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provide assistance to a former agency official, E. Howard Hunt, who at the time worked for the President. Again, the question must be raised as to what White House authorization the agency was given to undertake the requested activities. Hunt's aid was cut off only when, in the words of the man who was then chief assistant to the deputy director, it appeared the agency was becoming involved in a "domestic clandestine operation."

In 1971 and 1972, according to Colby, the CIA undertook physical surveillances of five Americans including, apparently, newsman Jack Anderson, "to identify the sources of (news) leaks." This appears to complement the so-called "national security" wiretaps conducted by the FBI at the direction of the Nixon White House from 1969 to 1971. Again, the agency and the White House must make clear the authority under which the CIA conducted such operations.

In March 1974, Colby "terminated the domestic intelligence collection program (begun 7 years earlier) and issued specific guidelines that any collection of counterintelligence information on Americans would only take place abroad and would be initiated only in response to requests from the FBI. . . ." Was this at White House direction? And if not, could a future President reverse such a policy?

The FBI situation is slightly different. There is no information as to how or why former FBI Director J. Edgar Hoover began collecting politically-tantalizing material about congressmen and other public figures. One point is clear, however—he frequently used the information to titillate Presidents, and apparently no Chief Executive or White House aide ever told him to stop. When the so-called "national security" FBI wiretaps were operating, Hoover regularly sent social and political gossip picked up from overheard conversations to Nixon chief of staff, H. R. Haldeman. No objection or order to stop ever came back from the Oval Office.

One other presidential role in these areas needs exploration. Were agency directors ordered by the White House to cover up certain activities when called before congressional committees? Former CIA Director Helms, for example, when questioned by the Senate Foreign Relations Committee in February 1973, was asked directly about CIA participation in a White House plan in 1969 or 1970 to coordinate domestic intelligence activities. Helms said he could not recall—though he knew full well of his activities in 1970 Huston plan discussions. Last week he told senators he misunderstood the question.

At a May 1973 hearing, Helms told senators he had no idea that Hunt, prior to public mention of the Ellsberg break in, "was going to be involved in any domestic activity." Of course, he did—that was why aid to Hunt stopped. Former President Nixon and his aides kept a close watch over any congressional testimony that could implicate them or their assistants in Watergate. Was Helms told to mislead?

If current congressional efforts to harness the intelligence community break up as a result of lack of White House cooperation, additional allegations of past wrongdoings are bound to be made because the climate both inside and outside the secret security services has changed. Strong internal agency leadership has gone. And on Capitol Hill, the old staunch defenders of intelligence activities are either gone or powerless.

For those interested in protecting the legitimate functions of the intelligence community, the future looks grim—indeed black if the Ford White House fails to see that far more is needed than a narrow blue-ribbon commission studying a very narrow set of allegations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, will the Senator yield for 2 minutes?

Mr. PASTORE. I yield.

JOINT REFERRAL OF CERTAIN COMMUNICATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the Federal Energy Administration transmitting a study under Public Law 93-391, be referred jointly to the Committees on Interior and Insular Affairs, Public Works, Commerce and Finance, and that a second communication received this day from the Council on Environmental Quality on Land Use, prepared as a part of its annual report, be referred jointly to the Committees on Interior and Insular Affairs, Public Works, Commerce, Agriculture and Forestry.

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

AUTHORIZATION FOR COMMITTEE ON COMMERCE TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to file reports until midnight tonight.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SELECT COMMITTEE TO STUDY GOVERNMENTAL INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 21) to establish a Select Committee of the Senate to conduct an investigation and study of governmental operations with respect to intelligence activities.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Pursuant to the previous order, the Senate will now proceed to vote on the resolution, as amended. On this question the yeas and nays have been ordered, and clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. YOUNG (after having voted in the negative). On this vote I have a pair with the junior Senator from Washington (Mr. JACKSON). If he were present, he would vote "Yea." If I were permitted to vote, I would vote "Nay." I therefore withdraw my vote.

Mr. GRIFFIN (after having voted in the affirmative). On this vote I have a pair with the Senator from Ohio (Mr. TAFT). If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PELL), the Senator from California (Mr. TUNNEY), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

I further announce that the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Hawaii (Mr. INOUE) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. JAVITS) is necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. McCURE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

I further announce that the Senator from Ohio (Mr. TAFT) is absent to attend a funeral.

I further announce that, if present and voting, the Senator from New York (Mr. JAVITS), and the Senator from Maryland (Mr. MATHIAS) would each vote "yea."

The result was announced—yeas 82, nays 4, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—82

| | | |
|-----------------|-----------------|-------------|
| Abourezk | Eastland | Metcalf |
| Allen | Fannin | Mondale |
| Baker | Fong | Montoya |
| Bartlett | Ford | Morgan |
| Bayh | Garn | Moss |
| Beall | Glenn | Muskie |
| Bellmon | Goldwater | Nelson |
| Bentsen | Gravel | Nunn |
| Biden | Hansen | Packwood |
| Brock | Hart, Gary W. | Pastore |
| Brooke | Hart, Philip A. | Pearson |
| Buckley | Haskell | Percy |
| Bumpers | Hatfield | Proxmire |
| Burdick | Hathaway | Randolph |
| Byrd, | Hollings | Ribicoff |
| Harry F., Jr. | Hruska | Roth |
| Byrd, Robert C. | Humphrey | Schweiker |
| Cannon | Johnston | Scott, Hugh |
| Case | Kennedy | Sparkman |
| Chiles | Laxalt | Stennis |
| Church | Leahy | Stevens |
| Clark | Long | Stevenson |
| Cranston | Magnuson | Stone |
| Culver | Mansfield | Symington |
| Curtis | McClellan | Tower |
| Dole | McGee | Weicker |
| Domenici | McGovern | Williams |
| Eagleton | McIntyre | |

NAYS—4

Helms
Scott,
William L.

Talmadge
Thurmond

PRESENT AND GIVING LIVE PAIRS, AS
PREVIOUSLY RECORDED—2

Young, against
Griffin, for

NOT VOTING—11

Hartke
Huddleston
Inouye
Jackson

Javits
Mathias
McClure
Pell

Stafford
Taft
Tunney

So the resolution (S. Res. 21) was agreed to, as follows:

S. Res. 21

Resolved, To establish a select committee of the Senate to conduct an investigation and study of governmental operations with respect to intelligence activities and of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any agency of the Federal Government or by any persons, acting individually or in combination with others, with respect to any intelligence activity carried out by or on behalf of the Federal Government; be it further

Resolved, That (a) there is hereby established a select committee of the Senate which may be called, for convenience of expression, the Select Committee To Study Governmental Operations With Respect to Intelligence Activities to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any agency or by any persons, acting either individually or in combination with others, in carrying out any intelligence or surveillance activities by or on behalf of any agency of the Federal Government.

(b) The select committee created by this resolution shall consist of eleven members of the Senate, six to be appointed by the President of the Senate from the majority members of the Senate upon the recommendations of the majority leader of the Senate, and five minority members of the Senate to be appointed by the President of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The majority members of the committee shall select a chairman and the minority members shall select a vice chairman and the committee shall adopt rules and procedures to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may affix a lesser number as a quorum for the purpose of taking testimony or depositions.

Sec. 2. The select committee is authorized and directed to do everything necessary or appropriate to make the investigations and study specified in subsection (a) of the first section. Without abridging in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any agency or of any and all persons or groups of persons or organizations of any

kind which have any tendency to reveal the full facts with respect to the following matters or questions:

(1) Whether the Central Intelligence Agency has conducted an illegal domestic intelligence operation in the United States.

(2) The conduct of domestic intelligence or counterintelligence operations against United States citizens by the Federal Bureau of Investigation or any other Federal agency.

(3) The origin and disposition of the so-called Huston Plan to apply United States intelligence agency capabilities against individuals or organizations within the United States.

(4) The extent to which the Federal Bureau of Investigation, the Central Intelligence Agency, and other Federal law enforcement or intelligence agencies coordinate their respective activities, any agreements which govern that coordination, and the extent to which a lack of coordination has contributed to activities or actions which are illegal, improper, inefficient, unethical, or contrary to the intent of Congress.

(5) The extent to which the operation of domestic intelligence or counterintelligence activities and the operation of any other activities within the United States by the Central Intelligence Agency conforms to the legislative charter of that Agency and the intent of the Congress.

(6) The past and present interpretation by the Director of Central Intelligence of the responsibility to protect intelligence sources and methods as it relates to the provision in section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) that "... that the agency shall have no police, subpoena, law enforcement powers, or internal security functions. . . ."

(7) Nature and extent of executive branch oversight of all United States intelligence activities.

(8) The need for specific legislative authority to govern the operations of any intelligence agencies of the Federal Government now existing without that explicit statutory authority, including but not limited to agencies such as the Defense Intelligence Agency and the National Security Agency.

The nature and extent to which Federal agencies cooperate and exchange intelligence information and the adequacy of any regulations or statutes which govern such cooperation and exchange of intelligence information.

(9) The extent to which United States intelligence agencies are governed by Executive orders, rules, or regulations either published or secret and the extent to which those Executive orders, rules, or regulations interpret, expand, or are in conflict with specific legislative authority.

(10) The violation or suspected violation of any State or Federal statute by any intelligence agency or by any person by or on behalf of any intelligence agency of the Federal Government including but not limited to surreptitious entries, surveillance, wiretaps, or eavesdropping, illegal opening of the United States mail, or the monitoring of the United States mail.

(11) The need for improved, strengthened, or consolidated oversight of United States intelligence activities by the Congress.

(12) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement, to safeguard the rights of American citizens, to improve executive and legislative control of intelligence and related activities, and to resolve uncertainties as to the authority of United States intelligence and related agencies.

(13) Whether there is unnecessary duplication of expenditure and effort in the collection and processing of intelligence information by United States agencies.

(14) The extent and necessity of overt and

covert intelligence activities in the United States and abroad.

(15) Such other related matters as the committee deems necessary in order to carry out its responsibilities under section (a).

Sec. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate, but it may not exceed the normal Senate salary schedules; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpoena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpoena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpoena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have direct access through the agency of any members of the select committee or any of its investigatory or legal assistants designated by it or its chairman or the ranking minority member to any data, evidence, information, report, analysis, or document or papers, relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or em-