

ADOPTION OF THE REPORT

This Committee met in executive session on September 29, 1976, to consider the report of its investigation pursuant to H. Res. 1042.

Mr. Quie made the following motion:

Mr. Chairman, I move the report of this committee be adopted.

On this vote the ayes were seven and the nays were one, and the motion was agreed to.

STATEMENT UNDER CLAUSE 2(1)(3), AND CLAUSE 2(1)(4) OF RULE XI
OF THE RULES OF THE HOUSE OF REPRESENTATIVES

A. Oversight statement

The Committee made no special oversight findings on this resolution.

B. Budget statement

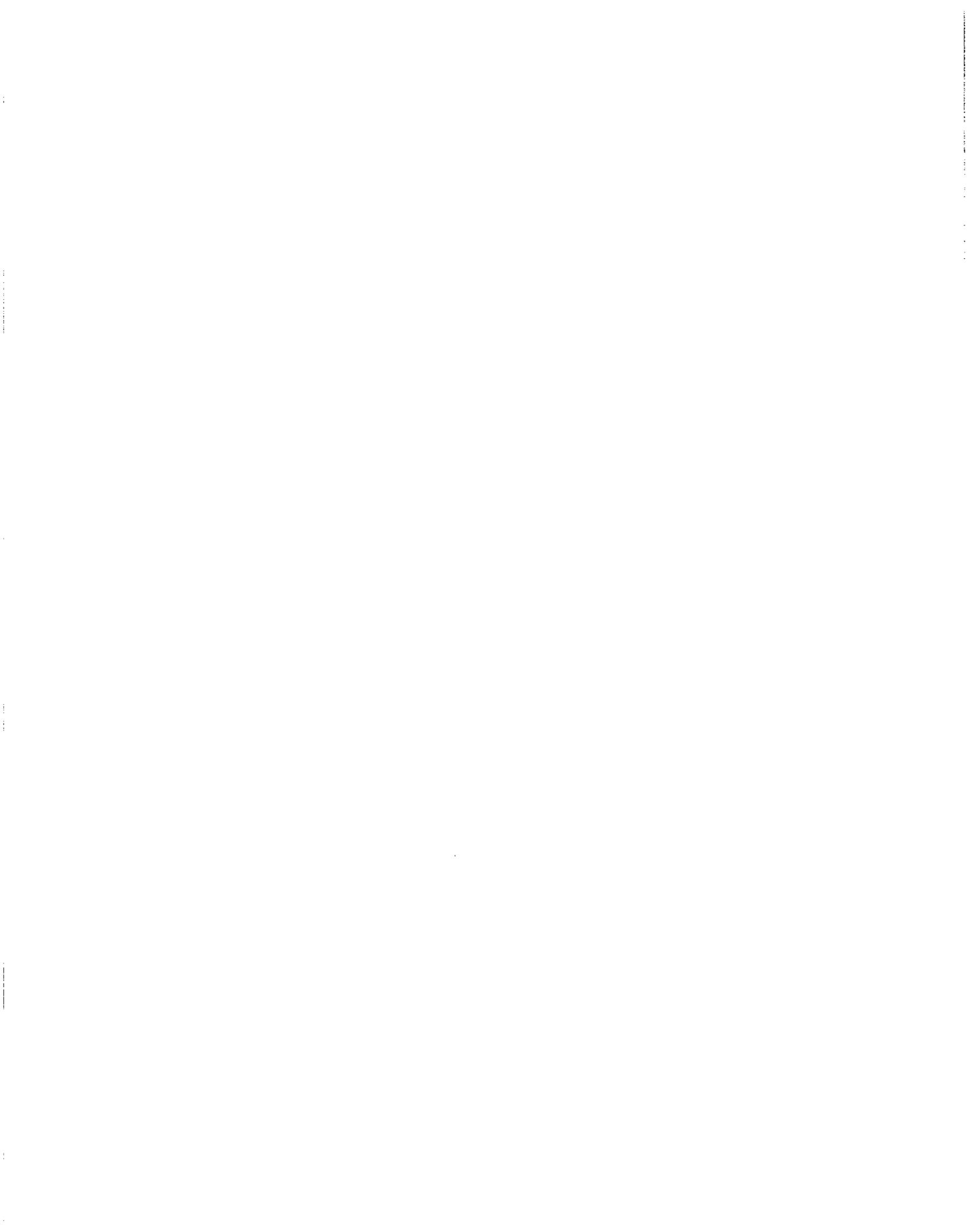
No budget statement is submitted.

C. Estimate of the Congressional Budget Office

No estimate or comparison was received from the Director of the Congressional Budget Office as referred to in subdivision (C) of Clause 2(1)(3) of House Rule XI.

D. Oversight findings and recommendations of the Committee on Government Operations

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (D) of clause 2(1)(3) of House Rule XI.



ADDITIONAL VIEWS OF REPRESENTATIVES FLOYD
SPENCE, OLIN TEAGUE, EDWARD HUTCHINSON AND
JOHN J. FLYNT, JR.

In failing to follow through on its investigation of the circumstances surrounding the unauthorized release of the Report of the Select Committee on Intelligence, the Committee on Standards of Official Conduct has succumbed to a concerted effort on the part of the media to influence its judgement. By voting against even the most rudimentary effort to obtain the information that we needed from the one man who was sure to know, the Committee has shown that it is intimidated by the specter of Constitutional questions which do not in fact exist in this case.

Freedom of the press is basic to our system of government, and not one among us would ever attempt to compromise this vital guarantee. But our attention was diverted from the real issue which was:

Do the people of this nation, through their elected representatives, have the right to investigate the circumstances surrounding the unauthorized release of information which can undermine the security of our nation?

Time and again we were told through the press that we should avoid a "constitutional confrontation" at all costs. "There is nothing to gain from forcing the issue," they urged. "Everyone would be the loser." Why? Why would "everybody" lose? Who has won now? Certainly not the American people who have sent us here to represent their interest, and have trusted us to protect their security. Certainly not the Congress, which has been made to appear as a group of publicity seekers who are willing to trade government secrets for favorable treatment by the press. Most certainly not the Committee on Standards of Official Conduct itself, which has managed to ratify in the minds of some people the actions of a man some of whose own colleagues have described as "unprofessional" and "irresponsible."

The real reason that the media fought us so hard on the subpoena issue is very simple: They knew that they would lose. The Schorr case provided them with a very slender reed upon which to lean, with their weighty constitutional arguments, and they knew that an adverse precedent would discourage future leaks of congressional documents and future sensational news stories.

Like any other privilege, freedom of the press carries with it a heavy responsibility. Nothing in the Constitution guarantees that a newsman will never be asked to account for his actions. While he cannot be subjected to prior restraint, having published, he is subject to the same laws that govern the rest of society. As "The State" newspaper in South Carolina has noted, ". . . journalists enjoy no special status as American citizens that exempts them from ordinary responsibilities."

The privilege of free press does not bestow all wisdom on every person who happens to be a part of the media. The unilateral declassification of national secrets is tricky business, and there are few who are qualified to make the delicate distinctions called for in the highly technical security field.

A reporter who forgets his own limitations, or his fallibility, may find that he has undermined the very strength which guarantees his protected status. If this occurs, we lose our freedom of the press, our freedom of speech, our freedom from slavery, and all of the other rights which our Constitution provides, but which only our national security can guarantee us.

An individual who appoints himself as a representative of the people's interest without having been elected by anyone for that purpose, is merely presumptuous. But when he takes it upon himself to determine which national secrets belong in the public domain, he becomes a threat.

Daniel Schorr came before us as a self-appointed champion of the people's right to know, yet before the elected representatives of the people, he refused to respond. He even took the position that the people had no right to ask. By choosing not to pursue Mr. Schorr, we have delivered the mantle of truth and right to a man about whom "The State" wrote, "He deserves no prize for American citizenship or journalism." We have created a most unlikely hero.

So many questions are left hanging. Even if Mr. Schorr could have met the conditions laid down by courts for protection of sources, did he qualify as a newsman in this case? Was he not merely a conduit—a purveyor of information to the press? Should he be accorded a status different from another citizen who deals in unauthorized information, but who does not happen to be a newsman?

What effect will this precedent have on any future attempts to keep our house in order? Surely we have a right to discipline our members, to conduct oversight, and to carry on investigations necessary to our legislative function. These rights are meaningless without the power to subpoena. A subpoena is meaningless without the ability to enforce it. Will our hands be tied in the future, if a newsman happens to be involved?

To avoid the sort of problems that we have had, the Senate has approved rules so strict that Members cannot even discuss information with each other. Is this the answer? Is this effective oversight? Would it not be more proper and respectable for the Congress to be able to assure the Executive Branch, and the American people, that it can be trusted?

These are only a few of the questions plaguing us in the wake of the Committee's capitulation. They are important questions which deserve the serious and thoughtful consideration of every Member of Congress.

Unfortunately, we have denied them that opportunity.

FLOYD SPENCE.
OLIN TEAGUE.
EDWARD HUTCHINSON.
JOHN J. FLYNT, Jr.

INDIVIDUAL VIEWS OF REPRESENTATIVE THOMAS S.
FOLEY

On February 19, 1976, the House, by a vote of 269 to 115 with three Members voting present, adopted H. Res. 1042 authorizing and directing this Committee to "inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence and to report back to the House in a timely fashion its findings and recommendations thereon."

The Committee and its staff, regular and special, has worked hard to fulfill their responsibilities under the mandate of the House in its Res. 1042. The Committee retained able, special counsel and experienced investigative staff who conducted thorough interviews and prepared for extensive hearings.

Neither this investigation, nor any investigation of a quasi-judicial nature on the facts of a specific case, can ever guarantee specific results. Such a task is exceedingly difficult and this Committee has performed fully as well as could be expected under the circumstances.

Specifically, I have no quarrel with the diligent manner in which this Committee and its staff prepared this report in accordance with H. Res. 1042 or with most of the general narrative description of the circumstances leading up to the unauthorized disclosure and later publication of the report of the Select Committee on Intelligence. I disagree with some of the ultimate evidentiary findings and recommendations which the Committee has made.

First, I do not think this Committee has a sufficient evidentiary basis for concluding that the source of the leak of the Intelligence Committee's report to Daniel Schorr and from him to the "Village Voice" "was not associated with the Executive Branch" and "was someone on or very close to the Select Committee staff."

After all of our interviews and all of our hearings, both public and executive, we still do not know what precise chain of events led to Mr. Schorr's obtaining the report. Although I do not think that any persuasive evidence exists that someone in the Executive Branch was responsible for the leak to Mr. Schorr, the flat conclusion of the Committee that this is not the case goes beyond the reach of the evidence available to the Committee.

Again, we simply do not know who provided the report to Mr. Schorr or by what chain of circumstances he obtained the report. Similarly, evidence available to the Committee is too thin and fragile to conclude that the original leak was someone "on or very close to the Select Committee on Intelligence staff."

Second, while I understand that many members of this Committee and this House feel strongly about Mr. Schorr's first securing and later cooperating in the publication of the report of the Select Committee on Intelligence, I do not feel that the resolution calls for an inquiry into the conduct of the press. The Committee's denunciation of Mr. Schorr and its general lecture to the press on its responsibilities

under the First Amendment contained in the report and the additional views seem to me to be unnecessary and gratuitous.

I do agree with this Committee's findings that the House should instigate research and study into how classified and sensitive information is currently handled by the House and its committees with a view toward consideration of appropriate rules and procedural changes to safeguard such sensitive material and information. In pursuing such an inquiry, the House would do well to refer to the thoughtful and useful suggestions of the Bolling Committee Report (Report of the Select Committee on Committees of the 93rd Congress, Report No. 93-916, Pt. 2, pp 93-95). Consultation with and recommendations from those experienced with the handling of security information is a reasonable, indeed, essential, part of such a study.

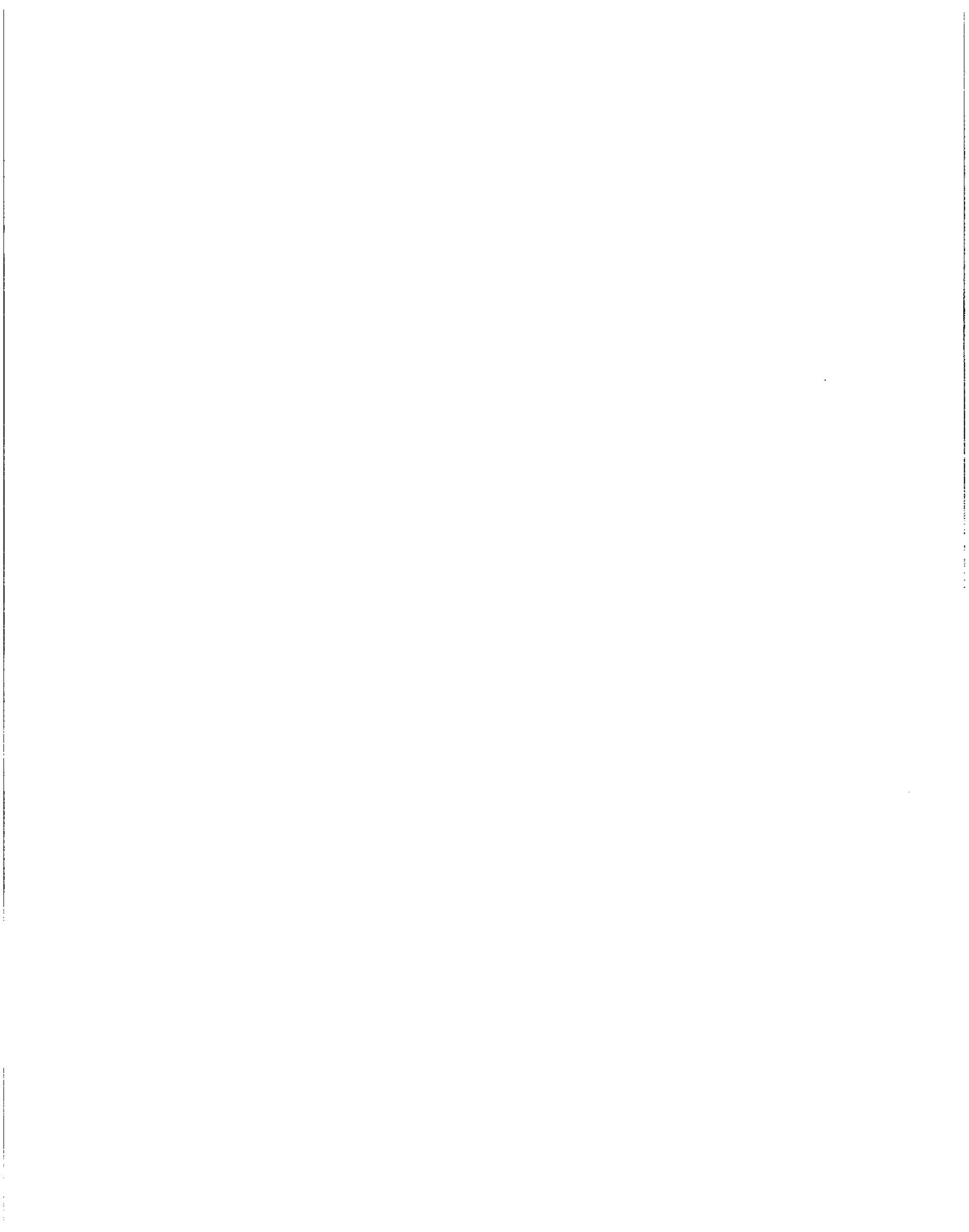
However, I disagree strongly with the suggestion that the House should employ a staff of "professional security officers," acting under the Speaker or Sergeant at Arms, with wide-ranging and discretionary authority over the handling, disposition and access to all security or sensitive information by the House, its Members, committees or employees.

To repose in a group of "professional security officers" the responsibility to police the flow of sensitive information, to obtain and control the physical possession and storage of "all classified documents sought by or in the possession of the House, its Members, committees and employees," to judge the trustworthiness and reliability of the Members, officers and employees of the House and to approve or deny their security clearances, to "conduct inquiries into leaks of information within the House," and to remove all of these judgements and powers from Members and committees, is an unprecedented and startling proposal whose dangerous implications for the House should be obvious.

THOMAS S. FOLEY.

APPENDIX

1. House Resolution 138.
2. House Resolution 591.
3. Rules and Security Regulations, House Select Committee on Intelligence.
4. Employee Agreement, House Select Committee on Intelligence.
5. New York Times article, January 26, 1976.
6. House Resolution 982.
7. Front Page, Village Voice, February 16, 1976.
8. House Resolution 1042.
9. House Resolution 1054.
10. House Resolution 1060.
11. Copy of letter signed by Field accompanying delivery of report.
12. New York Times article, January 20, 1976.
13. Pike Comments, House Floor, Congressional Record March 9, 1976.
14. Congressional Record, January 26, 1976.
15. Washington Post article, December 20, 1975.
16. Congressional Record, January 29, 1976.
17. Photograph of House Select Committee on Intelligence work area.
18. Washington Post, February 12, 1976.
19. The Washington Monthly, April, 1976.
20. Esquire, June, 1976.



APPENDIX 1

[H. Res. 138, 94th Cong., 1st sess.]

RESOLUTION

Resolved, That (a) there is hereby established in the House of Representatives a Select Committee on Intelligence to conduct an inquiry into the organization, operations, and oversight of the intelligence community of the United States Government.

(b) The select committee shall be composed of ten Members of the House of Representatives to be appointed by the Speaker. The Speaker shall designate one of the Members as chairman.

(c) For the purposes of this resolution the select committee is authorized to sit during sessions of the House and during the present Congress whether or not the House has recessed or adjourned. A majority of the members of the select committee shall constitute a quorum for the transaction of business except that the select committee may designate a lesser number as a quorum for the purpose of taking testimony.

SEC. 2. The select committee is authorized and directed to conduct an inquiry into—

(1) the collection, analysis, use, and cost of intelligence information and allegations of illegal or improper activities of intelligence agencies in the United States and abroad;

(2) the procedures and effectiveness of coordination among and between the various intelligence components of the United States Government;

(3) the nature and extent of executive branch oversight and control of United States intelligence activities;

(4) the need for improved or reorganized oversight by the Congress of United States intelligence activities;

(5) the necessity, nature, and extent of overt and covert intelligence activities by United States intelligence instrumentalities in the United States and abroad;

(6) the procedures for and means of the protection of sensitive intelligence information;

(7) procedures for and means of the protection of rights and privileges of citizens of the United States from illegal or improper intelligence activities; and

(8) such other related matters as the select committee shall deem necessary to carry out the purposes of this resolution.

SEC. 3. In carrying out the purposes of this resolution, the select committee is authorized to inquire into the activities of the following:

(1) the National Security Council;

(2) the United States Intelligence Board;

(3) the President's Foreign Intelligence Advisory Board;

- (4) the Central Intelligence Agency;
- (5) the Defense Intelligence Agency;
- (6) the intelligence components of the Departments of the Army, Navy, and Air Force;
- (7) the National Security Agency;
- (8) the Intelligence and Research Bureau of the Department of State;
- (9) the Federal Bureau of Investigation;
- (10) the Department of the Treasury and the Department of Justice;
- (11) the Energy Research and Development Administration, and
- (12) any other instrumentalities of the United States Government engaged in or otherwise responsible for intelligence operations in the United States and abroad.

SEC. 4. The select committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the chairman of the select committee or any member designated by him, and may be served by any person designated by the chairman or such member. The chairman of the select committee, or any member designated by him, may administer oaths to any witness.

SEC. 5. To enable the select committee to carry out the purposes of this resolution, it is authorized to employ investigators, attorneys, consultants, or organizations thereof, and clerical, stenographic, and other assistance.

SEC. 6. (a) The select committee shall institute and carry out such rules and procedures as it may deem necessary to prevent (1) the disclosure, outside the select committee, of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the select committee during the course of its study and investigation, not authorized by the select committee to be disclosed; and (2) the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

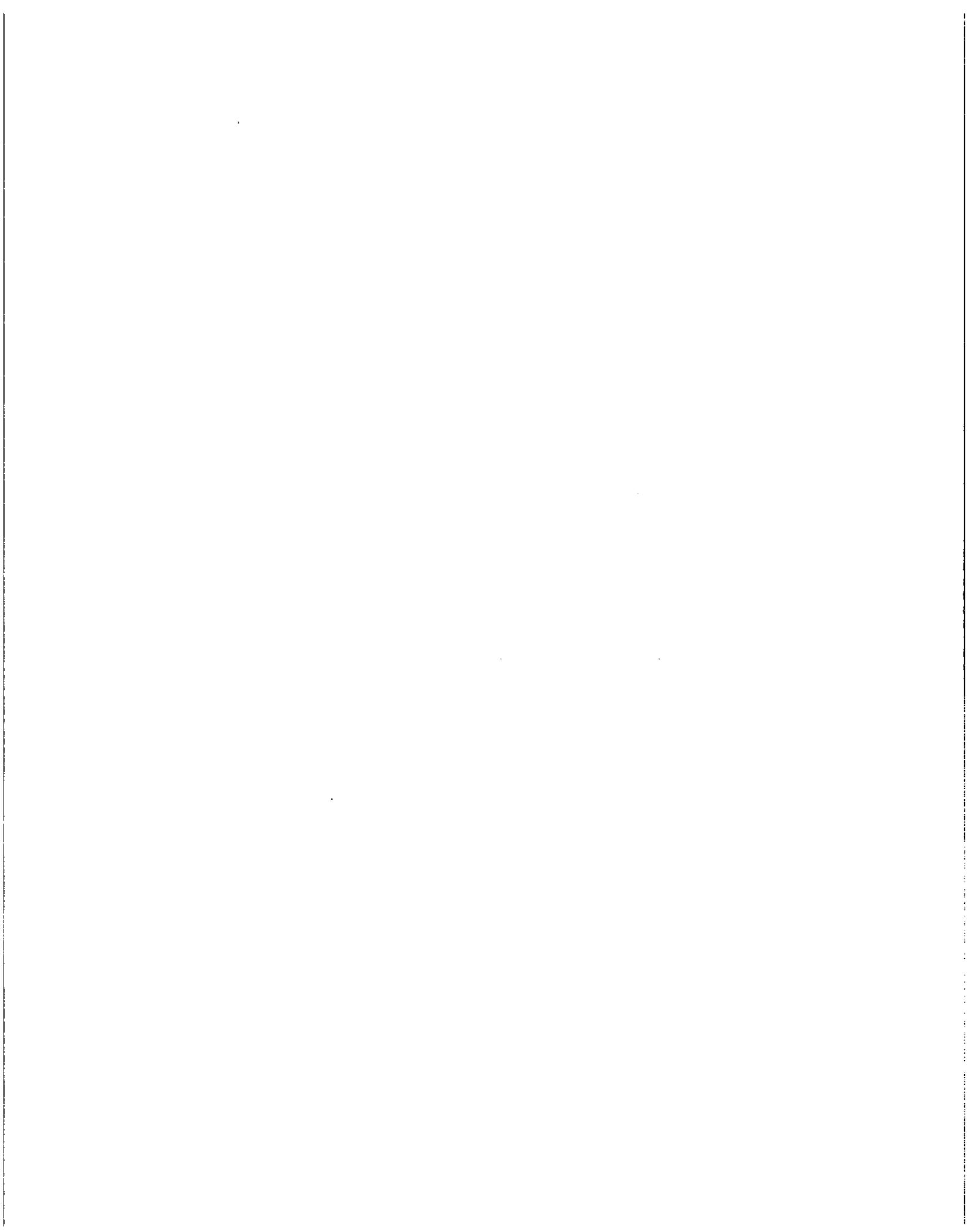
(b) No employee of the select committee or any person engaged by contract or otherwise to perform services for the select committee shall be given access to any classified information by the select committee unless such employee or person has received an appropriate security clearance as determined by the select committee. The type of security clearance to be required in the case of any such employee or person shall, within the determination of the select committee, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by the select committee.

(c) As a condition for employment as described in section 5 of this resolution, each person shall agree not to accept any honorarium, royalty, or other payment for a speaking engagement, magazine article, book, or other endeavor connected with the investigation and study undertaken by this committee.

SEC. 7. The expenses of the select committee under this resolution shall not exceed \$750,000 of which amount not to exceed \$100,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the House upon vouchers signed by the chairman of the select committee and approved by the Speaker.

SEC. 8. The select committee is authorized and directed to report to the House with respect to the matters covered by this resolution as soon as practicable but no later than January 3, 1976.

SEC. 9. The authority granted herein shall expire three months after the filing of the report with the House of Representatives.



APPENDIX 2

[H. Res. 591, 94th Cong., 1st sess.]

RESOLUTION

Resolved, That (a) there is hereby established in the House of Representatives a Select Committee on Intelligence to conduct an inquiry into the organization, operations, and oversight of the intelligence community of the United States Government.

(b) The select committee shall be composed of thirteen Members of the House of Representatives to be appointed by the Speaker. The Speaker shall designate one of the members as chairman.

(c) For the purposes of this resolution the select committee is authorized to sit during sessions of the House and during the present Congress whether or not the House has recessed or adjourned. A majority of the members of the select committee shall constitute a quorum for the transaction of business except that the select committee may designate a lesser number as a quorum for the purpose of taking testimony.

SEC. 2. The select committee is authorized and directed to conduct an inquiry into—

(1) the collection, analysis, use, and cost of intelligence information and allegations of illegal or improper activities of intelligence agencies in the United States and abroad;

(2) the procedures and effectiveness of coordination among and between the various intelligence components of the United States Government;

(3) the nature and extent of executive branch oversight and control of United States intelligence activities;

(4) the need for improved or reorganized oversight by the Congress of United States intelligence activities;

(5) the necessity, nature, and extent of overt and covert intelligence activities by United States intelligence instrumentalities in the United States and abroad;

(6) the procedures for and means of the protection of sensitive intelligence information;

(7) procedures for and means of the protection of rights and privileges of citizens of the United States from illegal or improper intelligence activities; and

(8) such other related matters as the select committee shall deem necessary to carry out the purposes of this resolution:

Provided, That the authority conferred by this section shall not be exercised until the committee shall have adopted the rules, procedures, and regulations required by section 6 of this resolution.

SEC. 3. In carrying out the purposes of this resolution, the select committee is authorized to inquire into the activities of the following:

(1) the National Security Council;

(2) the United States Intelligence Board;

- (3) the President's Foreign Intelligence Advisory Board;
- (4) the Central Intelligence Agency;
- (5) the Defense Intelligence Agency;
- (6) the intelligence components of the Departments of the Army, Navy, and Air Force;
- (7) the National Security Agency;
- (8) the Intelligence and Research Bureau of the Department of State;
- (9) the Federal Bureau of Investigation;
- (10) the Department of the Treasury and the Department of Justice;
- (11) the Energy Research and Development Administration and
- (12) any other instrumentalities of the United States Government engaged in or otherwise responsible for intelligence operations in the United States and abroad.

SEC. 4. The select committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the chairman of the select committee or any member designated by him, and may be served by any person designated by the chairman or such member. The chairman of the select committee, or any member designated by him, may administer oaths to any witness.

SEC. 5. To enable the select committee to carry out the purposes of this resolution, it is authorized to employ investigators, attorneys, consultants, or organizations thereof, and clerical, stenographic, and other assistance.

SEC. 6. (a) The select committee shall institute and carry out such rules and procedures as it may deem necessary to prevent (1) the disclosure, outside the select committee, of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the select committee during the course of its study and investigation, not authorized by the select committee to be disclosed; and (2) the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

(b) No employee of the select committee or any person engaged by contract or otherwise to perform services for the select committee shall be given access to any classified information by the select committee unless such employee or person has received an appropriate security clearance as determined by the select committee. The type of security clearance to be required in the case of any such employee or person shall, within the determination of the select committee, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by the select committee.

(c) As a condition for employment as described in section 5 of this resolution, each person shall agree not to accept any honorarium, royalty, or other payment for a speaking engagement, magazine article, book, or other endeavor connected with the investigation and study undertaken by this committee.

SEC. 7. The expenses of the select committee under this Resolution shall not exceed \$750,000 of which amount not to exceed \$100,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the House upon vouchers signed by the chairman of the select committee and approved by the Speaker.

SEC. 8. The select committee is authorized and directed to report to the House with respect to the matters covered by this resolution as soon as practicable but no later than January 31, 1976.

SEC. 9. The authority granted herein shall expire three months after the filing of the report with the House of Representatives.

SEC. 10. The select committee established by H. Res. 138 is abolished immediately upon the adoption of this resolution. Unexpended funds authorized for the use of the select committee under H. Res. 138 and all papers, documents, and other materials generated by the select committee shall be transferred immediately upon the adoption of this resolution to the select committee created by this resolution.



APPENDIX 3

SELECT COMMITTEE ON INTELLIGENCE

U.S. HOUSE OF REPRESENTATIVES, 94TH CONGRESS, RULES AND SECURITY REGULATIONS

MEMBERS OF COMMITTEE

OTIS G. PIKE, New York, *Chairman*
ROBERT N. GLAIMO, Connecticut
JAMES V. STANTON, Ohio
RONALD V. DELLUMS, California
MORGAN F. MURPHY, Illinois
LES ASPIN, Wisconsin
DALE MILFORD, Texas
PHILIP H. HAYES, Indiana
WILLIAM LEHMAN, Florida
ROBERT McCLORY, Illinois
DAVID C. TREEN, Louisiana
JAMES P. (JIM) JOHNSON, Colorado
ROBERT W. KASTEN, JR., Wisconsin

A. SEARLE FIELD, *Staff Director*
AARON B. DONNER, *Counsel*

RULES FOR THE SELECT COMMITTEE ON INTELLIGENCE

1. The Rules of the House of Representatives are the rules of the committee except as otherwise provided herein.

RULE 2. MEETING PROCEDURES

2.1 For the purpose of carrying out any of its functions and duties, the committee is authorized to sit and act at such times and places, within the United States whether the House is in session, has recessed, or has adjourned, and to hold hearings. The committee will meet at such times as may be fixed by the chairman or by the written request of a majority of the members of the committee in accordance with House rule XI, clause 2(e). Members of the committee shall be given reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting.

2.2 No general proxies may be used for any purpose. A member may vote by special proxy, which must be in writing, shall assert that the member is unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day

that the proxy is signed. Proxies may not be counted for a quorum. All proxies must be filed with the committee counsel and be available for inspection at any time.

2.3 No recommendation shall be reported or tabled by the committee unless a majority of the committee is actually present.

2.4 A rollcall of the members may be had on the request of two members.

2.5 A majority of the committee shall constitute a quorum for the purpose of taking final action on matters before the committee. However, a quorum for the purpose of taking testimony and receiving evidence by the committee shall consist of two members, at least one of which shall be a member of the minority party unless the ranking minority member consents otherwise.

2.6 At each hearing the chairman shall announce prior to the opening statement of the witness the subject of the investigation and a copy of the committee rules shall be made available to each witness.

2.7 The time any one member may address the committee on any matter under consideration by the committee shall not exceed 5 minutes, and then only when he has been recognized by the chairman, except that this time limit may be exceeded by unanimous consent.

2.8 Each committee meeting for the transaction of business shall be open to the public except when the committee, in open session and with a quorum being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the committee and such committee staff and such departmental representatives as may be authorized by the committee shall be present at any business session which has been closed to the public; *Provided*, however that the committee may by the same procedure vote to close one subsequent meeting; and *Provided*, further, that the committee may hold joint hearings or meetings at the discretion of the chairman in consultation with the ranking minority member with committees having concurrent jurisdiction over intelligence matters.

2.9 Each hearing conducted by the committee shall be open to the public except when the committee, in open session with a quorum being present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. No person other than members of the committee and committee staff and such departmental representatives as may be authorized by the committee shall be present at any hearing which has been closed to the public; *Provided, however*, that the committee may by the same procedure vote to close one subsequent day of hearing.

2.10 The committee shall make public announcement of the date, place and subject matter of the committee hearing at least one week before the commencement of the hearing. However, if the chairman of the committee determines that there is good cause to begin the hearing sooner, he shall make the announcement at the earliest possible date. Any announcement made under this paragraph shall be promptly published in the Daily Digest.

RULE 3. SUBPENAS

3.1 The committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents and other memorandums and materials as it deems necessary. Any such subpoena may be issued by the committee in the conduct of an investigation or activity or a series of investigations or activities, only when authorized by a majority of the members of the committee, and authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the chairman. Each subpoena shall contain a copy of House Resolution 591, 94th Congress, 1st session. Compliance with any subpoena issued by the committee may be enforced only as authorized by the House.

RULE 4. PROCEDURES FOR TAKING TESTIMONY

4.1 When giving testimony, witnesses may be accompanied by their own counsel. There shall be no direct or cross examination by witness' counsel. The chairman of the committee, or any member of the committee or staff member designated by the chairman may administer oaths to any witness.

4.2 Any prepared statement to be presented by a witness to the committee shall be submitted to the committee at least 72 hours in advance of presentation and shall be distributed to all members of the committee at least 48 hours in advance of presentation. If a prepared statement contains security information bearing a classification the statement shall be made available only in the committee rooms to all members of the committee at least 48 hours in advance of presentation; however, no such statement shall be removed from the committee offices: *Provided, however*, that these requirements may be waived by the chairman.

4.3 In the discretion of the committee, witnesses may submit brief and pertinent sworn statements for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

4.4 If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall:

- a. receive such evidence or testimony in executive session,
- b. afford such person an opportunity voluntarily to appear as a witness, and
- c. receive and dispose of requests from such person to subpoena additional witnesses.

4.5 Except as provided in rule 4.4 above, the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

4.6 The minority party members of the committee shall be entitled, upon timely requests to the chairman of a majority of them, to call witnesses selected by the minority to testify with respect to the matter in question.

4.7 When a witness is before the committee, members of the committee may put questions to the witness only when they have been recognized by the chairman for that purpose.

4.8 Members of the committee who so desire shall have not to exceed five minutes to interrogate each witness until such times as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the chairman.

4.9 No sworn depositions will be taken unless authorized by the chairman, who shall inform the ranking minority member, or by vote of the committee.

RULE 5. COMMITTEE RECORDS

5.1 The result of each rollcall in any meeting of the committee shall be made available by the committee for public inspection in the offices of the committee pursuant to such procedures as the chairman may establish. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting: *Provided, however,* that the chairman, in consultation with the ranking minority member shall take appropriate measures to delete classified or sensitive material.

5.2 The attendance records of members at committee meetings shall be available for public inspection in the offices of the committee pursuant to such procedures as the chairman may establish.

RULE 6. STAFF

6.1 The appointment of all staff members and consultants shall be made by the chairman and the staff director in consultation with the ranking minority member. Staff members shall be under the direct supervision and control of the chairman and staff director in consultation with the ranking minority member, and shall be responsive to all members of the committee.

6.2 The staff of the committee shall not discuss either the substance or procedure of the work of the committee with anyone other than a member of the committee or committee personnel.

6.3 As a condition of employment each staff member shall affirm that he fully understands the rules and regulations of the committee and agrees to abide by them.

6.4 The chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary and intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the committee with respect to any matter under investigation.

RULE 7. PROTECTION OF PAPERS AND DOCUMENTS

7.1 All material and testimony received or obtained pursuant to House Resolution 591, 94th Congress, shall be deemed to have been received by the committee in executive session and shall be given appropriate safekeeping.

7.2 The chairman in consultation with the ranking minority member of the committee shall, with the approval of the committee,

establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of all material and testimony received or obtained pursuant to House Resolution 591, 94th Congress. Such procedures shall, however, insure access to this information by any member of the committee under such procedures as may be established by the committee.

7.3 Until such time as the committee has submitted its final report to the House, classified or other sensitive information in the committee records and files shall not be made available or disclosed to other than the committee membership and the committee staff, except as may be otherwise determined by the committee.

RULE 8. COMMITTEE REPORT

8.1 If, at any time of approval of any report by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 5 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that matter.

RULE 9. RULE CHANGES

9.1 These rules may be amended or replaced by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

SECURITY PROCEDURES AND REGULATIONS

Pursuant to rule 7.2 of the House Select Committee on Intelligence, the following security procedures and regulations have been approved:

1. Members of the committee shall have access at all times to all materials received or obtained pursuant to House Resolution 138 and House Resolution 591, 94th Congress.
2. All committee staff members, with appropriate security clearances, as determined by the Committee, will have access to documents and materials as determined by the staff director, the chairman and the ranking minority member.
3. All committee staff will submit to the person designated to control the security of materials, any and all materials received or obtained pursuant to House Resolution 138 and House Resolution 591, 94th Congress.
4. Strict security procedures shall be in force at all times at the offices of the committee staff; security devices shall be installed and operational and at least one security guard shall be on duty at all times at the entrance to the offices containing materials. Identification of all persons seeking admission will be required.
5. All classified materials will be maintained in safes in a segregated secure area within the committee's offices. Records of receipt will be kept. The internal handling and disposition of such classified material,

including classified waste, will be the responsibility of the security officer.

6. All classified materials may be examined only at reading facilities located in a secure area. Notes may be taken, but must remain in the secure area of the committee's offices. Copying, duplicating, recording or removing from the committee staff offices such materials is prohibited, except as specifically approved by the staff director.

7. Classified materials used in meetings and hearings will not be removed, copied, recorded, or duplicated. At the conclusion of the meeting or hearing the materials will be collected and secured by the security officer.

8. Material not classified or material in the public domain will be made available upon request to designated staff of committee members. The material will be checked in and out and examined in a designated area of the committee's office.

9. As a condition of employment, each staff member shall execute a security agreement. Staff members failing to abide by the agreement and these security regulations shall be subject to immediate termination of employment.

APPENDIX 4

EMPLOYEE AGREEMENT

1. I have read House Resolution 591, 94th Congress, establishing the House Select Committee on Intelligence, and the Committee's Rules and Security Regulations.

2. I understand that as a condition of employment with the Committee I am required to, and hereby agree to, abide by House Resolution 591, 94th Congress, and by the Committee's Rules and Security Regulations.

3. I agree not to accept any honorarium, royalty, or other payment for a speaking engagement, magazine article, book, or other endeavor connected with the investigation and study undertaken by the Committee.

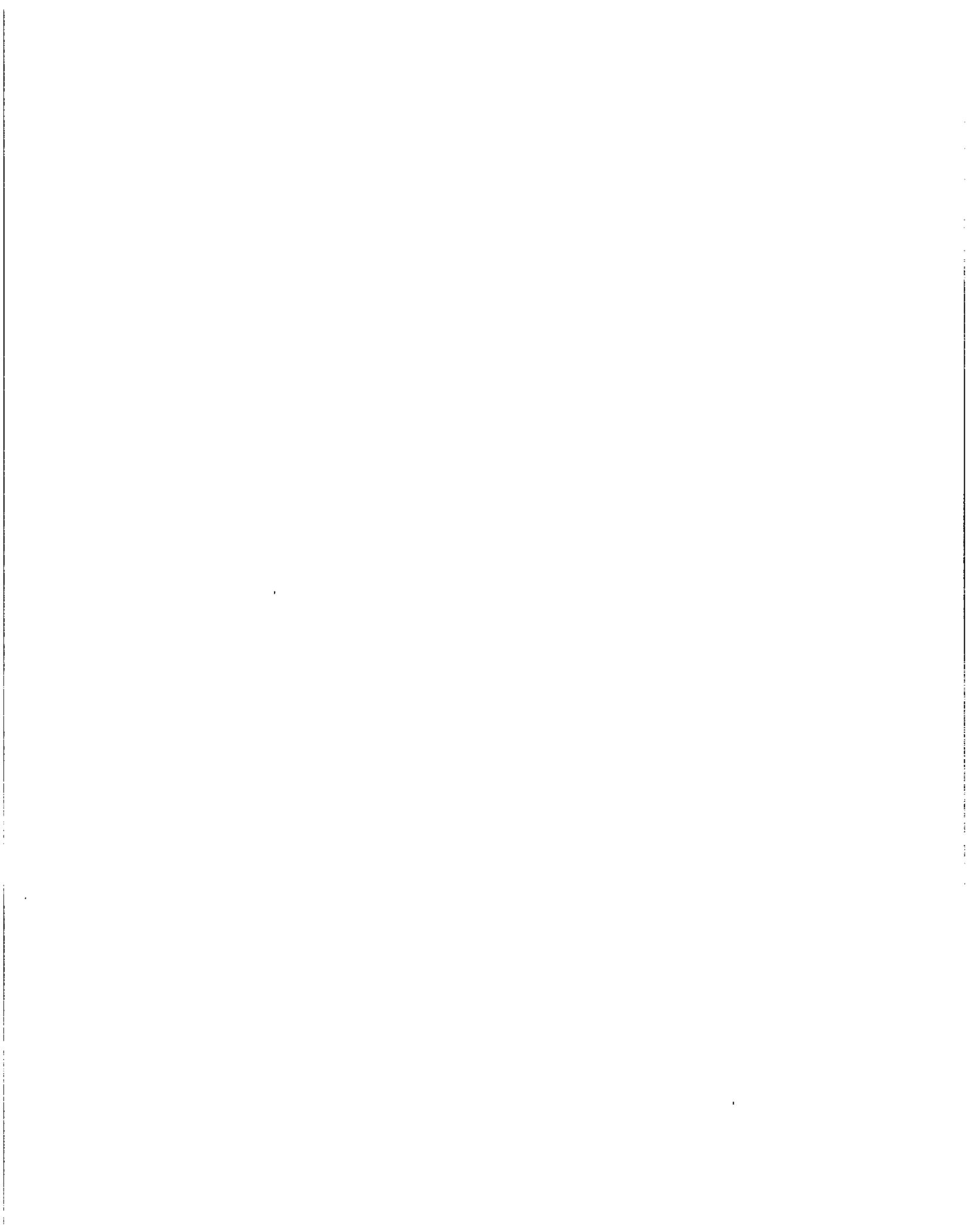
4. I further agree that I will not divulge to any unauthorized person in any way, form, shape or manner the contents of classified information received or obtained pursuant to House Resolution 591, 94th Congress. I understand that it is my responsibility to ascertain whether information so received or obtained is classified. I further understand and agree that the obligations hereby placed on me by this paragraph continue after my employment with the Committee has terminated.

5. I further agree that until such time as the Committee has made its final report to the House I will not divulge to any unauthorized person in any way, form, shape or manner the work product or memoranda of the Committee or any material or testimony received or obtained pursuant to House Resolution 591, 94th Congress, unless specifically authorized by the Committee.

6. I understand that failure to abide by any of the foregoing will subject me to immediate termination of my employment with the Committee.

(Signature)

(Date signed)



[From New York Times, Jan. 26, 1976]

APPENDIX 5

HOUSE COMMITTEE FINDS INTELLIGENCE AGENCIES GENERALLY GO UNCHECKED

A YEAR'S INVESTIGATION UNCOVERED NUMBER OF IRREGULARITIES

(By John M. Crowdsen)

WASHINGTON, Jan. 25.—The House Select Committee on Intelligence has concluded following a year-long investigation that the Federal intelligence agencies, as they are currently constituted, operate in such secret ways that they are "beyond the scrutiny" of Congress, according to the panels' final report.

The 338-page report, which has not been released but a copy of which was obtained by The New York Times, discloses a number of irregularities uncovered by committee investigators. These include an apparent violation by the Central Intelligence Agency of a 1967 Presidential directive prohibiting it from providing secret financial assistance to any of the nation's educational institutions.

Low Budget Figures

The House committee also concluded that secret budget figures given to Congress by Federal intelligence agencies over the years were "three or four times" lower than the totals actually spent by the United States in gathering intelligence at home and abroad.

Many of those expenditures, it said, were obscured from Congress and were not adequately audited either by the Office of Management and Budget or by the agencies' own accountants, with the result that wastefulness and questionable expenditures had occurred.

The document is the third major government report in eight months detailing improper C.I.A. covert activities at home and abroad. On June 10 a Presidential commission headed by Vice President Rockefeller released its report on the agency's domestic spying activities and on Nov. 20 the Senate Select Committee on Intelligence issued its report that included assassination plots against foreign leaders.

9-to-4 Vote

The committee's investigation, the report on which was approved in final form by a 9-to-4 vote of the panel's members on Friday, but which will not be made public until the end of this month, also turned up the following revelations:

That the National Security Agency, which has the responsibility for monitoring the communications of other nations and attempting to break their codes, illegally listened in on overseas telephone conversations of specific American citizens whose names or telephone numbers had been provided to it by "another government agency."

That the Federal Bureau of Investigation violated its own manual of regulations by preserving in its files "intimate sexual gossip" picked up by agents during a criminal investigation.

That Robert A. Maheu, a former top aide to Howard R. Hughes, the billionaire, arranged at the behest of the C.I.A. to supply King Hussein of Jordan and other foreign leaders with female companions who were reimbursed for their efforts with Federal funds.

That "thousands, if not millions, of dollars of unwarranted mark-ups" were added to the cost of bugging equipment purchased by the F.B.I. through a private company whose president was a close friend of high bureau officials.

An F.B.I. spokesman said he would have no comment on the report's allegations until it was made public.

Colby Calls It Biased

But William E. Colby, the outgoing Director of Central Intelligence, said that a preliminary draft of the House report he had seen was "biased and irresponsible."

Mr. Colby said through a spokesman that the panel's disclosure of several of the agency's sensitive activities would harm American foreign policy, and he criticized what he termed "a selective use of evidence" by the committee "to present a totally false picture of American intelligence as a whole."

A Searle Field, the committee's staff director, responded that Mr. Colby had not yet seen the final version of the report approved by the panel on Friday, from which a number of names and other sensitive details were deleted.

Mr. Field added that the committee "would appreciate his not attempting to irresponsibly characterize the report before the public has had a chance to read it for themselves."

The committee's three Republican members and one of its 10 Democrats voted on Friday against releasing the report in its present form. However, one source present at that meeting said that none of the four had objected to the report's tone or conclusions, only to the inclusion of sensitive information about three covert C.I.A. operations.

On Arms Shipments

The document contains long sections on the C.I.A.'s financing of political parties in Italy and its shipment of arms to anti-Communist forces in Angola and to Kurdish rebels in Iraq, although none of the countries is identified.

Mr. Colby pointed out today, however, that the unilateral release of that information, much of which has already appeared in news accounts, violated the committee's agreement with the White House to first seek President Ford's approval to make it public.

In a subsequent interview tonight with NBC, Mr. Colby, asked what he might do after leaving office later this week, replied that he was considering writing a book about "modern intelligence" methods.

The C.I.A. has also expressed private concern about the committee report's description of its failure to give foreign policymakers sufficient advance warning of the outbreak of the 1973 Middle East war, the 1974 political coups in Cyprus and Portugal, the Indian nuclear explosion that same year and the 1968 Soviet invasion of Czechoslovakia.

But a committee source said today that the intelligence agency had not responded to the panel's request for details on comparable intelligence successes, except to cite the "saving of Europe" from Communist control following World War II and the frustration of efforts by Prime Minister Fidel Castro of Cuba to "export revolution" to Latin America.

"In Compliance"

Told of the committee assertion regarding the violation by the C.I.A. of the 1967 Presidential directive, Mr. Colby replied through a spokesman that he believed the agency to have been in compliance with President Johnson's order to halt "any covert financial assistance or support, direct or indirect, to any of the nation's educational or private voluntary organizations."

The House report noted, however, that Carl Duckett, who heads the C.I.A.'s division of science and technology, testified to the panel last Nov. 4 that the agency "still has ongoing contracts" for research and development "with a small number of universities," and that some of them were covertly let—that is, that the institutions performing the work were unaware that they were working for the C.I.A.

The agency, the report declared, has "unilaterally reserved the right to, and does, depart from the [1967] Presidential order when it has the need to do so."

Retaining Flexibility

It quoted a June 21, 1967, memorandum to Richard Helms, then the Director of Central Intelligence, noting that the agency would try to conform to the Johnson guidelines "as rapidly as feasible and wherever possible," but that "the agency must retain some flexibility for contracting arrangements with academic institutions."

The panel also cited a study it requested from auditors for the General Accounting Office that concluded that significant portions of the Federal intelligence budget had gone unreported to Congress in recent years.

The secret intelligence budgets given to Congress, the G.A.O. said, did not contain a number of important items, including 20 percent of the National Security Agency's annual budget, the budgets of the Pentagon's Advanced Projects Research Administration and the National Security Council, and the costs of domestic counter-intelligence functions performed by the F.B.I.

The expenditures of those funds, the report said, were largely unchecked by Congress and even by the Office of Management and Budget, which assigned only six full-time auditors to the foreign intelligence agencies. It said this spending was also inadequately monitored by C.I.A. accountants, who told the committee that in many cases they had been forced to "rely solely on the integrity" of many agency officials.

One of the categories of inappropriate expenditures cited by the agency was Mr. Maheu's procurement of women, which a committee source said occurred around 1957. This was some years after he became a consultant to Mr. Hughes and about the same time that he produced for the agency a pornographic film, "Harry Days," which starred an actor who resembled Indonesian President Sukarno

The report did not elaborate on the production of the film, or whether it was ever used to embarrass Mr. Sukarno, as the agency had intended.

Neither Mr. Maheu nor Mr. Sukarno were named in the report, from which all identities have been excised. But their names, like that of King Hussein, were provided by sources familiar with the House panel's investigation.

APPENDIX C

House Calendar No. 249

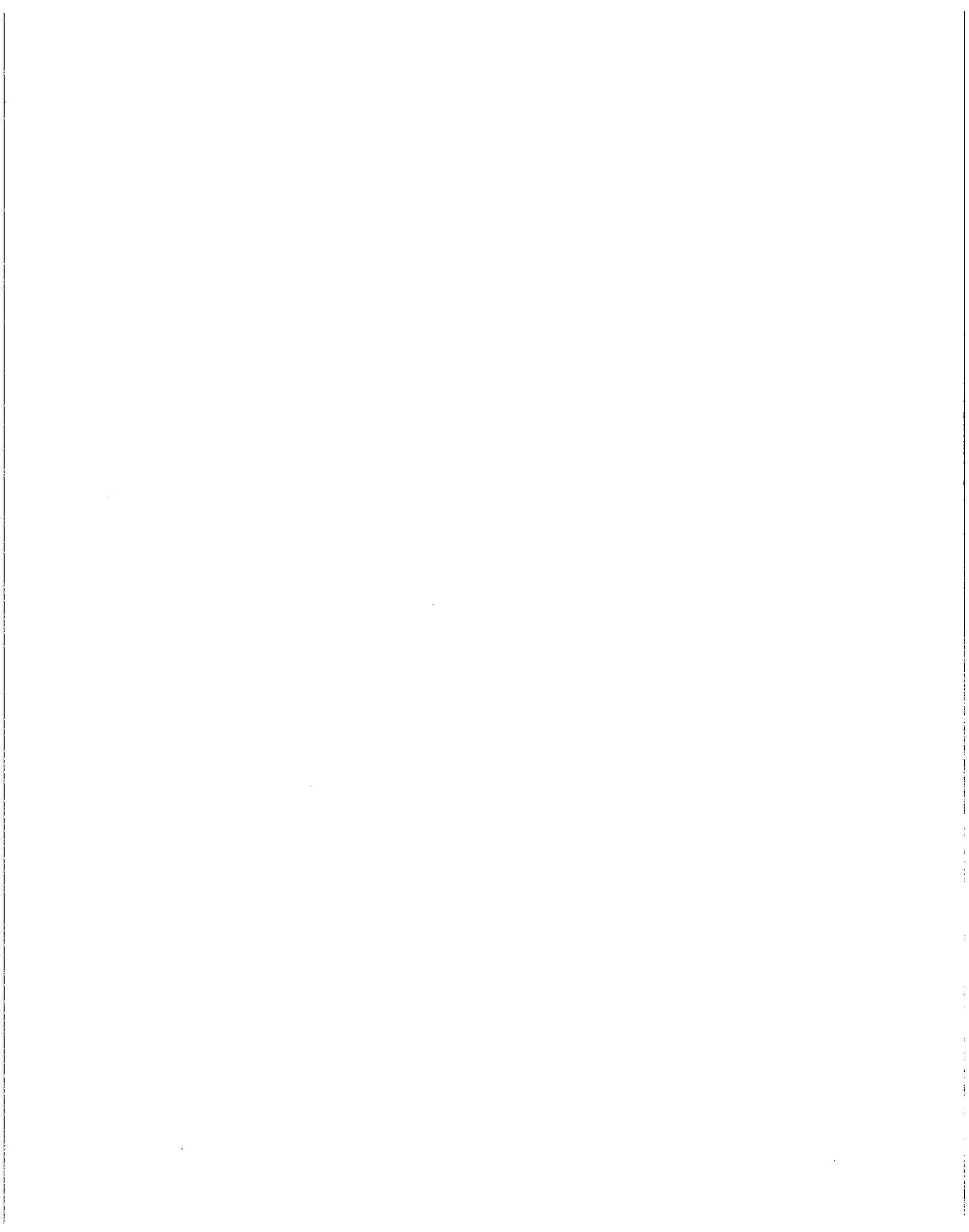
[H. RES. 982, 94th Cong., 2d sess.]

[Report No. 94-796]

RESOLUTION

Resolved, That the Select Committee on Intelligence have until midnight Friday, January 30, 1976, to file its report pursuant to section 8 of H. Res. 591, and that the Select Committee on Intelligence have until midnight, Wednesday, February 11, 1976, to file a supplemental report containing the select committee's recommendations.

Resolved further, That the Select Committee on Intelligence shall not release any report containing materials, information, data, or subjects that presently bear security classification, unless and until such reports are published with appropriate security markings and distributed only to persons authorized to receive such classified information, or until the report has been certified by the President as not containing information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.



APPENDIX 7

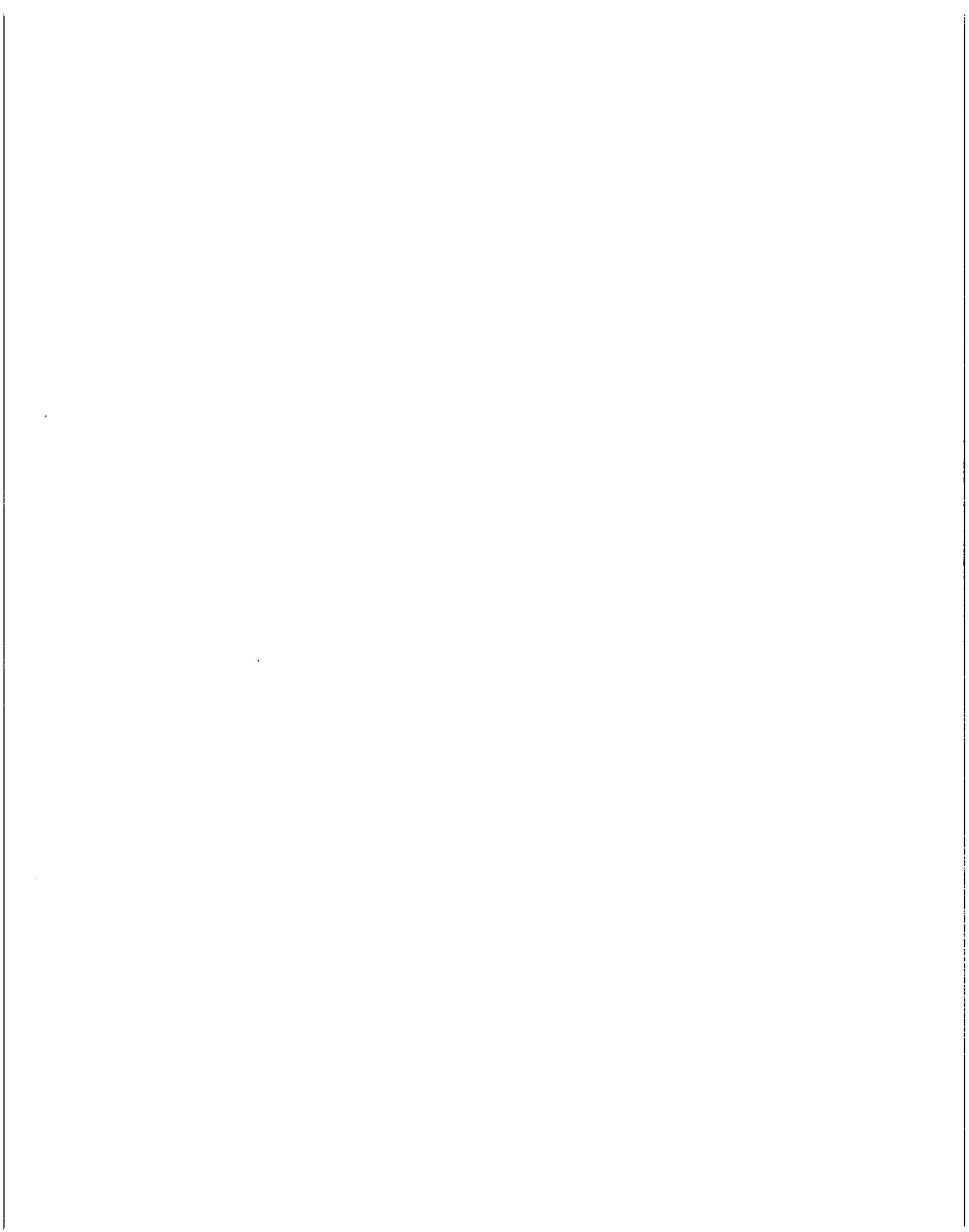
Images facing: Auniborromer: What makes: It's not dead, it's
Crooks, crimes: are stronger: Pat Moynihan: Kids rock: plays
Cops (delight) than you think: run on and on: violence is fun
JACK NEW YORK: THE WEEKLY NEWS PAPER OF NEW YORK SINCE 1871

the Village **VOICE** **EXCLUSIVE**

24-Page Supplement

**THE REPORT ON
THE CIA THAT
PRESIDENT FORD
DOESN'T WANT
YOU TO READ**

TEXT HIGHLIGHTS FROM THE SUPPRESSED HOUSE
INTELLIGENCE COMMITTEE REPORT (P. 69)



APPENDIX 8

[H. RES. 1042, 94th Cong., 2d sess.]

RESOLUTION

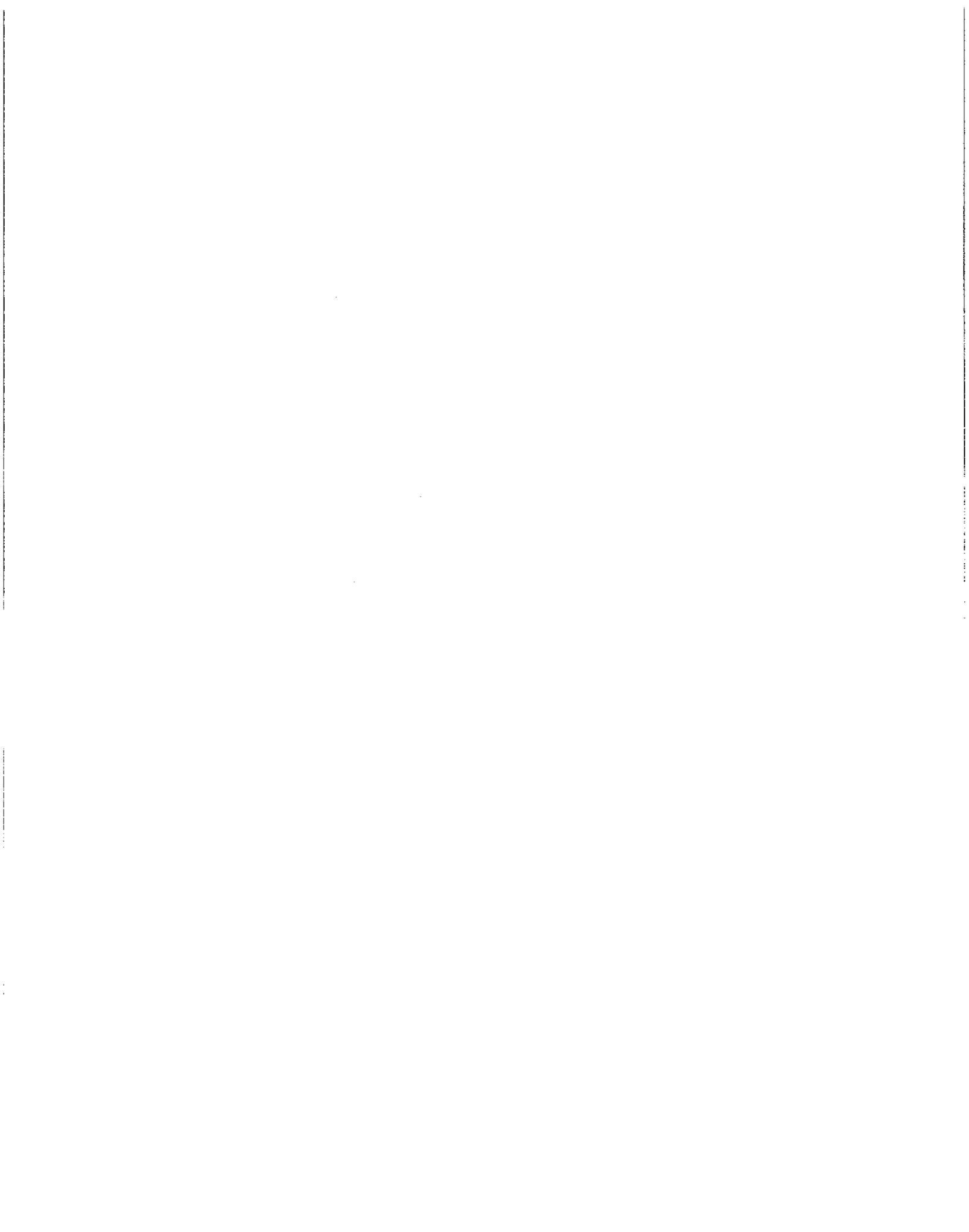
Whereas the February 16, 1976, issue of The Village Voice, a New York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information; and

Whereas the House, pursuant to H. Res. 982, adopted January 29, 1976, resolved that the Select Committee on Intelligence not release any report prepared by it pursuant to H. Res. 591 until the report is certified by the President as not containing information which would adversely affect the intelligence activities of the CIA in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government; and

Whereas it appears that Daniel Schorr, a correspondent for the Columbia Broadcasting System, and a member entitled to admission to the Radio and Television Galleries of Congress, has allegedly admitted publicly that he had obtained a copy of the report referred to above and, as a result of his alleged personal disagreement with the action of the House in adopting H. Res. 982, allegedly took actions which resulted in the publication of portions of this aforementioned report in The Village Voice; and

Whereas it therefore appears that the aforementioned alleged actions of the said Daniel Schorr may be in contempt of, or a breach of the privileges of, this House; Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct be and is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.



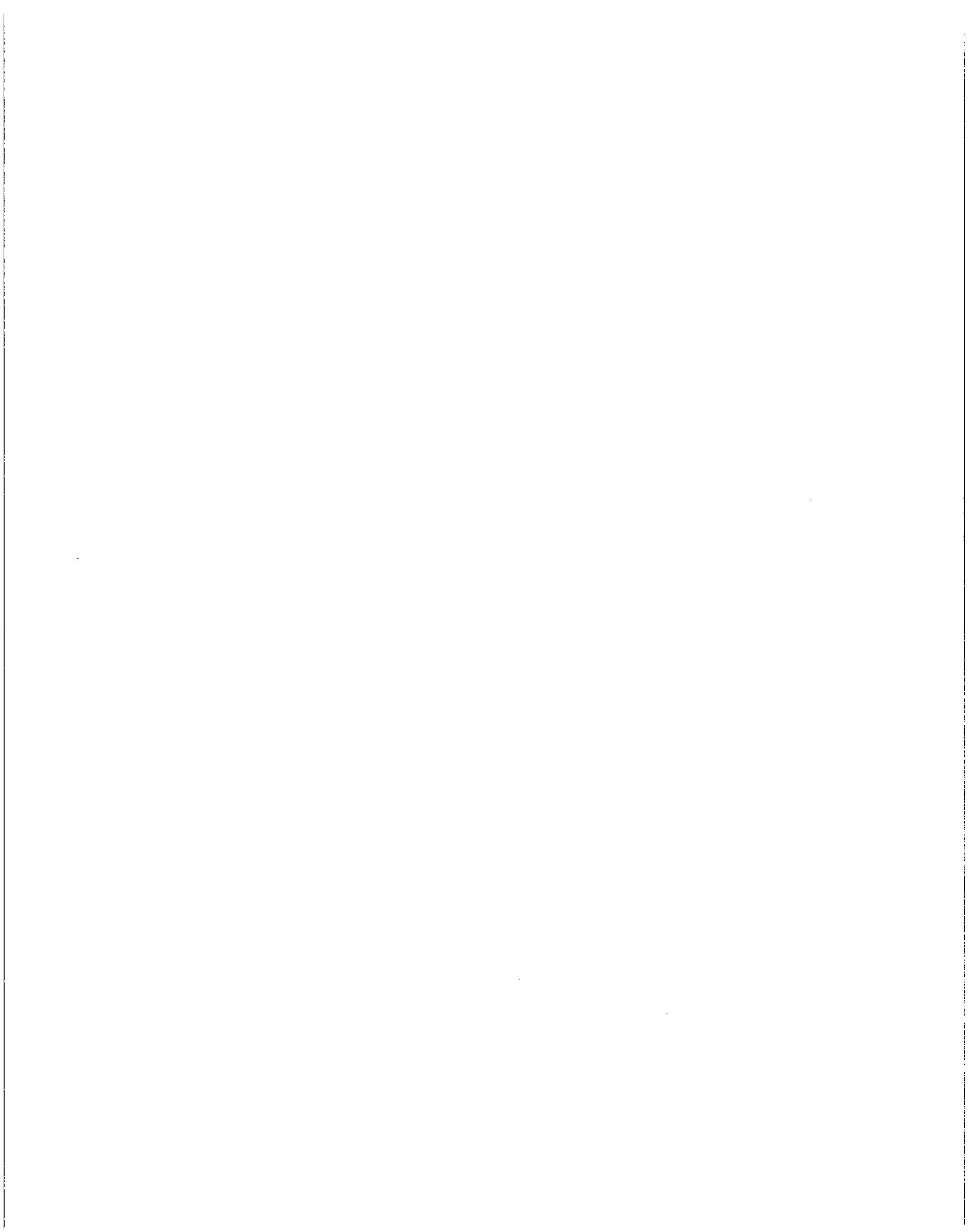
APPENDIX 9

House Calendar No. 271

[H. RES. 1054, 94th Cong., 2d sess.—Report No. 94-865]

RESOLUTION

Resolved, That for the purpose of carrying out H. Res. 1042, the Committee on Standards of Official Conduct is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any such witness.



APPENDIX 10

House Calendar No. 800

[H. RES. 1030, 84th Cong., 2d sess.—Report No. 94-865]

RESOLUTION

[Strike out all after "Resolved," and insert the part printed in italics]

Resolved, [That expenses of the investigation to be conducted pursuant to H. Res. 1042, by the Committee on Standards of Official Conduct, acting as a whole or by subcommittee, not to exceed \$350,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed \$300,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

[Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Standards of Official Conduct shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

[Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.]

That expenses of the investigation to be conducted pursuant to H. Res. 1042, by the Committee on Standards of Official Conduct, acting as a whole or by subcommittee, not to exceed \$150,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed \$130,000 of the total amount provided by this resolution may be used to procure the temporary or intermit-

tent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Standards of Official Conduct shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

APPENDIX 11

SELECT COMMITTEE ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 19, 1976.

HON. DAVID C. TREEN,
*Cannon House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN TREEN: Enclosed is a copy of the Draft Final Report of the Select Committee. Draft recommendations and appendices will follow shortly.

The Chairman has scheduled a meeting for Tuesday, January 20, 1976, for the purpose of discussing the report and recommendations.

I remind you that release of this Draft Report to unauthorized persons constitutes a violation of Committee Rules.

Sincerely,

A. SEARLE FIELD,
Staff Director.



APPENDIX 12

[From New York Times, Jan. 20, 1976]

HOUSE COMMITTEE REPORT FINDS C.I.A. UNDERSTATED VALUE OF AID TO ANGOLA

(By John M. Crewdson)

WASHINGTON, Jan. 19.—The Central Intelligence Agency has systematically undervalued, in some cases by half, the military equipment supplied to warring factions in Angola, according to evidence obtained by the House Select Committee on Intelligence.

The effect of the accounting procedures, valuing .45 caliber automatic pistols as low as \$5 and .30 caliber semi-automatic carbines at \$7.55, would be to understate the value of American aid.

The final draft of the House committee's report on the intelligence community, portions of which were obtained by The New York Times, concludes that the actual investment in the Angolan conflict was greater than the \$31-million the Ford Administration has told Congress it has spent since January 1975.

ROLE IN CYPRUS CRISIS

The report also says that State Department and C.I.A. officials may have intentionally permitted Greek militants to engineer a coup d'état against Archbishop Makarios on Cyprus.

The committee report, which is to be presented to members tomorrow for their approval after a year-long investigation, reflects the committee's interest in the cost of gathering intelligence, accountability for the funds that are spent, the effectiveness of American agencies in predicting international crises and the risks involved in covert operations.

One of the high-risk operations described in the 358-page report is the Navy's 15-year program of gathering intelligence through submarines operating inside territorial waters claimed by other nations.

On at least nine occasions, the report said, the submarines, some of them armed with nuclear weapons, have collided with other vessels. On more than a hundred occasions, submarines have left themselves vulnerable to detection by the targets of their intelligence-gathering, the report said.

Although many target nations, including the Soviet Union, claim a 12-mile limit, the report said the Navy allowed vessels to sail within four nautical miles of foreign shores.

Despite these factors, the committee found, the Navy officially lists the submarine operations, which are designated by code words like "Holystone," as low-risk activities.

In public hearings, the committee had produced testimony showing that intelligence agencies failed to predict a number of interna-

tional incidents, including the 1973 Middle Eastern war, the military coup in Portugal and the overthrown of the Cypriot Government of Archbishop Makarios.

The committee's report contains evidence of additional failures of intelligence in predicting the explosion by India of a nuclear device in 1974 and the Soviet-led invasion of Czechoslovakia in 1968.

Documents provided to the committee illustrate the uncertainty of the intelligence community over whether India possessed the ability to explode a nuclear device or its intention to do so.

A C.I.A. post-mortem assessment declares that the lack of prediction deprived the United States of "the option of considering diplomatic or other initiatives to try to prevent this significant step in nuclear proliferation".

The assessment chastised the intelligence community for having failed to interpret available satellite photographs that were later found to clearly show India's nuclear testing facilities.

A similar failure, the committee report stated, occurred in August 1968, when the first word of the Czechoslovak invasion was passed to President Lyndon B. Johnson by Anatoly F. Dobrynin, the Soviet ambassador.

The report said that not only did American intelligence fail to provide policy-makers with a warning that Moscow had decided to move against Alexander Dubcek, the liberal Communist leader, but the C.I.A. for two weeks in early August, actually lost track of a large formation of Soviet troops that had moved into Poland.

Much of the House Committee's investigation focused on the processes by which intelligence operations have been funded and approved. The report conveyed distress at some of the panel's findings.

In one case, which involved the supplying by the C.I.A. of weapons to Kurdish rebels in Iraq, the National Security Council's 40 Committee, which was set up to approve covert operations, was advised of the project by Secretary of State Henry A. Kissinger only a month after it had begun.

The committee, which is headed by Representative Otis G. Pike, Democrat of Suffolk County, also said that it had found inadequate accounting procedures by the Office of Management and Budget in overseeing the \$10 billion spent annually on the overseas operations of the intelligence agencies.

That sum, never before disclosed, has been allocated "by a handful of people with little independent supervision, with inadequate controls, even less auditing and an overabundance of security," the report said.

In some cases, the panel found, funds were spent by the C.I.A. "To provide kings with female companions and to pay people with questionable reputations to make pornographic movies for blackmail." The report did not elaborate.

Balance sheets provided to the committee staff also showed that a medium-sized C.I.A. post overseas purchased \$86,000 worth of liquor and cigarettes over a five-year period to be given by agents to friendly officials of the host government.

Another C.I.A. post, also unidentified, bought more than \$100,000 in furnishings over the last few years, a quantity that the report char-

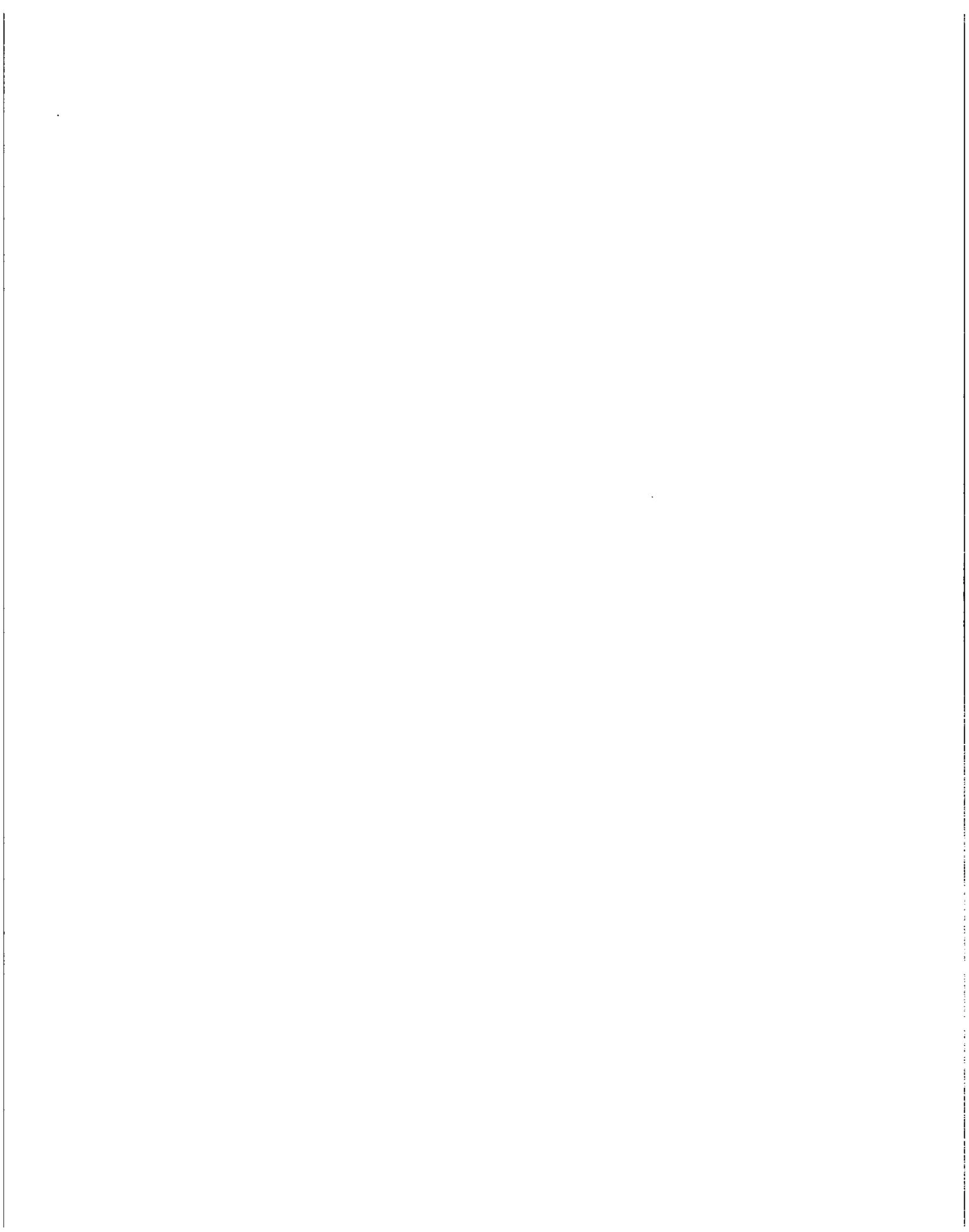
acterized as only a small portion of the agency's total purchases of refrigerators, watches and other consumer goods.

Although the report suggested that not all of these items had been purchased for official purposes it provided no evidence of any actual misallocation of funds.

The Pike committee staff also questioned the C.I.A.'s previously unrevealed practice of acting as a go-between for foreign officials overseas in purchasing American automobiles and consumer goods.

Although the C.I.A. is eventually reimbursed for these procurements, the report said, the administrative costs "are borne by American taxpayers".

In one case, an unidentified foreign government received a 20 per cent discount on \$1 million worth of equipment by having the materials purchased by the agency in the name of the Federal Government. In other cases, the report said, such procurements were employed "to satisfy little more than the whims of foreign officials".



APPENDIX 18

[From the Congressional Record, Mar. 9, 1978]

COMMENTARY ON THE SELECT COMMITTEE OF INTELLIGENCE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Pike) is recognized for 60 minutes.

Mr. PIKE. Mr. Speaker, last Sunday while I was picking up oysters and eating up some chowder, I decided that perhaps the time had come for me to make a statement about the late House Select Committee on Intelligence.

Everybody else has been making speeches about it and writing articles about it. It occurred to me that I knew almost as much about it as the people who were doing all the talking and writing and that some Members might have some passing interest in my views.

In July I was asked to be the chairman of a committee of 18 members. Mr. Speaker, 122 Members of the House did not want the committee re-created. If they had known that I was going to be the chairman, it might well have been a majority.

The first thing which we did after we got organized was to review the budget of the intelligence community, noncontroversial and not very difficult, except for getting the executive branch to admit what the budget of the intelligence community was.

Then we decided to do a little spot checking on the results we were getting for our money, and immediately it got very controversial indeed. The CIA, the State Department, and the White House were aware of our program; and they tried, not very subtly, to get us to look at other things. They told us about some deadly shellfish toxin which had not been destroyed and asked whether we would not like to investigate that.

We said no, we would not; we would like to investigate the results of our intelligence dollars.

Every members of the committee was invited to submit a list of events which have had a significant effect on American foreign relations or foreign policy or on life in America.

This time several of the Members made suggestions and several events were looked at to see how well our intelligence community had performed in predicting it. They were chosen at random with no foreknowledge of what the investigation would reveal about the performance of our intelligence. We looked at the Soviet invasion of Czechoslovakia; the Tet offensive in the Vietnam war; the last Arab-Israeli war; the coup against Makarios and the Turkish invasion of Cyprus; the coup in Portugal; and the Indian nuclear explosion. In every case we asked just this question:

What was our intelligence telling us about the likelihood of these major events before they happened?

Finally we looked at the risks involved for America and American citizens as a result of our intelligence operations. This was easily the most controversial of all our exercises of looking at where the dollars have been expended. We were aware of two secret wars in which we were involved, one of those was Angola. We looked at our intervention in the political processes of other lands. We investigated the payment of large sums of money to people in other lands. We investigated the interference in the rights and lives of American citizens at home and found apparent corruption at the upper echelons of the FBI.

We concluded our investigation just before the Christmas recess. Over that recess the staff prepared a draft of our report. No member of the committee participated in the preparation of that draft.

On Monday, January 19, 1976, the first draft was made available to the members of the committee and to the CIA for the comments of the executive branch.

On Monday, Tuesday, Wednesday, and Thursday, January 19 through January 22, many changes were made by the committee and where they agreed with executive branch comments and criticisms, by the staff.

In a session which lasted until 2 a.m. on Friday, January 23, our staff and representatives of the CIA and the State Department made additional changes. And when they were done, the State Department and the CIA were given copies of the report, including all changes made up to that time. The CIA had two copies and the State Department one copy.

On Friday, January 23, the committee met at 10 a.m., heard proposed amendments, voted on them, added two sentences, deleted a few sentences, changed a few sentences and, by a vote of 9 to 4, adopted the report. The chairman and the ranking minority member, the gentleman from Illinois (Mr. McClory) were, by unanimous consent, allowed to make certain minor changes they agreed on pertaining to Dr. Kissinger and the staff was, by unanimous consent, allowed to correct grammatical errors, punctuation, and other technical errors. All of the changes made on Friday, January 23, would not have totaled two paragraphs of print.

The version of the report printed in The Village Voice contained some of the changes made in the Friday, January 23, session but not the grammatical, punctuation, and technical changes made by the staff. It contained none of the appendixes and only a portion of the footnotes.

On the evening of the day that the committee adopted the report, the chief of staff of the committee was told in a conversation with the counsel for the CIA the following: "Pike will pay for this, you wait and see."

"I am serious. There will be political retaliation for this. You will see."

"Any political ambition Pike has in New York is through. We will destroy him for this."

Having received a couple of death threats during the course of our investigation, I was not greatly moved by the concept of political reprisal. But it did occur to me that it constituted an ugly precedent for any committee of Congress conducting any oversight which the overseen did not like. I asked our chief of staff to make a record of that conversation.

Over the weekend of January 23 to 25, apparently, the report was leaked. On Monday, January 26, the New York Times printed a story quoting the report. On Wednesday, January 28, the Committee on Rules voted that the report should not be published, or voted out a rule to that effect. On the morning of Thursday, January 29, Daniel Schorr showed a copy of what purported to be the report and the table of contents page on television.

That afternoon, Thursday, January 29, by a vote of 246 to 124 the House voted that the report not be published. The committee concluded and filed its recommendations which were wholly debated and adopted in open session on February 11, completing its work. The same day, February 11, the Village Voice published a portion of the semifinal version of the report, and 1 week later published another portion.

There are no "sources" or "methods" in the report. The national security is not prejudiced by the report. It contains no transcripts of conversations between the Secretary of State and any foreign leaders. The State Department only leaks those to friendly Harvard professors.

Those Members who have read the report and asked me about it said, "What's all the fuss about?" The answer is not national security; it is embarrassment and perhaps shame. Unfortunately, very few Members have read it.

I asked today a group of about 15 representatives of the press who I suspect have read the Village Voice version of the report whether any of them found anything in it which prejudiced our national security, and the answer was, "No."

The report discusses how the CIA uses the media. The report discusses how the CIA manipulates the Congress. We now have five committees holding the report as secret and one investigating why it is not. Americans were told publicly that we had to back our side in Angola, and the report does say that the Director of Central Intelligence could not find much difference among the three factions there. Americans are told publicly that American corporations shall be prosecuted by the U.S. Government for payoffs to foreign officials, and the report says the Government has been making payoffs to foreign officials.

We voted almost two to one publicly last week to bar funds for assassinations and political operations in other countries. And the report talks about assassinations and political operations in other countries.

This House was publicly chastized by the administration for our actions in regard to the Turkish invasion of Cyprus. Our report discusses the administration's actions during the Cyprus crisis and the Turkish invasion of Cyprus.

Our report talks about a secret war that the CIA did not want to get involved in but was told to get involved in.

Our report talks about secret payoffs that the CIA did not want to make and was told to make.

None of the above, though interesting and constituting most of what the media has chased, constitute the basic thrust of our report. The basic thrust of our report is that despite the billions of dollars we expended on it, despite the genius of the scientists who work in our intelligence community and the dedication and occasional bravery of

the men working within our intelligence community, despite its occasional small successes, in every single instance in which we compared what our intelligence community was predicting with what really happened, our intelligence community failed.

Drowning in red tape, incomprehensible data, and daily tons of paper, burdened with so much trivia that no forest is visible among the trees, constantly prejudiced by political judgments and wishful thinking, our intelligence community is repeatedly, consistently, unchangingly, and dangerously weak. That is the thrust of our report but that is a secret.

If the CIA and the State Department could provide, digest, and analyze objective intelligence as well as they can plant stories in the media, lead the Congress around, and put the secret stamp on their embarrassments, horrors, and failures, we could all sleep better at night.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I commend the gentleman for his statement and I would just add one extra word.

I was one of the many who voted against the releasing of the report. As soon as I saw in the back pages of the Congressional Record the indication that the report was available in the five committees that were mentioned, I took advantage of the opportunity of going to the International Affairs Committee and reading the report. I sent two "Dear Colleague" letters out since then, urging my colleagues to take advantage of the opportunity to read the report. I am not certain to date how many have. I feel that many of the Members of Congress even now, after the report was made available to us, have not read it.

I for one, as one who voted to keep the report secret until I as a Member of Congress had an opportunity to read it, would now change my vote, having read it. I think there are a number of Congressmen who would do the same if they took the opportunity to read the report and then in a future time had the opportunity to vote again on that issue of whether to release the report to the public.

Again I commend the gentleman in the well for his articulate statement now and for his statement he gave earlier in the day. I hope the press will, in fact, print much of what the gentleman said as well as read between the lines and read what the Congress of the United States is trying to do in struggling with this important issue.

Mr. NEAL. Mr. Speaker, will the gentleman yield to me for a question?

Mr. PIKE. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Speaker, I also voted against revealing the report because I thought we would be violating an agreement made by the gentleman's committee if we did publish the report at that time. But I also feel as the gentleman says, that it should be made public, and I wonder what the procedure now will be for making it public. Will we have an opportunity to vote on that very issue?

Mr. PIKE. I can only say I am not going to offer a resolution to make it public. A resolution could be offered to make it public.

I made it as clear as I could at the time of the debate that first of all I did not believe and the majority of the members of the committee

did not believe that there was any agreement with the President as to our report.

I would go further and say that if there had been, under our agreement with the President, the only grounds for not printing it was that it was prejudicial to our national security, and I have yet to hear any objective observer who has read it say that it is prejudicial to our national security.

I have heard a lot about honor. I do not think we can conceal murder in the name of honor. I do not think we can conceal secret wars in the name of honor.

I believe very strongly that it is a tough report. It does not skirt issues. It is embarrassing to some people, there is no question about it. I announced to the Members of the House on the day that we debated it that it would be embarrassing to some people; but I do think that the report can, in fact, be published, if people want to read it.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, for the gentleman in the well and others, a resolution is being circulated to provide for the speedy printing and publication of the report of the Select Committee on Intelligence. According to the agreement and, I, too, have read the report, I am allowed, I believe, to mention what I have read in the report, because I signed those documents.

Mr. PIKE. No; but I think the gentlewoman could render a judgment whether the gentlewoman thought it is prejudicial to our national security.

Mrs. FENWICK. I think the gentleman cannot at the same time say that it is necessary to reveal to others, once we stop a war that has already been stopped, as we know, by action of Congress.

Mr. PIKE. It was stopped by action of Congress only because there were leaks about it.

Mrs. FENWICK. It was not necessary, in other words, to publish the report without following the agreement, because the war had been stopped and any information about it, as the gentleman in the well said, it is now in the report.

In my opinion, although I think it should follow the supervision which was agreed upon, in my opinion the supervision should not remove anything of substance and interest to the public.

Mr. PIKE. Mr. Speaker, I want to say to the gentlewoman that the particular war which was stopped, or at least our participation in it was stopped, was one of the items that the President had said that revealing would be prejudicial to the national security.

Mrs. FENWICK. I was not privy, of course, to what the President said; but I do feel that a solemn agreement made by a committee of this House must be honored.

Mr. PIKE. I could not agree more with the gentlewoman. I would simply say that I was a party to the agreement and the gentlewoman from New Jersey was not. The gentlewoman's interpretation of it is not my interpretation of it.

Mrs. FENWICK. I read the interpretation of the gentleman in the report; so therefore, I do not feel that we gravely differ. The point I am trying to make, it must be published. There should be no effort

not to have it published and we should follow the agreement that was agreed upon, and, if necessary, go to the courts and see that it is done.

Mr. PIKE. If we go the route the gentlewoman is talking about the report would never get published.

Mrs. FENWICK. Why not?

Mr. PIKE. Because the President would say that it will never be published.

Mrs. FENWICK. We can take it to the courts and that is specifically a right to be preserved.

Mr. PIKE. Well, if the gentlewoman wants to wait for the number of years it would take to resolve that issue that way, I think that the substance of the report would be moot. In my judgment, the report should be published now.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Speaker, I would like to commend the gentleman for these remarks. I would hope that if there is a resolution put in concerning this report, one of the ways to force the Members to read it would be to have a secret session, so that we know what we are voting on.

One of the problems with the procedures of the Rules Committee was that it was stated rather eloquently by the gentleman from Ohio (Mr. Hays) that we were put in a position of voting on something and we did not know what it was. The procedure was that if we voted one way, there would be a secret session proposed, but if we voted the way the majority of the House voted, there would be a secret session, so we would be voting in ignorance.

What really should have happened should have been a procedure whereby we could have been forced to have a secret session to have this report explained to us, so that then we knowingly could have cast a vote.

Mr. PIKE. The gentleman may very well be correct, and I think it was the gentleman from Tennessee (Mr. Quillen) on the Republican side in the Committee on Rules who at one point made that suggestion, but that is not what the Rules Committee voted out.

The gentleman from Ohio, while I do not recall that he said that, the other thing he said was, in my judgment, much more pertinent. That is, that after all of the controversy about the report, anybody reading it would find it to be somewhat of an anticlimax.

Mr. JOHN L. BURTON. Right, and I think that is very true.

Mr. HAYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Ohio, and I say that he put it far more eloquently and flamboyantly.

Mr. HAYS of Ohio. The effect was the same, and the point I was making is that most of it had already been leaked to the press.

Mr. PIKE. That, of course, was not an accurate statement at that time. It is now an accurate statement.

Mr. HAYS of Ohio. Well, it had been leaked somewhere because I was aware that they had copies of it on the other side of the Capitol.

Mr. PIKE. Let me just give an example about the documents on the other side of the Capitol. We had one man from the Department of Defense come in with a copy of our report, and it was a numbered

copy of our report. It was either number 171 or number 191, I cannot remember which it was. I had a phone call shortly after the Village Voice published its version, and it was from a Dr. Land, who was a member of the President's Foreign Intelligence Advisory Board.

Dr. Land said that he did not like something that our report had said about the President's Foreign Intelligence Advisory Board which had to do with the members of the President's Foreign Intelligence Advisory Board tending to be large Government contractors, and he did not like that.

I said, "Dr. Land, I am interested in what you say, but I am more interested in something else. Where did you see a copy of our report?"

He said, "Well, it was printed in the Village Voice."

I said, "Dr. Land, are you telling me that you read the Village Voice?"

He said, "Well, no, actually, it was circulated to us down at the President's Foreign Intelligence Advisory Board."

I said, "Now, that really interests me. Who circulated it to you down at the President's Foreign Intelligence Advisory Board?"

He said, "Well, I can't remember that. It was somebody on the staff."

Now, in fairness, that version may not have been the same version which was printed in the Village Voice. I do not know the answer.

Mr. HAYS of Ohio. Well, I do not know the answer either. I will say to the gentleman, but I will say to the gentleman that there were copies on the other side of this Capitol, and given as many photo duplicating machines as there are around here, if two people have a copy for 15 minutes, suddenly there can be 100 copies.

Mr. PIKE. As I said earlier, the night before we adopted it we provided the State Department with one copy and the CIA with two copies. We thereafter made about a total of two paragraphs worth of changes. Now, if one believes—it is possible to believe—that the CIA and the State Department were never advised of those changes, it is also possible to believe in the tooth fairy and Peter Pan.

Mr. GIAMMO. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Connecticut.

Mr. GIAMMO. It should not have come as any surprise that there might be a report on the other side of the Capitol. I happen to know there were copies of portions of the report on the other side of an ocean, and for security purposes perhaps we should not mention which ocean. But, I had a discussion with an official of the U.S. Government, a transoceanic discussion, wherein he discussed the report with me and had a portion of the report before him. I also know who gave him the report. Obviously, it was the executive branch.

Mr. PIKE. I have never said where the leak came from because I do not know where the leak came from. I simply say that it is perfectly possible that it came from our committee; it is perfectly possible that it came from our committee staff; it is perfectly possible that it came from the staff of a member of our committee; it is perfectly possible that it came from the State Department; it is perfectly possible that it came from the Defense Department; it is perfectly possible that it came from the White House or the CIA. And I simply do not know.

I do know that the benefit of the leaks inure to the CIA and not to the Congress. The people who were hurt by the leaks were our committee and the concept of congressional oversight. The people who

were helped by the leaks were the CIA and other parties of the intelligence community, thanks to their PR operation, blaming all of the leaks on the Congress. Their PR operations, as I think I mentioned earlier this afternoon, is a pretty good operation.

Mr. MILFORD. Mr. Speaker, will the gentleman yield 3 minutes of his time for another view on this subject?

Mr. PIKE. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore [Mr. Murphy of Illinois]. This gentleman from New York has 30 minutes remaining.

Mr. PIKE. I will yield 5 minutes of my time to the gentleman from Texas (Mr. Milford).

Mr. MILFORD. Mr. Speaker, first of all, I want to thank the Chairman for yielding. It has been characteristic of his work on the Select Committee on Intelligence throughout its time. We have many differences of opinion, both in philosophy and in ideas on intelligence. But throughout these differences, the gentleman's fairness has come through to every member on the committee. No member on the committee was ever denied any opportunity to present his views to the very fullest. For that I am very appreciative, and for that I think it speaks well for the Chairman of the Select Committee on Intelligence.

Mr. PIKE. Mr. Speaker, I thank the gentleman.

Mr. MILFORD. Mr. Speaker, I would like to first address myself to the report. The chairman is absolutely right that probably if any Member in this Chamber were to read that report he would not spot classified secrets. That simply is not what we are concerned with. One would not find our order of battle, one would not find a dramatic revelation of anything in the way of security information. But interspersed throughout the report are bits and pieces of technical information that an experienced intelligence analyst can put together to form pictures or messages or information that could seriously compromise ongoing intelligence operations. That is concern No. 1.

Second, the report would be an official U.S. Government report. It has things that everyone here already knows and all of the press knows. They have written about them. But to have it appear in an official U.S. document can present serious foreign relations problems with certain politically unstable countries and underdeveloped countries, simply by the fact that we officialize it. It is one thing to have the press report something. The press is not an official arm of the U.S. Government; the Congress is.

I would like it clearly understood that I do not in any way endorse many of the activities that we are aware of or any of the misdeeds that have been committed by our intelligence agencies, nor do I defend them, but I think it is time that we stopped to realize something.

Mr. Speaker, I would like to make one general statement that I think the people of this Nation and the Members of this Congress should know. In making the statement, I do not in any way question the motives or intent of any person either in this Congress or any person in the administration.

I think that it is very important for everyone to understand the overall atmosphere that was present throughout the hearings held by the Select Committee on Intelligence. This peculiar atmosphere may have considerable bearing on the total picture.

To begin, the hearings were an adversary proceeding. The committee was hostile to the administration and vice versa.

Rather than a nonpartisan objective search for truth, on the part of the committee, and, an earnest attempt to seek efficient reorganizations of the intelligence community, on the part of the administration—the overall atmosphere was more like two bull elephants squaring off in a jungle clearing.

Committee questions were invariably couched in the tenor of: "Do you still beat your wife"? The administration defended with a barrage of technical roadblocks. Neither side trusted the other.

The committee insisted on publicly airing matters that either involved classified data or would give valuable clues to classified data. The administration insisted on trying to classify everything, including many materials that could have been released to a responsible body or even to the public.

Mr. Speaker, what I am saying is that both sides of this controversy came out looking like fools, in the eyes of the American people. The net result has been to foster further distrust of the people of this Nation, in their elected government.

I think people look to Washington, D.C. for government, not for a fight between the legislative and administrative branches of government. Regardless of party differences and regardless of what party controls which branch, we must stop asinine battles of the type that developed during the intelligence hearings.

Again, I am not trying to make this a personal matter nor am I trying to smear either members of the committee or the administration. I think every single member, in both branches, believed in their basic positions. However, collectively, on both sides, they let the game get out of hand.

The membership of the intelligence committees in both the House and the Senate consisted of individuals possessing very divergent political philosophies, views and opinion. When one reads the many volumes of debates and speeches, few agreements were found between the opposing philosophies.

There is one proposition, that not only has the overwhelming agreement of the membership of both committees, but also the concurrence of all administration witnesses, nongovernment intelligence experts and almost everyone else that participated in the investigations. That proposition was the agreement on the need for a permanent intelligence committee.

Our select committees simply did not have the time and the resources to do a comprehensive job in studying the intelligence community.

We need to get on with the important job of congressional oversight by organizing a permanent committee and giving it the proper tools to do its job.

Further debate on the mistakes of yesterday and further irrational fighting over the problems of today only aggravate the situation. I would like to see us bring this matter to an end.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentlewoman from New York.

[Ms. Holtzman asked and was given permission to revise and extend her remarks.]

Ms. HOLTZMAN. Mr. Speaker, I thank the gentleman for yielding.

I would like to say first that I wish to compliment the gentleman from New York (Mr. Pike) for taking this special order and for rais-

ing again today the issues that he had raised before about publishing the Pike committee report.

One of the reasons I am so deeply concerned about this problem is because the gentleman is raising one of the most profound questions that could possibly affect us; namely, our responsibility as Members of Congress, under the Constitution, to insure that the Constitution is observed. We take an oath to uphold the Constitution, just like the President and just like the Supreme Court Justices.

One of the principles implicit in the Constitution is that our Government has to run with the consent of the governed, and to that extent the governed have to understand what the Government is up to—whether it is obeying the laws, whether the laws are adequate, and whether agencies of the Government have in fact done the job they were asked to do in the name of the people and on behalf of the people.

Mr. PIKE, Mr. Speaker, I just wish to interrupt the gentlewoman for a moment because I want to ask the gentleman from Texas (Mr. Milford) please not to leave yet because I want to address myself to the remarks he made.

Ms. HOLTZMAN, Mr. Speaker, we are wrestling with the question of how to insure that the CIA and other intelligence agencies, as well as other parts of the executive branch of Government, have fulfilled their obligations to the people of this country and how we as Members of Congress can insure that the executive branch lives up to its obligations.

I would say to the gentleman from New York, in view of the comments from the gentleman from Texas (Mr. Milford) that we have heard, that it would be very important to permit a forum in which the specific allegations against this report can be fully aired. Now we hear only vague generalizations. We are told that this report may harm national security. How, in fact, does it harm national security? We need page, chapter, and verse of this claim so that we can debate the question and understand it. Otherwise we have only these unsubstantiated charges, and we as Members of Congress do not have an opportunity to make an informed judgment.

I would prefer to have the judgment made by Members of Congress, not the executive branch.

Mr. PIKE, Mr. Speaker, I would like to say to the gentlewoman from New York (Ms. Holtzman) that we addressed in debating this report with our committee, all of these so-called tiny tidbits that the gentleman from Texas (Mr. Milford) refers to. We voted on them, and we found them to be, by majority vote, without substance.

Yes, it is true that if this report were to be published, it would indeed be an official Government report.

I recall that when we were debating this report, the issue was raised, as I recall it, over on the other side of the aisle within our committee; and it went something like this: "Does it not bother you if the official Government version is a lie and if the truth is stamped 'secret'?"

The answer was "no," but it bothered our committee. To me, when the official Government position is a lie, there is just no justification for stamping the truth "secret." There may be, I will not make that statement that flatly, that broadly forever. There may be, but in general on the issues which we looked at, where the official Government positions was a lie, we decided that our obligation was to tell the truth, and that is what the report did.

Mr. Speaker, I would like to address myself finally to the concept that we were somehow hostile to the intelligence community or to the administration. I have said publicly many, many times that I came out of this investigation, believe it or not, with a higher regard for the CIA than I had when I went into it. I came out of this investigation with a lower regard for people who were telling the CIA what to do, and this applied to Democratic administrations as well as Republican administrations.

I think, in the final analysis, it is part of the genius of the Constitution and part of the genius of this Nation that our Government was meant to be adversary in nature. Our Government was created to be adversary in nature. The Congress was not supposed to be a yes-man or a rubberstamp for the executive branch. The Judiciary was not supposed to say that everything the Congress does is correct.

Mr. Speaker, it is part of the genius of our entire establishment, our Constitution, and our form of Government that this adversary relationship does exist; and we cannot exercise oversight if we do not have some adversary relationship.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I want to commend the gentleman, and I would like to try to create a little clarity about the nature of this report.

Since it was clear that this report was in the possession of other than the committee, namely, various departments of Government, as chairman of the Subcommittee on Government Information and Individual Rights of the Committee on Government Operations, which is concerned with the Freedom of Information Act, I wrote a letter to the Department of Defense, the Department of Justice, the CIA, the OMB, and the State Department. I asked for a copy of this report, which I considered then to be in the public domain.

The responses that I have received are very interesting. I think the gentlewoman from New Jersey (Mrs. Fenwick) should be interested in this. The responses indicate that they regard this report as a congressional document and not a document of the Government. Therefore, they cannot possibly release this "record" to me under the Freedom of Information Act, and they say that only the Congress can decide what to do with the report; and since the Congress has already decided, at this moment in any case, not to release it, they feel they might be in contempt of the action of Congress should they release it.

The importance of what the gentleman has described this morning and the importance of what the gentleman has described this afternoon, I think, makes it clear that the Congress has failed in its responsibility to act upon its own initiative, as prescribed by the Constitution, and that it has violated its own duty with regard to the separation of powers, and, indeed, what this Constitution provides with respect to the separation of powers of the Congress.

And the only course of action with respect to this report in view of what the gentleman from New York said this morning and in view of what the gentleman from New York said to me, and in view of what those who have read the report have indicated, is for the Congress to act in its own behalf and not abdicate any further of its own responsibilities with respect to this report. The Congress must act to

release this report itself. Only then can we be assured that the nature of this Government is operating as we understood it to be 200 years ago.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I am happy to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I want to join in commending the gentleman from New York (Mr. Pike) on the outstanding work the gentleman has done in the Congress.

Mr. PIKE. Did the gentleman say to it or for it?

Mr. HUNGATE. I think the gentleman would do more for Congress if they would let him do more.

Mr. Speaker, I think that conflict is, indeed, built into the separation of powers and that it is part of the genius of our Government. When two people agree one of them is doing all the thinking. And yet I think we deprive ourselves of a great deal by not giving further support to the gentleman from New York and to his committee and to the distinguished Members on both sides of the aisle, Members who did not see each area in the same light and this too is part of the diversity which is the genius of the Congress. I can only regret that our Founding Fathers did not anticipate the existence of political parties because I think this is where we fail, and we fail on both sides. The struggle of the separation between the executive and legislative branches would come out far better. I think that when something comes up with the President in the White House, and when someone would side in and defend him, or perhaps vice versa, and maybe one disagrees with the gentleman now in the well, I think that if we did not have political parties, they might very well find themselves standing side by side with the gentleman now in the well.

Mr. PIKE. I thank the gentleman for his comments.

Mr. GIALMO. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Connecticut.

Mr. GIALMO. Mr. Speaker, I want to commend the gentleman from New York (Mr. Pike) on the excellence of the explanation the gentleman has given, and, may I add, a very much needed explanation.

I might point out that I am getting a little tired when I constantly hear the criterion, that criterion being explained and set forth in terms of our national security, as if that is the only thing we in Congress must concern ourselves with. One must keep in mind that if national security is the only criterion to be used, then an absolutely secret government would be the best way of preserving whatever that national security might be, as defined by the man on the white horse.

But there is another consideration which our committee had to concern itself with and that is the constant balance which must exist between proper concern for national security and proper concern for the rights of American citizens as to whether or not their Government or the agencies of their Government were in any way violating the rights of the citizens.

It was this concern which gave rise to the creation of this committee and to the committees in the other body because there was evidence, in fact, there is admission that there have been violations of the rights of American citizens. So we have to balance concern and proper concern for national security, which we have done in our committee, and also balance it against what I consider to be the paramount right, and that is the right of American citizens to be secure from an all-powerful and secret government.

Mr. PIKE. Mr. Speaker, I would like to use up a couple minutes of my remaining time and say to the gentleman from Connecticut that I appreciate the gentleman's views. I agree with his views. I do not think there is anybody in this Chamber who does not support national security. The question is: How do we define national security? What is national security? What contributes to the strength of our Nation? It seems to me, at the present time in our country, perhaps the greatest threat to our national security is the fact that millions upon millions of Americans believe that their Government lies to them.

How can we have a strong nation when millions and millions of Americans are convinced that their Government does not tell them the truth? The American people believe in substantial numbers that their Government lies to them. We were confronted with a problem of whether we were going to perpetuate some of the lies or whether we were going to tell them the truth, and we opted to tell them the truth.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado, I thank the gentleman for yielding.

I just want to say very briefly that the gentleman has been pilloried and abused. There have been very little attacks of the gentleman that I thought were rational. Much of the attacks were made in ignorance. But overall the gentleman will be vindicated in his position and actions as the chairman. I think he will come to be admired by the American people very much.

I feel it was a great privilege to have served on the committee with the gentleman.

Mr. PIKE. I thank the gentleman from Colorado for his comments.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from California.

Mr. DELLUMS. I thank the distinguished gentleman for yielding to me.

I would first indicate that I am very pleased that the gentleman took the well to make the explanation that the gentleman did this afternoon. It makes many of us who served with the gentleman on the select committee feel that at least symbolically we are trying to communicate to the American people that we are not cowered or intimidated by the heavy barrage of propaganda against the distinguished gentleman in the well and many members of this committee.

First, I would like to point out that it was a distinct pleasure and privilege to serve with the distinguished gentleman in a very difficult situation.

Second, I would like to address myself to a couple of arguments made in opposition to the statements made by the distinguished gentleman.

The gentleman from Texas, a member of the committee pointed out that upon a reading of the report, an expert could put together bits and pieces that could define a level of sources and methods that would communicate to a hostile nation information that we would not like them to have. I would not at this moment take the time of the gentleman in the well to challenge that assertion. I would simply say that there were 13 members who lived intensely with this experience, and of the 13 members, 9 who approved the report believed that the

report was specific and in the generic in no way revealed sources and methods. I will leave the distinguished gentleman from Texas with his assertions and with his judgments. I would just say that the gentleman was in a distinct minority on the committee. The majority of us did not believe that.

Third, there were arguments on the floor with respect to the issue of the honor of the committee in maintaining the agreement. I was one of the three or four members who voted against the agreement on the ground that it violated the integrity of the House of Representatives, of the Congress of the United States as a coequal branch of Government on the notion that if there were 15,000 bureaucrats who could classify information, the U.S. Congress certainly could reserve unto itself, as an independent, coequal branch of Government, the right to declassify information. This agreement to some extent compromised that very important principle. I was on the other side. I felt at that time that it would set a bad precedent, but nine members did not agree with this gentleman from California, including the distinguished chairman, the gentleman in the well.

The ranking minority member believed that this agreement carried through to the report, the distinguished chairperson and various other members who entered into the agreement did not believe it carried forward.

What is the message to the House of Representatives? The message is that even among the nine people who entered into this agreement that I did not agree with, they were certainly among themselves not in agreement as to how far reaching this would be, and there would be ultimate ramifications.

The distinguished gentleman from New York took the well and upon personal integrity, upon political integrity, and upon the responsibility of leadership said he did not in good faith believe in any way that the agreement would carry on to the report.

The whole Government, our whole way of life, our entire society is based on the issue of good faith, and the gentleman put that integrity on the line. It would seem to me that for the House of Representatives to say this tiny little committee, because of a so-called agreement that there was no unanimity upon set a precedent that all of the Members of the House should back on the basis of honor is an absurdity. I wonder what the House of Representatives would have done if our committee had issued a subpoena citation direction to the Secretary of State, Mr. Kissinger. Would the House then have said, "On the basis of honor, we must back our committee"? I would dare say that the vote would have been just the reverse.

Mr. PIKE. We came pretty close to that, but my "vibes" told me that the gentleman read the vote right.

Mr. DELLUMS. Exactly, Mr. Chairman. My final statement with regard to the issue of the agreement is this. Why is it that the House came together around the dubious agreement of a tiny little committee of 18 persons when the House of Representatives is not willing to come together apparently around the basic agreement of how we come together to govern ourselves, the agreement written down in the Constitution of the United States, that says governments and agents and representatives govern at the will of the American people and function within the framework of the law, What about that basic agreement?

To some extent when we voted on the floor and when the vote occurred, it seemed to me dubious to vote on the agreement of the committee and that it was far more important how we relate to each other in this country.

Why is the press writing about leaks and not the absurdities and illegalities and unconstitutionality?

Mr. PIKE. I would like to cut the gentleman off. I have very little time.

Mr. DELLUMS. Even in the end the distinguished chairman is cantankerous.

I would like to say in closing that the Members of the Congress of the United States, based upon that vote, have the responsibility individually to read that report and arrive at a conclusion that many of us who wrote the report have arrived at.

I thank my distinguished chairman for giving me this opportunity. It makes me think there is integrity in the House.

Mr. PIKE. I want to say first that obviously the agreement was arrived at in the context of an interim release of information.

Mr. DELLUMS. This is certainly what I am trying to point out.

Mr. PIKE. If the agreement had been deemed to cover our final report, to say that the CIA would decide what we could include in its own report, I do not think anybody on the committee would have approved that.

Mr. DELLUMS. I think not.

Mr. PIKE. Mr. Speaker, I want to say any chairman who has the honor of having both the radical Members from California and the conservative Member from Louisiana has some problems, and I think in fairness it would be appropriate for me to yield at this moment to the gentleman from Louisiana.

Mr. TREEN. I thank the gentleman for yielding.

I do commend the gentleman for the job he did in reconciling at least procedurally the different viewpoints of the members of the committee, and I know that the gentleman in the well will recognize what I have to say now, and very briefly I do so, is not to suggest a lack of respect for his ability, integrity, or dedication. I am entirely convinced the gentleman holds those qualities in abundance, but I do think the issue has been somewhat obscured, and I do not say it has been obscured intentionally, but for many Members on the floor when we took the vote—a vote of 246 to 124, I believe—many Members were persuaded that the agreement entered into by the committee was an important factor.

The Members have had the opportunity to read the substance of the agreement. It was published in the Record. I think there were copies on the floor and reference was made to the actual record in which the agreement was reached, and so many Members did vote that way because they felt that agreement the committee had made should be upheld by the full House.

I recognize that on the committee there could have been different interpretations, but there were many Members in this House who, reading the agreement for the first time and having access to the record, concluded, as did I and the minority on the committee, that the agreement was binding, that however unfortunate—if it was unfortunate—

that we entered into the agreement, it was a matter of integrity for the House to live up to the agreement.

The SPEAKER pro tempore. The gentleman from New York has only 3 minutes left.

Mr. PIKE. Mr. Speaker, I have only a few minutes under my special order remaining and I would like to use it myself.

Mrs. FENWICK. Mr. Speaker, my name has been mentioned on the floor, and I believe when one's name has been mentioned on the floor one has the right to speak. I do not know whether I can be given some extra time.

Mr. PIKE. I do not believe I mentioned the gentlewoman's name.

Mr. FENWICK. The gentlewoman from New York mentioned my name.

Mr. PIKE. I am sorry, but I have the time and I do not believe I mentioned the gentlewoman's name.

I simply want to say that when we voted to suppress this report, those who were talking about honor were telling us that we would all have copies of this report. That was in the "Dear Colleague letter" of the gentleman from Texas. "You will each have a copy of this report." That was in the argument of the gentleman from Illinois (Mr. Anderson). "You will be able to have this report."

Now, a great many Members voted the way they did, I am told, because they believed that they would not have to go sit in somebody else's office and sign a secrecy oath in order to read it, that it would be given to them so that they could read it at their convenience in their offices and have it.

Now, I think that also was a part of the honor problem when people were told that the report would be delivered to them and it was never ever delivered to them.

Mr. Speaker, now I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I thank the gentleman.

I cannot stand in this House or before my colleagues and have it suggested that I voted to keep that report in its proper procedure before publication because I wished to suppress the report.

Mr. Speaker, may I just conclude in a few sentences, if the gentleman would yield further?

Mr. PIKE. The gentlewoman does not understand the issue. The issue was we were going to publish it or we were not going to publish it. The CIA wanted to cut out half of that report.

Mrs. FENWICK. Well, then, take it to the courts. It is in the agreement. I must speak out.

Mr. PIKE. The CIA wanted to cut it out.

Mrs. FENWICK. Mr. Speaker, surely I may have two sentences on this floor. I do not speak very long.

Mr. PIKE. That is a judgment.

Mrs. FENWICK. Mr. Speaker, I do not make remarks about the gentleman's comments and I do not think this is quite kind.

Mr. PIKE. The gentlewoman wrote an article about my honor which was published.

The SPEAKER pro tempore. The gentlewoman will desist. Does the gentleman from New York yield any further?

Mr. PIKE. Yes. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I certainly meant no personal attack I feel strongly that this Government cannot operate without mutual trust, that we must be able to count on each other's word when given and it was only for that reason and regretting the delay it may cause that I voted against it and wrote and spoke as I did. We will have a resolution coming before the Committee on Rules or some other committee of this House and I hope everyone that wants that report made public will vote for it.

Mr. PIKE. Mr. Speaker, does the resolution say that the report gets submitted to the President for his censorship?

Mrs. FENWICK. It says only it follows the procedure as outlined in the agreement.

Mr. PIKE. Then the report will never get published.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Speaker, I would like to congratulate the gentleman on the way the gentleman has conducted the investigation and on the gentleman's appearance today.

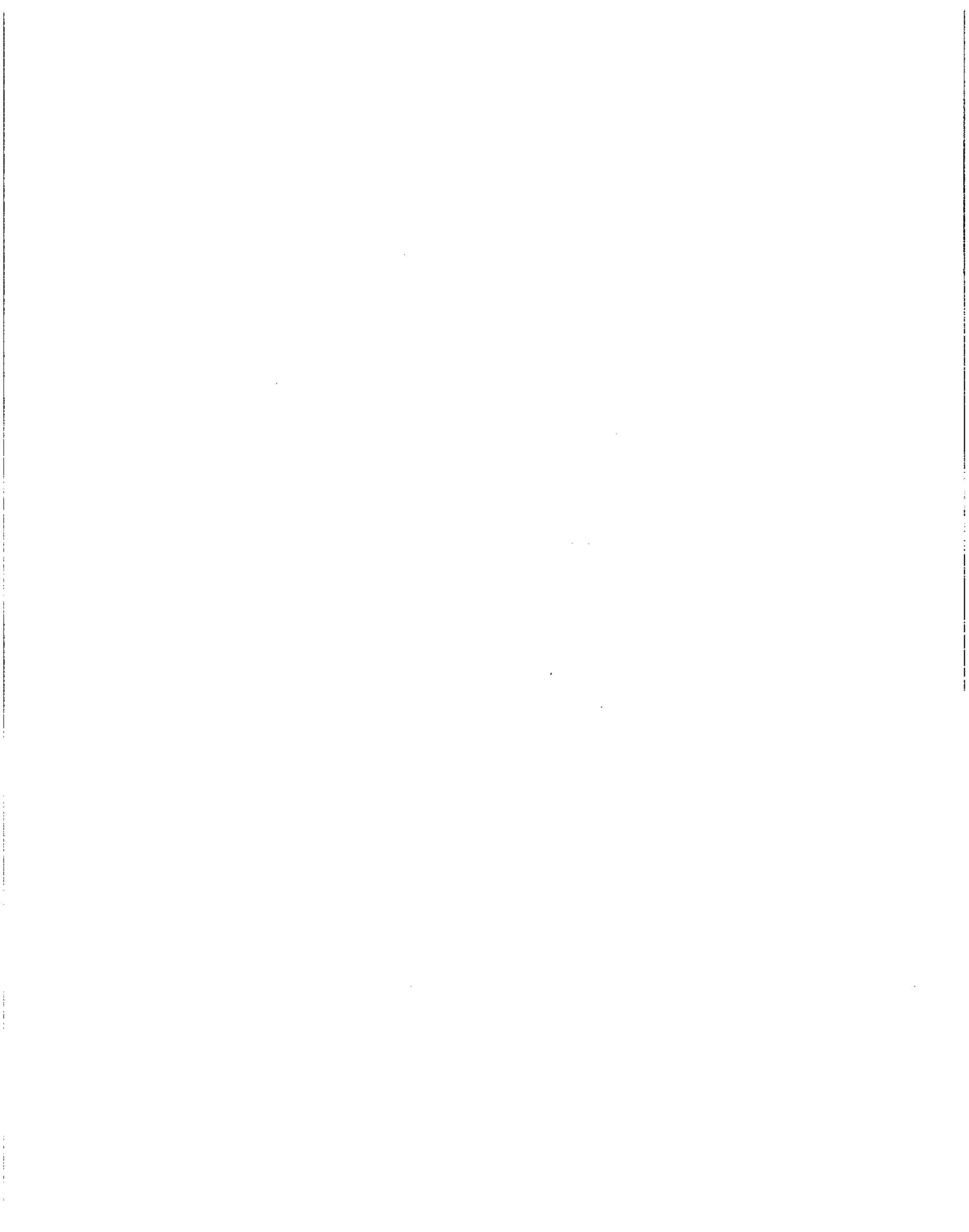
Mr. Speaker, I resolved my own doubts on the agreement in favor of the committee. One of the things that bothers me about the remarks of my colleague, the gentleman from Texas, is the apparent assumption that the executive department is the sole arbiter of national security, the sole repository of wisdom with respect to national security. It seems to me the committee was given an assignment to investigate abuses in the CIA. It was its duty to do so and the whole concept of having the CIA censor the final product would have made the whole effort ludicrous.

Therefore, I think the House was quite wrong in its decision.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. MILFORD. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended 5 minutes.

The SPEAKER pro tempore. The gentleman's request is out of order.



APPENDIX 14

[From the Congressional Record, Jan. 26, 1976]

HOUSE OF REPRESENTATIVES, SELECT COMMITTEE ON INTELLIGENCE, *Washington, D.C., October 1, 1975.*

The committee met, pursuant to recess, at 10:05 a.m., in Room 2113, Rayburn House Office Building, the Honorable Otis G. Pike (Chairman) presiding.

Present: Representatives Pike (Chairman), Giaimo, Stanton, Dellums, Aspin, Murphy, Hayes, Lehman, McClory, Treen, Kasten and Johnson.

Also Present: A. Searle Field, Staff Director, Aaron Donner and Jack Boos of the committee staff.

Chairman PIKE. The committee will come to order.

We have essentially two purposes for our meeting this morning. The first is to discuss with the committee the question of whether the committee should accept the documents which were turned over to me last night as being in compliance with the subpoena which we issued under the conditions set forth.

Mr. Field, do you have the letter from Mr. Colby to me setting forth those conditions? I think they will be familiar to all of you. But I want to make it very clear what they say before we approve or disapprove of that action. I don't hesitate to just summarize them by saying that they set forth essentially the conditions which Mr. McClory and I discussed with the President the other day as to the release of any of the information contained therein.

Do you have that letter?

Would you read it to the committee?

Mr. FIELD. For the record, I would note that the letter is classified top secret but there is a stamp on it that says that it may be unclassified when the enclosure has been detached and the enclosure has been detached:

DEAR MR. CHAIRMAN: With the approval of the President, I am forwarding herewith the classified material additional to the unclassified material forwarded with my letter of 29 September 1975, which is responsive to your subpoena of September 12, 1975. This is forwarded on loan with the understanding that there will be no public disclosure of this classified material nor of testimony, depositions, or interviews concerning it without a reasonable opportunity for us to consult with respect to it. In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States the matter will not be disclosed by the committee, except that the committee would reserve its right to submit the matter to judicial determination. In some 12 instances in the enclosed material excisions have been made of partic-

ularly sensitive matters. In ten of these instances they would pinpoint the identity of individuals who would be subject to exposure.

In two cases this would violate an understanding with a foreign government that its cooperation will not be disclosed. In each such case, Mr. Chairman, I am prepared to discuss with you and the committee, if necessary, the specific basis for this exclusion due to the exceptionally high risk involved. I am sure that we can come to a mutual understanding with respect to its continued secrecy or a form in which its substance could be made available to the committee and still give it the high degree of protection it deserves. In case of disagreement, the matter will be submitted to the President under the procedure outlined above and the committee would, of course, reserve its right to undertake judicial action.

Sincerely,

W. E. COLBY, *Director.*

Chairman PIKE. Does any Member of this Committee object to our receiving those documents under those conditions?

Mr. ASPIN. Mr. Chairman, I'd like to just ask a few questions. These are then the procedures which in your mind conform to what you asked.

Chairman PIKE. In my mind it conforms to what I told the President that I personally would be willing to accept, but that I would not speak on behalf of the rest of this committee or the Congress. . . .

Mr. ASPIN. A further question, Mr. Chairman. Is all of the information that has been provided all that we have requested?

Chairman PIKE. That is a very good question. There is missing a cable which we subpoenaed. It is, I believe, the cable to which Mr. Adams referred in his testimony.

Mr. Colby and Mr. Rogovin simply say they cannot find it. I believe them. I kidded them a little bit, but I said in the final analysis I do not believe that there is an intentional withholding of a document in their possession.

Mr. ASPIN. A further question, if I may. What is the Chairman's feeling about the fifty words or whatever it is that have been deleted from the material that has been presented?

Chairman PIKE. I believe they have been properly deleted.

Mr. ASPIN. Mr. Chairman, before we vote on this, let me be clear, this is, then the vote. We are establishing a precedent, am I correct here? . . .

Chairman PIKE. I think there is no question that we are establishing the precedent for this committee. Before you vote, I want to point out that I do not see what we have gotten as any great triumph for this committee. I am not claiming any great triumph here. We have gotten precisely that on which we said we would move for contempt. We have gotten absolutely nothing else. We have gotten no additional documents which have been requested from the State Department. To the contrary, a document which we discussed at some length yesterday and which yesterday I believe we had been assured would be provided, we learned last night would not be provided. So I think that we have gotten exactly that which keeps Mr. Colby from being in contempt and nothing else.

Mr. ASPIN. What, then, in the Chairman's view happens to our resolution should we vote aye to accept this material under these rules?

Chairman PIKE. In my judgment, we should go forward with it simply because we have gotten nothing else. I think that it may have to be amended or modified and addressed to some other person or some other pieces of paper. But that can be done in the Rules Committee on the recommendation of this committee. I do not wish to lead the committee to believe that there has been any major breakthrough as to the access by this committee to documents.

Mr. GIAMMO. Will you yield?

Mr. ASPIN. Yes.

Mr. GIAMMO. I am a little confused because I came in a little late. What is it, then, specifically? Why should we take any vote at this time?

Chairman PIKE. The only reason we should take a vote is that I made an oral commitment, which I am going to keep, that if we do not accept the pieces of paper under these restrictions I am going to give them back.

Mr. ASPIN. As I understand it, these papers would deal with the matter of information that you wanted from Mr. Colby.

Chairman PIKE. That is right. That is all it deals with.

Mr. ASPIN. That is all it deals with.

I am not trying to create a confrontation. I think we should avoid that wherever possible. By the same token, it seems clear that until we insist in Congress we get little if any action from the Executive Branch. So that insisting and taking a hard position is important. But what concerns me is that if we set precedents here today they are going to be binding on Congress in the future.

Chairman PIKE. They will certainly be binding on this committee and I would tend to agree that they would be used as precedents throughout the Congress.

Mr. ASPIN. Do we have to create a precedent here today? That is my question. Can't we just take Mr. Colby's proper testimony and not work out an arrangement formally?

Chairman PIKE. I do not think we can. I think they have in good faith offered it to us under certain conditions and we are committed to accept those conditions or give it back. Mr. McClory.

Mr. McCLORY. Mr. Chairman, I notice that we have the second of the two bells ringing.

Would you rather we recess before I make a statement?

Chairman PIKE. Yes, we will recess for fifteen minutes. I think it is important that we discuss this.

[Brief recess.]

Chairman PIKE. The committee will come to order.

Mr. Lehman, you had a question?

Mr. LEHMAN. Yes, Mr. Chairman. I just have kind of a thing about deletions. In accepting these documents with these 50 some-odd deletions.

Chairman PIKE. I don't want that to hang there. I am told it is 50 some odd words. A deletion can be very, very big.

Mr. LEHMAN. Yes. Now what concerns me is that if we accept these documents with deletions as stated by the Chairman, will this prevent us or preclude us, if we so decide, to go back to Mr. Colby and say that we need these particular names?

Chairman PIKE. No, it will not.

Mr. LEHMAN. If we want these deletions filled in, it will be up to us.
 Chairman PIKE. No, that is not accurate, either. We are never prohibited from going back to Mr. Colby and arguing the case and taking it up to a higher level. We can take it up to the President. But I do not want to indicate to you that we will get it no matter how hard we argue.

Mr. LEHMAN. But it does not preclude us from trying?

Chairman PIKE. No, it certainly will not.

Mr. LEHMAN. Thank you.

Chairman PIKE. Mr. Aspin.

Mr. ASPIN. There are two things I would like to talk to the Chairman a little bit about and maybe make a record on this issue. There are two aspects to this precedent setting that we are doing here, if it is precedent setting, and I believe it is. One is what kind of precedent does this establish for further information from not only the CIA but from other intelligence agencies? Has there been any assurances or any verbal discussion with the President or anybody in the White House about what will happen in the future if we accept information on these ground rules? What about the other requests we have, not only further requests from the CIA, but also the DIA and other agencies?

Chairman PIKE. I hate to say this in Mr. McClory's absence. I will say it and repeat it in his presence. Other than Mr. McClory's optimism, I have no such assurance at the present time. Would the staff agree with that? You know, you get vague hints and allusions and promises of goodies down the road, but I have no assurance either written or oral at the present time that our acceptance of these documents under these conditions is going to mean anything to other documents from other departments.

Mr. ASPIN. A further question: It also does nothing about our access problem to question witnesses that we are having from the State Department.

Chairman PIKE. Not one iota.

Mr. ASPIN. So what we are really doing is accepting this information as presented because it covers the things in our resolution. But we have no guarantee that it is going to go beyond that to other issues that are facing this committee.

Chairman PIKE. Mr. McClory, I want to repeat, Mr. Aspin asked earlier whether I have any assurances that our acceptance of these documents would mean anything as far as the flow of other documents is concerned. I said that other than your optimism I have no assurance. I have nothing either oral or written saying that other pieces of paper would be made available to the committee.

Mr. McCLORY. Mr. Chairman, if you will recognize me, I would like to respond.

Chairman PIKE. You are recognized.

Mr. McCLORY. I would like to respond by saying that in my conversations with the President, and I had a conversation with him yesterday, he indicates that he is going to cooperate fully with this committee with regard to all of the information which the committee requires for its investigation and will direct the agencies of the Executive Branch to provide that kind of cooperation.

It is true that with respect to the procedures which he has outlined and which I think are implicit in the covering letter which we have,

there is a mechanism for our declassifying or releasing for publication classified material which, as you indicated, Mr. Chairman, is acceptable to you personally and which I feel provides a reasonable manner in which we can handle that almost unprecedented procedure.

I would like to say further that I inquired with respect to the other subject that was raised in yesterday's executive session with Mr. Boyatt with respect to any statement by a senior officer regarding a policy matter which he had reported to the senior officer. The question was raised as to whether he would be compelled under his oral instructions to remain silent in case of a misrepresentation of his policy recommendation. The President assured me that with respect to any testimony of any junior officer that he had a perfect right and I would gather an obligation, at least there was no restraint whatever on him to correct any inaccuracy, any misrepresentation, to refute that with his independent testimony.

Accordingly, I feel that the limitations which are thus seemingly placed on junior officers are only those consistent with the law and consistent with an effective orderly operation of our international relations and the handling of them.

Chairman PIKE. Are you saying that you find that that concept is implicit in our accepting these documents and that letter? Because if they are, I am changing my vote.

Mr. McCLORY. No. I am reporting on two things. I don't think the subject of the testimony of a junior officer is involved in the delivery of materials which we are receiving here at all. I would say this, Mr. Chairman, that I have personally gone to the President encouraging the cooperation with this committee which we are now receiving.

All of my colleagues on this side have done the same. The Republican Leadership has done the same. I think the response is a response to this committee. I would not want to regard it as a response to a threat. It is an attitude of this President, notwithstanding one columnist's comments to the contrary, and is quite in contrast to the kind of stonewalling which we had in a totally different proceeding last year.

Chairman PIKE. Mr. McClory, may I ask you a question?

Mr. McCLORY. You certainly may.

Chairman PIKE. Why, in your judgment, have we not gotten all of the other papers which we have subpoenaed from all of the other agencies with the same covering letters?

Mr. McCLORY. Well, I judge that this response from Mr. Colby is a response to one request we have made. I would assume that we would have similar responses from all of the other agencies. I do not see any reason why we should not.

Chairman PIKE. Why do you suppose we have not gotten them?

Mr. McCLORY. Frankly, Mr. Chairman, I would not be able to answer the question why we have certain materials and why we have not received others. I don't have any audit of the total materials that we require. I can assure you that I want the committee to get the information and all the materials we require similarly from other agencies as we are now receiving from the CIA. I feel confident that we will get it. I feel confident that this President will see that we get it.

Chairman PIKE. Mr. Aspin.

Mr. ASPIN. Let me put the situation as I see it and perhaps putting it a little in pessimistic terms. If it is too pessimistic, I hope the Chairman will say so. It seems to me we are being asked to accept certain information under certain guidelines laid down by the person who is giving the information, guidelines as to what we can do with it. If we accept that, it seems to me that we are accepting a precedent for the future for how we are going to act as far as releasing the information. On the other hand, it does not appear that they are accepting this transaction as a precedent for giving more information in the future.

I think that what we end up with is a situation where we accept a precedent on how we receive the information or establish a precedent on how we receive the information, but their giving the information is just a one-shot proposition and no guarantee that they will do it in the future.

Mr. McCLORY. Will you yield?

Mr. ASPIN. Yes.

Mr. McCLORY. I do not think that is the case. The President has adopted a procedure under which the committee would release classified information. We adopted a procedure which initially provided for a review and comments by the affected intelligence agency. The procedure which is outlined in the letter now from Mr. Colby includes this additional element which Mr. Pike and I discussed with the President and others at the White House. That is that in the case of disagreement between the affected intelligence agency and the committee, then the President would have to personally certify that national security was involved in order for us to withhold the information. Even at that stage if we then insisted that we wanted to make it public, we would get to the point where we could litigate that subject.

It seems to me we may never get to the point where the President has to certify. I hope that we never get beyond that. But this is a mechanism whereby we can avoid this confrontation, avoid this litigation, avoid the contempt steps such as sending the Sergeant at Arms after Mr. Colby and things of that nature.

Chairman PIKE. If the gentleman will yield to me, I would like to say I think what you have stated is absolutely correct. I also think what Mr. McClory has stated is absolutely correct. But it avoids the basic question which you pose. That is, we have had no assurance that the adoption of these limitations on us in this instance will do anything to them in the production of papers, or at least I have not received any assurance.

Mr. ASPIN. That is the point, Mr. Chairman. I think that is important.

Clearly the thing we have to bargain with, and we were talking about the bargaining situation, what he wants from us is some guarantee about how the information is going to be released. What we want from him is some guarantee about our access to the information. It seems to me he is getting what he wants without us getting what we want.

Let me further probe the extent to which we are establishing a precedent, if I might, Mr. Chairman, by establishing these procedures and ground rules. I think the views of the ranking Minority Member, Mr. McClory, would be important on this, I would like to ask Mr.

McClory and Mr. Pike what they view as the precedent that we are establishing. If we accept these restrictions or these procedures for releasing the information, does that apply to this group of papers only? Does it commit us to follow this procedure in releasing all other information? Does it commit just this committee to this kind of procedure during its lifetime? Does it commit other committees or establish a precedent for other committees of Congress? Would they have to follow similar procedures?

Is it going to set precedents for them? Is it going to establish precedents that will last beyond the lifetime of this Congress?

That is what worries me. If it were a one-shot proposition where we accept these papers under these conditions but it is not a precedent I would not be so concerned. At the very least, Mr. Chairman, I would like to make sure that whatever we do, that maybe we are establishing a precedent for this committee for the future, but I hope we are not establishing a precedent for other committees of the Congress and other Congresses of the future.

I hope we will reserve our right to recommend somewhere some other procedures because I think the procedure that is laid down by this is not necessarily the one that we want to establish for all time and all places.

Chairman PIKE, Mr. McClory.

Mr. McCLORY. I suppose every time a committee adopts a procedure it will be referred to at a later date as a precedent if a committee wants to take similar action. This is, it seems to me, an initial and perhaps a unique procedure which we have adopted with regard to a very sensitive area of information and a committee is getting classified information in a way which no committee of the Congress ever has before, I don't believe.

Mr. STANTON. Would you yield?

Mr. McCLORY. It is, I would hope, a pattern which we might be able to follow in securing additional information. It provides a mechanism whereby we can, if in our judgment we decide we want to make public certain classified information, we can do so. If there is objection by the President on the basis of national security, we still have left open the route of litigating the subject.

I would hope we would not have to get to that. But we can get on with the work of our committee by getting this large volume of classified information and then moving on.

Chairman PIKE, Mr. McClory, we cannot get on with the work of our committee if we don't get it. I have had no assurance that we are going to get it.

Mr. McCLORY. I thought you had it.

Chairman PIKE. We have that limited bit of information in response to the subpoena on Tet. We have nothing in response to any of our other subpoenas.

Mr. McCLORY. It would seem to me that we would proceed with the material we have, insist upon getting the additional material. I would assume that it would be forthcoming. I know that this President wants us to receive all the information that we require. This is evidence of it and I think we will have further evidence of it.

Chairman PIKE. You have always had this feeling, but we have never had the papers.

Mr. STANTON. Mr. Chairman, let's be practical. If you tried to use this precedent in the Foreign Affairs Committee, they would laugh you right out of the room. The same would go in the Appropriation Committee. We are dealing with a specific instance here. We either accept it or reject it. We ought to have a vote on that question. I don't think anybody feels this is going to be binding to the Supreme Court or anybody else.

Mr. TREEN. Would you yield?

Mr. STANTON. Yes.

Mr. TREEN. I agree with the gentleman from Ohio. I have listened to the talk about precedent. While in a colloquial sense everything is a precedent, we are not bound by what we have done before. Indeed, if it would make other Members more comfortable, Mr. Chairman, what would be wrong in making that clear in whatever procedure we use here to accept this, that this is for this instance, this subpoena only and is not considered a precedent? Certainly it is not a precedent. I don't consider it binding to me and I don't fathom the argument that although it is a precedent of sorts it is binding on any of us. I do not find it binding on me.

Chairman PIKE. The difficulty I have with your statement is that if we do not deem it to be a precedent for this committee how are we going to get any other documents? We have said it does not represent the procedure which Mr. McClory says it does represent.

Mr. STANTON. Mr. Chairman, if I might, I would point out that we are going to have a good deal of difficulty getting information, especially information that might be particularly embarrassing to the Administration.

We know that in terms of what we are dealing with. We have this information. There is a difference between what you would say you would abide by in rules that would require a free flow of information.

Mr. McClory would abide by rules in which he would reside all his confidence in the President to disclose the information. I think we ought to vote on this issue, get it over with and go from there.

Chairman PIKE. Is the committee ready to vote?

Mr. DELLUMS.

Mr. DELLUMS. Thank you, Mr. Chairman, I have a few comments. First of all, I disagree with the majority of the comments made by most of my colleagues here because I believe that this is another delaying tactic. It is a piecemeal approach to a very critical problem. I think this committee ought to stand its ground. First of all, whether we stipulate that the ranking Member is correct, that there is no precedent involved here, I would suggest, first of all, that in this covering letter the condition is that we agree in effect to the discussion draft provision with respect to public disclosure of information. I disagree with that approach. No. 2, under the title "Materials to be Supplied," we heard testimony in executive session from our own staff which convinced several Members to change their vote and the result was ten to two, to in effect reject out of hand the discussion draft laid down by the Executive Branch on the supplying of materials and the publication of materials.

It would seem to me that if we accept this material today within the framework of the covering letter we are in effect backing off the ten-

to-two vote of this committee because, No. 1, identities of secret agents, sources and persons, organizations involved in operations, et cetera, is both implicit and explicit in this covering letter.

I don't have to repeat the language on public disclosure. I think that is very evident to most members of the committee here. I think we ought to stand our ground.

If the Executive Branch were operating in good faith it would seem to me they would have given all the material to us. It has always been my thought and I would clearly point out that it is simply my judgment, that the material that is most controversial and the material that has given rise to this controversy does not go to the Tet offensive nor the October War, but it goes to the information on the coup in Portugal and it goes to the information with respect to Cyprus. Both bodies of material I think are highly explosive and I think we are going to continue to be mouse-trapped further and further down the line with more delays.

I think we ought to operate in the framework of a total solution. I do not think we should operate today on a fragmented approach. We are here today on Tet. We may be here next week on something else. If the Executive Branch wanted to be forthcoming, why don't we have a clear unequivocal settlement on this issue?

I would like to ask the Chair one question for the record. Given the content of the covering letter and the content of the draft discussion that we in effect rejected in a vote of ten to two, do you see any substantial differences and if so, can you point them out to me?

Chairman PIRN. I would simply say that the differences I find I suppose are in degree.

The matters which have been excised, the words which have been excised from the materials which have been delivered to this committee I believe were properly excised.

Mr. DELLUMS. Thank you, Mr. Chairman. I would only point out that we have had tacit agreement here that we would make those determinations as a full committee. So I find myself having to vote on the deletion of at least 50 words with no ability to determine for myself as a member of this committee whether or not they in fact represent the examples in the draft copy No. 1 under the headline "Materials to be Supplied." In that regard, I think it would be premature for us to attempt to vote without clearly understanding to what degree we are compromising in this area.

I am not prepared in any way to vote to accept this material giving these conditions.

The other day I voted with the ten. I have diligently attempted to be in support of the Chair because I think the Chair has been logical, rational and very courageous and clear-thinking in this matter.

In this particular issue today I find myself in a position where I probably will be in opposition to the Chair because I think our position is clear. I think our position is clean. I think our position can and will be sustained by the House of Representatives. In that regard I think we ought to not attempt to resolve these large questions as a special select committee. Let's find out whether the House wants to handle it for all time, one way or the other.

I think it probably premature for us to back off this situation, I think the Executive Branch knows there is some validity to our com-

ing here with a modification to a degree in their position. I think we should not back off.

Chairman PIKE, Mr. Johnson.

Mr. JOHNSON. I am constrained to make a statement because the last statement characterized my position as a member of the majority. I do not feel there can be any withdrawal from the premise that a Congressional committee is entitled to the information that it needs to have to conduct its investigation. But any examination of the law objectively, I think, will require one to acknowledge the publication of sensitive material and the rights as to who will declassify it is something that is a gray area of the law. It is not that clear. The submission of the material subject to the letter of September 30, 1975, signed by Mr. Colby, is in essence in agreement with the position taken by the committee earlier as to the publication of sensitive material.

I find nothing offensive about it and nothing wrong with it. I intend to continue to insist on the right of this committee or any committee of Congress to get the information it needs to have to do its work. Whether or not it will subsequently declassify those documents is something that can be worked out and should be worked out at this point with the Executive Branch because the law is not clear. I find this committee meeting degenerating into a political harangue. I don't want to have anything to do with this kind of talk.

As far as I am concerned, the resolution has been complied with. The committee subpoena has been complied with relating to September 12. The other subpoena has not been complied with. If we want to take action with respect to the subpoenas which have not been complied with, let's do it. But let's not start talking about this Administration versus some other Administrations which have occurred in the past. I personally have a great interest in various assassination attempts which have occurred in previous Administrations. Covert activities which have occurred during previous Administrations are of great interest to me. If we let this thing degenerate into a political harangue, then we are really going to miss the point which is in my judgment an opportunity to make a contribution to the intelligence gathering activities of this country and remove the nefarious, clandestine covert activities which have occurred which I personally am ashamed of. I would like to see us direct our attention to the real guts of the commission of this committee and that is to do something and not make political issues and harangues. We have the material we subpoenaed.

If you want to go on and provide in your resolution that we will enforce the obtaining of the other subpoenas which have not been complied with, I will vote for you. But if you are going from the point of view of making it a political instrument and start this name-calling process we seem to be degenerating into today. I don't want to be any part of it. I don't want my vote characterized.

Chairman PIKE, Mr. McClory.

Mr. McCLORY. I move the committee accept the materials which the committee has received which you have explained on the conditions contained in the letter from Mr. Colby. I ask for a roll call vote.

Chairman PIKE, Mr. Stanton.

Mr. STANTON. I move the previous question.

Chairman PIKE, Mr. Dellums.

Mr. DELLUMS. I would simply like to make a brief comment in response to my distinguished colleague.

Chairman PIKE. Will you withhold your motion?

Mr. STANTON. Yes.

Mr. DELLUMS. I am not involved in any kind of political harangue. I think it is tragic that we would even make those kinds of labels. I am not interested in campaigning against Gerald Ford. He wouldn't get many votes in my district anyway. He wouldn't get many votes in Berkeley, so I think it is absurd to make that statement. I am not doing any name calling. I am saying that Congress, one, has a right to get any material that it needs in order to pursue an investigation. I frankly believe that we ought to come down on a side that we can publicize any material that we choose to publicize if we in our judgment within the framework of a democratic process decide to do it. That has nothing to do with political harangue, it has to do with a statement of principle and a statement on judgment. You and I may disagree on those judgmental questions. It has nothing to do with politics or has nothing to do with Gerald R. Ford. It has to do with what we perceive as our rights on the committee.

Chairman PIKE. It is the position of the Chair that we understand the issues.

Mr. MURPHY. Mr. Chairman, I think what we are talking about here is obviously congressional intent and I think the committee is unanimous in its feeling that it does not want to be bound by a precedent.

Perhaps we can be bound by this letter in this specific instance. We are not establishing policy.

Chairman PIKE. I would like to agree with the gentleman, but I don't think I can. I am afraid that if we accept these documents under these conditions, we are in effect setting a policy for no other committee except this committee, but I do think we are setting a precedent and a policy for this committee.

Mr. ASPIN. Can we make it clear we do not want this to be established as a precedent anywhere else?

Chairman PIKE. Let the record so stipulate.

Has anyone objection to that?

Mr. McCLORY. Without prejudice, we are receiving it.

Mr. STANTON. I move the previous question.

Chairman PIKE. The Clerk will call the roll.

The CLERK. Mr. Giaimo.

Chairman PIKE. Mr. Giaimo votes "no," by proxy.

The CLERK. Mr. Stanton.

Mr. STANTON. Yes.

The CLERK. Mr. Dellums.

Mr. DELLUMS. No.

The CLERK. Mr. Murphy.

Mr. MURPHY. Aye.

The CLERK. Mr. Aspin.

Mr. ASPIN. No.

The CLERK. Mr. Milford.

Chairman PIKE. Mr. Milford has left me his proxy and I think it would be fair to state he would want me to vote it "aye."

The CLERK, Mr. Hayes.
[No response.]
The CLERK, Mr. Lehman.
Mr. LEHMAN, Aye.
The CLERK, Mr. McCLORY, Aye.
The CLERK, Mr. Treen.
Mr. TREEN, Aye.
The CLERK, Mr. Kasten.
Mr. KASTEN, Aye.
The CLERK, Mr. Johnson.
Mr. JOHNSON, Aye.
The CLERK, Mr. Pike.
Chairman PIKE, Aye.
The motion is agreed to by a vote of nine to three.

[From the Washington Post, Dec. 20, 1975]

APPENDIX 15

PIKE PANEL BARS KURD DISCLOSURE

(By George Lardner Jr.)

The House intelligence committee balked yesterday at efforts to make a public report on a controversial Central Intelligence Agency operation undertaken in 1972 at the request of the shah of Iran.

By a tie, 6 to 6, the committee rejected a proposal by Rep. James P. Johnson (R-Colo.) to seek disclosure of what sources said was a staff summary of the secret operation which—demanded by President Nixon over the objections of the CIA and the State Department—involved the supply of weapons to Kurdish rebels in northeastern Iraq.

In other closed-session votes, however, the committee, sources of similar reports on CIA operations in Angola and CIA involvement in an Italian election.

Under elaborate procedures worked out several months ago, these two reports, already drafted and reportedly revised in light of CIA objections will now be sent to President Ford. He can still block their publication by declaring in writing that they would be damaging to national security.

The reasons for the committee's reluctance to send the White House a report on the secret weapons shipments for the Kurds were not entirely clear. The broad outlines of the operation, which involved delivery by the CIA of millions of dollars worth of Soviet and Chinese arms and ammunition, were disclosed last month by CBS News and The Washington Post.

According to one source, however, some committee members were apparently fearful that the report might anger Iran's Shah Mohammed Reza Pahlavi and perhaps threaten U.S. interests in Iran.

The shah reportedly asked for a secret supply of arms for the Kurds when Nixon visited Tehran in late May of 1972. The CIA was opposed to American involvement but sources said, carried out the mission at Nixon's insistence, collecting some of the munitions in Cambodia.

The freshly armed Kurds went to war against Iraq in March of 1974 at the expiration of a four-year truce, but were abandoned a year later when the shah reached his own settlement with Iraq.

In Italy, it was reported several years ago, the United States is said to have given the Christian Democrats as much as \$3 million a year in secret financial support between the end of World War II and 1967.

Graham A. Martin, U.S. ambassador to Italy in 1970, reportedly urged CIA financial support that year for the Christian Democrats under former Premier Amintore Fanfani, but President Nixon is supposed to have rejected the proposal.

Voting against making the Kurdish report public, sources said, were Reps. Les Aspin (D-Wis.), Dale Milford (D-Tex.), William Lehman (D-Fla.), Robert McClory (R-Ill.), David C. Treen (R-La.) and Robert W. Kasten Jr. (R-Wis.).

Aspin, who has often lined up against Chairman Otis G. Pike (D-N.Y.) and the original Democratic members of the committee appointed last February, also voted against disclosure of the report on the Italian election but joined the majority in calling for publication of the Angola study.

APPENDIX 16

[From the Congressional Record, Jan. 29, 1976]

AUTHORIZING THE SELECT COMMITTEE ON INTELLIGENCE TO FILE ITS REPORT BY MIDNIGHT, JANUARY 30, 1976, AND FOR OTHER PURPOSES

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 982 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 982

Resolved, That the Select Committee on Intelligence have until midnight Friday, January 30, 1976, to file its report pursuant to section 8 of House Resolution 591, and that the Select Committee on Intelligence have until midnight, Wednesday, February 11, 1976, to file a supplemental report containing the select committee's recommendations.

With the following committee amendment:

Committee amendment: On page 1, after the first sentence, add the following:

Resolved further, That the Select Committee on Intelligence shall not release any report containing materials, information, data, or subjects that presently bear security classification, unless and until such reports are published with appropriate security markings and distributed only to persons authorized to receive such classified information, or until the report has been certified by the President as not containing information which would adversely affect the intelligence activities of the CIA in foreign countries or the intelligence activities in foreign countries of any other departments or agency of the federal government."

PARLIAMENTARY INQUIRY

Mr. BOLLING. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOLLING. Mr. Speaker, my parliamentary inquiry is to determine the procedure in the process of considering the resolution just read.

The resolution is a resolution with an amendment. On the resolution with the amendment, if the previous question were ordered on the resolution and the amendment, would the next step after the previous question were agreed to be a vote on the amendment?

The SPEAKER. The Chair will state that the gentleman is correct.

Mr. BOLLING. I thank the Speaker.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen)—and might say, Mr. Speaker, at this point, that all time I yield will be for the purposes of debate only—pending which I yield myself such time as I may consume.

[Mr. Young of Texas asked and was given permission to revise and extend his remarks.]

Mr. YOUNG of Texas. Mr. Speaker, we come here today with a rule that, in my judgment, might be one of the most important ever to confront this or any other Congress.

Mr. Speaker, the rule that we bring Rules Committee is for the purpose of giving the House of Representatives an opportunity to say whether or not they want a report from the Intelligence Investigating Committee containing classified material to go out over the official signature of this body.

Mr. Speaker, the reason that we considered it important to bring this matter to the floor of the House is because the House of Representatives, in creating the Intelligence Committee by House Resolution 591, in July 1975, performed what I think was a valiant but futile effort to protect the classified information that this committee would be handling.

I refer, Mr. Speaker, to section 6, paragraph 2, of that resolution, where it goes on to say that in regard to disclosure outside the select committee, it prohibits the disclosure outside the select committee of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government.

Mr. Speaker, section 7 of the Senate's resolution is identical.

The resolution that I bring here today by amendment simply provides that there not be published in the report of the House of Representatives any classified material unless that material bears the required classification and unless those reports are restricted to only people who are qualified to receive classified information. And it goes on to say:

Or unless the report has been certified by the President as not having material that would be detrimental to the security of this country.

Now, Mr. Speaker, there will be much said about the President and much said about the wisdom of permitting the President to operate or to exercise any character of veto over the activities of the House of Representatives. I would say to this august body that the President is not exercising a veto. I am as sensitive to that as any Member of this House. What the President is doing is he is trying to live up to an agreement entered into between the President and the leaders of the committee that was set up to investigate intelligence.

I know that this committee will explain to this House how that committee works and how that agreement works, but I particularly want them to explain clearly to the House of Representatives how they can agree with the President not to disclose classified matter and then say that that agreement does not apply to the report of that committee.

So, Mr. Speaker, the committee agreed with the President. The committee has not received the President's approval. All this resolu-

tion would do would be to say to that committee, "You have to abide by your agreement with the President as to the report or any other disclosure of that material."

This is a very, very important consideration, Mr. Speaker, because I am advised that this material, while I have not seen it, contains some inflammatory matter involving covert operations in other nations, many of which I am sure we are all concerned about and want to see corrected. But for the U.S. House of Representatives to officially publish a report that contains this information is much more serious than to have it published by the media pursuant to a leak. However accurate the report, if it comes from the media, it is something different than if it comes from the House of Representatives.

Why is this so important? Does the report name names? I am told by reliable members of the committee in testimony before the Committee on Rules, that the report does name names, but that the names that it names are those of people who have appeared in open session. I take their word for that. I hope that their report did not in any way refer to Richard Welch, the unfortunate person who was murdered in Greece in December, and I am confident that it does not.

Mr. Speaker, if this report contains the inflammatory material that I understand it does and then we couple that with such organizations as the fifth estate in their published Counterspy and the material which has been published by other groups of a subversive nature, we can cause untold mischief, not only to the operations of our Nation abroad, but also we would endanger the lives of those people who, in good conscience, are representing the interests of this Nation abroad.

This fifth estate, as I get the information, is on the verge this month of disclosing the names of 32 CIA operators in foreign lands and then later this month they will disclose the names of operators in Sweden, France, and Angola, and later on, operators in Japan, Italy, and Spain.

In combination, then, Mr. Speaker, our responsibility in this House of Representatives is acute, it is serious, and it is deep.

Therefore, Mr. Speaker, what I urge this House to do is to adopt the amendment which I have attached to the requested rule. That will at least give us an opportunity to keep this report restricted until we can have a better chance to know what is in it and a better chance to evaluate what mischief it will do.

Mr. Speaker, I have agreed to yield 15 minutes en bloc to my distinguished friend, the gentleman from Missouri (Mr. Bolling), on the Committee on Rules. Again I say, I yield for the purpose of debate only.

Mr. BOLLING. Mr. Speaker, I understood the gentleman from Texas (Mr. Young) to yield me 15 minutes.

I ask unanimous consent that I may be permitted to yield, for debate, to other Members a portion of that 15 minutes without remaining on my feet.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Pike) the chairman of the committee in question.

(Mr. Pike asked and was given permission to revise and extend his remarks.)

[Mr. Pike addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BOLLING. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. Murphy).

[Mr. Murphy of Illinois asked and was given permission to revise and extend his remarks.]

Mr. MURPHY of Illinois. Mr. Speaker, as the gentleman from New York (Mr. Pike) has described to the Members, this committee has had a long history of division. About 6 months ago we were here fighting over the chairmanship of the gentleman from Michigan (Mr. Nedzi). This is one Democrat who supported the gentleman from Michigan (Mr. Nedzi) the whole way through a lot of fighting in the Speaker's office, the majority leader's office, and on the floor. I consider myself in this day of labels, if we are to apply labels, as a moderate.

The gentleman from New York (Mr. Pike), our chairman, has worked hard on this committee to bring different political and philosophical factions together. I think he and we have done a great job with this report. The day the report was printed, the CIA got the report before some of the members got the report. The CIA sent down their corrections. We adopted about 90 of those exceptions the CIA cited.

To my good friend, the gentleman from Texas (Mr. Young) let me answer a couple of speculations that he made in his opening remarks. Mr. Welch's name is not mentioned in the report. CIA agents' names are not mentioned in the report, unless those agents appeared and testified in public sessions. Sure, there are some embarrassing episodes in this report. What do the Members think we have been experiencing for the last 4 years with Watergate, abuses of the FBI, abuses of the IRS, and abuses of the CIA agency by the executive department?

Mr. Speaker, let me state this to the Members. After a careful reading of this report, the Members will come out with these conclusions: First, that we need a strong CIA, a stronger CIA than we do military intelligence agencies, because they were far more correct and accurate in our operations in Vietnam; and second, the CIA has been blamed for episodes that they were directed to do by people in the executive branch that were not thought up by the CIA. They were resisted by the head of the CIA but directed and overruled by members of the Democratic administrations and Republican administration. That is what the Members are going to find in this report.

It was about 6 years ago today that I stood in the well and raised my hand as a newly elected Member of the House of Representatives. I remember the oath in part was to uphold the laws of the United States. If we are not a coequal branch of this Government, if we are not equal to the President and to the Supreme Court, then let the CIA write this report; let the President write this report; and we ought to fold our tent and go home, or go swimming, or go golfing, because people are saying, "Where were you, Congress?"

This is another thing the Members will get out of this report. Where was the Congress when all this activity was taking place?

We were sitting on our duffs. We were saying, "Please do not tell us about your activities because they are secret. We do not want to know about them."

We Members get paid a good salary each year to assume responsibilities for our actions. The Constitution directs the Members to oversee the purse of this country, the taxpayers' money. It is a responsibility that we should not take lightly. If we pass it now, I never want to hear another Member come up to me again and say, "When are we going to police the FBI? When are we going to police the IRS? When are we going to stop the abuses of intelligence agencies?" The Members forfeit that right when they vote for this resolution today that has come out of the Committee on Rules.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of Illinois. I yield to the gentleman from California.

Mr. PHILLIP BURTON. I thank the gentleman for yielding.

I would like to commend the gentleman in the well. I rise in joining with him and the others in opposing the Young amendment. I think the gentleman adequately stated the very simple issue before us.

The issue before us is: Is the legislative branch a coequal branch of this U.S. Government?

The answer to that simply must be "Yes". We must inform the executive that we, ourselves, have confidence in the judgment and of our colleagues on the committee.

We ought to support the committee in its effort and reject the Young amendment.

Mr. BOLLING. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. Giaimo).

(Mr. Giaimo asked and was given permission to revise and extend his remarks.)

Mr. GIAIMO. Mr. Speaker, we have heard the arguments about the necessity to maintain the independence and separateness of the legislative branch.

I would like to just briefly talk to the Members about our chairman, the gentleman from New York (Mr. Pike). I say with all the seriousness I can muster from 17 years of service in this body, that Otis Pike is one of the most distinguished Americans who has ever served in the House of Representatives. That is Mr. Otis Pike, the gentleman from New York.

Mr. Speaker, I want the Members to know that if they think the gentleman from New York (Mr. Pike), the chairman of this committee, to say nothing of others on this committee—is going to release anything which in his judgment will jeopardize the security of the United States in any way, they are wrong, they are wrong.

But the smokescreen has been spread by those downtown that there are names in here and that countries are named. It is not so. Think back. The opponents of this committee have been consistent throughout its stormy existence, starting last January when we tried to establish this committee and they were strongly opposed to it. They tried to block and hamstring us in every possible way so as not to have any meaningful investigation of the intelligence community. We prevailed.

Then we had some difficulties involving division in the committee which were serious in nature, and through a stroke of good fortune

we had the gentleman from New York (Mr. Pike) come in as chairman. He took this divided committee and pulled it together to a 9-to-4 majority position and point of view. I submit to the Members, a 9-to-4 position—and the four have been categorically opposed to any meaningful kind of investigation of the intelligence community at any time. The gentleman from New York has given this committee leadership and dignity and respect.

Are we to reject him now? Are we to say we do not trust him and his report and that the report of his committee must be censored and approved by the CIA.

I say there can only be a vote of confidence for our chairman and the committee.

Mr. BOLLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I endorse what the gentleman from Connecticut (Mr. Giaimo) said about the gentleman from New York (Mr. Pike) but I would like to add to it the other eight: The gentleman from Connecticut (Mr. Giaimo), the gentleman from Ohio (Mr. James V. Stanton), the gentleman from California (Mr. Dellums), the gentleman from Illinois (Mr. Murphy), the gentleman from Wisconsin (Mr. Aspin), the gentleman from Indiana (Mr. Hayes), the gentleman from Florida (Mr. Lehman), and the gentleman from Colorado (Mr. Johnson). Those nine are the nine who voted for this report, and they do not include among them one Member of this House who would damage this country.

The issue is not the report. The issue is whether the report, No. 1, can be sanitized by those who have fought every step of the way to keep everything secret, and the issue is very simply whether the House of Representatives is serious about exercising oversight not only of intelligence activities but also of all other secret activities.

I interjected myself into this operation when there was trouble in the Nedzi committee and I got involved in it for only one reason: Because I wanted a committee of the House of Representatives to recommend to the House how we could improve our security and how we could improve our oversight of our business which we share with the executive.

A vote for the Young amendment in my judgment destroys any hope in the near future and perhaps in the distant future of the House of Representatives ever exercising any effective oversight of the executive activities that involve secrecy.

I think it would be a sheer disaster if after the events of the last 10 years and the last year in particular we put ourselves in that position. There is nothing—there is nothing—in this report that will impair the United States. There is nothing in this report that compares to the importance of the Congress playing a responsible, sound role in the foreign policy and the defense policy of the United States.

Mr. Speaker, I urge that we vote down the Young amendment when the first vote comes after the previous question is ordered.

[Mr. Quillen asked and was given permission to revise and extend his remarks.]

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the able gentleman from Texas has sufficiently explained the amendment to the resolution which was adopted by the

Committee on Rules yesterday in a very long session. I am amazed at some of the remarks which have been made here in the well after the open hearings and the activities which took place in the Committee on Rules.

The chairman of the Select Committee on Intelligence said that the report contained secret and classified material. I have not seen the report; but I think it is time that we ask ourselves a question down deep in our hearts. What comes first in our minds and our thoughts and our activities as Members of this great body? I think if I would ask each one individually that question, we would all say my country comes first in my activities as a Member of this body.

This Member says openly and without question that my country comes first and I will not vote to release classified information to anyone, either domestically or abroad.

I think we have been challenged on many fronts for many activities which have taken place. One member of the CIA has been assassinated because his name was revealed as being a member of the CIA.

We have covert activities. We have secret activities in practically every country on the globe, I am informed. I do not know the extent of those activities, but when we say here in the House that we are challenging the integrity of the committee, that is wrong.

What is at stake is this. What agreement did the committee have with the CIA and the President of the United States when this classified material was delivered for scrutiny by members of that committee? It was a bona fide agreement transmitted by letter with the understanding that none of the classified material would be made public, unless it was so authorized by the President of the United States.

Now, nine members of that committee, the majority of the committee, voted to have this report made public and printed for all the world to see. Now, what comes first, the majority action of the committee or the majority of this House of Representatives?

I say today that this House should decide the future course that we are going to take and we should not violate the security of this Nation and we should not give away secrets, particularly after the chairman of the committee said that there was classified material and there was secret material which was in the report.

I would plead with the Members to adopt the Young amendment to the resolution, and let us get on with our business. Now, should that fail—and I do not think it will—under a precedent of this House that goes back more than 135 years, I have in mind making a privileged motion that the House go in secret session and discuss some of these issues, because I think it is so vital to this Nation that we not violate our oath, that we not violate our conscience, that we not violate the conscience of the people of this great Nation of ours.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. McClory), the ranking minority member of the Select Committee on Intelligence.

[Mr. McClory asked and was given permission to revise and extend his remarks.]

Mr. McCLORY. Mr. Speaker, I supported the establishment of this committee. I do not think this committee would have been established if I had not consulted and cooperated with the gentleman from

Missouri (Mr. Bolling) in connection with the restructuring of the committee and the establishment of the committee through House Resolution 591. It was established; I supported its activities to obtain information. As a matter of fact, I supported receiving all of the classified and secret information which the committee received, and again I do not think the committee would have received that information if it had not been for the efforts of myself and others who went directly to the President.

I did that in the first place, supported by the minority leader, by the Vice President, and by others. Following that, we went to the White House and met with the President in the Oval Office, the chairman of the committee (Mr. Pike), the Speaker of the House, the minority leader (Mr. Rhodes), Dr. Kissinger, Mr. Colby, and a few others, and we discussed the need of the committee for secret and classified information from the various intelligence agencies.

I represented to the President as I represent here today, that as the only member of the committee who served on the Judiciary Committee last year when we could not get information, and now as a member of this committee I said that I wanted this President to provide our Select Committee on Intelligence with the information we wanted and required. He said that he would, and he directed all the intelligence agencies to cooperate with us and provide us with the secret information which we required.

We have received over 90,000 pages of secret information from just the CIA--30 lineal feet of secret material. Now, did we receive that for the purpose of making it all public as we chose in our judgment? No; we got it because we were charged with investigating secret activities of our intelligence organizations.

We got the material and we did conduct the investigation. We did find a lot of wrongdoing. We want to criticize this, but we do not have to expose and spread out in the Record all of the secret information that we received, including information that might jeopardize the lives of individuals, and most assuredly would jeopardize our relations with foreign nations and be detrimental to the national security.

Now, it is true that in the resolution that we adopted the committee was directed to provide procedures which would prevent doing any disservice to the CIA and other intelligence activities in their activities overseas. Furthermore, following our meeting with the President, we adopted procedures--solemn procedures, not an alleged agreement, but, I repeat, solemn procedures--in which we agreed in fulfilling our pledge to the President that we would receive this secret and classified material under a promise that we would retain its confidentiality unless we communicated with the intelligence agencies, and gave them an opportunity to comment on it, and if we had disagreements, then the President himself could certify in writing whether national security was involved. Then, if we disagreed with the President on that issue we could still go to court to resolve our differences.

That is the agreement, and it is a solemn agreement. If we violate it, if we repudiate it, a great disservice to this House of Representatives and to the committee will have been committed.

It has been charged that the record is flexible, that I supported putting in some secret information in the report with respect to the TET offensive. That is not true. In the first place, the hearing with

respect to the TET offensive was an open hearing on December 3. In the course of the objections of the CIA, they objected to several factual statements, and only with respect to one part was there a question of classified information. The gentleman from Texas (Mr. Milford) said that he wanted that part modified. It was modified, so that the CIA had absolutely no objections to the TET section on the basis of national security, when I made my motion to approve it. That is the truth.

Mr. Speaker, if we publish this report in violation of the agreement that we made with the President, in violation of the procedures that we adopted, in violation of the resolution which was adopted by this House and which created this committee, we are then going to be unworthy of the trust that was reposed in us.

Talking about having oversight in the future, what intelligence agency do the Members think will provide us with information, will provide us with data and documents, if we cannot be trusted? That is the question that is involved here today: Can a committee of the Congress be trusted to fulfill an agreement it makes with the executive branch?

I think we can be, and I think we should be.

To translate these leaks into some kind of official document of this Congress would be unworthy of the Congress of the United States. I urge the Members to adopt the amendment and to support the amendment offered by the gentleman from Texas (Mr. Young).

The amendment offered by Mr. Young was approved by the Rules Committee on a 9-to-7 vote. The initial effect of the Rules Committee resolution would be to extend until Friday night the filing of the select committee's report and to permit the filing of recommendations up to and including Wednesday, February 11. I would concur in those extensions.

However, I also want to concur emphatically in the committee amendment which would have the effect of requiring the committee to exclude from its report secret and classified information which the committee has received from the various intelligence agencies of our Federal Government.

There are three principal reasons why this amendment and the resolution should be adopted. First of all, the resolution (H. Res. 591) which created our committee set forth specifically that the select committee should institute and carry out rules and procedures "to prevent the disclosure outside the select committee of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government." In my view, the publication of the committee's report as presently drafted would be a direct violation of that language.

In addition, at the meeting with the President of the United States in which the chairman of the committee, Mr. Pike, and I participated as well as the Speaker of the House, the minority leader, the Director of Central Intelligence, Mr. Colby, Dr. Kissinger and several others, an agreed procedure was discussed which formed the basis for the decision of the President to direct the intelligence agencies to cooperate fully with our committee in furnishing secret and classified information. It was as a result of that solemn agreement, that the committee

adopted procedures to provide that in the event it was proposed to disclose any classified or other secret information, the intelligence agencies affected would be notified and given an opportunity to comment thereon. If, following those comments there was a disagreement, the President of the United States would still have an opportunity to certify in writing to the committee that the disclosure of the material would be detrimental to the national security of the Nation and this would preclude the committee from disclosing the material except that the committee reserved the right for judicial determination.

Mr. Speaker, with respect to large portions of the committee's proposed report there is classified material which has not been subject to this procedure and with respect to which the President has not been given an opportunity to certify whether in his opinion the national security of the United States would be adversely affected by the public disclosure of the proposed parts of the report.

Mr. Speaker, in connection with the adoption of the committee's procedures on October 1, the chairman of the committee summarized the agreement and policy of the committee when he said:

"I am afraid that if we accept these documents under these conditions, we are in effect setting a policy for no other committee except this committee, but I do think we are setting a precedent and a policy for this committee."

In connection with the classified materials at that time—and thereafter received by the committee, a covering letter read in part as follows:

"This is forwarded on loan with the understanding that there will be no public disclosure of this classified material nor of testimony, depositions, or interviews concerning it without a reasonable opportunity for us to consult with respect to it. In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States, the matter will not be disclosed by the committee, except that the committee would reserve its right to submit the matter to judicial consideration."

Mr. Speaker, there was never at any time any agreement or understanding, any warning to the intelligence agencies involved or any other basis for concluding that the requirements of section 6 of the resolution or of the agreement reached with the President or the procedures adopted by the committee would be inapplicable with respect to any committee report.

It was admitted directly and clearly in the Rules Committee hearing yesterday by the chairman of the committee that the committee report as presently drafted does indeed contain classified information—information which has not been declassified by any intelligence agency or authorized to be released by them or by the President.

The attempt to declassify and divulge secret information unilaterally does in my opinion violate House Resolution 591, the committee's agreement with the President and the committee's procedures, all of which are well understood and explained in the covering letter of the Central Intelligence Director William Colby: "There will be no public disclosure" until and unless the procedures adopted by the committee and agreed upon with him and with the President are adhered to.

Mr. Speaker, this is not a question of leaks. This is a case where a committee proposes by deliberate action to renounce a solemn agreement, to violate and breach a confidence and to make public information which it agreed not to make public. Furthermore, Mr. Speaker, while I support entirely the need for the committee to have received the classified information which was furnished to it, I have never contended and I do not think it was ever contemplated that the receipt of this information included any license or authority to unilaterally declassify and make public matters which might indeed adversely affect our national security or the foreign affairs of our Nation.

The procedures adopted by the committee unequivocally and deliberately and on a rollcall vote required that the committee not disclose classified or sensitive information received from the intelligence agencies unless and until the intelligence agencies were notified of an intention or desire to disclose such information giving the agencies involved an opportunity to comment with respect to that intention, and in the event of a disagreement to permit the President to personally certify that release would be detrimental to the national security, thereby precluding the committee from releasing such classified or sensitive information. This was subject, however, to the further exception that the committee would have the right to submit the issue to the court for final determination.

That was and continues to be the basis upon which the committee received virtually all of the classified and sensitive information which we were required to have in order to carry out our investigation.

Mr. Speaker, one other point was made at the Rules Committee which requires clarification and comment at this time; namely, that since a draft of the committee's report is reported to have been leaked to the New York Times and published and since other leaks are reported to have resulted in dissemination of classified information that, accordingly, no harm would result from the publication of an official report of the select committee containing such secret or classified information. This is not true.

Mr. Speaker, the rumors and leaks and reports of earlier drafts and revised drafts and a great variety of statements about what a staff put together in a draft of a committee report are quite different from an official document of the House of Representatives delineating or alluding to information which was theretofore secret and which could and, in my opinion, would seriously and in some respects permanently adversely affect our foreign affairs and even our national security.

Mr. Speaker, I do not interpret the mandate given to our select committee to permit it to undertake unilaterally to declassify secret information or documents nor to make public disclosures of the highly sensitive information which the committee was required to gather in the course of our investigation.

There is no suggestion in what I am saying that all the actions of all of the intelligence agencies of our Nation were appropriate and proper. On the contrary, the need for our investigation was apparent when House Resolution 591 was adopted. The responsibility for delving into many of the secret activities of our intelligence agencies was apparent and essential, but it was never the intent of this House—and the resolution itself deliberately and specifically circumscribes

the select committee's authority with respect to disclosure of classified or secret information outside of the select committee which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government. That language is clear and specific and certainly does not yield to any interpretation that when it came time for the filing of the committee report that classification restraints could be rejected and that the committee could unilaterally declassify and publish secret and sensitive information which in the course of our hearings we have had no authority to divulge.

Mr. Speaker, let us be perfectly clear about this: The issue here is most emphatically not whether the executive branch has a right to censor or veto a congressional report—that is not the issue here—the question is whether this House will allow the select committee to breach an agreement which was made in good faith with the administration by deliberately including classified information in its final report. If we are seriously interested in the honor and integrity of this House, we must not let this happen. I urge my colleagues to vote "aye" on the committee amendment and then approve the resolution as amended.

Mr. Speaker, I am the only member on the House Intelligence Committee who served also last year on the House Judiciary Committee. Any effort to liken the Intelligence Committee's experience with that of the Judiciary Committee last year must obviously fail. In contrast to the refusal and the so-called stone-walling which the Judiciary Committee experienced, the House Select Committee has had the cooperation and support of the President in directing the intelligence agencies of our Government to furnish the committee with more classified and secret information than has ever heretofore been received by any committee of the House. This flow of information from the executive branch is unprecedented in House committee experience. Indeed, virtually all of the information essential for the committee to carry on its work was made available to the committee and to the committee staff.

While subpoenas were issued regularly by the committee—frequently at my request—this was the formal demand in response to which the agencies cooperated promptly and to the satisfaction of the staff and of the members of the committee.

Anyone who tries to manufacture an analogy between this kind of cooperation with a committee of the House and the experience of the Judiciary Committee last year is failing to acknowledge the basic intelligence of this body and of the American people.

In other words, the President has been forthright and open and cooperative with the committee in a manner unprecedented in our congressional experience.

The crux of the issue today is whether or not the majority of the committee in its decision to release classified information in violation of procedures which were adopted and which formed the basis for the receipt of this large volume of information—are not violating the solemn agreement made with the President and violating the procedures which the committee itself adopted overwhelmingly.

We are not talking here today about leaks from the committee. We are talking about an effort by a majority of the committee by deliberate action to divulge and disclose secret and classified information in violation of an agreement with the President, in violation of the committee's own procedures and, in my opinion, in violation of section 6 of the House resolution (H. Res. 591) which established this committee.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. Anderson).

[Mr. Anderson of Illinois asked and was given permission to revise and extend his remarks.]

Mr. ANDERSON of Illinois. Mr. Speaker, I frankly was appalled when I read in this morning's newspaper that the chairman of the Select Committee on Intelligence had, at least according to the report that I saw, accused the Committee on Rules, in reporting this legislation, of participating in the biggest coverup since Watergate.

I do not think the distinguished chairman really meant that extreme statement. I do not think the issue this afternoon is the popularity of the chairman. I like him very much. I do not think it is the integrity or the sincerity of any member of that Select Committee on Intelligence. I respect and admire each of them. But I think, as the distinguished ranking member, the gentleman from Illinois, has told us, the question is: Are we as the House of Representatives going to honor an agreement which one of our committees made and on the basis of which certain information was delivered to that committee?

That is where the honor of this body is involved. That is what is at stake on the vote on the amendment that will come in just a few minutes.

Mr. Speaker, I listened with surprise and chagrin to the statement that was made by my distinguished colleague on the Committee on Rules that the issue is whether or not the House intends to conduct meaningful oversight of the intelligence community and that unless we violate the agreement we simply cannot exercise what is our responsibility as the House to oversee in a meaningful way those agencies.

Mr. Speaker, let me just suggest one thing.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. If I have time, I will.

Mr. BOLLING. Mr. Speaker, the gentleman referred to me.

Mr. ANDERSON of Illinois. I did not mention the gentleman's name.

Mr. BOLLING. Mr. Speaker, the gentleman made it very clear who he was speaking about.

Mr. ANDERSON of Illinois. I refuse to yield.

Mr. Speaker, I think this House should not launch a career of investigation on the basis of violating the clear language of an agreement. That agreement is in the Record. It was put in the Record on January 26, when the gentleman from Illinois took a special order. Also he put in the Record the statement that is in the transcript of the committee—and I have read it—the statement by the chairman, the gentleman from New York (Mr. Pike):

"I am afraid that if we accept these documents under these conditions, we are in effect setting a policy for no other committee except

this committee, but I do think we are setting a precedent and a policy for this committee."

And indeed when the vote was taken, two of the distinguished members of that Select Committee on Intelligence said that one of the reasons that they voted against the agreement was because they did not want to set that kind of a binding precedent for the committee in connection with the rest of its deliberations.

Make no mistake about it, Members of this House, they knew when they voted on the first of October the conditions they were setting for the further delivery of material. And to violate that agreement now, by unilaterally undertaking a declassification through the report of this committee, is to truly violate the honor of this House.

Mr. Speaker, I digressed, and I want to go back and say that that is a very poor way in which to begin the awesome and important responsibility of conducting proper oversight of the intelligence community.

I am for that—FBI, CIA, DIA, all of them. But for heaven's sake, let us not make the mistake of beginning that oversight on a foundation erected on that kind of a basis where we deliberately set out to violate the promise that we made.

So in voting for the Young amendment, I want to reemphasize to the Members of the House that we are not in any way impeding the right of that committee to file its report, its classified report, and make it available to the Members of this House. Then if we decide, after reading that report, that it all ought to be put in the public domain and that it should be declassified and released, we can come in with a resolution; we can have the Government Printing Office authorized to print 250,000 copies or more of that document and have it distributed.

Mr. Speaker, the gentleman from Missouri says there is nothing in that report that will impair our security. I have not read it, but maybe he has. I do not know what is in the report. I do not think the gentleman from New York (Mr. Pike) or any other member of the committee would deliberately put anything in that report that would impair our security.

Mr. Speaker, all I want the Members of this House to do, through its committees, is to respect the agreements that it has already made.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Colorado (Mr. Johnson).

[Mr. Johnson of Colorado asked and was given permission to revise and extend his remarks.]

Mr. JOHNSON of Colorado. Mr. Speaker, following the gentleman from Illinois, John Anderson, is a rare privilege, but it is a privilege that I would just as soon not have in this particular instance. As the only Republican who voted to release the report, I want to address myself to the two questions that have been raised concerning it. Those are the matters of the alleged violation of the agreement and, by implication, the honor of those who are involved, whether or not we lived up to our word.

The nine members who voted to release the report may or may not be men of honor in the eyes of other members, but that is not really the issue. If we are not considered men of honor, that is our personal problem as individuals. It might be a problem of others in dealing

with us as colleagues, but that has nothing to do with the filing of this report.

A vote to receive the report is not an endorsement nor an acceptance of the conclusions or the recommendations contained in the report. It is simply an acceptance of the obligation that we have to fulfill to file the report.

There is nothing in the report that jeopardizes the safety of any individuals. Nobody has said that there is.

Mr. Speaker, as to the question of whether or not the release of the report will harm the national security, all I can tell the Members is that nine of the members of the committee felt that it would not and four of the members of the committee felt that it would, and the administration agrees with the minority.

As I see it, this is the issue: All the Members keep talking about what they think the issues are, so I will point out what I think the issue is as sincerely as I know how to do it. As I see it, the issue for us to decide today is whether or not we believe despicable, detestable acts should be reported.

I do not blame those who are responsible for trying to keep those acts secret. Shameful acts have been perpetrated, and lies have been told. Naturally, those who are responsible do not want their conduct exposed. There are those Members who believe it is more reprehensible to expose shameful conduct than it is to engage in it in the first place. We are being castigated by those who perpetrated the acts and then classified them.

The classification system is used and abused in many ways. It is used to hide failures of the intelligence-gathering system. Those failures are human and understandable. Wanting to keep failures secret is understandable, but the refusal of Congress to hear about them is not understandable to me.

The classification system is also used to hide from the American people conduct which the Government is ashamed to release. Allowing it to remain hidden by the cloak of the classification system for national security secrets makes Congress share complicity for the evil. Two examples of this kind of classification which are now in the public domain due to the release of classified information by congressional committees are the bombing of Cambodia and the assassination attempts against Castro.

Those reports were made by congressional committees from classified information. The Cambodians knew they were being bombed. Castro knew we were trying to kill him. We just kept it secret from the American people, in whose name these operations were being conducted for their alleged security.

Mr. Speaker, our choice today is whether or not to continue hiding shameful conduct and faulty judgment. Let us be honest enough to admit what it really is. It is not the national security that is involved; it is the national shame.

Jesus said: "Ye shall know the truth, and the truth shall make you free."

But, Mr. Speaker, the reverse is also true. If we refuse to face the truth and we refuse to deal with it, not only will we not be free, but we do not deserve to be.

Mr. QUILLEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. Fenwick).

[Mrs. Fenwick asked and was given permission to revise and extend her remarks.]

Mrs. FENWICK. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the remarks of the gentleman from Illinois (Mr. Anderson).

I cannot believe some of the things suggested to be followed when an issue of honor is at stake. The issue is not defending the horrible things that have been done. That is not the point. The point is, How are we going to do it?

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Illinois (Mr. Anderson).

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. Treen).

[Mr. Treen asked and was given permission to revise and extend his remarks.]

Mr. TREEN. Mr. Speaker, as a member of the select committee, I want to assure all who are here that I have the kind of respect that has been expressed here for the chairman of the committee, the gentleman from New York (Mr. Otis Pike), I think that he has done a very commendable job in a very difficult circumstance under very trying times, some of those trying which were caused by me. However, this is not the issue that is before the House. His competency, his dedication, those are not the issues at all.

Mr. Speaker, let us not turn this into a question of whether we are going to support one man in his point of view or not support that individual. I ask the Members to look at the record involved.

The Record of January 26, on page H290, in the first column sets forth the terms of the agreement solemnly undertaken by our committee with the executive branch. This agreement, this contractual arrangement, grew out of a confrontation which our committee had with the executive branch in getting information. In order to get this information, we agreed—many of the members reluctantly agreed—to the arrangement.

Let me read the pertinent portion of that agreement that was entered into by a vote of 10 to 3 on October 1 of this past year.

The agreement provides that information would be forwarded to the committee "with the understanding that there will be no public disclosure of this classified material, nor of testimony, depositions, or interviews concerning it, without a reasonable opportunity for us to consult with respect to it."

Therefore, consultation was the first thing agreed to.

Next, and I continue to quote the agreement:

"In the event of disagreement, the matter will be referred to the President. If the President then certifies in writing that the disclosure of the material would be detrimental to the national security of the United States, the matter will not be disclosed by the committee, except that the committee will reserve its right to submit the matter to judicial determination."

Mr. Speaker, the argument here is not about the words of the agreement, nor about whether we entered into it. The argument is whether or not that agreement applies to the final report of the committee.

I suggest these three things for your consideration: Keep in mind that this agreement was entered into on October 1, 1975, 4 months before the expiration date of this committee. When we provide, in the final sentence of this agreement, for the committee to go to court for judicial determination if there is disagreement with the President of the United States, then I ask: If we had been in agreement that we could disclose all of this information in the final report what would have been the purpose of having that provision?

Second, just before our recess in December of last year we had several motions before the committee to declassify certain information, and we prepared documents of declassification and went through this process knowing that we could not possibly devote our attention to the response of the agencies until we returned on January 19, 11 days before our final report. Now, why would we go to all of that trouble if we thought we could put the information into the final report?

Third, some of the information that was given to us covers many years. And, incidentally, I have to dispute the chairman (Mr. Pike) about the reference to events occurring in previous administrations. One of the motions I made was to take out classified material with respect to activities that went back over four administrations. So, many administrations were involved. This is not a partisan matter.

But does anyone think that the CIA and other agencies would come and give us, under the terms of this agreement, information going back over 15 or 20 years that was classified, if they felt that 4 months later we could release it to the entire world? That is outrageous and preposterous.

Again, contrary to what was said, this Member moved repeatedly to excise sections of this report that contained information that was submitted to us under the terms of this agreement, and for that reason only, because it was in violation of the agreement.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLLEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Louisiana.

Mr. TRENN. Mr. Speaker, I thank the gentleman for yielding me the additional time.

Mr. Speaker, in our daily workings with the executive branch of the Government, under our constitutional system, we enter into all kinds of agreements, and how, under our constitutional system of separation of powers we can expect to cooperate and work harmoniously, as the American people want us to do, if we do not live up to our agreements, I just do not know.

Mr. Speaker, the Bible has been invoked here. Well, I will invoke the sanctity of the obligations undertaken, freely and with complete understanding of what they were. I say that the integrity of this House is involved.

So, Mr. Speaker, I hope the Members will not be persuaded that the issue is something other than that which it is. I say to the Members, refer to the agreement and refer to the resolution that we voted on to create this committee in section 6(a) (2) which provides that we have the obligation not to disclose information that would hurt our intelligence activities.

The SPEAKER. The time of the gentleman has again expired.

Mr. QUILLLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. Bauman).

[Mr. BAUMAN asked and was given permission to revise and extend his remarks.]

Mr. BAUMAN. Mr. Speaker, I would suspect that this is a healthy effort in which we are engaged; far more healthy than it would have been had this report simply been filed and all of its many contents made public, with the attendant ramifications. Whatever the outcome, the full House of Representatives will have exercised its legislative prerogative on an historic occasion and the action will have the seal of a majority.

But, Mr. Speaker, I must confess I would have preferred a secret session in which the chairman of the committee could have explained in some detail to the Members what portions of the report he felt would not harm the international security of the United States, as he indicates he does not believe it would. We could have then made a much more intelligent decision on this issue.

I do not know that the very people in our midst who are anxious to impose sanctions and control the power of the executive branch over policies in international affairs, in security affairs, in defense matters, are the same ones who accord to the executive branch complete wisdom and power over every other aspect of our lives. When it comes to the international struggle with communism, they quite often cry that we must not fight against the evil force but instead examine our own national conscience at great and unreasonable length.

There is no doubt that when, for instance, the classified material regarding American assistance to the democratic parties in Italy was revealed the Italian Government fell. That was a direct result of the release of classified information. There is no doubt that America's position has been compromised repeatedly by committees on both Houses of Congress, and some individual Members blatantly have used classified information entrusted to them for their own purposes.

There are Members of this body and the other body who do not want any intelligence activity on the part of this country, and I think that is a most unreasonable attitude to adopt in a real world where the international struggle is eminently clear.

Men have died as a result of the stupid or malicious revelations of matters that were classified not to cover shame, but to cover noble acts—acts by men who died believing correctly that they were acting on behalf of their country. Try to explain what we might do here to the late Mr. Welch's family—this zeal to confess and to expose everything, regardless of the consequence.

All of us want to solve the problem posed by the grave mistakes of agencies. We must do that. All of us want to make right what has gone wrong in this country. But this is not an exercise in "Watergate" politics; this is not a "coverup" and it is unworthy to suggest otherwise. We seek only a chance for this House to act carefully in a very fundamental matter regarding whether or not our country is going to continue to exist at all; for there are people out there in the dark beyond the campfire kindled by this country's spark of freedom who look hungrily at the United States and seek its destruction. They are waiting for us to falter.

No, these Government agencies have not been perfect, nor should we bow to the Executive's every whim. But this is not just a matter of constitutional machismo with one branch vying against the other. We ought to join hands with an honest President of the United States, whom I respect and I think most of us respect for that honesty, and make a joint judgment as to what should or should not be revealed. If we are to err, let it be on the side of prudence, on the side of America.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. Erlenborn).

[Mr. Erlenborn asked and was given permission to revise and extend his remarks.]

Mr. ERLENBORN. Mr. Speaker, there are those who today have said the issue is: Do we trust the chairman of the committee? I do not think that is the issue. There are those who say: Are not the nine men who voted for this honorable man? Should we not trust them? I do not think that is the issue either.

Mr. Speaker, this is not a question as to whether the Congress or the House of Representatives is a viable and a coequal branch of Government. I believe it is, and I am jealous of the prerogatives of the House.

The question is: Do we let a committee act in the name of Congress? We do not when we pass legislation. We let the committee make recommendations to us. We then become informed, and we as informed Members pass judgment. I think that is what we should do in this case. The decision should be made by the House of Representatives, not by its committee. We should receive the report. We should look at the material. We should then cast an informed vote, and I think that means that to follow this process we should adopt the amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I would appeal again to the Members of this House that we should vote today for the Young amendment, because the security of this Nation is so important, and if we start whittling away our security measures, then the future of this Nation is not going to be secure.

As we celebrate our 200th anniversary and as we go forward for centuries to come, let us not destroy the very element that has made this Nation great—security around the globe and confidence in our people to carry out our activities abroad and here in America.

Mr. Speaker, I would urge the Members to vote for the Young amendment, and then if it is not adopted, against the resolution.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. Stratton.)

Mr. STRATTON. Mr. Speaker, let me make just two points in this very brief time in support of the Young amendment. The first is that there is no question about the authority of the Congress to determine how to handle classified matter if we want to do it; but the fact is that we have already passed legislation that turns that whole responsibility over to the executive branch and has assigned to the Director of Central Intelligence the responsibility for protecting classified matter. If we want to change that law, if we want to release classified matter ourselves, let us change the law and let us do it in an orderly procedure, not by the action of just nine Members.

The other point I want to make is that there is nothing unusual at all in a committee of this Congress checking with the Pentagon for classified material before releasing a report. This is what the Armed Services Committee, which probably deals with more classified material than any other committee, has done for years; and we have issued some pretty stinging reports. For example, there was a report in 1968 by a committee, of which I was a member, on the Mylai incident, a very critical report too. But we cleared it first with the Pentagon for security before we released it.

And you may be interested to know that the gentleman from New York (Mr. Pike) chaired a subcommittee on the *Pueblo* incident back in 1968, and issued a very critical report; but his subcommittee cleared that report with the Pentagon for security beforehand, too.

All the Young amendment does, Mr. Speaker, is to require that the Select Committee on Intelligence follow the usual procedures in this House, and the principles of the existing law on classified information, until such time as the Congress, in its wisdom, shall enact new laws regarding the safeguarding of classified security matter.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to a very distinguished Member of the House, the gentleman from Ohio (Mr. Hays).

Mr. HAYS of Ohio. Mr. Speaker, I find myself in a bit of a dilemma on this. My friend, Ed Koch, and I were discussing it at lunch and both of us agreed, and we may vote it opposite ways, that what we are being asked to do is vote on the report in the dark or let the President censor. Neither of us liked that situation. It seemed to us that the ideal situation would be to have the report and then go into executive session like the Senate does and then debate it and then vote, and then vote whether to release it or not, or whether to release some parts of it.

I think we are put in a very untenable position. I probably will vote not to release it, because I do not know what is in it.

On the other hand let me say it has been leaked page by page, sentence by sentence, paragraph by paragraph, and drop by drop to the New York Times, but I suspect, and I do not know and this is what disturbs me, that when this report comes out it is going to be the biggest nonevent since Brigitte Bardot, after 40 years and four husbands and numerous lovers, held a press conference to announce that she was no longer a virgin.

Mr. YOUNG of Texas. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas (Mr. Milford), a member of the Select Committee on Intelligence.

[Mr. Milford asked and was given permission to revise and extend his remarks.]

Mr. MILFORD. Mr. Speaker, we have had several comments from our colleagues about the nine great Americans on the Select Committee on Intelligence who have voted for the release of the report. And I agree with them, those men are indeed nine great Americans.

I am one of the four nongreat Americans on that committee. And I would like to correct one impression that has been put forward concerning the opinions of the four nongreats.

First of all, not a single one of us was opposed to conducting this investigation. Indeed we wanted it done. We wanted it done in every intimate detail.

Mr. Speaker, the only thing we are concerned about is that we do not want to announce our intelligence secrets to the world.

Furthermore everyone of these classified details that we are concerned with, and most of them are mere technical details, could be eliminated from this report and it would not change a single thing. It would not cover up a single act or item.

The problem, and it is a practical problem that we have been facing, is that no one on this committee and no one on the committee staff had any expertise in intelligence technicalities. What is in dispute here is intelligence technicalities. When the House Members read that report, most are not going to be able themselves to recognize these intelligence details. However, an experienced intelligence analyst, with our adversaries, will find the report to be a virtual bonanza.

That is all we are concerned with. Every one of these technical details could be eliminated without harming a single thing. As has been stated here, and I plead to the House, all that the Young amendment is doing is forcing it to be published initially as a classified document. We will all get a copy of it. All we have to do is sit down and read it ourselves and, if we think it should be made public or this House thinks it should be made public, it will take a simple resolution to publish it to the world.

The real issue involved here, the real gut issue, is: "Can nine Members of this House unilaterally release information that could be damaging to this Nation?" You see, once it is published, it is kind of like the fellow jumping off the Empire State Building and wanting to change his mind half way down. It simply cannot be done.

My friends, I plead that we vote for the Young amendment.

The argument has been made that—

"Since much of the report has already been leaked to the press, we might as well turn the rest loose."

That argument should be rejected for two good reasons: First, the American press is not an official organ or spokesman for the U.S. Government; the Congress, or an official congressional report is. Second, "Official" acknowledgement of certain past or present intelligence activities can seriously damage foreign relations by forcing some countries to take unpleasant reactions that otherwise could be avoided.

While it is true that a large part of the report has already been leaked to the press and, if every Member is given a copy, undoubtedly much more of the report will be leaked. The leaks will involve sensational or scandalous types of information. I am not concerned with these matters.

My concern deals with a number of classified technical details that are scattered throughout the report. These technical details will not make good headlines and will largely be ignored by the press. These same technical details will be a virtual bonanza for our adversaries' intelligence analysts.

By far, the greatest danger in publicly releasing the report would stem from the damage it would cause in our foreign relations with certain countries.

Relations with underdeveloped countries or politically unstable countries are at best an extremely difficult problem. The committee report will seriously aggravate these problems and may seriously harm the interest of the United States.

Many of these countries are vital to our Nation's welfare. Some produce and sell vital natural resources needed for our industries. Others are strategically vital for our economic well-being and our national defense. Normal diplomatic relations with these countries are often difficult or impossible.

For example, we may be receiving vital copper ore from country X whose head of state is a virtual tyrant over an enslaved people and who constantly denounces the United States as a "capitalistic monster." Obviously normal diplomatic relations would be impossible. Yet, we need the copper ore from country X and that country needs our manufactured goods.

While we may be in sympathy with the people and strongly opposed to the tyrant, the blatant fact of life still remains—we need each other. Furthermore, the tyrant has an option. He can sell his ore to our adversary. We cannot obtain the ore elsewhere. Therefore, it is vital to this Nation's welfare to maintain some sort of relation with country X, even though it is very distasteful to our people.

This type of situation is not unusual and it is the type that is often resolved through clandestine arrangements that are carried out by the CIA. The tyrant cannot openly do business with the United States because of his own internal political situation. These internal political problems may stem from the tyrant's fear of internal upheaval, relations with his neighboring countries or many other factors.

Several Members argue that most of the revelations in the report have already been published in the newspapers. This is true. However, the American press is not an official organ of the U.S. Government. While publication of such items creates problems, they are not usually fatal, because history has shown many such press accounts to be incomplete, inaccurate, and even untrue. Furthermore, the tyrant can denounce press reports without upsetting his neighbors or losing internal control.

Publication by the Congress or statements by the executive departments makes it official to the world. Such pronouncements force actions that would not otherwise have occurred.

In the hypothetical example given herein, once the clandestine relations are "officially" known, the tyrant of country X would be forced to terminate the mutually beneficial trade with the United States and go over to our adversaries. His people would still be enslaved and we would have lost an irreplaceable source of ore.

I urge you to vote for the Young amendment.

Mr. RIMMEL, Mr. Speaker, for the House to delay or not release the Select Committee on Intelligence's report at this time would destroy the credibility of this committee and its recommendations for revamping our intelligence agencies.

There has already been enough material released to the public on intelligence activity in the country to convince most people that the intelligence agencies have exceeded the authority granted them by the Congress. In fact, a number of these matters have already been referred to the Justice Department for investigation.

One of the lessons of Watergate is that Government secrecy can be injurious to the democratic process. Any unnecessary delay or administration restrictions on the release of this report merely adds to the

trust that people already have about their Government as a result of Watergate.

I support the chairman of the Select Committee on Intelligence (Mr. Pike) in his effort to release the committee report without prior clearance from the executive branch.

Mr. BINGHAM. Mr. Speaker, I have listened carefully to the debate on House Resolution 982 and the Young amendment, and I am prepared to vote against the latter and for the former.

I have no difficulty in concluding that the Select Committee has the obligation to give us its best judgment and the matters we asked it to investigate and that it cannot allow the executive branch to censor the committee's report. Moreover, it was clear from the start that that report would have to deal with, and discuss, many matters that have until recently been regarded as highly secret. And I have sufficient confidence in the chairman and the eight members of the Select Committee who voted for the report to have no fear that their report is going to damage the security interests of the United States or the strength of future intelligence operations.

However, I am somewhat troubled about whether the report constitutes a violation of the agreement the committee made with the executive. On this point I have come to the conclusion that this is a matter for the committee itself, not the House, to decide. Again, I am satisfied to accept the judgment of the majority of the committee that they have violated no agreement.

Mr. FRENZEL. Mr. Speaker, I shall support the committee amendment to House Resolution 982 forbidding the publishing of classified material. I would like to have the report published, but I do not see how we can do so under these circumstances.

In the first place, we do not even know what is in it. I think we all believe that classification is overdone, and is often used for purposes of censorship. Nevertheless, until we know what we are unilaterally unclassifying, I think discretion is the better part of valor.

The committee apparently made an arrangement with the Executive about withholding classified material. I do not think we should vote to abrogate that agreement until we know what is in it.

I understand that there is some precedent for publishing classified material. Since I have strong objections to over classification, or misuse of classification, I might vote to do so, but not blindly.

Therefore, Mr. Speaker, I shall have to support the committee amendment prohibiting release of classified material to unauthorized persons.

Mr. BROOMFIELD. Mr. Speaker, I am deeply disturbed by the latest confrontation between the President and the House Select Committee on Intelligence. At the heart of the issue is whether or not this body, or a component thereof, can keep its word. If we cannot, I seriously question whether we should ever again be entrusted with any investigative responsibility that requires a bond of trust.

For those of you that yet have not had the opportunity to delve into this matter, I invite your attention to the transcript of the Select Committee's October 1 meeting that decided how the committee would handle classified information. You will find that the committee voted, by a 9 to 8 majority, to be formally bound by procedures that precluded the present unilateral effort to declassify information.

A review of the debate within that meeting will also reveal no indication whatsoever that the adopted procedures were not also applicable to the use of classified information in the select committee's final report. Moreover, both Chairman Pike and the ranking minority member flatly declared that the acceptance of classified materials under the conditions stipulated by the executive branch constituted a binding precedent and policy that obtained for the full life of the select committee.

Knowing all that, it is beyond my comprehension how anyone can conclude that there is a distinction between releasing classified information in a final report versus some other means at an earlier date. That is a nuance that defies credibility.

I am a proponent of strong congressional oversight of the intelligence community, and have cosponsored legislation to bring that about. With such oversight, however, goes the heavy responsibility to practice it in a manner that does not jeopardize our national security interests.

Adoption of the select committee's majority opinion on this issue would call into serious question our ability to recognize that responsibility.

Mr. Speaker, it is imperative that we take action today that will insure that the word of this House will continue to mean something. Therefore, I endorse House Resolution 982 and urge its passage without further delay.

Mr. Young of Texas. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered on the amendment and on the resolution.

The SPEAKER. The question is on the committee amendment.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. Young of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 246, nays 124, not voting 62, as follows:

[Roll No. 291]

YEAS—246

Aldnor	Blanchard	Butler
Alexander	Boggs	Byron
Allen	Bonker	Carter
Anderson, III.	Bowen	Cederberg
Andrews, N.C.	Breaux	Chappell
Archer	Breckinridge	Clancy
Ashbrook	Brinkley	Clausen, Don H.
Ashley	Broomfield	Clawson, Del.
Bafalis	Brown, Mich.	Cleveland
Baldus	Brown, Ohio	Cochran
Bauman	Broyhill	Cohen
Beard, Tenn.	Buchanan	Collins, Tex.
Bedell	Burgener	Conable
Bennett	Burke, Fla.	Conlan
Bevill	Burke, Mass.	Conte
Biaggi	Burleson, Tex.	Cotter
Biester	Burlison, Mo.	Coughlin

Crane	Hyde	Quillen
D'Amours	Jarman	Rallsback
Daniel, Dan	Jeffords	Regula
Daniel, E. W.	Jenrette	Rinaldo
Daniels, N.J.	Johnson, Pa.	Roberts
de la Garza	Jones, Ala.	Robinson
Delaney	Jones, N.C.	Roe
Dent	Jones, Tenn.	Rogers
Derrick	Kasten	Rooney
Derwinski	Kazen	Rostenkowski
Devine	Kelly	Roush
Dickinson	Kemp	Rousselot
Downing, Va.	Kindness	Russo
Duncan, Oreg.	Krueger	Santini
Duncan, Tenn.	Lagomarsino	Sarasin
du Pont	Landrum	Satterfield
Edgar	Latta	Schneebell
Emery	Lent	Schulze
English	Levitas	Sharp
Brienborn	Litton	Shuster
Esch	Lloyd, Calif.	Sikes
Eshleman	Lloyd, Tenn.	Sisk
Eyaus, Ind.	Long, La.	Slack
Evins, Tenn.	Lott	Smith, Nebr.
Fary	Lujan	Snyder
Fenwick	McClory	Spellman
Findley	McCloskey	Spence
Fish	McCormack	Staggers
Fisher	McDade	Stanton, J. William
Fithian	McDonald	Steed
Flood	McKinney	Steelman
Florio	Mahon	Steiger, Ariz.
Flyant	Mann	Steiger, Wis.
Forsythe	Martin	Stratton
Fountain	Matsunaga	Stuckey
Frenzel	Mazzoli	Symington
Frey	Michel	Symms
Fuqua	Milford	Taylor, Mo.
Gaydos	Miller, Ohio	Taylor, N.C.
Gilman	Mills	Teague
Ginn	Minish	Thone
Goldwater	Mitchell, N.Y.	Thornton
Gonzalez	Mollohan	Treen
Goodling	Montgomery	Van Deerlin
Gradison	Moore	Vander Jagt
Grassley	Moorhead, Calif.	Vigorito
Gude	Mosher	Waggoner
Hagedorn	Murtha	Walsh
Haley	Myers, Ind.	Wampler
Hall	Myers, Pa.	Whalen
Hamilton	Natcher	White
Hammerschmidt	Neal	Whitehurst
Hansen	Nedzi	Whitten
Karsha	Nichols	Wilson, Bob
Hays, Ohio	Nowak	Wilson, Tex.
Heckler, Mass.	O'Brien	Wirth
Hefner	O'Hara	Wright
Henderson	Passman	Wylder
Hicks	Patten, N.J.	Yatron
Hightower	Perkins	Young, Alaska
Holt	Pettis	Young, Fla.
Horton	Pickle	Young, Tex.
Hubbard	Poage	Zablocki
Hughes	Pressler	Zerferetti
Hutchinson	Preyer	

NAYS—124

Abzug	Hannaford	O'Neill
Adams	Hardin	Obey
Addabbo	Harrington	Ottinger
Ambro	Harris	Pattison, N.Y.
Anderson, Calif.	Hawkins	Pike
Annunzio	Hayes, Ind.	Price
Aspin	Hechler, W. Va.	Fritchard
Badillo	Helsbroski	Rangel
Baucus	Holtzman	Rees
Beard, R.I.	Howard	Reuss
Bergland	Howe	Richmond
Bingham	Hungate	Rodino
Blouin	Jacobs	Roncallo
Boland	Johnson, Colo.	Rosenthal
Bolling	Jordan	Roybal
Brademas	Kastenmeyer	Ryan
Brodhead	Keys	St Germain
Brown, Calif.	Koch	Sarbanes
Burke, Calif.	Krebs	Scheuer
Burton, John	Leggett	Schroeder
Burton, Phillip	Lehman	Seiberling
Carney	Long, Md.	Shipley
Carr	McFall	Simon
Chisholm	McHugh	Smith, Iowa
Collins, Ill.	McKay	Solarz
Conyers	Macdonald	Stanton, James V.
Corman	Madden	Stark
Cornell	Maguire	Stokes
Danielson	Melcher	Studds
Davis	Meyner	Thompson
Dellums	Mezvinsky	Tsongas
Dingell	Mikva	Ullman
Downey, N.Y.	Miller, Calif.	Vander Veen
Drinan	Mineta	Vanik
Early	Mink	Waxman
Edwards, Calif.	Mitchell, Md.	Weaver
Ellberg	Moakley	Wilson, C. H.
Evans, Colo.	Moffett	Wolf
Foley	Moorhead, Pa.	Yates
Ford, Mich.	Murphy, Ill.	Young, Ga.
Ford, Tenn.	Nolan	
Glavin	Oberstar	

NOT VOTING—42

Andrews, N. Dak.	Holland	Peyser
Armstrong	Ichord	Quie
AuCoin	Johnson, Calif.	Randall
Bell	Jones, Okla.	Rhodes
Brooks	Karli	Riegle
Clay	Ketchum	Risenhoover
Diggs	LaFalce	Rose
Dodd	McCollister	Rummels
Eckhardt	McIlwain	Ruppe
Edwards, Ala.	Madigan	Sebelius
Fascell	Mathis	Shriver
Flowers	Meeds	Skubitz
Fraser	Metcalf	Stephens
Gibbons	Morgan	Sullivan
Green	Moss	Talcott
Guyer	Mottl	Traxler
Hanley	Murphy, N.Y.	Udall
Hébert	Nix	Wiggins
Heinz	Patman, Tex.	Winn
Hillis	Patterson, Calif.	Wylie
Hinshaw	Pepper	

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Udall against.
 Mr. Hanley for, with Mr. Pepper against.
 Mr. Mottl for, with Mr. Riegler against.
 Mr. Mathis for, with Mr. Green against.
 Mr. Flowers for, with Mr. Meeds against.
 Mr. Rose for, with Mr. Diggs against.
 Mr. Stephens for, with Mr. Karth against.
 Mr. Guyer for, with Mr. Nix against.
 Mr. Runnels for, with Mr. Clay against.
 Mr. Gibbons for, with Mr. Metcalle against.
 Mr. Ichord for, with Mr. Holland against.
 Mr. Rhodas for, with Mr. Moss against.
 Mr. McEwen for, with Mr. Patterson of California against.

Until further notice:

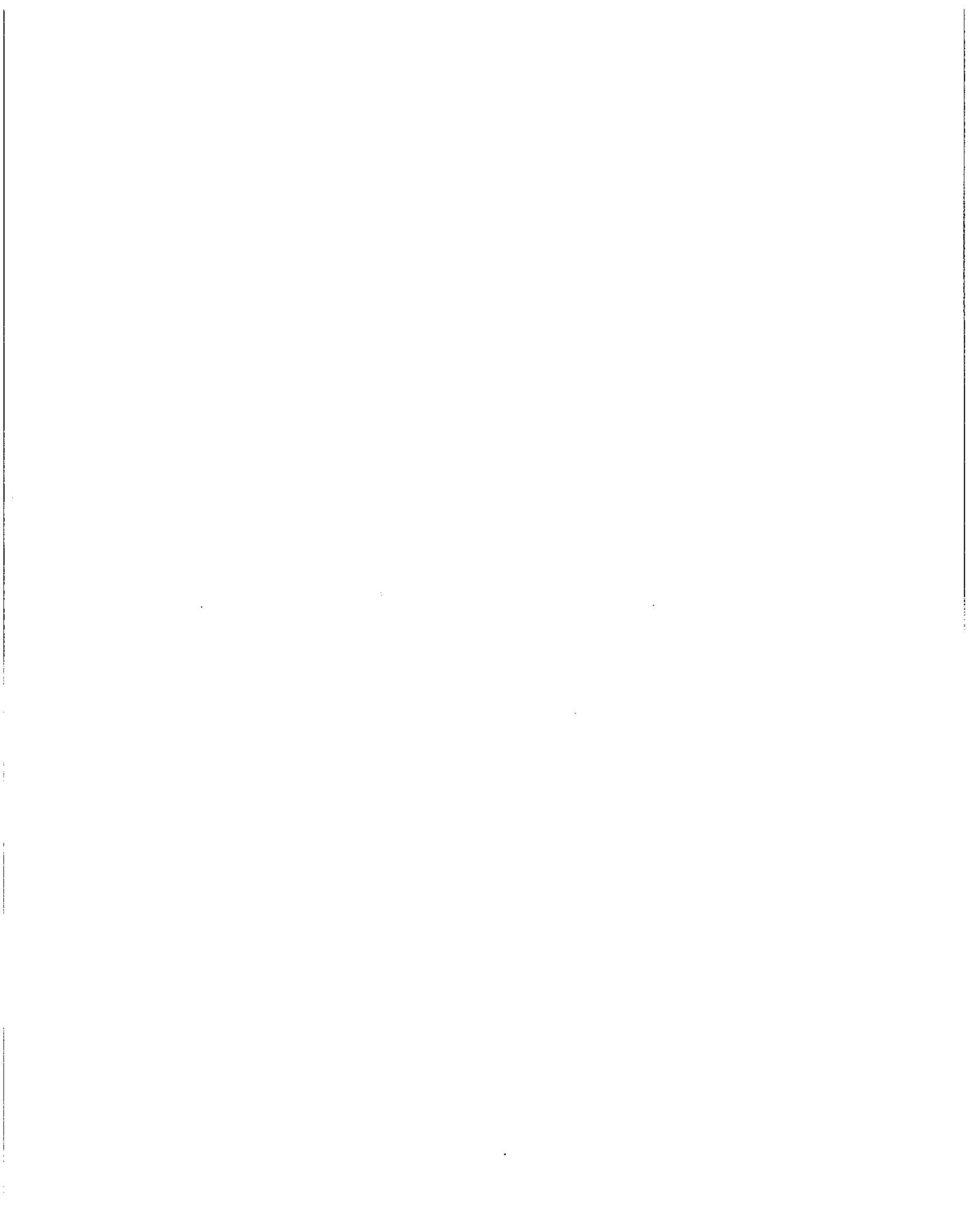
Mr. LaFalce with Mr. Andrews of North Dakota.
 Mr. AuCoin with Mr. Ketchum.
 Mr. Murphy of New York with Mr. Ruppe.
 Mr. Brooks with Mr. Sebalus.
 Mr. Dodd with Mr. Wylie.
 Mr. Fascell with Mr. McCollister.
 Mr. Fraser with Mr. Shriver.
 Mr. Morgan with Mr. Madigan.
 Mr. Patman with Mr. Wiggins.
 Mr. Randall with Mr. Talcott.
 Mr. Eisenhower with Mr. Feyser.
 Mrs. Sullivan with Mr. Quie.
 Mr. Traxler with Mr. Winn.
 Mr. Eckhardt with Mr. Heinz.
 Mr. Hillis with Mr. Johnson of California.
 Mr. Jones of Oklahoma with Mr. Skubitz.
 Mr. Armstrong with Mr. Hinshaw.
 Mr. Bell with Mr. Edwards of Alabama.
 Mr. Ryan changed his vote from "yea" to "nay."
 So the committee amendment was agreed to.
 The resolution, as amended, was agreed to.
 A motion to reconsider was laid on the table.

GENERAL LEAVE

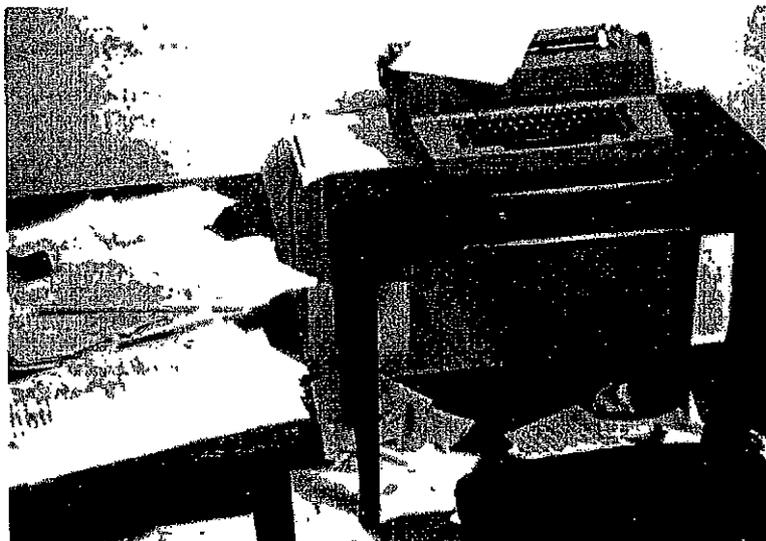
Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

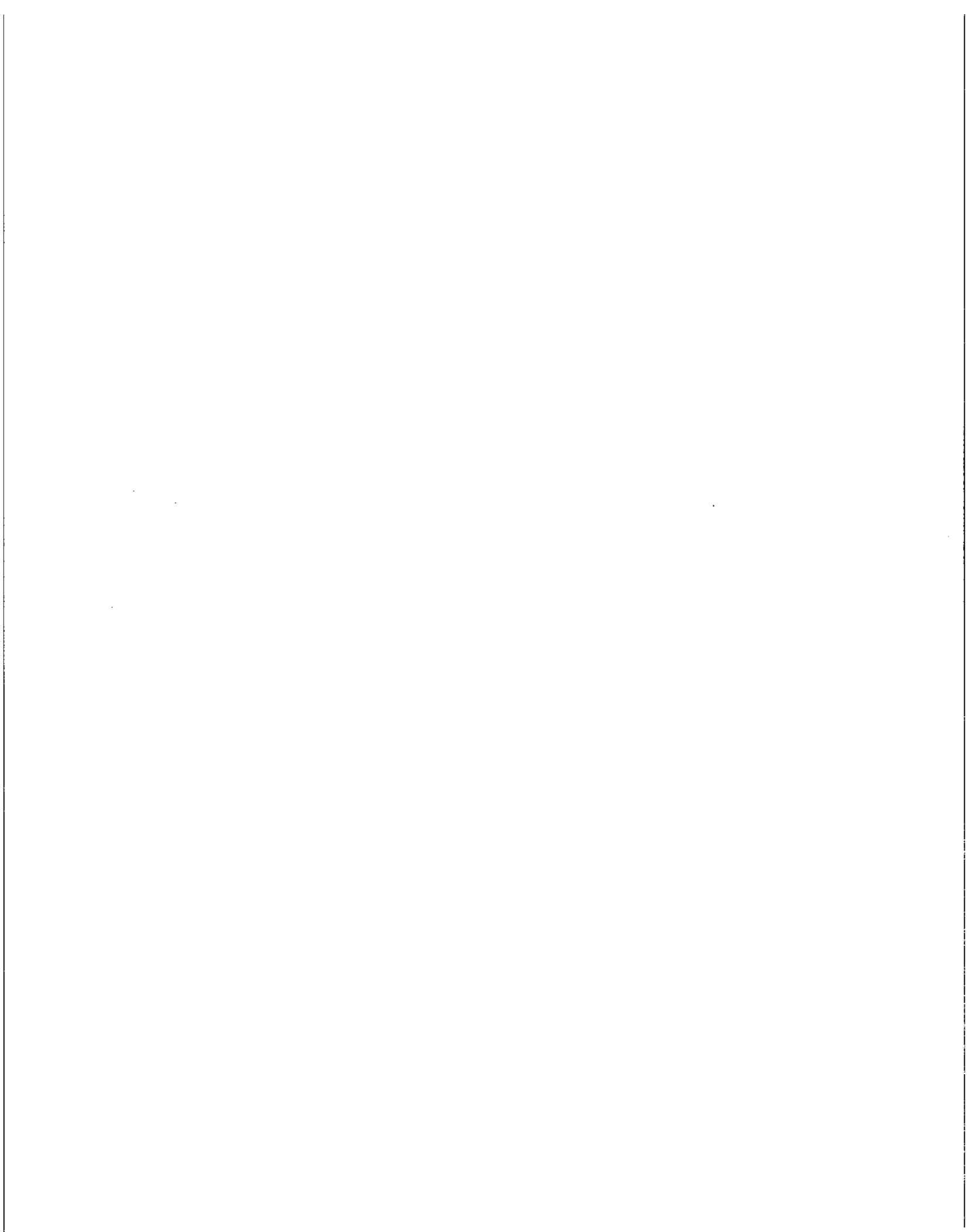
There was no objection.



APPENDIX 17



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APPENDIX 18

[From the Washington Post, Feb. 12, 1976]

MELODRAMA AT VILLAGE VOICE

(By William Claiborne and Laurence Stern)

After a week of clandestine melodrama complete with secret code names (Operation Swordfish) and covert working headquarters, Village Voice publisher Clay Felker went to press with a 24-page supplement under the titillating headline:

"THE CIA REPORT THE PRESIDENT DOESN'T WANT YOU TO READ"

By the time the circumstances of the Voice exclusive seeped to the surface there appeared to be some question whether it was more important as a substantive scoop or a journalistic morality play.

Felker, reflecting the secretive mood in the offices of New York magazine, which was the operations center for the Voice leak, said laughing "as far as I know, it landed on the back doorstep in a basket." Both publications are directed by Felker.

But other sources familiar with the hush-hush developments of the story say that CBS correspondent Daniel Schorr, who covered the intelligence committee for his network, was instrumental in transmitting the report to Felker.

It was also learned that a Washington-based organization of journalists, The Reporters Committee for Freedom of The Press, had agreed to accept "passively" any cash proceeds from publication of the report by arrangement with Schorr.

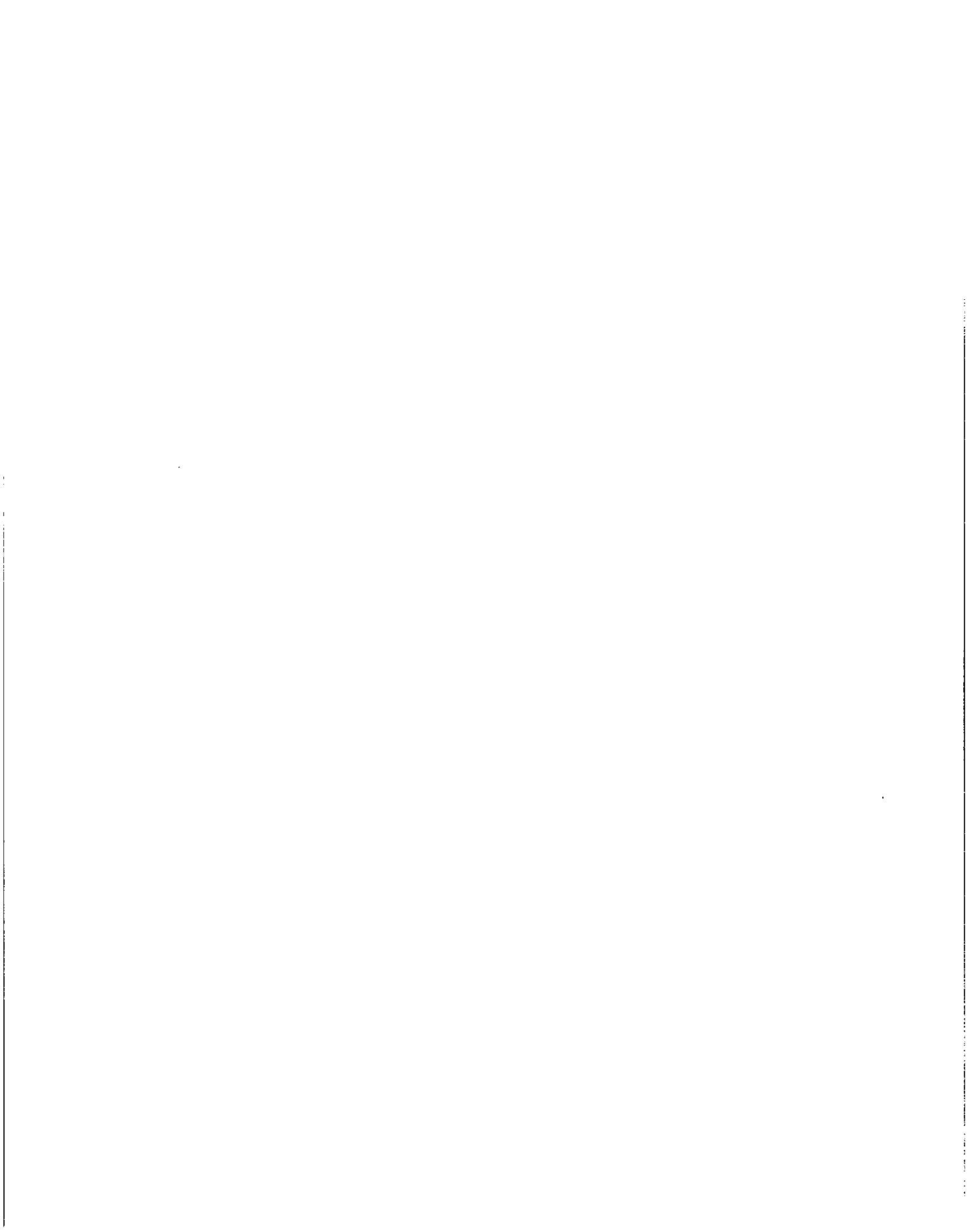
Schorr, who recently displayed the title page of the still-secret House committee report on television as he described some of its contents, said yesterday that he was obliged "to deny on the record that I have a copy of the report."

The CBS correspondent also denied that he had discussed the report with Felker. "I have no knowledge of how The Village Voice acquired its copy. I had no connection with it and I do not mean by that to state that I have a copy."

He added that whatever conclusions viewers might gather from having seen the report's title page on the screen "is something that they are inferring."

Schorr told a fellow CBS reporter on a CBS radio broadcast that he had a copy.

Schorr also acknowledged that in a conversation he had recently with a Washington Post editor he said he possessed the House report. He added, however, that he regarded it as a "business conversation" and off the record. Both Schorr and Post Assistant Managing Editor Harry M. Rosenfeld agreed that nothing was said about the conversations being off the record.



APPENDIX 19

[From the Washington Monthly, April 1976]

DAN SCHORR: THE SECRET SHARER

(By David Ignatius)

It was a nasty business, from beginning to end, and people got hurt. Dan Schorr, a CBS reporter who wanted to fix a spotlight on the CIA, found himself muzzled off the air by his employers. The staff director of the House Intelligence Committee, who wanted to expose the intelligence blunders that had surrounded Henry Kissinger's foreign policy, ended up waiting nervously to be interviewed by House Ethics Committee investigators assigned to track down Schorr's source. The trustees of the Reporters Committee for Freedom of the Press, who had helped Schorr find a publisher and agreed to accept the royalties, ended up apologizing for "crimes against journalism" (The Chicago Tribune) and "selling secrets" (The New York Times), and bickering among themselves over how to divide the blame.

Something had changed in Washington. That much was obvious. The House Intelligence Committee had been established to investigate the illegal, covert operations of the CIA. But by the end, the committee's own security lapses had become the focus of public attention, and it appeared that an official secrets act, far more repressive than anything which had come before, might result. The Democratic Congress, which only months before had been loudly asserting its independence of the White House, was now refusing, on the advice of the President, to sign its name to the report of one of its own committees—and then instructing another committee to investigate the first. It was a comic opera finale to the great era of investigation that had begun in 1973. Now Congress was attacking the Congress, the press attacking the press, the Administration (and those charged with committing illegal acts) gloating, ever so slightly, from the sidelines.

The story of how it all happened, reconstructed from scores of interviews, is a narrative of small details, of conflicts of interest among friends, of elite backstabbing, of ill-considered judgments, of ironies gross and delicate. There have already been a number of partial accounts—too many perhaps—but the story deserves a few words more. For it is a truly dismal chain of events, in which each participant seems to be wearing blinders, hurting those closest to him as he stumbles forward. It is a story in which everyone looks bad—though, as it turns out, Dan Schorr better than most—and it left many people with a queasy sense that the game—whatever game it was that the press, the Congress, and the Administration had been playing since Nixon left the White House—was over.

A year ago, in March 1975, when the game was still fun, many of the principals spent a weekend together at The Homestead in Virginia, attending one of those pleasant, foundation-sponsored confer-

ences where members of the elite meet to discuss common problems. This conference, sponsored by the Ford Foundation and The Washington Post, concerned "The Media and the Law." In a preface to a book published later, an observer wrote that the assembled journalists, jurists, lawyers, and government officials "struggled with the most troublesome First Amendment problems, argued, tested the high ground of principle against the erosive force of real world legal and journalistic practice, agreed to disagree, sometimes even agreed, and learned more about each other than most had ever known before."

Fred Graham of CBS was there, along with the other trustees of the Reporters Committee for Freedom of the Press. Harry Rosenfeld, national editor of The Washington Post was there, with his colleagues Ben Bradlee and Howard Simons. CIA Director William Colby led a group of prominent government officials.

Dan Schorr was there too, and he, perhaps more than any of the other journalists, symbolized the determination to press the First Amendment to its limits. Schorr could be aggressive, almost beyond reason, in pursuing stories about intelligence abuses. Later that year, chasing down a tip about CIA infiltration of the White House, Schorr would persistently question a National Security Council secretary who was at home recovering from major surgery, complicated by hepatitis, until she admitted that she worked for the CIA. (In truth the woman was just a CIA " detailee," working in the White House but paid by another agency for cosmetic budgetary reasons.) Later, Schorr came across Colonel Fletcher Prouty, a man whose experience with the CIA dated from the early 1960s, and put him on the CBS Morning News, where he inaccurately named Alexander Butterfield as a CIA contact in the White House. This kind of reporting on the CIA had led Colby's predecessor, Richard Helms, normally a gentleman, to call Schorr a * * * at a press conference. Schorr's aggressiveness intimidated even his own colleagues, who sometimes grumbled the CBS reporters had three competitors: NBC, ABC, and Dan Schorr. Yet Schorr was, by most accounts, a dedicated and highly competent reporter. As David Halberstam would note, he was an "old fashioned print journalist—too serious, too subtle, too talented, too aggressive for television."

Joe Califano, of Williams, Connolly & Califano, was at the media conference, too. A year later, he would be acting as Dan Schorr's lawyer, trying to help Schorr beat a contempt of Congress charge and save his job—after Schorr pressed the First Amendment farther than the House of Representatives or his employers deemed appropriate.

The Homestead conferees met for round-table discussions of three case studies, but the most interesting was the first. It described a hypothetical situation: Harlow Mason, an investigative reporter for The Federal City News, has come into possession of two documents about the CIA "which he believes highly newsworthy." But the CIA insists privately that publication of the documents would do "irreparable damage to national security." What should Harlow Mason do? Should it make any difference to anyone how he obtained his documents? Should he, or his editors, have to consider the effects of publication on the prestige and effectiveness of the intelligence agencies?

The discussion was civilized; there was little real disagreement. The press should do its job, namely, to make public everything it

could find out about the government. The government should protect only the secrets whose exposure would truly jeopardize national security—the sailing orders of the Polaris fleet, for example. Where there were grey areas, editors should intervene and make the hard decision. It was a reasonable discussion among reasonable men. And why not? CIA Director Colby was, at the time, completing his internal investigation of CIA abuses. The congressional committees would soon be examining this material and drafting new legislation to prevent future abuses. The Dan Schorrs would have a role, too: bringing before the public as much information as they could discover. If the Dan Schorrs ever got into trouble on First Amendment questions, the Reporters Committee would be there to defend them. That was the way it seemed a year ago, when the process of exposing and correcting CIA misconduct was beginning. The prospect seemed painful, even risky, to some. But that was what life in a democracy was all about, wasn't it? Suffering the indignities, and the risks, of living in an open society.

THE CUTTING EDGE

In the months after the conference at The Homestead, the House Intelligence Committee became the cutting edge of the drive to expose intelligence agency abuses. Where the Senate Intelligence Committee took a judicious posture, the House committee was a streetfighter. Key committee staffers began to see themselves locked in a struggle with one man—Secretary of State Henry Kissinger—who to them personified the anti-democratic impulse that had gotten America into so much trouble in the past decade. Led by combative Chairman Otis Pike, the House Intelligence Committee disdained “balance”; their job was to attack, attack, attack. The CIA, they reasoned, would not lack defenders in high places.

The most emphatic CIA defender was, in fact, the Secretary of State. Kissinger believed Pike and the others were reckless madmen: he saw them undermining necessary institutions and, perhaps worse, fostering the illusion that a superpower could ever conduct its diplomacy by pristine moral rules.

But Pike persisted. If exposure of illegal or incompetent activities made the continuation of such activities impossible, so much the better; and when Kissinger tried to withhold information from the committee on grounds that it would cause grave harm, Pike threatened to cite him for contempt. The committee had no use for Kissinger's arguments about stability and prestige. Such arguments were undemocratic, pure and simple. As one committee staff member observed in the waning days of the investigation, what the Kissingers failed to grasp was that an open, democratic society could never use clandestine operations as effectively as a closed, totalitarian one. “We have to get used to the idea that we'll never be as effective as the Soviets,” the staff member said. “We have to be willing to take the risk of less than perfect intelligence.”

The committee staff drafted its final report in January, and it reflected the streetfighter style. Written in non-bureaucratic prose (one person who read the first draft called it “anecdotal, one-sided, overdramatized and childish written”), the report chronicled every

devious move of the present Secretary of State, and every intelligence-gathering failure of the CIA. Here were all the embarrassing incidents: Tet, Czechoslovakia, Portugal, Iraq, Cyprus, and Italy; and the record of Kissinger's attempts to suppress the truth about them. In mid-January the first draft was submitted to the executive branch or more precisely, to Mitch Rogovin, an Arnold and Porter lawyer who had been retained by the CIA and was acting as chief contact between the agency and the committee. Rogovin parceled out the draft to the State Department and the CIA for comment, collected the comments, and passed them back to the committee.

In its second draft, the committee made some of the requested changes. Unlike the first, however, this one was not sent out for executive branch comments. Instead, it was given to the committee members for final approval. For the staff, it was the culmination of months of exhausting work. During the final drafting process, staff members had been up late most nights, typing in the office or at home, catching a few hours of sleep when they could. On Friday, January 23, the committee voted 9 to 4 to approve the report for publication.

Up to this point, reporters had been unable to wheedle much of the report out of the Pike committee. The members and staff had been guarded. Now, after the committee vote, everybody relaxed. The report was going to come out; it would soon be on the way to the printer.

Any reporter who had been following the committee carefully would have known that it would now be considerably easier to lay hands on a copy of the report than it had been before. And over the weekend of January 23-24, two reporters did get access to the second draft. One was John Crewdson of The New York Times. The other was Dan Schorr of CBS. Schorr made a Xerox copy of the report before returning it, doubtlessly hoping to stretch out his scoop, doing a story a day until the report was actually published. For a long time, no one knew what Crewdson had done with his copy.

THE BIG LEAK

In several weeks the hunt for the source of Schorr's copy would begin. The nearly universal assumption within the Washington press corps would be that Schorr's source had been A. Searle Field, the committee staff director. Indeed, it would be said that when Schorr admitted giving the report to The Village Voice, he came dangerously close to pinpointing his source, since it was widely known that Schorr and Field had been friendly since the Watergate days, when Field worked for Senator Lowell Weicker and Schorr covered the Watergate Committee. Field may indeed have aided Schorr's attempts to get the report. But there was informed speculation that the actual leaker was not Field, but the administrative assistant of one of the committee members. At this writing, the House Ethics Committee has appropriated \$350,000 towards its effort to identify Schorr's source, and the matter seems best left to them.

Wherever he got it, Schorr had his copy, and he used it for the first time on the night of Sunday, January 25. He chose to open with one especially juicy item—a memorandum detailing Senator Henry Jackson's efforts to protect former CIA Director Richard Helms from a Senate Foreign Relations Committee hearing into possible perjury

by Helms in earlier testimony on the CIA's role in Chile. Schorr showed on the television screen the actual memo describing Jackson's role.

The Administration was jolted by Schorr's Sunday night story. Not only was the report supposedly still secret, but the memo in question seemed to have been smuggled out of a room at the CIA headquarters in Langley, where Pike's staff had been allowed to read and make notes on documents undisturbed. Apparently the memo had been purloined—carried out in a pocketbook—by somebody on the committee staff who might have wanted to make political trouble for Senator Jackson. Angry at the disclosure, and the apparent larceny, the Administration increased its efforts to have the Pike report withheld from publication until it could be fully reviewed by the White House.

Schorr himself hadn't purloined any documents, and he had a good scoop, an exclusive. He prepared a second story for the Monday CBS Morning News, this time showing the cover of the Report. But the exclusive was short-lived. That same morning, The New York Times ran Crewson's comprehensive account of the highlights of the Report. Schorr must have assumed, regretfully, that the Times, too, had a copy.

Laurence Stern, The Washington Post reporter covering the Pike Committee, was considerably more upset than Schorr. Stern had just returned to the Post after a leave of absence. Although he was one of the most respected reporters on intelligence matters, Stern had been having difficulty establishing good sources on the House committee beat—so much so that he asked George Lardner, another Post reporter who had been covering intelligence, to help him make contacts. But top staff members, including Searle Field, had been unwilling to discuss the Report, even on "background." Now two journalistic rivals seemed to have their own copies. Stern protested this favoritism to the committee staff.

SUPPRESSION OF THE REPORT

The leaks from the Report were, paradoxically, helpful to the Administration in its effort to delay release. Ever since the assassination of CIA agent Richard Welch, following publication of his name by the American magazine Counter-Spy, observers could not help but feel uneasy about the effects of press disclosure of intelligence information. Leaks seemed to be killing CIA agents—and there developed a subtle shift of public opinion on the disclosure question. (The public's anger at Counter-Spy was to some extent misplaced, as James Fallows explains in another article in this issue.) As always, the House was an accurate barometer of public sentiment, and as the January 29 House vote on final publication of the report approached, the "safe" political position for an incumbent facing reelection appeared to be against disclosure. On January 28, the day before the vote, Schorr reported the House situation on the Cronkite show, displaying his copy of the Report and saying that the document he was holding in his hand might never be published.

The next day the House voted 246 to 124 to suppress the Pike Report pending White House clearance. Pike was suddenly the martyr, a role he rather liked after so many months of appearing as a com-

bative bully. Schorr, meanwhile, continued to report on the committee and in the days immediately after the vote, he must have felt some what peculiar, making his rounds in the Rayburn Building. Since all congressional copies of the Report had been impounded, any committee staffer who wanted to see what he had written would have had to ask Dan Schorr. The irony was not lost on the staff, several of whom jocularly told Schorr that the Report would never come out unless Dan Schorr released it.

Any other journalist who wanted a copy would also have had to come to Schorr—and that was just what Harry Rosenfeld, national editor of The Washington Post, did on the night of January 29, just after the House voted against publication. The two met at a reception at the Shoreham Hotel given by visiting Israeli Prime Minister Rabin. As Schorr was leaving the party, Rosenfeld approached him. "I'd like to get a copy of that report," Rosenfeld said. Schorr, who knew that most of the big stories in the Report were already out, asked Rosenfeld why he wanted it. Rosenfeld said that the Post had experts who could go over the document in detail and analyze its findings. Schorr offered to write a series of articles himself. Rosenfeld said no, that the Post wanted to assign its own reporters. Schorr said he would think about it.

The next morning, Rosenfeld called Schorr and said that Post executive editor Ben Bradlee had told him to withdraw the request, on grounds that the Post would not be willing to give CBS a similar document if the situation were reversed. Rosenfeld said he thought Bradlee was wrong, but that those were his orders.

Rosenfeld's keen interest might have been motivated by a fear that The New York Times had a full copy and was working up analysis stories of its own. But in the days after the January 29 vote, the Times was mum. Schorr must have begun to wonder whether he was, in fact, the sole possessor of the Pike Report and begun wondering, too, whether he had a responsibility to see that somebody published it in full.

On Tuesday, February 3, Schorr's suspicion that he was the sole possessor was confirmed by a call from William Safire, The New York Times columnist and former Nixon speechwriter. Safire, still carrying the special resentment of Henry Kissinger peculiar to those who worked in the Nixon White House, said that he was doing a piece on Kissinger's dealings with the Kurdish rebels in Iraq. (This was perhaps the most damaging material about Kissinger in the Report.) Would Schorr be willing to let Safire have the chapter on the Kurds? Schorr was startled. Doesn't the Times have a copy? he asked. Apparently not, Safire said. He had made inquiries at the Times, and Crewdson, it seemed, had only made notes.

SCHORR'S DECISION TO PUBLISH

Dan Schorr was in a bind. CBS had already used most of the hot items in the Pike Report. The network had gotten its scoops, and if there was anything in the Report damaging to national security, it had already come out. But the document itself was being kept from the public by a decision of Congress. It was one of those bizarre situations, all too frequent of late, where despite the wide dissemination of a set

of facts, formal admission of them—in the form of a book, sitting on library shelves where it could be thumbed through by any citizen—was deemed harmful to the national interest. It was an appalling situation, and Schorr wanted to get the document out, with an introduction, setting forth the background of Pike's investigation and explaining the national security issues implicit in the text.

But Schorr's situation had so many ambiguities. Was a decision of Congress to withhold a document binding on a reporter who had prior access to it? Would its publication add to the perception abroad that journalists were running the country, and thus hamper our diplomatic relations, as Kissinger claimed? Or would it instead encourage an invigorating debate on the role of intelligence in a democracy? If Schorr made the Report public, he could be accused of flaunting the will of Congress. But if he joined in the suppression, he might be violating the ethics of his profession.

Schorr did not want to make the decision alone. He called his friend Alan Barth, a former editorial writer at the Post and a sensitive student of First Amendment issues. He told Barth that he felt some responsibility to make the Report available, but that he would do it only if he could find some way where there would be no profit for him. Barth said he would think about it.

The next day, Barth called back. "You have to do it," he said. But he expressed anxiety about several points: What about the potential contempt of Congress problem? What about the source? What would CBS do? Barth said that if Schorr was willing to face the problems that would surely arise, he should release the Report. (When asked whether his name could be used on the record for this account, Barth considered the question for some time and then responded simply: "I want my name to be associated with Dan Schorr.")

Schorr, with Barth's help, had made this decision. He would see that the Report got out. But how? The obvious course of action was to get a CBS subsidiary to publish it, so that any monetary gain or notoriety would go to CBS, much as it already had from Schorr's use of the Report on CBS News.

The question of what discussions Schorr had about this with CBS is a touchy subject. Richard Salant, CBS News president, has refused to comment on reports that he talked personally with Schorr about possible publication through a CBS subsidiary. Some basic facts can be inferred: Publication by the principal CBS-owned publishing house, Holt, Rinehart, & Winston, was impossible. Holt, Rinehart produces hardback books and couldn't possibly do a quickie paperback of the sort Schorr wanted. But the other CBS publishing subsidiary, Popular Library, could—in fact, it would have been able to produce a Pike Report quickie in about ten days. Pat O'Connor, the editor of Popular Library, has refused to comment on whether such a quickie was even discussed, reflecting an order from CBS management not to discuss any aspect of the Schorr affair with reporters. But several sources have confirmed that there were such discussions, and that CBS executives decided against any Popular Library involvement.

THE REPORTERS COMMITTEE

Closed out of in-house publication, Schorr had to make other arrangements. He turned first to his colleague Fred Graham, CBS's

Supreme Court reporter. In his spare time, Graham served as a trustee of the Reporters Committee for Freedom of the Press, the Washington group specializing in First Amendment problems. As a brochure said of the committee's work: "The Reporters Committee Fights Back. [It] believes that every major challenge to press freedom requires an early and effective response on the part of the working press."

In many respects the Reporters Committee was a stepchild of the Nixon years. Created in 1970 when the Mitchell Justice Department was attempting to subpoena reporters' notes and jail those who refused to supply them, the committee had survived into the new, post-Nixon era, when reporters were triumphant culture heroes and government officials were in ragged retreat. The committee was also something of a pet project of CBS. In addition to Graham, Walter Cronkite was on the steering committee. And CBS itself had been the largest contributor, giving \$50,000 in 1975, more than double the amount of the next largest contributor. As if to stress how seriously the network took First Amendment rights, CBS President Arthur Taylor, warning of "cumulative erosion of press freedom," had pledged in May 1975 to help organize a \$2-million fund-raising drive for the committee.

So, in going to the Reporters Committee, Schorr had prudently chosen the boss's favorite charity. He explained the situation to Graham: he wanted the Report published as a quickie paperback, the way the Pentagon Papers were, with an introduction. It would be, in effect, The Pike Papers—the Dan Schorr Edition. But he needed help. Since publication was a First Amendment fight, he wanted any proceeds of the book sale to go to the Reporters Committee, where they could be used to help other reporters. Would the trustees agree to accept the money and vouch for Schorr's statement in the introduction of the book that he was turning over the money to charity? Graham said he would poll the trustees.

In the hours after Schorr's first discussion with Fred Graham, the telephones began ringing in a number of newspaper, legal, and foundation offices, as the small net of people with an intense interest in intelligence affairs began to hear that Dan Schorr wanted to unload the hot document.

John Marks, a former foreign service officer who had gone to work for the leftish Center for National Security Studies exposing CIA misdeeds, had learned that Schorr wanted to release the Report. Marks told this to his friend Robert Borosage, the Center's young director. Borosage then called his friend Chuck Morgan, director of the Washington office of the American Civil Liberties Union, and said that although Schorr apparently didn't want the Center's help (the group was too much identified as an antagonist of the CIA), he might be willing to release the Report through the ACLU. Morgan then called his friend Dan Schorr, saying that the ACLU would like to be helpful in any way it could. Somewhat taken aback, Schorr said that while he was grateful for the ACLU's interest, he didn't want publication to be an ACLU project. It was a reporters' thing, Schorr said, and he had already contacted the Reporters Committee.

Meaning to be helpful, Morgan then called his friend Jack Nelson, Washington bureau chief of the Los Angeles Times and told him that Schorr had the Report. The Times might be able to get a copy, Morgan said, if it were willing to print the full text. Nelson was inter-

sted, and made inquiries with his editors in Los Angeles. Word came back that the Times wanted the Report but would insist on using "editorial discretion" in choosing what to print. Having already decided against piecemeal publication, Schorr turned the offer down.

[It would later be said that this windmill telephoning had made identification of Schorr as the Voice's source inevitable.]

Fred Graham was the person on whom Schorr was actually depending, and Graham reported back that the Reporters Committee trustees had unanimously approved the arrangement. Just what the arrangement was is still a matter of dispute within the Reporters Committee. Several of the trustees believed that the group was to play a merely "passive" role—receiving, and publicly acknowledging, a contribution from Schorr in the amount he received from a publisher. But the committee, or at least one of its trustees, gave a more active sort of help: Fred Graham supplied Schorr with the name of a New York lawyer who knew the publishing world.

THE NEW YORK INTERMEDIARY

The New York lawyer was named Peter Tufo, and his role in the story is intriguing. Tufo was a personal friend of Fred Graham (they had known each other for ten years) and Graham's personal lawyer. When a desperate Spiro Agnew threatened, in the final days of his Vice Presidency, to subpoena some of Graham's notes on the Agnew case, Tufo immediately flew to Washington. By most accounts, Tufo was a charming, intelligent man, who had left his Midwestern background far behind and made it big in New York, winning the trust of the New York business and political elite. He was also making his way in cafe society, photographed often by Women's Wear Daily escorting Jackie Kennedy's sister Lee Radziwill to the movies, to society dances, and the like. (Women's Wear Daily called him a "walker"—their gossip term for someone who escorts prominent socialites about town.)

Finally, and most important, Tufo was a friend of Clay Felker, editor of New York and The Village Voice. Tufo was also a director of the parent company which owned the two publications. It appears to have been an extraordinary, multiple conflict of interest.

The question of whom Tufo was representing would later cause enormous confusion. Tufo now says he thought he was representing the Reporters Committee. The Reporters Committee now says he was representing Schorr. He may in fact have helped Felker most. But at the outset, he was probably just doing a favor for his friend Fred Graham.

Schorr explained to Tufo that he wanted to have the report published quickly, with an introduction. He thought by this point that he had the only copy, but he was uncertain enough to warn Tufo not to contact Quadrangle, The New York Times' book company, on the chance that Crewdson did have a copy which he might then release. Schorr was still thinking like a journalist. Beyond his basic conviction that the Report should be released, Schorr wanted to release it first. But Quadrangle was an unlikely bet anyway; there were only two houses specializing in quickie paperbacks, Bantam and Dell.

On Wednesday, February 4, Tufo called Oscar Dystel, publisher of Bantam Books. Dystel returned the call the next day, and Tufo outlined the proposal—in imprecise terms, but clear enough that Dystel

understood what was being offered. Dystel said that Bantam, which had published the Pentagon Papers, would be interested, but would probably want to publish in a joint venture with a newspaper like the Post or the Times. "We would want to talk about this with a partner," Dystel said. Dystel expected to see a copy of the Report the next day but when Tufo relayed the conversation, Schorr balked at the "joint venture" aspect. He was apparently afraid that such a relationship would disturb CBS. (Meanwhile, Schorr's business agent, Richard Leibner, was also making calls to Bantam and Dell.)

Tufo called Schorr Thursday night, February 5, with an important message. He was getting nowhere with book publishers. "But I do have one firm offer," he said, "Clay Felker." Tufo did not say which of Felker's publications was the potential publisher (although that could easily have been inferred: it would be impossible for a magazine like New York to publish the entire report in one issue). Tufo did not mention his business relationship and friendship with Felker, either. He just said that Felker was willing to publish the full text, and that he would make a "substantial" contribution to the Reporters' Committee.

Schorr groaned: "Oh, no . . . I've got to think about that. It's just too awful." And it was. For if there was one publisher Dan Schorr would not have wanted to entrust with the Pike Report, introduced by Dan Schorr, it was Clay Felker. In May 1975 Felker had published a very critical piece on Schorr in the Voice, written by Ann Pincus, a Washington free-lance and the wife of Washington Post reporter Walter Pincus. The next month, Felker published another Schorr profile, which Schorr also disliked, in New York. Schorr had been stung, especially by the Voice piece. His reaction when it first came out, a friend recalled, was "hysterical," and he threatened to sue for libel. Months later, he still refused to talk to the author, Ann Pincus, even when the two found themselves together in Aspen during the summer of 1975. Pincus had questioned Schorr's professionalism, and that, to Schorr, was unforgivable. Moreover, the Voice had been critical of CBS in recent months (so much so that CBS people were joking that Felker had a secret alliance with NBC), and Schorr was enough of a company man to be offended by that, too.

The prospect of publication in the Voice had obviously agitated Schorr. "Think about it," Tufo said. "But the offer is valid only until tomorrow. Felker has to have the document tomorrow afternoon."

Such an ultimatum was typical of Felker, dubbed "New York's Budding Beaverbrook" by [MORE] in 1975. One young writer would recall that Felker had used a similar hurry-up style in offering him a job as an editor—saying in one machine-gun sentence: "You wanna job? Whatd'dya make? I'll pay'ya more!" But in this case, Felker had a special reason for hustling a potential contributor. His first national issue of The Village Voice, planned for months, was coming out the next week. With the Pike Papers stuffed inside, it would probably sell out nationwide, attracting notoriety and new revenues for the financially ailing paper.

SCHORR'S MISTAKE

Schorr must have felt wretched. Here he had embarked on a First Amendment crusade, but the one firm offer of publication had come

from a publication he had reason to dislike. What was more, he had only 24 hours to make a decision. In a sense, he had no choice: he would give Felker the Pike Report, fulfilling the promise he had made to himself. But he would do no more. Somebody else would have to write the introduction. And, to spare himself personal embarrassment, Schorr would ask that his role in the transaction be kept quiet.

In this sudden change of plans, Schorr made his only major mistake in the Pike Papers affair. He had, commendably, wanted to take credit for releasing the Report, and to help explain its meaning to the public. But now, apparently, recalling past indignities—and thinking more about the form of publication than about content—he was asking for anonymity. Dan Schorr, more than most, should have learned to be thick-skinned about such criticism as he had received in Felker's publications.

He hadn't, and he would pay a severe price. For it seems clear, with hindsight, that open publication, with Dan Schorr's by-line on the introduction, would have spared Schorr most of his later problems with Congress, the Reporters Committee, and CBS.

(There is one other plausible speculation: that Schorr had last-minute source problems of his own. It is conceivable that whoever had given Schorr the Report in the first place learned that he was about to release it and insisted that Schorr provide a buffer of protection by not identifying himself in any way with publication. This explanation—it could not be confirmed—would place Schorr's behavior in a more favorable light.)

Schorr called Tufo Friday morning and told him that Felker could have the Report but would have to write his own introduction. The Report would be waiting at Schorr's house in Cleveland Park. Tufo called Oscar Dystel at Bantam and told him that the Report had "gone" elsewhere." And then, on Friday afternoon, Tufo left New York for the weekend.

The last-minute transformation of the project into a surreptitious, hushed-up deal would prove ruinous for Dan Schorr. But if anything, it increased the sex appeal of Felker's big scoop.

Felker wanted to get his hands on the Report immediately, so he dispatched his secretary, who took the air shuttle down and back, picking up the document from Schorr's housekeeper. (The secretary would later have a bitter argument with her husband about whether she did the right thing in helping transmit the document.)

Felker had chosen Aaron Latham to write the introduction. Latham was a careful reporter, who had made a name at The Washington Post before coming to New York. Under Felker's tutelage, he had become a master of the "reconstruction" story—recreating in loving detail the events of Nixon's Saturday Night Massacre, for example, and two years later, recreating in similar fashion Ford's firing of James Schlesinger and William Colby. Meticulous in his writing and attentive to his editor's advice, Latham was Clay Felker's star. "Clay had a crush on Aaron," observed Sally Quinn, who had reason to dislike them both after Latham wrote a savage profile of Quinn for New York. ("I can have any penis I want," was one memorable, but according to Quinn, inaccurately quoted line.) Quinn's comments may have been excessive, but Latham was close to Felker, and the ideal trusted aide to execute the Pike Papers project.

OPERATION SWORDFISH

When Latham walked into the New York offices that Friday afternoon, Felker took him aside. "We have a Pentagon Papers situation here," he said. He gave Latham the Report and asked him to make three copies: one for Felker, one for the typesetters, one for Latham to use in preparing his introduction. The operation codenamed "Swordfish" by Felker, would soon be moved to a secret headquarters at the offices of the Voice's typesetters, Sterling Graphics. But that afternoon Latham had to copy the entire 338-page draft in the crowded New York office. Felker, it seemed, had forbidden partitions, on the theory that people performed better with other people looking over their shoulders. Latham had to tell passers-by that he had written a novel.

The exact form which publication would take was still in question. The Report would be inserted in *The Village Voice*—that much was fairly clear. But there had been discussion with Schorr about the publication of a special 64-page "one-shot"—a copy of the Report which could be sold with the Voice and sold separately, too. On Friday afternoon, Felker discussed the "one-shot" with Latham, New York editorial director Shelly Zalaznick, the circulation director, and the distributor. The discussion was inconclusive. There were some jokes about the risks everybody was taking. Felker hypothesized his own arrest: "I'm going to go down screaming—'You never got the higher ups. You never got Kay Graham.'" Latham went home to 72nd Street to read his copy.

By Saturday Latham was the only one who had read the report through, and he was distressed. He had been looking for the major news story, the new scandal, the scoop, which the Voice could banner. But (as Schorr could have told him) all the headlines had already been printed. Latham was also worried that other publications might be preparing to run verbatim excerpts of their own. He called a friend on the Pike Committee, who confirmed that most of the findings—perhaps 70 percent—had indeed already been reported. But the staff member also made it clear that the Schorr copy, now in possession of Clay Felker, was probably the only one extant.

"Once I realized that not everyone had it, I knew we were on to something," Latham would recall. The laws of supply and demand, not the Report's contents, made the document valuable. It was suppressed—therefore a hot property. Latham realized that the headline would have to be, in effect, "The Village Voice Publishes Pike Report." That was the news—the act of publication.

On Sunday morning, on his way to get a cup of coffee, Latham met Shell Zalaznick, who was on his way to the Sterling Graphics office. Latham explained his worry that there was not much sensational news in the Report. The two agreed, tentatively, that the one-shot (which had been Dan Schorr's last hope for respectable publication of the full text) was a loser. Later that day, Felker agreed.

The Report would come out, in abbreviated form, as a 24-page insert in the regular edition of the Voice, folded into the usual jumble of Voice ads for massage parlors and dirty movies. There was some discussion about raising the price for this issue. Felker decided that there had already been so many price rises (the newsstand price had in-

raised from 25 to 35 to 50 cents during Felker's short tenure) that regular Voice readers would get angry.

Latham stayed up all night Sunday writing the introduction. Meanwhile, the report was being typeset, with the slug "Swordfish," and proofread. There was also some editing to be done, since even in agate type, the Report would never fit into the 24-page format. Part I, detailing the Pike Committee's frustrations in trying to get information from Henry Kissinger, was dropped entirely on the grounds that it was "boring." (It would be published the next week after requests from reporters and others.) In addition, about two thirds of the footnotes in Part II were cut—with the editors trying to preserve only those quoting classified CIA or State Department cables. "The rest were really boilerplate," Latham recalled. (Pike Committee staff members, however, would be despondent when they read the Voice edition and saw the cuts, since they felt that much of their case was developed in the careful documentation of the footnotes.)

By Tuesday, the Voice's presses were rolling. The next day, Wednesday, February 11, the Voice was heading toward newsstands across the country. It was a gala premier for Felker's first national issue—with a New York Daily News-style full-cover headline in red type: "The CIA Report the President Doesn't Want You to Read." And Clay Felker had it. William Safire (among others) called to congratulate him.

Meanwhile, in Washington, all hell was breaking loose. It was suddenly gangland war among the journalists, friends, and friends of friends who had hovered around the project. What was the Report doing in the Voice? And where was Dan Schorr's introduction? Was he even the source?

Laurence Stern of The Washington Post knew that there was a story here. Conversations with people who had knowledge of the matter led Stern to suspect strongly that Schorr was the source. Harry Rosenfeld could confirm that Schorr had had a copy. But it was difficult to confirm that Schorr had made it available to Felker. (The Post's Bob Woodward called his friend Latham that Wednesday afternoon and asked who the Voice's source was. Latham said he would divulge the name if Woodward would tell him who "Deep Throat" was.)

A LEAGUE OF FRIGHTENED MEN

After making some calls, Stern contacted Dan Schorr, and there ensued an extraordinary cat-and-mouse conversation, weaving back and forth, on and off the record. Stern, who felt that Schorr wanted "plausible deniability" on the record, made it as clear as he could "without being insulting" that he knew Schorr had given the Voice its copy. Schorr insisted on the record that he was not the source, but explained off the record some of what had happened. The line between off and on became blurred, and Schorr felt he had been betrayed the next morning when Stern's story on the "Journalistic Morality Play" appeared, naming Schorr as the source.

Stern's motivations for writing the story bear examination. Rightly or wrongly, reporters usually avoid naming sources—their own or other people's. Stern had broken the unwritten rule in this case. Some would later question whether Stern's resentment at failing to get the

Report himself when two other colleagues had it might have been a subtle motivation. But those who knew Stern found this implausible. "Stern is one of the few reporters who doesn't have a vindictive streak," Leslie Gelb of the Times observed. "It took courage for him to break the usual taboo on writing about other reporters." Stern himself would later explain that he had first learned about the story almost by accident and that he felt he had a responsibility to publish the information he had accumulated. He reasoned that "when the press gets involved in clammy affairs, we've got to be ready to report on them."

The recriminations were already beginning at the Reporters Committee, whose trustees were seeing the project to which they had devoted hundreds of hours of spare time ensnared in controversy over exchange of a classified document for money. They were angry: most of all at Dan Schorr, whose decision not to take credit in the Voice had given the whole arrangement a clandestine, guilty-handed aura.

On Thursday, February 12, Dan Schorr issued a statement admitting he had provided the Report to the Voice and denouncing the Reporters Committee for "leaks." The situation began to get vicious. Trustee Bob Maynard, a Post editorial writer, retorted that Schorr was "trying to make us a partner in his calumny." Trustee Jack Nelson told a reporter that Schorr was "just a no-good * * * trying to transfer blame to the committee in case his source gets burned." Steering Committee member Ken Auchincloss, managing editor of Newsweek, resigned from the committee in protest. Old friendships exploded that Thursday, as reporters began telling tales on other reporters—to reporters covering the story of the story.

The Reporters Committee trustees were feeling more chagrined than they needed to, and their sense of being caught unwittingly in the act of something sly, involving money, led them to suppress much of the true story of their dealings with Schorr. But there was another reason for their anxiety and obfuscation. One of the trustees, Fred Graham, was deeply involved in the publication arrangement. It was already clear that Schorr was in trouble at CBS (he would soon be taken off the intelligence beat, then suspended altogether from reporting), and the trustees hoped that by separating the Reporters Committee from Schorr, they could help protect Graham. A lawyer himself, Graham refused repeatedly to discuss any facet of the story with reporters—saying that he was "deferring to the wishes of the lawyers" and that "we've got to protect ourselves now."

Meanwhile, as the journalists were behaving like a league of frightened men, others in Washington moved to take what advantage they could from the disclosure. President Ford offered "the full resources and services of the executive branch" to track down the person who leaked the document to Schorr. Secretary of State Kissinger, in what was described as "an unusually hoarse and tense voice," told a press conference that the Schorr leak was "a new version of McCarthyism," which had "done damage to the foreign policy of the United States" in some way that he was too mortified to explain to the churls of the press. On Capitol Hill, House Intelligence Committee chairman Pike and staff director Field opined that they suspected the leak had come from the executive branch, as part of an effort to discredit the committee. Field would later explain, "You're dealing here with propaganda experts, whose stock-in-trade is to turn issues to their

advantage." The counterculture magazine, *Crawdaddy*, assuming that Field must be right (after all . . . who had benefited?), immediately assigned a reporter to expose the conspiracy. Rep. Samuel Stratton, in the meantime, introduced a successful resolution to investigate whether Dan Schorr should be held in contempt of Congress.

IRONIES GROSS AND DELICATE

As Larry Stern would later observe, "Evelyn Waugh, at his bitterest, could not have written a more depressing story." Schorr—deserted by most of his colleagues, threatened with a contempt citation, in danger of losing his job—was the only one who seemed to have a clear understanding of what had happened. He had done what he felt he had to and he was paying the price.

The gross irony of the matter was that Schorr's victimization came not at the hands of the government, but from the world in which he lived, worked, went to parties. His problems were, for the most part, created by his friends—other journalists, other liberals, others who shared his anger at the CIA. These people surrounded Schorr as soon as it was known that he had the hot item, wanting to make themselves useful, offering help, reinforcement—and then calling up other friends to chat about the matter. As the papers made their way across the spider web of the journalistic/social elite of Washington and New York, a little of Dan Schorr stuck at each point of contact, and finally he was caught.

Schorr himself was a part of this spider-web world, and it must be said that he played a major role in his own entrapment. For when he let an old resentment against Clay Felker and *The Village Voice* overrule his proper instinct to release the Pike Report openly, he plunged himself into the very world of secrecy, backstabbing, and betrayal which he had spent his career exposing.

The delicate irony was that Schorr's personal act of conscience seemed to have gone in vain. He had believed that release of the document would stimulate public discussion of the role of intelligence in a democracy, but he was in error. In the days after the Report was published there was not a single major analysis of its contents. There was no great debate over intelligence; no spontaneous court of public opinion; no apparent need, or even desire, to know—no sign whatsoever, in fact, of the vibrant democratic consciousness that journalists like to invoke when ferreting out secrets.

Instead, the public seemed to be angry at Dan Schorr and desirous to protect the fragile institutions of government from the assaults of people like him—people who, in the public mind, were weakening the country, exposing its foreign agents to assassination, divulging its secrets. This reaction was especially unfortunate in the case of the Pike Report, which provided citizens with genuinely useful information. Unlike earlier examinations of the CIA, this was not a collection of sensational revelations and blown covers. It was, instead, an attempt to analyze the consistently poor performance of our intelligence network abroad. The goal of the Report was, ultimately, to strengthen the CIA, not weaken it, and it provided the kind of facts about intelligence that informed citizens do need to know.

The public reaction was unfortunate, but it was real nonetheless. There was, in the meantime, a pained silence from most of Schorr's colleagues (Tom Wicker was a notable exception); but in the silence, one could sense a dawning recognition that although Dan Schorr had done no more than what a good reporter is supposed to do—get out the facts—he had misjudged the public temper. This was not the Pentagon Papers and he was not Daniel Ellsberg, and this was not even the same country, anymore, that had needed the press to batter its corrupted institutions, force a lying President out of office, strip the cover of national security from the CIA. The necessary demolition had been accomplished, and the country was like a wounded animal, leaderless and confused. But Dan Schorr—ever the reporter—was still battering away. It was an act of conscience—by one of the country's most dedicated broadcast journalists—but it suggested the limits of the press's role.

In this sense, something had changed. Schorr could rightly claim that he had only been doing his job. If information came into his possession, his only responsibility, his only choice, was to make it available to the public. And until the Big Leak, this view seemed widely accepted. CBS, which would later suspend Schorr, had not protested when he used the Report to scoop the other networks and win prestige for the corporation. The Reporters Committee, for all its recriminations, had done no more than what it had always done in the past—help reporters who believed that the First Amendment right to publish outweighed any other consideration. And the Congress, which now, facing reelection, wanted to disown the Report, had commissioned it in the first place in a flush of democratic sentiment, believing that the anarchic process of debate in an open society, with Congress always at the throat of the executive, and the press always at the throats of both, was preferable to the imperial presidency, the cult of intelligence, and the rest.

Those noble sentiments faded in February 1976, as after three bruising years. Washington's great experiment in democracy began to seem too dangerous, too raucous, too free.

We were all bureaucrats now, more concerned about the threat of leaks than with understanding the vital information they conveyed. And so an extraordinary period in our nation's history—in which the power and secrecy of the executive branch had, for a moment, been challenged; in which the scourge of CIA dirty tricks had, for a moment, been lifted; in which the lassitude of the Congress had, for a moment, been dispelled—seemed to have come to an end. Dan Schorr was the immediate victim, but we were all likely to pay a price.

THE RAIN THAT FALLS ON DANIEL SCHORR'S PARADE

Media By Nora Ephron

At the CBS Washington bureau, they are trying to keep straight faces over what has happened to Daniel Schorr, but it's not easy. Schorr is not a popular man, and there are a lot of people who are thrilled that he has been caught committing the journalistic sins of coyness, egomania and self service. These sins are, of course, common to all journalists, which is no excuse for getting caught at them. Nonetheless, his colleagues might have gritted their teeth and supported Schorr but for one thing: he panicked and attempted to shift the blame for what he had done, tried to implicate one of his co-workers in the deed, and that gave everyone the excuse they needed to abandon him entirely.

The issue of character probably should not intrude on a First Amendment case, but when it comes to Dan Schorr it's difficult to leave it out. Schorr insists that his problem ought to be shared by the journalistic community, that we must all hang together or we will most assuredly hang separately. As he put it recently: "It serves CBS, and it serves me, and it serves you—because whatever happens to me will someday happen to you—that we preserve a united front now. I really feel a little bit like the alliance in World War Two, where De Gaulle and Stalin and Roosevelt and Churchill sit down and say, you know, we're going to have some problems, but let's lick the Nazis first. . . ." This is an extremely peculiar metaphor, but the part that interests me is not the equation of Nazis with the House of Representatives but the phrase "whatever happens to me will someday happen to you." It is quite probable that what happened to Dan Schorr happened to him precisely because he was Dan Schorr. There are elements of the story, in fact, that are reminiscent of Appointment in Samarra, or any novel the theme of which is that a man's character is his fate (or, put another way, that the chickens always come home to roost). The plot is a simple one: a reporter whose obsession with scoops occasionally leads him to make mistakes develops an obsession about a secret document and makes several terrible blunders that lead to his downfall. What happened to Dan Schorr is a real tragedy, but only because he did so much of it himself.

To recapitulate: Schorr, fifty-nine, a CBS reporter since 1958, managed to make a Xerox of the Pike committee report on the C.I.A. a few days before it was scheduled to be released. He broadcast several stories based on it. Then, a few days later, on January 29, the House of Representatives voted not to release the report. Schorr discovered he was the sole possessor of it, and set about getting it published, preferably in a paperback edition for which he would write an introduction. He asked his boss, CBS News head Richard Salant, whether any of CBS's publishing subsidiaries were interested and sent Salant a Xerox of the report. After a few days, Schorr realized that CBS

was dragging its feet, so he contacted the Reporters Committee for Freedom of the Press. The committee put him in touch with its lawyer, Peter Tufo, who was also a board member of New York Magazine Company, which owns The Village Voice. Tufo and Schorr's business agent Dick Leibner struck out at two paperback houses—neither of CBS's publishing subsidiaries was contacted by them or Salant—and Tufo then made a deal with New York editor Clay Felker to publish the report. Felker agreed to make a voluntary contribution to the Reporters Committee, which he subsequently failed to do. In any case, the Reporters Committee had reversed ground and said it would not accept payment.

Schorr, meanwhile, had lost control. The report was about to be published in The Village Voice, which had recently printed an uncomplicated complimentary article about Schorr. For that reason, and to protect his source and himself, Schorr decided to abandon the idea of doing an introduction. "Once you start down a certain line," Schorr said later, "the steps by which one thing leads to another come very swiftly, and suddenly you're totally wrapped up in it. You want your copy published and not somebody else's. You find yourself saying, 'By God, I don't care if this appears in Pravda as long as it appears.' In the end you're amazed at how far you've come from what you originally wanted to do."

But what did Schorr originally want to do? These days, he says that his sole concern was getting the report out in public. "I had to consider whether I was going to cast the final decisive vote to suppress that report. . . . I would have been the one who prevented the American people from seeing a report that had been paid for with four hundred fifty thousand of their tax dollars." But that is only part of the story: Schorr was also concerned with getting the credit for his scoop. And he got his wish. On Wednesday, February 11, the report appeared in The Village Voice, with an introduction by New York writer Aaron Latham. On Thursday, February 12, Laurence Stern of The Washington Post published an article linking the report to Schorr. The New York Times denounced Schorr in an editorial, the House Committee on Ethics announced it would investigate him, and CBS suspended Schorr from his reporting duties.

The story so far is an exercise in bad judgment and bad form—neither of which ought to have cost Schorr the support of his colleagues. But it gets worse.

On January 29, the night the House voted to suppress the report, Schorr was at a reception at the Israeli embassy, where he saw his friend Harry Rosenfeld, the Washington Post national editor. Rosenfeld, whose paper had not been able to obtain access to the report, good-naturedly approached Schorr, grabbed him by the lapels and said, "I want that report." A conversation ensued. Schorr volunteered to write a series of articles for The Post based on the report. Rosenfeld said he was not interested, that he wanted his own reporters to see it. Schorr said he wanted The Post to print the entire text, Rosenfeld said he could make no such guarantee. Schorr said he could not do anything without consulting CBS. "Of course," said Rosenfeld. "The question is, are you through with it?" If Schorr and CBS were, said Rosenfeld, he would be glad to pay the cost of Xeroxing.

The next morning, Schorr saw Washington Post reporter Walter Pincus and told him that Rosenfeld had offered him money for the Pike report. Pincus reported the conversation to Rosenfeld, who had already talked with two other Post editors, who thought any sort of arrangement with Schorr was a bad idea. He called Schorr and withdrew the request for the report; he also told Schorr he was outraged at what Schorr had told Pincus. "Schorr is a * * * liar," Rosenfeld said later. "We don't pay for news." For his part, Schorr claims he misunderstood Rosenfeld. "Somehow money was mentioned," he says. "Harry says he was only talking about the cost of Xeroxing the report. I don't know what that is supposed to mean. I had a Xerox machine and he has a Xerox machine."

The day *The Village Voice* appeared, Laurence Stern of *The Post* called Schorr and asked if he was the source of the report. Schorr was unprepared for the call. On the record, he denied that he had any connection with *The Voice*. Off the record, he conceded that he did have a copy of the report and had tried to get it published through the Reporters Committee, but he continued to deny responsibility for the Voice leak. "The last thought I would have would be Clay Felker," he said. Stern had independent confirmation that Schorr had provided the report to *The Voice* and went with his story. A few days later, though, when he was going through his notes of his telephone conversation with Schorr, he noticed a remark of Schorr's he had not paid much attention to at the time: "I thought I had the only copy," Schorr had told Stern, "but someone must have stolen it from under me."

The "someone" Daniel Schorr was trying to implicate at that shabby point was Leslie Stahl, a CBS reporter who is one of several CBS employees (along with Eric Sevareid, Phil Jones and Dan Rather) who do not get along with Schorr. The morning *The Village Voice* appeared, Schorr took it into the office of Washington bureau chief Sandy Socolow. This is Schorr's version of the story:

"The *Village Voice* came in on Wednesday. So I go into Sandy Socolow's office with it. I'm still in this funny in-between stage. How do I tell CBS about my partners? How do I tell *The Washington Post* about my involvement? So here you have a day when CBS does not know it's me who's done this, and there is the Aaron Latham by-line. You have to understand that Aaron Latham is a boyfriend of Leslie Stahl's; he's a familiar figure around the office. Sandy looks at the by-line and says, 'Are you thinking what I'm thinking?' I shrugged. I did not say to him, 'You're off on a wrong tangent.' I did not at this point disabuse him. Then I heard Sandy asking one of the producers if he had been in the office when the thing was Xeroxed. I could see him formulating a theory that Leslie or Aaron had gotten hold of it in that way. None of this was said explicitly. The point is that there were a couple of hours when I did not dispel the suspicion. I couldn't have without saying it was me." Schorr paused.

"I think I went further," he said. "I had lunch with a junior Cronkite producer that day. 'What do you think of this report?' I said. I kind of led him to think that Leslie had something to do with it. I realized later in the afternoon that I was playing games for no reason at all. I went to Sandy and said, 'Before you start any investi-

gation of the Xeroxing, I know Leslie had nothing to do with it. I don't want to pretend I did anything particularly smart or wise. But if all this is blown up into a theory that I planned to blame Leslie or Aaron, it's just not true."

Sandy Socolow says that Schorr's version is "a rearrangement of what happened of the worst sort. It is just an absolute rewrite of history. He came into my office that morning with *The Village Voice*. I had no reason to believe he was the source of the *Voice* story—he had hated the piece *The Voice* ran about him, and he'd stopped speaking to the woman who wrote it. He came in, and these aren't specific quotes, but he said to me, shouldn't we check where Leslie and/or Aaron were while the Xeroxing was going on. The next morning the *Washington Post* article appeared, and Dan came in again and said, you have no reason to suspect Leslie or Aaron, and you can disregard everything I said to you yesterday." Don Bowers, the producer Schorr lunched with, called Leslie Stahl a few days later and told her that Schorr had flatly accused her of stealing the report from him. (Stahl consulted a lawyer about the possibility of a slander suit.)

There are a number of interesting peripheral issues here—the question of whether Schorr broke the ground rules in Xeroxing the report; the question of whether CBS or Schorr owned the report, the question of whether Peter Tufo informed Schorr of his conflict of interest—and I'm sorry I don't have the space to go into them. In any case, whether he had a right to or not, Schorr went ahead and bargained away a copy of the Pike report he had obtained as a CBS employee; that is the situation we're stuck with. I don't think CBS had the right to suspend him because he is the subject of an inquiry; they may have had the right to suspend him for not fully informing his employer that he intended to act as an agent for the report.

And so Dan Schorr is in what he calls "the full-time martyr business." He sees his lawyer, he speaks to college audiences, he picks up awards from the American Civil Liberties Union. And underneath it all, underneath this squalid episode, there is one thing that is crystal clear, and that is the legal question: whether the House of Representatives, having passed a resolution prohibiting publication of one of its reports, can then hold a citizen in contempt for causing that report to be published. The answer, for anyone who believes in the First Amendment, is that it cannot. It is impossible not to be angry with Dan Schorr for having made it so difficult for the rest of us to march in his parade.

