

## **A History of Notable Senate Investigations prepared by the United States Senate Historical Office**

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### **Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (*The Church Committee*)**

Resolution passed: January 27, 1975

Report issued: April 29, 1976

Chairman: Frank Church (D-ID)

Vice chairman: John Tower (R-TX)

Committee members:

Howard Baker (R-TN)

Barry Goldwater (R-AZ)

Gary Hart (D-CO)

Philip Hart (D-MI)

Walter Huddleston (D-KY)

Charles Mathias (R-MD)

Walter Mondale (D-MN)

Robert Morgan (D-NC)

Richard Schweiker (R-PA)

### **Origins**

In 1973 the Senate Watergate Committee investigation revealed that the executive branch had directed national intelligence agencies to carry out constitutionally questionable domestic security operations. In 1974 Pulitzer Prize winning journalist Seymour Hersh published a front-page *New York Times* article claiming that the CIA had been spying on anti-war activists for more than a decade, violating the agency's charter.<sup>1</sup> Former CIA officials and some lawmakers, including Senators William Proxmire and Stuart Symington, called for a congressional inquiry.<sup>2</sup>

### **Process**

On January 21, 1975, Senator John Pastore introduced a resolution to establish a select committee to investigate federal intelligence operations and determine "the extent, if any, to which illegal, improper, or unethical activities were engaged in by any agency of the Federal Government."<sup>3</sup> The Senate approved the resolution, 82-4.

Majority Leader Mike Mansfield cautioned the Senate "against letting the affair become a 'television extravaganza.'"<sup>4</sup> He and Republican leader Hugh Scott carefully selected committee members, balancing experienced lawmakers with junior members and ensuring that members represented a variety of political viewpoints. When Philip Hart declined to lead the committee for health-related reasons, Mansfield selected Democrat Frank Church of Idaho to serve as chairman. A 16-year member of the Committee on Foreign Relations, Church had co-chaired a

special committee to critically examine the executive branch's consolidation of power in the Cold War era.<sup>5</sup> Church recognized the strategic value of the nation's top intelligence agencies and was also mindful of the need for American institutions to function within the confines of U.S. constitutional law. He had aggressively lobbied to lead the investigation. Republican John Tower of Texas, a member of the Armed Services Committee, was selected as the committee's vice-chairman.

### **Public Relations**

The committee decided that most of its hearings would be held in closed, executive session, in order to protect intelligence sources and methods. The committee held a series of public hearings in September and October of 1975 to educate the American public about the "unlawful or improper conduct" of the intelligence community, highlighting a few carefully selected cases of misconduct. These hearings examined a CIA biological agents program, a White House domestic surveillance program, IRS intelligence activities, and the FBI's program to disrupt the civil rights and anti-Vietnam War movements. These nationally televised events offered the American public an opportunity to learn about the secret operations conducted for decades by U.S. intelligence agencies.<sup>6</sup>

Though the committee's work garnered much national attention, it was not without its critics, some of whom dismissed the inquiry as a vehicle for Senator Church's 1976 presidential bid (Church declared his candidacy in March 1976). Others argued that congressional inquiries (the House conducted its own separate investigation) undermined the security and credibility of U.S. intelligence agencies.<sup>7</sup> The assassination of Richard Welch, CIA station chief in Greece, outside his home in Athens on Christmas Day, 1975, diverted the public's attention from the committee's focus on intelligence abuses. Church remained resolute in his belief of "the right of the public to know what the instrumentalities of their Government have done."<sup>8</sup>

### **Investigation**

The committee faced a formidable task: to conduct a wide-ranging investigation of the nation's most secret agencies and programs, and based on those findings, write a detailed report including legislative recommendations. All of this work was to be completed within one year (later extended to 16 months). After a meeting with President Gerald Ford and his top national security advisors, Church and Vice-Chairman Tower secured from the president a pledge that the White House would cooperate with Senate investigators.<sup>9</sup> Staff identified potential programs for study and began requesting documents from intelligence agencies. Though staff did not always receive documents in a timely fashion, they enjoyed unprecedented access to materials that had never before been made public. Perhaps the most well-known of these internal reports, the CIA's so-called "Family Jewels," outlined the Agency's misdeeds dating back to President Dwight Eisenhower's administration. This report, as well as those found in other agencies, provided roadmaps that staff investigators used to piece together complicated histories of domestic, foreign, and military intelligence programs during the Cold War era. Even with a peak staff of 150, however, organizing and analyzing these materials proved to be an arduous task.

Despite these numerous challenges, the Church Committee investigated and identified a wide range of intelligence abuses by federal agencies, including the CIA, FBI, Internal Revenue Service, and National Security Agency. In the course of their work, investigators identified programs that had never before been known to the American public, including NSA's Projects SHAMROCK and MINARET, programs which monitored wire communications to and from the

United States and shared some of that data with other intelligence agencies. Committee staff researched the FBI's long-running program of "covert action designed to disrupt and discredit the activities of groups and individuals deemed a threat to the social order," known as COINTELPRO. The FBI included among the program's many targets organizations such as the Southern Christian Leadership Conference, the anti-Vietnam War movement, and individuals such as Martin Luther King, Jr., as well as local, state, and federal elected officials.<sup>10</sup>

## **Outcome**

After holding 126 full committee meetings, 40 subcommittee hearings, interviewing some 800 witnesses in public and closed sessions, and combing through 110,000 documents, the committee published its final report on April 29, 1976.<sup>11</sup> Investigators determined that, beginning with President Franklin Roosevelt's administration and continuing through the early 1970s, "intelligence excesses, at home and abroad," were not the "product of any single party, administration, or man," but had developed as America rose to become a superpower during a global Cold War.<sup>12</sup>

"Intelligence agencies have undermined the constitutional rights of citizens," the final report concluded, "primarily because checks and balances designed by the framers of the Constitution to assure accountability have not been applied."<sup>13</sup> In a separate appended view, Senator Tower acknowledged "intelligence excesses" and the "need for expanded legislative, executive, and judicial involvement in intelligence policy and practices." He cautioned, however, that Congress should not "unnecessarily" restrain the president from exercising discretion in the realm of national security.<sup>14</sup>

The final report included 96 recommendations, legislative and regulatory, designed "to place intelligence activities within the constitutional scheme for controlling government power." The committee observed that "there is no inherent constitutional authority for the President or any intelligence agency to violate the law," and recommended strengthening oversight of intelligence activities.<sup>15</sup> The Church Committee's thoughtful and careful investigative work, which earned it the respect of many members of the Senate, ultimately led to reform efforts throughout the intelligence community.

Congress approved legislation to provide for greater checks and balances of the intelligence community. In 1976 the Senate approved Resolution 400, establishing the Senate Select Committee on Intelligence, to provide permanent "vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."<sup>16</sup> In 1978 Congress approved and President Jimmy Carter signed into law the Foreign Intelligence Surveillance Act (FISA), requiring warrants for wiretapping and surveillance purposes from a newly formed FISA Court.

Some agencies pursued internal reform, in part because the Church Committee's inquiry revealed the extent to which agencies had encouraged, or permitted abuses, by individuals. One example includes new guidelines established by Attorney General Edward Levi. The executive branch issued Executive Order 12036, which provided new guidelines related to intelligence activities (revoked in 1981).

Today, the Church Committee reports and hearings are frequently used by scholars who continue to examine U.S. intelligence activities during the Cold War era.

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- <sup>1</sup> Seymour Hersh, "Huge C.I.A. Operation Reported in U.S. Against Antiwar Forces, Other Dissidents," *New York Times*, 22 December 1974, 1.
- <sup>2</sup> Seymour Hersh, "Proxmire to Seek Inquiry on C.I.A. Over Role in U.S.," *New York Times*, 23 December 1974, 1.
- <sup>3</sup> Senate Resolution 21, 27 January 1975, Sec. 1.
- <sup>4</sup> Theo Lippman, "Idaho's Frank Church: Another Fulbright or Another Kennedy?" *The Sun*, 19 May 1975, A10.
- <sup>5</sup> Special Committee to Terminate the National Emergency.
- <sup>6</sup> Senator Frank Church opening statement, "Intelligence Activities—Unauthorized Storage of Toxic Agents," September 16, 1975, *Hearings Before the Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the United States Senate*, 94 Cong., 1st sess. (Washington: GPO, 1976), 2.
- <sup>7</sup> Crosby to Church, MSS 056 Frank Church Papers, Series 2.6 Select Committee to Study Governmental Operations with Respect to Intelligence Activities, 1966-1980, Box 1, Folder 2, 1975 March-December, Boise State University Library, Special Collections and Archives.
- <sup>8</sup> "Richard S. Welch," *Washington Post*, 29 Dec 1975, A16; Ashby and Gramer, *Against All Odds*, 485.
- <sup>9</sup> *Ibid.*, 473.
- <sup>10</sup> U.S. Congress, Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Intelligence Activities and the Rights of Americans*, 94 Cong., 2d sess., 1976, 1.
- <sup>11</sup> *Ibid.*, book II, iii, ix.
- <sup>12</sup> *Ibid.*, viii.
- <sup>13</sup> *Ibid.*, 289.
- <sup>14</sup> *Final Report*, book I, 573-4.
- <sup>15</sup> *Final Report*, book II, iii; book I, 296-297.
- <sup>16</sup> S.R. 400, 19 May 1976.