

94TH CONGRESS
1ST SESSION

S. RES. 21

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1975

Mr. PASTORE submitted the following resolution; which was ordered to be placed on the calendar (under general orders)

JANUARY 27, 1975

Considered, amended, and agreed to

RESOLUTION

To establish a select committee of the Senate to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government.

1 *Resolved*, To establish a select committee of the Senate
2 to conduct an investigation and study of governmental op-
3 erations with respect to intelligence activities and of the
4 extent, if any, to which illegal, improper, or unethical activ-
5 ities were engaged in by any agency of the Federal Govern-
6 ment or by any persons, acting individually or in combination
7 with others, with respect to any intelligence activity carried
8 out by or on behalf of the Federal Government; be it further

9 *Resolved*, That (a) there is hereby established a select
10 committee of the Senate which may be called, for con-

1 venience of expression, the Select Committee To Study
 2 Governmental Operations With Respect to Intelligence Ac-
 3 tivities to conduct an investigation and study of the extent, if
 4 any, to which illegal, improper, or unethical activities were
 5 engaged in by any agency or by any persons, acting either
 6 individually or in combination with others, in carrying out
 7 any intelligence or surveillance activities by or on behalf
 8 of any agency of the Federal Government.

9 (b) The select committee created by this resolution
 10 shall consist of eleven Members of the Senate, six to be
 11 appointed by the President of the Senate from the majority
 12 Members of the Senate upon the recommendation of the
 13 majority leader of the Senate, and five minority Members of
 14 the Senate to be appointed by the President of the Senate
 15 upon the recommendation of the minority leader of the
 16 Senate. For the purposes of paragraph 6 of rule XXV of the
 17 Standing Rules of the Senate, service of a Senator as a
 18 member, chairman, or vice chairman of the select committee
 19 shall not be taken into account.

20 (c) The majority members of the committee shall select
 21 a chairman and the minority members shall select a vice
 22 chairman and the committee shall adopt rules and procedures
 23 to govern its proceedings. The vice chairman shall preside
 24 over meetings of the select committee during the absence
 25 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

1 by any person by or on behalf of any intelligence agency
2 of the Federal Government including but not limited
3 to surreptitious entries, surveillance, wiretaps, or eaves-
4 dropping, illegal opening of the United States mail, or
5 the monitoring of the United States mail.

6 (11) The need for improved, strengthened, or con-
7 solidated oversight of United States intelligence ac-
8 tivities by the Congress.

9 (12) Whether any of the existing laws of the
10 United States are inadequate, either in their provisions
11 or manner of enforcement, to safeguard the rights of
12 American citizens, to improve executive and legislative
13 control of intelligence and related activities, and to re-
14 solve uncertainties as to the authority of United States
15 intelligence and related agencies.

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

19 (14) The extent and necessity of overt and covert
20 intelligence activities in the United States and abroad.

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

24 SEC. 3. (a) To enable the select committee to make
25 the investigation and study authorized and directed by this

intelligence agency
but not limited
wiretaps, or eaves-
dropping on States mail, or
mail.

strengthened, or con-
solidated intelligence ac-

ing laws of the
their provisions
ward the rights of
the executive and legislative
activities, and to re-
view the activities of United States

any duplication of
and processing
of intelligence agencies.

overt and covert
operations and abroad.
The committee
shall have the same responsibilities

committee to make
recommendations directed by this

1 resolution, the Senate hereby empowers the select committee
2 as an agency of the Senate (1) to employ and fix the com-
3 pensation of such clerical, investigatory, legal, technical,
4 and other assistants as it deems necessary or appropriate,
5 but it may not exceed the normal Senate salary schedules;
6 (2) to sit and act at any time or place during sessions,
7 recesses, and adjournment periods of the Senate; (3) to hold
8 hearings for taking testimony on oath or to receive docu-
9 mentary or physical evidence relating to the matters and
10 questions it is authorized to investigate or study; (4) to
11 require by subpoena or otherwise the attendance as witnesses
12 of any persons who the select committee believes have
13 knowledge or information concerning any of the matters
14 or questions it is authorized to investigate and study; (5)
15 to require by subpoena or order any department, agency,
16 officer, or employee of the executive branch of the United
17 States Government, or any private person, firm, or corpora-
18 tion, to produce for its consideration or for use as evidence
19 in its investigation and study any books, checks, canceled
20 checks, correspondence, communications, document, papers,
21 physical evidence, records, recordings, tapes, or materials re-
22 lating to any of the matters or questions it is authorized to
23 investigate and study which they or any of them may have
24 in their custody or under their control; (6) to make to the
25 Senate any recommendations it deems appropriate in respect

1 to the willful failure or refusal of any person to answer ques-
2 tions or give testimony in his character as a witness during
3 his appearance before it or in respect to the willful failure
4 or refusal of any officer or employee of the executive branch
5 of the United States Government or any person, firm, or
6 corporation to produce before the committee any books,
7 checks, canceled checks, correspondence, communications,
8 document, financial records, papers, physical evidence,
9 records, recordings, tapes, or materials in obedience to any
10 subpoena or order; (7) to take depositions and other testi-
11 mony on oath anywhere within the United States or in any
12 other country; (8) to procure the temporary or intermit-
13 tent services of individual consultants, or organizations there-
14 of, in the same manner and under the same conditions as
15 a standing committee of the Senate may procure such serv-
16 ices under section 202 (i) of the Legislative Reorganiza-
17 tion Act of 1946; (9) to use on a reimbursable basis, with
18 the prior consent of the Committee on Rules and Adminis-
19 tration, the services of personnel of any such department
20 or agency; (10) to use on a reimbursable basis or other-
21 wise with the prior consent of the chairman of any sub-
22 committee of any committee of the Senate the facilities or
23 services of any members of the staffs of such other Senate
24 committees or any subcommittees of such other Senate com-
25 mittees whenever the select committee or its chairman deems

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 Senate com-
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1 that such action is necessary or appropriate to enable the
 2 select committee to make the investigation and study author-
 3 ized and directed by this resolution; (11) to have direct
 4 access through the agency of any members of the select
 5 committee or any of its investigatory or legal assistants
 6 designated by it or its chairman or the ranking minority
 7 member to any data, evidence, information, report, analysis,
 8 or document or papers, relating to any of the matters or
 9 questions which it is authorized and directed to investigate
 10 and study in the custody or under the control of any depart-
 11 ment, agency, officer, or employee of the executive branch
 12 of the United States Government, including any department,
 13 agency, officer, or employee of the United States Govern-
 14 ment having the power under the laws of the United States
 15 to investigate any alleged criminal activities or to prosecute
 16 persons charged with crimes against the United States and
 17 any department, agency, officer, or employee of the United
 18 States Government having the authority to conduct intelli-
 19 gence or surveillance within or outside the¹ United States,
 20 without regard to the jurisdiction or authority of any other
 21 Senate committee, which will aid the select committee to
 22 prepare for or conduct the investigation and study authorized
 23 and directed by this resolution; and (12) to expend to the
 24 extent it determines necessary or appropriate any moneys

1 made available to it by the Senate to perform the duties
2 and exercise the powers conferred upon it by this resolution
3 and to make the investigation and study it is authorized by
4 this resolution to make.

5 (b) Subpenas may be issued by the select committee
6 acting through the chairman or any other member designated
7 by him, and may be served by any person designated by
8 such chairman or other member anywhere within the borders
9 of the United States. The chairman of the select committee,
10 or any other member thereof, is hereby authorized to admin-
11 ister oaths to any witnesses appearing before the committee.

12 (c) In preparing for or conducting the investigation
13 and study authorized and directed by this resolution, the
14 select committee shall be empowered to exercise the powers
15 conferred upon committees of the Senate by section 6002 of
16 title 18, United States Code, or any other Act of Congress
17 regulating the granting of immunity to witnesses.

18 SEC. 4. The select committee shall have authority to
19 recommend the enactment of any new legislation or the
20 amendment of any existing statute which it considers neces-
21 sary or desirable to strengthen or clarify the national secu-
22 rity, intelligence, or surveillance activities of the United
23 States and to protect the rights of United States citizens
24 with regard to those activities.

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by this resolution
it is authorized by

select committee
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the national secu-
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1 SEC. 5. The select committee shall make a final report
2 of the results of the investigation and study conducted by
3 it pursuant to this resolution, together with its findings and
4 its recommendations as to new congressional legislation it
5 deems necessary or desirable, to the Senate at the earliest
6 practicable date, but no later than September 1, 1975. The
7 select committee may also submit to the Senate such interim
8 reports as it considers appropriate. After submission of its
9 final report, the select committee shall have three calendar
10 months to close its affairs, and on the expiration of such
11 three calendar months shall cease to exist.

12 SEC. 6. The expenses of the select committee through
13 September 1, 1975, under this resolution shall not exceed
14 \$750,000 of which amount not to exceed \$100,000 shall be
15 available for the procurement of the services of individual
16 consultants or organizations thereof. Such expenses shall be
17 paid from the contingent fund of the Senate upon vouchers
18 approved by the chairman of the select committee.

19 SEC. 7. The select committee shall institute and carry
20 out such rules and procedures as it may deem necessary to
21 prevent (1) the disclosure, outside the select committee, of
22 any information relating to the activities of the Central In-
23 telligence Agency or any other department or agency of the
24 Federal Government engaged in intelligence activities, ob-

1 tained by the select committee during the course of its study
2 and investigation, not authorized by the select committee
3 to be disclosed; and (2) the disclosure, outside the select
4 committee, of any information which would adversely affect
5 the intelligence activities of the Central Intelligence Agency
6 in foreign countries or the intelligence activities in foreign
7 countries of any other department or agency of the Federal
8 Government.

9 SEC. 8. As a condition for employment as described in
10 section 3 of this resolution, each person shall agree not to
11 accept any honorarium, royalty or other payment for a
12 speaking engagement, magazine article, book, or other en-
13 deavor connected with the investigation and study under-
14 taken by this committee.

15 SEC. 9. No employee of the select committee or any
16 person engaged by contract or otherwise to perform services
17 for the select committee shall be given access to any classi-
18 fied information by the select committee unless such em-
19 ployee or person has received an appropriate security clear-
20 ance as determined by the select committee. The type of
21 security clearance to be required in the case of any such
22 employee or person shall, within the determination of the
23 select committee, be commensurate with the sensitivity of
24 the classified information to which such employee or person
25 will be given access by the select committee.