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ADMINISTRATION POSITION ON RHODES-COHEN
BILL TO ESTABLISH A JOINT COMMITTEE ON INTELLIGENCE

The Administration generally supports the objectives of this bill, especially the establishment of a joint committee, as opposed to separate committees, to oversee intelligence activities. Also attractive is the fact that the bill provides for a classification system to be used by the committee and sanctions against members of the committee or its staff for unauthorized disclosure of classified information.

However, agencies of the Executive Branch have noted some problems with this draft bill:

1. The committee's oversight jurisdiction would include FBI's counterintelligence and internal security activities within the United States. These are fundamentally different from the activities of foreign intelligence agencies and should not be considered by the same committee.

2. The various departments and agencies under the committee's jurisdiction would be required to keep it "fully and currently informed" with respect to "any" intelligence activity. The departments and agencies are also required to furnish "any periodic reports requested by the Joint Committee." Conceivably, the committee could require periodic reports on covert actions prior to their implementation. This raises serious Constitutional and practical problems.



3. The committee is given exclusive legislative jurisdiction over the authorization of funds for foreign intelligence agencies. However, it is not clear whether the bill is intended to require authorization for appropriation accounts not now subject to authorization. The bill should make clear that it is not imposing any new authorization requirements.

4. This bill does not amend or repeal the Hughes-Ryan amendment which requires information on covert actions to be passed to six committees of the Congress.

5. The committee's legislative jurisdiction would be exclusive. The bill, however, does not appear to deprive other committees of their oversight jurisdiction of intelligence activities. Therefore, much duplication would continue to exist and many committees would still receive highly sensitive information. As a result, a major benefit of a joint committee is lost.



6. The provision which appears to limit the number of members on the joint committee who may also be members of the committees on Appropriations, Armed Services, and Foreign Relations (or International Relations) should be amended. (Section 2 (a)).

There should be no limit on membership overlap among these committees. Indeed, this provision should require that a minimum number of members of the joint committee be drawn from these other committees. This is especially true if the other committees are allowed concurrent oversight jurisdiction over intelligence activities.

7. The bill should contain a requirement that committee staff members enter secrecy agreements before receiving access to classified information.

8. The bill's definition of "intelligence activities" seems unduly broad (Section 12). It would cover the normal activities of foreign service officers abroad. Even the apparently intended exclusion of tactical intelligence is not completely clear.



The breadth of this definition is more troublesome if Section 3 is read as requiring authorization of funds for all intelligence activities rather than merely giving the joint committee authorizing jurisdiction over those appropriation accounts now subject to authorization.

THE WHITE HOUSE
WASHINGTON

February 19, 1976

MEMORANDUM FOR: JACK MARSH
FROM: CHARLES LEPPERT *CLg.*
SUBJECT: Rep. John J. Rhodes (R-Ariz.)

Attached is a copy of the Rhodes-Cohen bill and section by section analysis to establish a Joint Committee on Intelligence.

Rhodes wants to introduce the bill today, February 19, 1976, and requests the Administration position on this bill.

Can we give him a reply today?

cc: Max Friedersdorf
Vern Loen
Tom Loeffler
Bill Kendall
Joe Jenckes
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94th Congress
2d Session

Mr. Rhodes (for himself and Mr. Cohen)

JOINT RESOLUTION

To provide for the establishment of a Joint Committee on
Intelligence.

Resolved by the Senate and House of Representatives
of the United States of America in Congress assembled,

Establishment

Section 1. There is hereby established a Joint Committee
on Intelligence (hereinafter in this joint resolution referred
to as the "Joint Committee").

Membership

Sec. 2. (a) The Joint Committee shall be composed of 9
Members of the Senate and 9 Members of the House of Repre-
sentatives to be appointed as follows:



(1) 5 Members of the Senate from the majority party and 4 Members of the Senate from the minority party, appointed by the President of the Senate, including not more than 2 Members from any one of the following committees: the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations; and

(2) 5 Members of the House of Representatives from the majority party and 4 Members of the House from the minority party, appointed by the Speaker of the House, including not more than 2 Members from any one of the following committees: the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations.

(b) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.



(c)(1) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each session of a Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

(2) The chairmanship and the vice-chairmanship of the Joint Committee shall alternate between the Senate and the House of Representatives with each session of a Congress. The chairman during each even-numbered year shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered year shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each session of a Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

Duties

Sec. 3. (a) The Joint Committee shall exercise exclusive legislative jurisdiction with respect to the authorization of funds in connection with any intelligence activity conducted in any foreign country by any agency or department of the Federal Government, including--

(1) the Central Intelligence Agency;
(2) the Defense Intelligence Agency;
(3) the Intelligence and Research Bureau of the
Department of State;

(4) the National Security Agency; and
(5) any intelligence component of the Army, Navy,
or Air Force.

(b) The Joint Committee shall review and study on a
continuing basis--

(1) any intelligency activity conducted in any foreign
country by any agency or department of the Federal Govern-
ment, including any agency or department described in para-
graph (1) through paragraph (5) of subsection (a); and

(2) any intelligence activity conducted in the United
States by any agency or department of the Federal Govern-
ment, including--

- (A) the Department of Justice;
- (B) the Department of the Treasury; and
- (C) the Federal Bureau of Investigation.

(c) Any bill, resolution, or other matter in the Senate or the House of Representatives relating primarily to any intelligence activity which is conducted by any agency or department of the Federal Government shall be referred to the Joint Committee.

(d) The provisions of clause 2 of Rule X of the Rules of the House of Representatives shall apply to the Joint Committee.

Powers

Sec. 4. (a) The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it considers advisable.

(b) The Joint Committee may make such rules respecting its organization and procedures as it considers necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent.

(c) Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by any person designated by such chairman or member.

(d) The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

(e) The Joint Committee may permit any individual designated by the President as a liaison to the Joint Committee to attend any meeting of the Joint Committee which is closed to the public.

Information From Federal Agencies and Departments

Sec. 5. Any agency or department of the Federal Government described in section 3(a)(1) through section 3(a)(5) or section 3(b)(2)(A) through section 3(b)(2)(C), and any other agency or department of the Federal Government conducting any intelligence activity, shall keep the Joint Committee fully and currently informed with respect to any such activity. Any such agency or department shall furnish any periodic reports requested by the Joint Committee with respect to any such activity.

Reports

Sec. 6. The members of the Joint Committee who are Members of the Senate shall from time to time (but at least annually) report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from




time to time (but at least annually) report to the House of Representatives, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.

Classification of Information

Sec. 7. The Joint Committee shall classify information originating within the Joint Committee, and the records of the Joint Committee, in accordance with standards used generally by the executive branch of the Federal Government for the classification of restricted data. The Joint Committee shall establish guidelines under which such information and records may be (1) maintained; (2) used by the staff of the Joint Committee; and (3) made available to any Member of the Congress who requests such information or records and has an appropriate security clearance.

Records

Sec. 8. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the office of the Joint Committee or such other places as the Joint Committee may direct.



Unauthorized Disclosure of
Information

Sec. 9. (a) The Joint Committee shall establish and carry out such rules and procedures as it considers necessary to prevent--

(1) the disclosure, outside the Joint Committee, of any information which (A) relates to any intelligence activity which is conducted by any agency or department of the Federal Government; (B) is obtained by the Joint Committee; and (C) is not authorized by the Joint Committee to be disclosed; and

(2) the disclosure, outside the Joint Committee, of any information which would adversely affect the carrying out of any intelligence activity by any agency or department of the Federal Government.

(b) No employee of the Joint Committee or any person engaged by contract or otherwise to perform services for the Joint Committee shall be given access to any classified information by the Joint Committee unless such employee or person has received an appropriate security clearance as determined by the Joint Committee. The type of security

clearance to be required in the case of any such employee or person shall, within the determination of the Joint Committee, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by the Joint Committee.

(c)(1) The Joint Committee may take appropriate action against any member of the Joint Committee, or any person serving on the staff of the Joint Committee, who violates any provision of this section or any provision of section 7.

(2) In the case of a member of the Joint Committee, such action may include (A) the censure of such member by the Joint Committee; (B) the expulsion of such member from the Joint Committee; and (C) recommendation to the Senate or the House of Representatives, as the case may be, by the Joint Committee that such member be censured by the Senate or the House of Representatives.

(3) In the case of a person serving on the staff of the Joint Committee, such action may include the immediate dismissal of such person. The Joint Committee shall report to the Attorney General of the United States any apparent violation of any Federal criminal law committed by any such person in connection with a violation of any provision of this section or any provision of section 7. The Attorney General, upon receiving any such report, shall take such action as he considers necessary or appropriate.

Staff

Sec. 10. (a) In carrying out its functions under this joint resolution, the Joint Committee may, by record vote of a majority of the members of the Joint Committee--

(1) appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than 24 professional staff members and not more than 16 clerical staff members;

(2) prescribe their duties and responsibilities;

(3) fix their pay at respective per annum gross rates not in excess of the rate of basic pay, as in effect from time to time, for grade GS-18 of the General Schedule of section 5332(a) of title 5, United States Code; and

(4) terminate their employment as the Joint Committee may consider appropriate.

(b) In carrying out any of its functions under this joint resolution, the Joint Committee may utilize the services, information, facilities, and personnel of any agency or department of the Federal Government, and may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the rate of basic pay, as in effect from time to time, for grade GS-18 of the General Schedule of section 5332(a) of title 5, United States Code, including payment of such rates for necessary traveltime.

Expenses

Sec. 11. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman of the Joint Committee.

Definition

Sec. 12. For purposes of this joint resolution, the term "intelligence activity" means--

(1) the collection, analysis, production, dissemination, or use of information affecting the relations of the United States with the government of any foreign country or with any political group, party, military force, or other association in a foreign country;

(2) any action or activity which is undertaken in support of any activity described in paragraph (1);

(3) any covert or clandestine activity affecting the relations of the United States with the government of any foreign country or with any political group, party, military force, or other association in a foreign country;

(4) any action or activity which is undertaken to counteract any action or activity described in

paragraph (2) through paragraph (4) which is undertaken for the purpose of adversely affecting the security of the United States;

(5) the collection, analysis, production, dissemination, or use of information relating to any activity of--

(A) any person residing in the United States; or

(B) any citizen of the United States residing in any foreign country; who represents a threat to the security of the United States or who may be considered by any department or agency of the United States to represent such a threat; and

(6) any covert or clandestine activity undertaken against any person described in paragraph (5);

but such term does not include any tactical military intelligence activity which is undertaken in a foreign country and which is not related to any policy-making function of the United States.

Amendments to Rules of the
House of Representatives

Sec. 13. (a) Clause 1(c)(1) of Rule X of the Rules of the House of Representatives is amended by inserting immediately before the period at the end thereof the following: ", except for matters exclusively within the legislative jurisdiction of the Joint Committee on Intelligence".

(b) Clause 1(c)(2) of Rule X of the Rules of the House of Representatives is amended by inserting immediately before the period at the end thereof the following: ", except for matters exclusively within the legislative jurisdiction of the Joint Committee on Intelligence".

(c) Clause 1(c)(10) of Rule X of the Rules of the House of Representatives is amended by inserting immediately before the period at the end thereof the following: ", except for matters exclusively within the legislative jurisdiction of the Joint Committee on Intelligence".

(d) Clause 1(k)(1) of Rule X of the Rules of the House of Representatives is amended by inserting immediately before the period at the end thereof the following: ", except for matters exclusively within the legislative jurisdiction of the Joint Committee on Intelligence".

JOINT RESOLUTION
Mr. Rhodes (for himself and Mr. Cohen)

Section 1: Establishes a Joint Committee on Intelligence.

Section 2: Membership

The Joint Committee shall be comprised of 18 members, 9 from each House, with 5 from the Majority and 4 from the Minority. Members are appointed by the President of the Senate and Speaker of the House. Not more than two members of either House may come from any one of the following committees: Appropriations, Armed Services, and Foreign Relations or International Relations.

The Joint Committee shall select a Chairman and Vice Chairman at the beginning of each session of Congress, and the Chairmanship and Vice Chairmanship shall alternate between the Houses, with a Member from the House serving as Chairman in even numbered years.

Section 3: Duties

The Joint Committee shall have exclusive legislative jurisdiction with respect to authorization of funds in connection with any foreign or domestic intelligence activity by any agency of the Federal Government.

The Joint Committee shall review and study continually any activity which is funded so above.

Any measure introduced in Congress relating primarily to intelligence shall be referred to the Joint Committee.

Section 4: Powers

The Joint Committee may require information of witnesses and materials as it considers advisable and make any rules respecting its organization except that no recommendation shall be reported from the Joint Committee unless a majority assents.

Subpoenas may be issued over the signature of the Chairman or any designated member. The same holds for any administration of oaths to witnesses.

The Joint Committee may permit any individual designated by the President as liaison to the Joint Committee to attend closed meetings.

Section 5: Information from Federal Agencies and Departments

All agencies conducting any intelligence activities shall keep the Joint Committee fully informed and shall furnish any periodic reports on intelligence activity requested by the Joint Committee.

Section 6: Reports

The members of the Joint Committee shall report at least annually to their respective Houses their recommendation within the jurisdiction of the Joint Committee.

Section 7: Classification of Information

The same standards shall be used for classification of materials and records of the Joint Committee as are used generally by the Executive Branch of the Federal Government. The Joint Committee shall establish guidelines under which records will be maintained, used by its staff, and made available to members of Congress who request their use.

Section 8: Records

The Joint Committee shall keep a complete record of all its actions which is to be the property of the Joint Committee and shall be kept as directed by the Joint Committee.

Section 9: Unauthorized Disclosure of Information

The Joint Committee shall set up and carry out such rules as it considers necessary with respect to any unauthorized disclosure of information.

All people with access to information classified by the Joint Committee shall have received an appropriate security clearance as determined by the Joint Committee.

The Joint Committee may take appropriate action against any person who discloses unauthorized information. In the case of a member of the Joint Committee, such action may include the censure of the member by the Committee, expulsion of such member from the Joint Committee, and a recommendation to the appropriate House that such member be censured. In the case of disclosure of classified information by a staff member, action may include the immediate dismissal and a report to the Attorney General of the United States on any apparent violation of any Federal criminal law committed by any such person in connection with any unauthorized disclosure of information.

Section 10: Staff

The Joint Committee shall appoint between 16 and 24 permanent staff members and shall prescribe their duties and pay rate not in excess of GS-18. The Joint Committee may also utilize any service of the agencies of the Federal Government and will remunerate any such agency appropriately.

Section 11: Expenses

The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman of the Joint Committee.

Section 12: Definition

"Intelligence activity": any covert or open collection or use of information about people or entities representing a threat to the policy-making function of the United States.
More extensive definition in the Act.

Section 13: Amendments to Rules of the House of Representatives
As enumerated in the Act.

CENTRAL INTELLIGENCE AGENCY

18 March 1976

*File
Intelligence*

Mr. Charles Leppart
The Situation Room
The White House
Washington, D. C.

Dear Charlie:

Dale Milford gave me this
yesterday afternoon.

Cheers,



Mitchell Rogovin
Special Counsel to the Director



Remarks of the Hon. Dale Milford

A Proposal For A Permanent Intelligence Committee
And For Protecting Confidential Data Within Congress

Mr. Speaker, today, I introduced H. Res. _____, a resolution to establish a permanent House Committee on Intelligence and to protect the unauthorized release of confidential data and information within Congress.

Most people will agree that an efficient intelligence effort is vital to our national defense. Most will also agree that intelligence activity, by its very nature, is a highly secretive business. This nation simply cannot publish its intelligence plans and activities in the daily newspaper. Furthermore, it is a well known fact that the ability to keep a secret is directly proportioned to the number of people who know the secret.

In past years, the general membership of Congress was content by allowing intelligence matters to be handled exclusively by a few key members on the Armed Services, Foreign Relations and Appropriations Committees. While every Member of Congress "technically" could gain access to any information in the classified files, this right was rarely pursued. Those Members of Congress who previously handled extremely sensitive matters usually had long years of service and considerable experience in dealing with intelligence matters.

Beginning in the 93rd Congress, and accelerating rapidly in the 94th Congress, many reform measures were enacted that drastically altered past Congressional practices. There emerged a new individual Member awareness, expanded Member participation in Congressional processes and a diminishing of leadership controls and prerogatives.



While these new reforms greatly increased individual Member participation in the political process, they also presented a new and grave problem in the maintenance of national secrets and the oversight of intelligence activities.

The new liberated Members of Congress were no longer content to let the "old bulls" exclusively handle intelligence matters. As the hearings conducted by both the Senate and House Intelligence Committees clearly show, detailed Congressional oversight has been noticeably absent during past years. Even the few senior Members who handled intelligence matters never really had the time and staff resources to question the agencies or followed their activities to the extent needed.

The new freedom of the liberated Congress also presented some very serious problems for the nation concerning not only intelligence activities but also the maintenance of confidentiality of executive sessions. As stated earlier, security of secrets is directly proportional to the number of people that know the secret.

There are 6 committees in Congress that have jurisdiction over intelligence matters. Immediately, that means that 39 Members of Congress and over 100 staff members have access to the nation's highest classified and most sensitive secrets.

In addition, Rule XI (2)(e)(2) of the House Rules clearly gives any Member of Congress the right to examine any file, in any committee, in the Congress. Therefore, potentially, 411 more Members can have access to the nation's most vital secrets.

This type of access, as a practical matter, makes it impossible for Congress to protect highly confidential or super sensitive information. Under Article I, section 6 of the Constitution, any Member of Congress clearly has the right to say anything, his conscience dictates, on the floor of the House. This means that he can take the nation's most closely held secret and read it to the world in a floor speech.

A small number of Congressmen have strong conscientious feelings against governmental secrets. They believe in a totally open society. They are strongly opposed to any form of intelligence gathering agencies. Furthermore, out of 535 Members of Congress, there exists wide and divergent opinions. What might seem extremely important to the majority can be extremely offensive to a small minority or to a single Member.

Obviously highly secretive intelligence matters and the confidentiality of executive sessions cannot be maintained unless the will of the majority is respected by all Members. One dissenter, with strong conscientious feelings, can blow the works for the entire nation. This greater exposure of intelligence secrets and individual Member access to executive session records increases the chances that data vital to national welfare will be revealed.

It is also no secret that a few Members of Congress have been guilty of "leaking" security information. The deliberate leaks are made for many reasons ranging from press favors and publicity to political motives and as a means of embarrassing the Administration. Parenthetically, the Administration also uses this despicable tactic to embarrass Congress.

By establishing a Permanent Select Committee on Intelligence and giving it exclusive oversight and legislative jurisdiction, Congress will make a quantum jump in responsibly protecting national secrets and maintaining firm control of intelligence activities. In the absence of strict secrecy, intelligence work is of negligible value.

THE PHILOSOPHICAL MAKE-UP OF A PERMANENT INTELLIGENCE COMMITTEE

By overwhelming agreement, among both intelligence committees in the House and Senate, they concurred that Congress should have a Permanent Committee on Intelligence.

In order to successfully protect the vital national secrets that will be involved; in order to properly oversee the extremely sensitive national matters that will be involved; and in order to responsibly represent the will of the majority of the Congress; the selection of Members to serve on the Permanent Intelligence Committee must be made in an extraordinary manner.

From the outset, one fact is clearly evident and vitally necessary: "Every member of that Permanent Intelligence Committee must clearly hold the respect and confidence of a majority of the entire membership of Congress".

Of necessity, the general membership of the Congress is going to have to surrender some individual prerogatives and rights in order to succeed in creating an effective and responsible Permanent Intelligence Committee. Therefore, those committee members will be a select few that of necessity must garner the respect of the many.

There is another very important reason why the membership of this committee must be selected in a very special manner. In addition of the "confidence factor" there is also a very important "technical factor" involved.

Of necessity, this special committee must encompass a broad spectrum of knowledge. Members must have an expertise in military matters, foreign relation, business, science, space, agriculture, law, economics and transportation. Of supreme importance, all members of that committee must strictly abide by majority will.

It takes only one person to release a secret or reveal an intelligence plan. While individual members might have strong feelings against a particular situation, no one member should have the unilateral right to void the will of the majority of the committee or of Congress.

The present committees handling intelligence matters not only present a problem in securing confidential data but also present other difficulties. First, each committee tends to look at intelligence activities in the light of its particular field of expertise. For example, the Judiciary Committee would be very concerned about the legalities of activities, but would tend to give scant attention to military matters, economic matters, or agricultural intelligence. The Foreign Relations Committee would quite naturally be preoccupied with State Department matters, Armed Services Committee with military matters, etc.

In truth, and in fact, all of these fields of expertise are vital for good intelligence oversight and legislation. Only when

these fields are viewed collectively can Congress formulate a balanced national intelligence policy.

Second, since -- under the present system -- any one of the 6 Congressional Committees can individually hold legislative or oversight hearings on intelligence matters, a balanced view is almost always lacking. The resultant legislative bill or oversight investigation will clearly be weighted toward the expertise of the committee holding the hearing.

THE FACTORS IN SELECTING COMMITTEE MEMBERS

If one were to ask a man on the street, or even most Members of Congress, to describe the functions of the CIA, an incorrect answer would most probably be forthcoming.

Almost everyone believes that the CIA is primarily a "James Bond" type of organization, or "cloak and dagger" agents that lead para-military operations in foreign countries, or "spies" that operate behind the Iron Curtain.

Very few citizens know that the CIA contains far more scientists than agents; that the CIA spends much more time analyzing foreign crop reports and economic conditions in foreign countries than they spend on clandestine or covert operations; and that the CIA has far more people now studying the industrial and technical capabilities of Iron Country nations than the total number of "spies" that have ever been employed by this nation throughout its history.

In selecting a Permanent Committee on Intelligence, the "expertise" of the individual members will be very important. In the

past, failures in Congressional oversight can rationally be traced to this most important factor. Rarely will Members of Congress negligently fail to oversee their areas of responsibility. Apparent negligence usually develops because the Member or (Members) did not fully understand or recognize the technical matters involved and therefore did not fully realize the national impact.

Furthermore, Congressmen are political creatures. They react to the "now" feelings of people. They must! Otherwise, they cannot exist under the every-other-year election process. The real life situation faced by a Member of Congress is an antithesis of the problems that a member of a Permanent Intelligence Committee must face.

Intelligence looks into the future. Good intelligence uncovers "tomorrow's headlines" --yet, the member must keep them a secret, or seriously harm the national welfare. Good intelligence sometimes involves "taking chances", that can backfire and cause political repercussions. Good intelligence work means "staying out of the Press and limelight", a blight to the existence of a Member of Congress.

Finally, the intelligence community of our nation -- unlike other federal agencies -- has no constituency. No high-priced lobby will be circulating on Capitol Hill, extolling the virtues of the intelligence community, or making campaign contributions on its behalf, or pushing its programs, or generating "grass roots support" back home in the Member's district. Intelligence is a necessary, sometimes nasty, and a secretive business that will neither help the Member in the House or in his district.



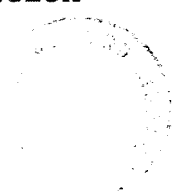
For these reasons, the selection and confirmation processes for members that will serve on the Permanent Committee on Intelligence must be extraordinary. The individual members must be "sought after" by the House. He must have a strong standing in his district because his service on the committee must be outside the limelight and in addition to other committee work. Most of all, the House membership, in general, must have firm confidence in the Members that are chosen to serve on the Permanent Committee on Intelligence.

TECHNICAL MAKE-UP OF A
PERMANENT COMMITTEE ON INTELLIGENCE

As mentioned earlier, this nation's Intelligence Community is not primarily a "James Bond" organization. More appropriately, the Community is a scientific, economic, agricultural, military and politically oriented (internationally) group. The Intelligence Community is just as concerned with the wheat crop in the Communist Bloc Nations as it is with their military weapons. The Intelligence Community considers the monetary policies and the economy of adversary nations to be of equal importance to their battle order. The political stability of an adversary nation can be more important than the total number of men under arms.

Therefore, the personal and technical expertise of the few members of a Permanent Intelligence Committee is very important. A broad spectrum, encompassing many disciplines must be understood and dealt with by the committee.

Furthermore, there is a vital need for a "cross-pollination"



of information between the Permanent Intelligence Committee and other Committees of Congress. Of primary necessity, the Armed Services Committee and the International Relations Committee need to have a close liaison with intelligence activities.

There is also a limited "need to know" on the part of the Government Operations Committee, Science and Technology, Agriculture Committee, Judiciary Committee, Banking and Currency, and others. Full access to all intelligence activities, on the part of these various committees, would jeopardize the security of information vital to the national welfare.

Both cross-pollination of information and proper technical make-up can be solved in the selection process of the Permanent Committee on Intelligence. At the same time, the all important problem of discreet individual member selection can also be resolved.

In lieu of the usual Committee on Committee selection of members to serve on committees, it is suggested herein that the membership on the Permanent Intelligence Committee be selected in the following manner:

1. The Speaker would nominate the Chairman.
2. The Armed Services Committee would nominate 2 members.
3. The International Committee would nominate 2 members.
4. The Science and Technology would nominate one member.
5. The Banking and Currency Committee would nominate one member.
6. The Judiciary Committee would nominate one member.
7. The Public Works and Transportation Committee would nominate one member.

8. The Government Operations Committee would nominate one member.

9. The Interstate and Foreign Commerce Committee would nominate one member.

The House leadership would designate the party ratio, following the proposed rule that "not less than one-third of the membership of the (Permanent Intelligence) Committee shall consist of Members of the majority party and not less than one-third shall be Members of the minority party".

While not specifically mandated in the House Rules, it is envisioned that the various committees, designated to supply members to the Permanent Intelligence Committee, would make specific recommendations to the Committee on Committees for nominees from their respective committees.

Recommendations from the various source committees would insure a good cross-pollination of information and would assist in the selection of the necessary expertise needed on the Permanent Committee on Intelligence.

PROTECTION OF CLASSIFIED AND CONFIDENTIAL DATA WITHIN CONGRESS

At the beginning of the 94th Congress, the landmark "Sunshine Rules" made Members of this body virtual heroes. The subsequent flurry of "leaks", unauthorized disclosures and unilateral declassifications have made the Congress appear to be a collection of fools.

No argument is made here against the open meeting rules. They were necessary and the rule should stand as written. However, there

are some matters within Congress that must remain confidential and the rules must be amended to accomplish this goal in a responsible manner.

There is a desperate need to restrict the flow of confidential information that is considered in executive sessions of committees. Premature or unauthorized release of data or information, discussed in executive sessions, is often damaging to the national welfare.


Many Members of Congress have a fear that some committees might abuse the provision for executive sessions. Others will from time to time disagree with the need for keeping certain information confidential. A considerable number of Members, including this one, believe that Congress should be able to publicly release information that has been classified by the Administration.

This resolution is designed to provide responsible means to protect individual Member interests and resolve the fears of all Members.

In this resolution, there is a strict prohibition against any Member releasing data or information that has been classified by executive committee session, or by Administrative action.

Parenthetically, there is an "escape valve" or appeal procedure that is available to any Member who believes abuses of the executive session have been committed^{or} information or data has been improperly classified by the Administration. These procedures also clearly establish a method for Congress to declassify information that has been improperly given a secrecy stamp by the Administration.

This resolution would establish a "Leadership Committee" consisting of the Speaker (as chairman), the Majority and Minority



leaders, Majority and Minority

Whips, plus the chairmen of the following committees: Armed Services, International Relations, Science and Technology, Banking, Currency and Housing, Public Works and Transportation, Judiciary, Government Operations and Interstate and Foreign Commerce. The Leadership Committee would serve as the "Court of last resort".

While the new rule would strictly prohibit any Member from unilaterally releasing confidential data (under penalty of expulsion), responsible procedures are established to protect every Member's concern. Generally, Members worry about two possible abuses of the people's right to know: (1) improper executive sessions in the Congress and (2) improper secrecy classifications by the Administration.

If a Member feels that data or information is being withheld from the public as a result of an executive session, he would appeal the committee's decision by the following procedure:

1. The Member would transmit a confidential letter to the Speaker identifying the specific information or data that he believes should be released and ask for a hearing before the Leadership Committee.

2. If the Speaker fails to call a hearing to consider the Member's request, the petitioning Member can then solicit assistance from individual Members of the Leadership Committee. If three or more Members of the Leadership Committee request a hearing, the Speaker must convene the Leadership Committee for a hearing on the matter.

3. The Leadership Committee's decision will be final.

If any Member feels that data or information has been

improperly classified by the Administration, he may obtain public release through the following procedure:

1. The Member would transmit a confidential letter to the chairman of the committee, having jurisdiction over the Administrative Agency that classified the material or data, identifying the specific material or data to be released.

2. If the chairman fails to call a hearing to consider the Member's request, the petitioning Member can solicit assistance from individual Members of the committee of jurisdiction. If three or more Members of the committee of jurisdiction request a hearing, the chairman must convene the committee for a hearing on the matter.

3. During the hearing, the committee of jurisdiction must consult with the appropriate Administrative Agency and obtain views and recommendations concerning the need to keep the data or information classified.

4. If either the agency or committee of jurisdiction objects to public release, the petitioning Member may then appeal to the Leadership Committee under the same provisions as listed above for appealing executive session matters.

These procedures will protect the confidentiality of those matters that should remain confidential within Congress. At the same time, the procedures establish a responsible means of making sure that the public's right to know is not jeopardized.

The irresponsible release of confidential or classified information, by individual Members, reflects negatively on the integrity and reputation of all Members of Congress. Adoption of these procedures will put a stop to that practice.

Mr. Speaker, so that all Members may know the exact wording of the resolution, the following is the text of the resolution: