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Foreword to the 2015 Edition

The first iteration of Season of Inquiry (this being the second) was published in 1985, a decade after its subject—the US Senate investigation of America’s secret agencies in 1975—had come to a close. I had served on the investigative committee as special assistant or designee to the chairman, a Democrat from Idaho by the name of Frank Church, one of the Senate’s foremost experts on foreign policy. My intention in writing the book was to provide the public with a glimpse into how a congressional investigation works, warts and all, and to help inform my fellow citizens about key issues related to the hidden side of our government, the nation’s espionage agencies. The investigation proved necessary because the Central Intelligence Agency (CIA or “The Agency”) had been charged by the New York Times in 1974 of spying at home, against the very people it had been mandated to protect in its founding document, the National Security Act of 1947.

The allegations of domestic spying sent a shock wave through the political establishment in Washington, DC, and across the nation. Fears of a gestapo inside the United States—a concern raised by some in 1947 during the debate over the wisdom of creating a CIA—suddenly seemed less far-fetched. This uneasiness about the secret powers of the intelligence agencies was fueled by the public’s recent experiences with the Watergate scandal, in which a president had lied to the American people in an attempt to cover up a late-night GOP break-in to the Democratic presidential campaign headquarters, located in a suite at the Watergate Hotel in Washington, DC. The scandal drove Richard M. Nixon from the presidency in 1973, rather than face an impeachment vote in the Senate which he was likely to lose. Moreover, the nation had just gone through the Vietnam War, the most wrenching combat experience for America since the Civil War. The conflict in Vietnam had divided the nation into hawks and doves—pro- and antiwar factions. Even those moderates in between remained concerned over allegations that presidents Lyndon B. Johnson and Nixon had been less than forthcoming with the public regarding the progress of the war. In 1971, the controversial leaking to the New York Times of the Pentagon Papers, comprising extracts from a then top secret Department of Defense study of the war, reinforced the widespread sense that neither president had been fully truthful with the American people about setbacks in the jungles of Vietnam.

Coming on the heels of these deep rifts in the country, the notion of Big Brother spying against citizens captured the headlines of the nation’s newspapers and was enough to move lawmakers and the White House (now led by President Gerald R. Ford) toward a major probe into the dark side of government, heretofore a security domain left largely to itself. In January 1975, both the
House of Representatives and the Senate rushed to assemble panels to examine the allegations published in the *Times*; and the White House, wishing to avoid being accused of whitewashing a spy scandal, followed suit by creating a special investigative commission of its own, chaired by Vice President Nelson Rockefeller.

The House panel floundered at first under weak leadership but rallied under a new chairman—Otis Pike (D-NY), who met on Capitol Hill with his Senate counterpart, Frank Church, to divide up the investigative work rather than duplicate efforts. The Pike committee would focus mainly on analytic mistakes made by the CIA—that is, its errors in understanding and forecasting world affairs; the Church committee would take on the question of illegal CIA spying at home, along with the topic of whether or not other agencies in the nation’s intelligence committee had engaged in operations that transgressed the law.

Both realms of inquiry were important. The focus of the Church committee, however, was certainly a hotter potato to handle. Violation of the fundamental charters of the espionage agencies, which domestic spying would have entailed, was a matter of utmost seriousness in a democracy based on the rule of law. The very survival of the CIA and its companion secret services might be at stake, had they proved to be impervious to the nation’s legal boundaries. The Rockefeller Commission was never part of the Church–Pike accord to divide up the investigative terrain, as one might expect in a government based constitutionally on a doctrine of separate institutions (the Congress, the presidency, and the judiciary); the White House went its own way, choosing to concentrate on the charges of illegal domestic spying—an overlap with the Church committee. Even on Capitol Hill, the Church–Pike accord was general and vague, and the Church panel ended up assigning some of its staff to look at intelligence analysis too. The Church committee, with its 150 staff members, dwarfed the size of the Rockefeller and Pike staffs and was able to take on a wider array of investigative topics.

As it turned out, the Rockefeller Commission completed its work within a few months by directing its attention mainly to the subject of illegal CIA mail opening. It issued a report that was much more hard-hitting than critics had anticipated, sharply chastising the Agency for its domestic espionage activities (even though some of this spying, but not all, had been at the behest of the Johnson and Nixon administrations). The Pike committee, riven by ideological and managerial disputes, lasted a few months longer into 1975, but eventually self-destructed. Critics accused the panel of being biased against the CIA from the start, incompetent in its handling of classified materials, and confrontational in its methods of inquiry. However talented Pike and several of his colleagues were, the chairman proved unable to guide his committee toward a successful public reporting. At the eleventh hour, the full House voted to bottle up the Pike...
committee’s top-secret draft report, which in February of 1976 leaked to the Village Voice, a New York City newspaper. The perpetrator was never found, despite an intensive investigation by the Federal Bureau of Investigation (FBI). Some observers on and outside the committee wondered if the CIA had leaked the draft report as a way of further denigrating Representative Pike and his committee.

On the other side of the Hill, the Church committee moved inexorably forward with its investigation, which had enlarged beyond its original focus on the Agency to include possible improprieties committed by America’s other intelligence agencies: the FBI, the National Security Agency (NSA), and a host of other primarily military espionage services, as well as—speaking of hot topics—CIA assassination plots around the world. The Church committee had greater success than its House counterpart in negotiating with the executive branch over access to documents, witnesses for hearings, and the declassification of papers the panel hoped to use in its final report to the public. The differences lie chiefly in the willingness of Senator Church and his co-chair, John Tower (R-TX), to exercise patience in dialogues with the White House and the intelligence agencies in pursuing the information the committee needed to have.

These negotiations did not always succeed; gaining access to documents on CIA covert actions to manipulate foreign governments was a major sticking point, and the panel decided to back away from some requests. Moreover, at times the Church committee, too, seemed on the verge of collapsing over disputes with the executive branch or its own sometimes heated internal disagreements. Nevertheless, less ideologically smitten than the Pike panel and guided by leaders of national stature—Church, Tower, Philip A. Hart (D-MI), Barry Goldwater (R-AZ), Howard H. Baker Jr. (R-TN), and Charles McC. Mathias Jr. (D-MD), for example—the Church committee managed to carry on. Eventually, it produced an avalanche of reports that laid out in great detail the domestic abuses committed by the intelligence agencies, along with an in-depth examination of the CIA’s use of covert action against Chile and several of the Agency’s assassination plots, along with many other topics.

The Church committee discovered that the New York Times articles had only scratched the surface of abuses by the intelligence agencies. The panel’s reports chronicled a litany of disquieting operations carried out against American citizens, including the CIA’s Operation CHAOS to spy on Vietnam War dissenters and—in some ways the most chilling finding of all—the FBI’s Operation COINTELPRO. The Bureau operations involved not only spying against Americans but also secret efforts to destroy the jobs, marriages, and reputations of individuals whose only sin had been to engage in activities protected by the First Amendment, such as protesting against the war in Vietnam or joining the civil rights movement. Troubling, too, were the covert actions against the Allende regime in Chile, which had been democratically elected by the voters of that
nation, and the assassination plots, which had been aimed at leaders of poor nations in Africa and Latin America.

The Church committee recommended almost a hundred reforms for the intelligence community, most designed to keep these veiled agencies within the boundaries of the law and American values. A sea change in attitudes had occurred. No longer would the espionage services reside outside the Madisonian framework of checks and balances, fashioned by the constitutional framers in 1787. Henceforth, they would be as much a part of the US government as the departments of agriculture and commerce, subject in the same way to close and regular budget reviews, periodic hearings (even if most would have to be in executive or closed session, because of the sensitivity of intelligence tradecraft), on-site inspections, and all the other tools of accountability—or oversight, to use an awkward political science term.

Initiatives drafted by the Church committee soon became law, such as the setting of a ceiling of ten years on how long an FBI director could serve (J. Edgar Hoover, the enabler of COINTELPRO and other dubious operations, served in that office for forty-eight years); and the Foreign Intelligence Surveillance Act of 1978, which required warrants for national security surveillance against Americans (telephone wiretapping and home searches, for instance)—operations that before could be carried out at the whim of a president or one of his aides. Sometimes in the past warrantless wiretaps had been used for political purposes, as incumbent presidents attempted to learn more about the strategies and tactics of the opposition party.

Both chambers of Congress also created standing oversight panels for intelligence: the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI). With these entities in place, the hope was that no longer would intelligence accountability be as lax and episodic as it had been in earlier days. (For an appraisal of that hope today, see the postscript at the end of this book.)

This is the story told in Season of Inquiry: a time in which the United States, in an unprecedented experiment, attempted to bring at least some degree of democracy into the shadowy world of espionage. Soon thereafter, in a ripple effect, other democracies—among them those of the United Kingdom, Canada, Australia, and New Zealand—would move to improve the level of accountability over their own spy services.

The work of the Church committee has been widely heralded as a success. The most extensive scholarly study of official inquiries conducted by the government of the United States since 1945 is Paul Light’s 2014 Government by Investigation. Light offers special commendation for the Church committee. In his words, “It is impossible to single out one investigation in this book as the best of the best, but
I often return to the Church committee’s 1975 investigation of intelligence abuses as a model of the high-impact investigation.1

Others, though, have seen this experiment in intelligence reform quite differently, including national security adviser Robert C. McFarland; the writer of spy thrillers Tom Clancy; and even the distinguished former president George H. W. Bush, head of the CIA at the time of the so-called intelligence wars (as some in the CIA remember 1975). They look upon the Year of Intelligence as a disastrous intrusion into the vital, delicate operations of the spy agencies that were so critical to America’s defense against communism during the Cold War and now against terrorists and rogue regimes. Some critics have gone so far as to suggest that the terrorist attacks against the United States in 2001 were a result of the Church committee’s crippling of the nation’s intelligence community twenty-six years before this horrific event.

In truth, Frank Church and his colleagues sought to strengthen intelligence, not weaken it. As a former Army intelligence officer in World War II, and at the time a senior member of the Senate Foreign Relations Committee (which he would soon chair), Church understood the global dangers facing the United States and therefore the importance of good intelligence. His most important speech during the investigation addressed the question of improving intelligence analysis.2 What he and his colleagues could not abide—nor should any citizen—was lawlessness by the secret agencies.

Whether the Church committee was of value to the nation, or a liability, is a matter for the reader qua citizen to decide. I would only note here that each of the nation’s spymasters, with the exception of William J. Casey of the Reagan presidency, has endorsed and even praised the “new oversight.” They see the post–Church committee rules as an opportunity for the intelligence agencies to understand better what their operational boundaries are; and the nation’s intelligence chiefs have been glad to share their heavy responsibilities with lawmakers and the courts. For instance, the highly regarded former director of central intelligence Robert M. Gates has written: “Some awfully crazy schemes might well have been approved had everyone present not known and expected hard questions, debate, and criticism from the Hill. And when, on occasion, Congress was kept in the dark, and such schemes did proceed, it was nearly always to the lasting regret of the Presidents involved.”3

I am proud this book, my first, is being published again. The Church committee experiences are worth remembering. The University Press of Kansas has kept the original volume intact, rather than tinker with revisions that might undermine the primary virtue of a study like this: a recording of the mood and essence of a significant government inquiry. The only changes have been to add this foreword and a new postscript, to update the chronology and the list of in-
telligence leaders in appendix 1, and to provide a chart of the current structure of the US intelligence community in appendix 2. The drawings and photographs that appeared in the original edition have been dropped, along with the now-dated “Bibliographical Note.”

I want to thank the University Press of Kansas, so ably led by Director Charles T. Myers and Editor In Chief Michael Briggs, for taking up this initiative. Mike has a long interest in intelligence and we have been discussing the topic for years, so it has been a special privilege to work with him on this project. Heartfelt thanks as well go to senators Howard Baker, Gary Hart, and Walter Mondale for their retrospective conversations with me about the Church committee; to the late James Angleton and William F. Colby for also sharing their retrospective thoughts; and to several of my mates on the Church committee staff, with whom I have had many helpful discussions about the Year of Intelligence: the late Georgetown University law professor Barry Carter; Washington, DC, political consultant Peter Fenn; ambassador Karl F. Inderfurth; DC attorney and author James Johnston; the former Church committee staff director and diplomat William G. Miller; the former Church committee chief counsel and author Frederick A. O. Schwarz Jr.; and the chairman of the National Intelligence Council, Gregory F. Treverton. As well, I express my appreciation to Professor David M. Barrett of Villanova and to John Prados, two of the nation’s leading experts on intelligence, as well as to Donald A. Ritchie, an expert on Congress, for their endorsement of this republication project; to Karen Hellekson for outstanding copy editing; and to Leena S. Johnson, my darling wife and peerless in-house editor for forty-seven years.

Loch K. Johnson
Athens, Georgia
Preface

This is a book about the United States Senate. Its purpose is to provide the citizen with a look at how this institution works (or sometimes fails to work)—not in its ordinary, day-to-day business of helping constituents, debating policy, and passing bills, but rather in the extraordinary conduct of a major investigation.

The focus for the study is the 1975 Senate probe into alleged abuses of the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and several other federal agencies known collectively as the intelligence community (see appendix 2). This investigation lasted sixteen months. Hundreds of witnesses were cross-examined; thousands of pages of sworn testimony were gathered; several volumes of reports were published; and ninety-six proposals for reform were recommended.

The Senate inquiry (and companion investigations by the House of Representatives and a presidential commission) rocked the intelligence bureaucracy like nothing before, even overshadowing the humiliating defeat suffered by the CIA during the Bay of Pigs invasion of Cuba in 1961. Its leaders spoke darkly of a struggle for survival and warred among themselves (and with the White House) over appropriate tactics of self-defense.

As events unfolded and the White House realized it faced a serious investigation, the bounds of comity between the presidency and Congress—always strained—grew steadily more taut, soon frayed, and then threatened to snap. In Congress itself, disagreements over how to proceed led to a deep schism in the Senate investigating committee and sent the full House of Representatives into a tailspin of acrimony and self-recrimination. With these institutional conflicts came the further complication of personal ambition, as individuals involved in the investigations positioned themselves for the 1976 presidential sweepstakes or otherwise moved to advance their careers and reputations.

The story in these pages is about rulers at work. It examines the tangled lines of conflict and cooperation that stretch between the executive branch and Congress. It underscores how jealousy, friendship, suspicion, pique, ambition, fatigue, and other human traits intervene in human affairs to alter the anticipated course of events. It shows the difficulty of achieving any change whatsoever in a government where power is fragmented among a large number of people within the executive branch, the Senate, and the House; where individual policy makers respond to different constituencies and hold divergent conceptions of the common good, conflicting career aspirations, and varying time frames for the achievement of goals. It demonstrates the enormously frustrating task, al-
ways faced by Congress, of prying information loose from the executive bureaucracy—particularly one under siege.

Despite such handicaps, the intelligence investigation of 1975 succeeded. Though flawed, the inquiry satisfied the primary standard by which a legislature must be judged in a democracy: it enhanced the freedom and well-being of the citizens. The overarching thesis of this study is a reaffirmation of James Madison's view that fragmentation of power—despite its frustrations—provides a critical defense against abuse by individual power holders. This is both the paradox and the genius of our government. Congressional investigations, when fairly conducted, have evolved into a vital part of the safeguards wisely prescribed by the nation's founders to restrain executive power.

This thesis will have its detractors. Some believe the Senate intelligence investigation had just the opposite effect: that it was an unwarranted exercise in self-flagellation, a witch hunt leading to the destruction of the very intelligence capabilities designed to protect us from foreign and domestic threats. In this view, therefore, the end result was a decline in the freedom and well-being of our citizens.

Readers will have to draw their own conclusions. My objective is not one of advocacy. Rather, I seek to lay out the events of this inquiry as carefully as I can, with all the inevitable limitations involved in such a task. As John Updike has put it (in “The Blessed Man of Boston”), “from the dew of the few flakes that melt on our faces we cannot reconstruct the snowstorm.” A more definitive account of the intelligence investigation will be written only decades from now. This is an interim report, with the shortcomings that that implies. I can only hope the study has some compensating virtues, especially freshness of impression, closeness of observation, and honesty of record. I would also hope that it might contribute to the continuing national debate on intelligence policy.

My observation post for these events was as a Senate staff assistant, on leave from university teaching. The investigation was a rare chance for me, as a political scientist, to compare the textbooks on Congress with the real thing. During the inquiry, I served both as an investigator for the committee and as an aide to the chairman, Senator Frank Church, Democrat of Idaho. The latter position provided a unique perspective, though it obviously raises questions about my capacity to evaluate the chairman and his committee objectively; I can only say that I have striven for scholarly detachment. After the investigation, I served as staff director for the Subcommittee on Intelligence Oversight, US House of Representatives; this gave me an opportunity to view the new oversight at close hand.

In the interests of readability, I present this study in the first person, and except for the beginning and concluding chapters, I employ a chronological style. The use of first-person narrative emphasizes the personal nature of this odyssey,
for here in essence is the saga of a journey I had the opportunity to take with Congress into the largely uncharted waters of the CIA and other intelligence agencies. We were swept along on a river of fortune that would prove to be as exciting, treacherous, and capricious as the one carrying Huckleberry Finn and Jim toward freedom. Just as Huck’s raft was an uncertain and precarious structure, so was the Senate investigating committee, similarly buffeted about and thrown off course by the unpredictable vagaries of forces swirling around it.

Chapter 1 provides a brief history of executive–legislative relations in the field of intelligence; chapter 2 introduces the membership of the Church committee; with chapter 3, the investigation begins to unfold. The rest of the book traces the efforts of the Senate to examine the charges against the intelligence agencies and to construct a more vigorous approach toward monitoring intelligence policy in the future. To place the Senate investigation in context, the narrative occasionally considers the parallel efforts of the House investigation, as well as the response of the executive branch to both. The next two chapters offer an appraisal of this era and explore its effects on the country today.

The descriptions of events in this book draw on interviews with members and key staff aides on the Senate and House investigating committees; a review of notes (unclassified) kept by some participants, including my own extensive jottings on the political interactions of Senate committee members; accounts of the inquiry published in the press; the public papers of the Church committee; and, especially, my own observations and recollections. My discussion of committee meetings will sometimes appear thin; this is because most of these meetings were devoted to an examination of secret intelligence operations. My interest is with politics and process, not with a whistle-blowing critique of intelligence operations, so I have carefully steered clear of such materials and have had the manuscript read by a government publication review board to avoid inadvertent disclosure of classified information.

This book has been a long time in the making, and along the way many people have been helpful. I am pleased to thank them here.

Several staff aides on the Church committee read the complete manuscript (at twice the present length) and offered valuable comments. Special thanks to Peter Fenn, Rick Inderfurth, and F. A. O. Schwarz Jr. I extend my appreciation as well to the staff of the Ribicoff committee for opening their files to me.

Professor Harry Howe Ransom of Vanderbilt University, the sage of scholars on questions touching intelligence and democracy, kindly read the entire first draft too, and made thoughtful suggestions. He and his excellent work have been a source of inspiration for my own more humble efforts. An anonymous reviewer for the University Press of Kentucky also provided helpful ideas. Richard J. Storrs read the manuscript in its early stages and gave me a useful student’s perspective.
From 1975 to 1984, I interviewed hundreds of intelligence officials, members of Congress, and legislative staffers about the problems associated with secret intelligence agencies in a democracy. My appreciation for their willingness to help me explore this subject is great. For this book, I am most grateful to the legislators and staff on the Church and Pike committees who took time out from busy schedules for interviews and who gave me access to their own files from 1975 to 1976. William G. Miller, staff director of the Church committee, was especially gracious in allowing me to review his detailed notes and memoranda from this period; the recollections of John T. Elliff, leader of the committee’s FBI Task Force, were also of great value.

I owe a debt of gratitude as well to the Department of Government at Ohio University for granting me a leave to join the Senate investigation, and to the Department of Political Science at the University of Georgia for financial support and encouragement during the preparation of this study. Encouragement came to me also from Alan Gates and Peter Shepard. The editor of Polity kindly allowed me to draw upon my Spring 1985 article for portions of this study.

The preparation of this book was made much easier by a happy writing environment. I thank Kathleen and Roland Johnson for their unbending confidence, Leena S. Johnson for her patience, support, and skillful proofreading, and Kristin E. Johnson for a steady supply of leaven.

I thank Randy Austin, Bob Bolin, and Miriam Kerley for research assistance, and Suzanne E. Overby, Kim Kelley, Jeannine Hall, and Pamela Smith for page after page of neat typing. Naturally, none of the good people acknowledged here is to blame for any errors of fact or judgment that I may have made.
The End of an Affair

Two young men stood on either side of an easel that supported oversized charts, expertly drawn. One man braced the charts while the other occasionally moved a pointed marker along rows of figures or up and down the slopes of trend lines.

Seated near them, a stout man in his fifties read from a typed statement. He spoke precisely, seldom looking up. His words fell in a dry monotone on the table before him. A gray ribbon of cigarette smoke curled slowly toward the high ceiling from an ashtray on the table. All three men wore white shirts with buttoned-down collars; they might well have been marketing experts tracing annual sales for a board of directors.

The “Board,” however, showed remarkably little interest in whatever profits or losses the charts revealed. Nor was the room anything one would expect to find in corporate headquarters. It was elegant, even stately. Doric pillars, carved from wood, embellished the rich walnut paneling. A grand chandelier hung from the center of the ceiling. Through the windows, draped in deep purple, a courtyard was visible; at its center a fountain spewed a column of water into the morning air.

Dominating the room was a U-shaped bench that rose high above the floor. Its prongs faced the three men, as if holding them in a magnetic field. Within the concave space of the bench sat a stenotypist, her fingertips dancing lightly on the keys of a machine.

Two elderly men sat behind the far curve of the bench, each a United States senator and a member of the secretive Subcommittee on Intelligence. The senators listened as the man at the table droned through his prepared statement on paramilitary, or warlike, activities of the Central Intelligence Agency (CIA). As deputy director of the Agency, he was expected to present an occasional report to Congress. One of the senators rested his head on his arms and soon fell asleep, punctuating the briefing with periodic grunts. The other senator, the subcommittee chairman, stared blankly at the CIA official, nodded once in a while, and discreetly examined his wristwatch.

The deputy director had seen the distant look in the eyes of senators before and had grown accustomed to it. He momentarily raised his voice, more to relieve his own boredom than to attract attention: “Paramilitary activities have been an important part of our program since the beginning of the Cold War.”
The new inflection awoke the slumbering senator with a start. “Parliamentary activity!” he bellowed. “You fellows can’t go messin’ round with parliaments. I won’t have it!”

A silence fell over the room. The stenotypist’s fingers stopped their dance. The deputy director pursed his lips and looked at the subcommittee chairman.

“Senator, this briefing is on paramilitary, not parliamentary, activity,” the chairman said softly.

“Oh, well, uhruumph,” said the senator, clearing his throat. He paused and tugged at his ear. “Okay, but you stay away from parliaments,” he admonished, and shuffled out of the room.

At a nod from the chairman, the deputy director resumed his statement. He could hardly wait to return to headquarters; his colleagues would enjoy this latest episode in congressional oversight. The legislative watchdog not only lacked teeth; it was sound asleep.

While this incident supposedly occurred three decades ago, the story is still told with relish by officials in the CIA—a favorite response to outsiders seeking an Agency assessment of congressional oversight in the intelligence field. (In the congressional context, the awkward word “oversight” has come to mean the monitoring of executive branch conduct by Congress.) Behind anecdotes like this one lies a stark conclusion: legislative oversight of the American intelligence agencies has been ineffective.

Congressman Les Aspin (D-WI) remembers asking William Colby (director of the CIA, 1973–1976) what had happened in the past when House oversight committees objected to a CIA operation. “He was stunned,” says Aspin. “The question had never come up before. The committees preferred not to get involved.”

This attitude was shared by the Senate. “I remember when I first came to the Senate,” Frank Church (D-ID) once recalled, “some of those senior senators who did have this so-called watchdog committee were known to say in effect: ‘We don’t watch the dog. We don’t know what’s going on, and furthermore, we don’t want to know.’”

Even if the overseers had wanted to know, they might have failed to obtain the full story. Former CIA director Allen W. Dulles (1953–1961) told the Warren Commission that when he was at the Agency’s helm, he felt obliged to tell the truth only to one person: the president. On another occasion, in a remark to a colleague, he widened the circle by one. “I’ll fudge the truth to the oversight committee,” he said, “but I’ll tell the chairman the truth—that is, if he wants to know.”

Nor was the National Security Council (NSC) brimming with details on CIA activities. As former secretary of state Dean Rusk remembers, “I never saw a
budget of the CIA, for example, although I was a statutory member of the National Security Council. The CIA’s budget apparently went to two or three specially cleared people in the Bureau of the Budget, then was run briefly by the President, turned over to Senator [Richard] Russell [D-Ga.], and that was the end of it. He would lose the CIA budget in the defense budget, and he wouldn’t let anybody question it. There were no public hearings on it. So again, his judgment, his word on that was the last word.”

Congressional supervision of the CIA was ostensibly the duty of four subcommittees. Both the Senate and the House armed services committees had a CIA Oversight Subcommittee, as did the Senate and House appropriations committees. The subcommittees seldom convened. As one member of the House Armed Services Subcommittee remembers, “We met annually—one time a year, for a period of 2 hours in which we accomplished virtually nothing.” This was during the 1950s; later, in a burst of vigor, the subcommittee began to meet five times a year for a couple of hours each session.

A comparable languor settled over the Senate subcommittees. According to Senator Leverett Saltonstall (R-MA), the Armed Services Subcommittee met during the 1950s “at least twice a year” and the Appropriations Subcommittee “at least once a year.” Since their membership overlapped substantially anyway, these two Senate subcommittees were combined in the 1960s, with Richard Russell as chairman. Ten members served on this panel (five from each committee). The Russell overseers met with blue-moon frequency, seldom more than six times a year and often only three. Their hearings—or, more accurately, briefings—normally lasted three hours or less and were sparsely attended.

In short, the CIA, with its thousands of employees, large budget, and risky operations spanning the globe, was subjected to roughly twenty-four hours of legislative “probing” in both chambers over an entire year.

The failures of congressional oversight have stemmed in part from the paralyzing awe engendered by the sheer size and complexity of the intelligence community, with its more than forty agencies and multibillion-dollar expenditures. Legislators have also been reluctant to become involved in its tribal disputes. Concern over the possibility of inadvertent breaches of security has played a role too. A CIA overseer in the Senate once observed, “The difficulty in connection with asking questions and obtaining information is that we might obtain information which I personally would rather not have, unless it was essential for me as a member of Congress to have it.” John Stennis (D-MS), then chairman of the Senate subcommittee for CIA oversight, said in 1971, “You have to make up your mind that you are going to have an intelligence agency and protect it as such, and shut your eyes some and take what is coming.” William Colby adds, “The old tradition was that you don’t ask. It was a consensus that intelligence was apart from the rules . . . that was the reason we did step over the line in a

The End of an Affair
few cases, largely because no one was watching. No one was there to say don’t do that.\textsuperscript{14}

This same tradition led members of Congress to the conclusion that leaders of the intelligence agencies were honorable men who could be relied on to do the right thing, without the meddlesome interference of outsiders uninitiated in the esoteric arts of espionage. As one senior intelligence officer has said, “Men like Richard Helms [CIA director, 1966–1973] are the cream of the crop in our society. If we can’t trust them to do what’s right, we can’t trust anyone.”\textsuperscript{15}

This view was heartily endorsed by intelligence officials. During his tenure as CIA director, Helms told newspaper editors that “the nation must, to a degree, take it on faith that we . . . are honorable men devoted to her service.”\textsuperscript{16} Colby entitled his own memoirs \textit{Honorable Men}.\textsuperscript{17} For the most part, the adjective is amply deserved, but the faith produced a careless form of oversight and was ultimately harmful to the country.

Another reason that members of Congress avoided digging too deeply was sheer lack of time and interest. As every observer of Congress has concluded, its members are harried individuals. They have more meetings to attend and people to see than they can manage, so they must establish priorities. In the middle of a Senate hearing on secret CIA operations in Chile, Senator Hubert H. Humphrey (D-MN) once declared, “I have to go now. I am trying to get jobs for 400 people in Minnesota today. That is a great deal more important to me right now than Chile.”\textsuperscript{18}

Usually highest in priority are those people and places that can enhance re-election opportunities for legislators. Intelligence briefings fail to meet this basic requirement; in fact, legislators are unable even to talk about their good work in this field, since much of the information is sensitive and classified. President John F. Kennedy once told a group of CIA professionals, “Your successes are unheralded—your failures are trumpeted.”\textsuperscript{19} This is not the kind of public service equation that politicians find appealing. As one student of Congress has concluded, “In general, members intervene effectively in the bureaucracy on matters where they can claim credit for intervention.”\textsuperscript{20}

Finally, and perhaps most important, legislators have no doubt usually preferred to avoid responsibility for often controversial intelligence operations. It has been politically safer to look the other way.

This is not to say that the history of congressional oversight in the intelligence field has been completely lethargic; occasional flaps have sired narrow investigations.\textsuperscript{21} A comprehensive evaluation of legislative oversight, however, must be sharply negative. Few would disagree with Professor Harry Ransom’s judgment: “Formal congressional surveillance of the CIA over the years has been sporadic, spotty and essentially uncritical.”\textsuperscript{22} A political cartoonist captured the nature of the relationship; it was obviously an affair.
A few members of Congress have struggled to correct this constitutional imbalance. From 1947 through 1974, over two hundred resolutions were introduced calling for improvements in congressional oversight. Few managed to make it out of committee, and none was approved by Congress. Indeed, from among these largely feckless efforts at reform, only four represented serious initiatives. In 1956 and again in 1966, a small band of senators tried to create an intelligence oversight committee that would go beyond the small and inactive CIA oversight subcommittees already in existence in each chamber. In both instances, the measure lost by a wide margin. Then in October 1974, a few senators, led by gadfly James Abourezk (D-SD), introduced a bill to prohibit CIA involvement in covert action (that is, those secret operations designed to influence events in other lands); henceforth, the CIA would be engaged strictly in intelligence gathering and counterintelligence. This Abourezk Amendment, too, lost by a lopsided margin.

Those persons seeking reform lacked the sine qua non for success: a strongly aroused public. Occasionally, sharp questioning of intelligence activities came from the press, as in the case of the 1967 *Ramparts* magazine exposé of clandestine ties between the CIA and the National Students Association; but even this significant revelation caused only a ripple on the passive sea of public concern over intelligence matters. As is frequently the case in the American political system, a truly major event was required to stir the public toward demands for reform, in turn stimulating Congress to act.

Such an event occurred in December 1974. Reporter Seymour M. Hersh of the *New York Times* captured the attention of the public in a series of articles, beginning on December 22, 1974, which accused the CIA of “massive” spying and illegal intelligence operations directed against antiwar activists and other American dissidents. According to Hersh’s sources in the CIA, files on over ten thousand American citizens had been compiled by the Agency, despite the language of the 1947 act that barred the CIA from any security or police function within the United States.

A select few CIA insiders immediately recognized the Hersh disclosures as part of a highly secret compilation of questionable activities that had been gathered by CIA director James Schlesinger (1973). In May 1973, Schlesinger had sent a memorandum to all Agency employees requesting them to forward to his office any activities known to them that seemed to fall “outside the CIA’s charter.” The new director was well aware of the public charges implicating the CIA and his predecessor, Richard Helms, in aspects of the Watergate episode; Schlesinger prudently decided to begin his tenure with a clean slate. To his surprise, the list of possible abuses grew like a malignant cancer, soon totaling 693 items spanning the Agency’s history. Operation CHAOS, the domestic skullduggery unearthed by Hersh after two years of digging (and with the friendly
within the CIA who were willing to blow the whistle on bureaucratic rivals), represented just part of the full listing (dubbed the “Family Jewels” by those in the CIA with access to the lengthy document).

Within the next several weeks, stories of other startling CIA operations came tumbling out of newspapers and television reports. The coincidental firing of CIA chief of counterintelligence James Jesus Angleton heightened public interest; his ill-timed departure was wrongly perceived as an admission of guilt for Operation CHAOS. (In fact, Angleton had been dismissed over a professional disagreement regarding the Middle East.) William Colby, Schlesinger’s successor and director at the time of the Hersh blockbuster, remembers that “a press and political firestorm immediately erupted.”

On the heels of Watergate, the new revelations provided the next news sensation of the year and brought quick reaction. Letters and telegrams poured into congressional offices calling for an investigation into spying against American citizens by the CIA and other government agencies. Senator Humphrey, former vice president and an influential leader in the Senate, quickly announced that he would introduce legislation, as soon as Congress reconvened in January, to create a permanent Joint Committee on National Security to oversee intelligence operations. “The time has come,” he said, “for Congress to face up to a responsibility it has shirked for too many years.”

No one knew this truth better than long-suffering Mike Mansfield (D-MT), a champion of intelligence oversight reform for two decades. He had risen through the power lattice of the Senate to the highest perch, succeeding Lyndon Johnson as majority leader in 1960. Now he set his staff to work drafting a resolution calling for a Senate investigation of the intelligence agencies. In another indication of legislative determination to act, Congress passed the Hughes–Ryan Amendment during the last days of 1974. This statute, which required the president to approve and report to Congress all important covert actions, represented the first successful effort by legislators to place controls over the CIA since its creation.

Not to be outdone, the Republican administration led by President Gerald R. Ford rapidly established a presidential commission to examine the charges against the CIA—a move widely interpreted as an attempt to preempt the field and render unnecessary a more hostile probe by Congress. (In 1967, a full-scale inquiry into CIA ties with the nation’s educational, labor, and cultural organizations was purposefully headed off by President Johnson through the appointment of a presidential commission chaired by Undersecretary of State Nicholas Katzenbach.)

In part, the extraordinary outburst on Capitol Hill in response to the Hersh disclosures was a matter of timing. The Vietnam War had raised the specter of an imperial presidency, and if Vietnam failed to impress upon Americans the dan-
gers of excessive discretion and secrecy in the executive branch, the Watergate crisis emphasized the point. It also brought about an interest in investigative journalism unparalleled since the days of Upton Sinclair and the muckrakers. Much of the Watergate story was broken by then unknown Washington Post reporters Carl Bernstein and Bob Woodward. Their success and subsequent fame were an inspiration for untold real and would-be journalists around the country. When Hersh drew CIA blood, every self-respecting reporter with a national security beat swarmed over intelligence sources for fresh leads.

Watergate not only whetted the appetite of investigative reporters but also spawned a pervasive attitude of suspicion on Capitol Hill. The newly elected members of Congress in 1974 (the aggressive post-Watergate class) included a large number who had won office by campaigning against the imperial presidency of Richard Nixon and promising a new morality in government. At the first hint of CIA domestic abuses—hardly a month after their election—these new members rose together in loud indignation, demanding a full inquiry. Probably not even Richard Russell (who died in 1971) could have withstood so thunderous a roar from the back benches. “Surely the most important factor in all the furor,” reflects then CIA director Colby, the immediate focus of the outcry, “was the radically altered nature of the Congress.”

A still deeper cause was the profound change in United States relations with the Soviet Union, symbolized by the term détente. In the words of John M. Crewdson, a New York Times political analyst, “As the hostility between the West and East that had marked the nineteen-fifties began to fade, so did the public’s acceptance of the CIA and its appointed mission of guarding against the Communist peril.”

All of these forces combined to usher in a new season of inquiry, one that would go far beyond the gentle probes that now and then had visited the intelligence agencies in the past. On 4 January 1975, President Ford established the Commission on CIA Activities within the United States, chaired by Vice President Nelson A. Rockefeller (which became known as the Rockefeller Commission). On January 27, the Senate voted eighty-two to four to establish a special committee to conduct a nine-month, $750,000 investigation of American intelligence operations. The Year of Intelligence had begun.

“All the tensions and suspicions and hostilities that had been building about the CIA since the Bay of Pigs, and had risen to a combustible level during the Vietnam and Watergate years, now exploded,” remembers Colby. The long affair between Congress and the CIA had come to an abrupt end.