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 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

2 Resolved, That (a) there is hereby established a select committee of the Senate which may be called, for con-
venience 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 recommendation 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 Houston 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 eaves-
dropping, illegal opening of the United States mail, or
the monitoring of the United States mail.

(11) The need for improved, strengthened, or con-
solidated oversight of United States intelligence ac-
tivities 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 re-
solve 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 ques-
tions 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
subpena or order; (7) to take depositions and other testi-
mony on oath anywhere within the United States or in any
other country; (8) to procure the temporary or intermit-
tent services of individual consultants, or organizations there-
of, in the same manner and under the same conditions as
a standing committee of the Senate may procure such serv-
ices under section 202 (i) of the Legislative Reorganiza-
tion Act of 1946; (9) to use on a reimbursable basis, with
the prior consent of the Committee on Rules and Adminis-
tration, the services of personnel of any such department
or agency; (10) to use on a reimbursable basis or other-
wise with the prior consent of the chairman of any sub-
committee 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 com-
mittees 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 employee of the executive branch of the United States Government, including any department, agency, officer, or employee of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States and any department, agency, officer, or employee of the United States Government having the authority to conduct intelligence or surveillance within or outside the United States, without regard to the jurisdiction or authority of any other Senate committee, which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys
made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpoenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

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

Sec. 4. The select committee shall have authority to recommend the enactment of any new legislation or the amendment of any existing statute which it considers necessary or desirable to strengthen or clarify the national security, intelligence, or surveillance activities of the United States and to protect the rights of United States citizens with regard to those activities.
SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than September 1, 1975. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through September 1, 1975, 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 Senate upon vouchers approved by the chairman of the select committee.

SEC. 7. 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, ob-
tained 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.

Sec. 8. As a condition for employment as described in
section 3 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 en-
deavor connected with the investigation and study under-
taken by this committee.

Sec. 9. 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 classi-
fied information by the select committee unless such em-
ployee or person has received an appropriate security clear-
ance 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.