THE USES AND MISUSES OF INTELLIGENCE OVERSIGHT

*Daniel B. Silver**

To inquire about the role of intelligence oversight in a democracy is to invite shallow "apple pie and motherhood" responses. Too often these responses convey sentiments which may be superficially appealing across a broad range of political views, but offer little guidance to the manner in which the difficult issues posed by intelligence oversight might be resolved. A broad consensus, for example, undoubtedly could be mustered for the proposition that because the secret nature of "intelligence activities" precludes normal "oversight" through public scrutiny, it is particularly important that such activities be subject to congressional review. Yet that proposition, couched in terms both general and undefined, has little real significance. It fails to distinguish among the range of diverse phenomena that can be characterized as "intelligence activities" and to define what is meant by "congressional oversight," a phrase that covers a multitude of potential applications. The statement assumes that public scrutiny plays the same role in all nonsecret areas of government activity, which almost certainly is not the case. Further, it assumes a proposition which is highly debatable, namely that the requirements of democracy are served only by congressional, as opposed to executive branch, review of intelligence activities.

The term "oversight," like "intelligence activities" and other terms used in discussing intelligence, is subject to diverse interpretations, and thus often is misused. Moreover, the process commonly known as oversight has both a proper role and a variety of possible misuses; examples of both can be found in recent history. The purpose of this discussion is to suggest some clarifications of terminology, and to discuss the proper role of the oversight process in contrast to some of the misuses that have been made of it.

As a starting point, it may be useful to attempt to separate both "intelligence activities" and "oversight" into their separate components for purposes of a more precise analysis of the ways in which the two

* Partner, Cleary, Gottlieb, Steen & Hamilton, Washington, D.C.; General Counsel, Central Intelligence Agency, 1979-1981; General Counsel, National Security Agency, 1978-1979.

interrelate. Since the ultimate aim of the inquiry is to evaluate the procedures and structures that are appropriate to our democratic form of government, it would seem appropriate to start by identifying some of the democratic values that should be served both by intelligence activities and the oversight of such activities.

DEMOCRATIC VALUES AND IMPERATIVES

A number of elements important to the maintenance of a democratic society come into play in the context of intelligence oversight. They include (not necessarily in order of priority) the following:

Survival

It seems axiomatic that in order to maintain our democratic form of government we first of all must survive as a strong and independent political and economic system. This in turn implies the rationale for the existence of intelligence activities: the preservation of the nation's security and defense.[1]

The Democratic Political Process

If the democratic ideal were understood to imply a system of government truly "by the people," there could be no "intelligence activities" as that term traditionally has been understood. This is because such activities are necessarily carried out in secret (or at least an attempt is made to maintain secrecy). In recent years the role of the Central Intelligence Agency (CIA) in Central America has tended to blur the boundaries of "intelligence activities" and to complicate the discussion of intelligence oversight issues. This is because much of the CIA's activities in that area—while conducted by a traditional intelligence agency, using, in some cases, partially secret means of implementation—have become publicly known and have been the subject of political debate while they were occurring. The existence of this class of activity should not obscure the fact that, for the most part, the activities of the intelligence agencies require secrecy. As used herein, the term "intelligence activities" means

1. In this context, there is little purpose in engaging in a sterile debate over the obvious point—frequently asserted by those opposed to various measures, including those intended to protect the secrecy of intelligence activities—that actions taken in defense of democracy which subvert the democratic system are self-defeating. Like most shibboleths about intelligence and oversight, the statement is virtually undebatable as an abstract proposition but provides no aid in determining whether a proposed measure is truly inconsistent with our democratic system. Moreover, it presumes that intelligence activities are likely to be incompatible with democracy. Our history tends to show, however, that, in general, a viable intelligence system serving the needs of national security can be maintained without impairing democratic institutions.

those for which secrecy is a prerequisite. Such intelligence activities cannot be publicly debated and reviewed, in a manner which allows the general public to form views and exert political pressure on the administration and the Congress; thus, influencing the conduct of government affairs more or less directly.

Despite the vigor with which public debate and political action are pursued in some areas of government activity, there seems to be a widespread and enduring consensus in our society that functions necessary to the security of the United States can, and should be, conducted in secret whenever it is necessary to their success. This consensus is not new. It has existed from the beginning of our constitutional history;[2] and consequently, it was part of the common understanding on which our system of government was formulated. Moreover, history shows that this consensus has continued throughout our nation's political and constitutional evolution. It has been embodied in the way our government has functioned over most of our history; indeed, the very notion of explicit congressional oversight of intelligence activities has been with us for less than two decades, while the existence of organized intelligence services goes back much further in time. The consensus has also been reflected in a series of statutes relating to intelligence,[3] and in Congress' enactment of measures protecting the secrecy of intelligence information running from the espionage laws[4] to the Intelligence Identities Protection Act of 1982.[5] These measures manifest the decision of our lawmakers that secret military and intelligence activities should be conducted, and that they should be kept secret.

Civil Liberties

The presence of powerful government organizations carrying on activities in secret creates a potential for infringement on individual liberties and constitutional rights; this potential, unfortunately, has been realized on various occasions.[6] An important, possibly the paramount, function of intelligence oversight (viewed in its widest perspective and not merely in the context of congressional scrutiny) must be to protect

2. *See, e.g.,* THE FEDERALIST No. 64, at 432, 433-35 (J. Jay) (J. Cooke ed. 1961) (a contemporary reflection that the Founding Fathers understood the need for secrecy in diplomacy and intelligence and intended the Constitution to make provision for such secrecy).

3. These include the National Security Act of 1947, 50 U.S.C. § 401 (1982); the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403 (1982); the National Security Agency Act of 1959, 50 U.S.C. § 402 note (1982); and the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. §§ 1801-1811, 18 U.S.C. §§ 2511, 2518-2519 (1982).

4. 18 U.S.C. §§ 792-799 (1982 & Supp. 1986); *see also* 18 U.S.C. § 952 (1982).

5. 50 U.S.C. §§ 421-426 (1982).

6. *See, e.g.,* SENATE SELECT COMM. TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES, S. REP. NO. 755, 94th Cong., 2d Sess. (1976).

against abuses of power by the intelligence and internal security arms of the government.

INTELLIGENCE ACTIVITIES

"Intelligence activities" is a term of such breadth that its unexamined use in relation to oversight tends to contribute more to confusion than to clarity. At the core are activities which generally would be recognized without controversy as constituting intelligence: namely, the collection of information about foreign powers by clandestine means, whether human or technical. Traditionally, the term has come also to mean covert noncollection activities abroad (running from propaganda exercises to paramilitary action) which are carried out by the same agencies that do intelligence collection, primarily the CIA. In some cases, these noncollection activities use the same techniques and resources as intelligence collection, but others are "intelligence activities" only because they are conducted by intelligence agencies. Other departments and agencies carry on similar activities in secret; for example, the State Department conducts secret diplomacy, and the armed services conduct secret military operations. It is not clear why the mere fact that such an activity is carried out by an intelligence agency creates a special oversight problem that is not present when the same activity is carried out by another governmental organization.

As noted above, in recent years the boundaries of intelligence activities have become increasingly blurred because of two phenomena. One is the spectacle of overt covert actions. An example is the U.S. intervention in Nicaragua, which was effectively acknowledged by the Administration, that was carried out more or less in plain view by the CIA and was debated as a major foreign policy issue in Congress. Yet, in many ways, it continued to be treated as a "covert action" even after little or nothing about it remained secret. The second is the Iran-Contra episode, in which something that had a general aura of being an intelligence activity was mainly carried out by nonintelligence components of the government and others outside the government. This has left the Congress in a quandary. It has attempted to amend the Intelligence Oversight Act of 1980[7] (1980 Act) in a fashion that would sweep similar activities in the future into the ambit of the oversight jurisdiction of the Intelligence Committees. In the process, the Congress has demonstrated that it is hard to draw a line between, on the one hand, those covert operations by the National Security Council staff or those other government entities which

7. 50 U.S.C. § 413 (1982).

the Iran-Contra Affair led many to think ought to be assimilated to intelligence activities and, on the other hand, activities carried out in secret by the same entities which are merely part of their "traditional" functions.

The Congress, at present, appears to aspire to make the day-to-day conduct of foreign affairs a shared enterprise between itself and the executive branch. This ambition has helped compound confusion as to the nature of intelligence activities; and thus, as to the role of intelligence oversight. A broad range of activities originally became assimilated to intelligence activities primarily because they were carried out by the CIA, either exclusively or in common with other agencies. By virtue of the fact that the first systematic statutory effort at oversight, the Hughes-Ryan amendment,[8] was directed at providing congressional access to information about the nonintelligence collection activities of the CIA, many in Congress automatically began to consider that such activities necessarily constitute intelligence activities. Over the course of time, it became natural to extend the statutory requirements, as in the 1980 Act, to all identified intelligence agencies, which were required to report to the Congress about "intelligence activities," a term not defined in the statute. By the time of the recent Iran-Contra Affair, few in the Congress appeared to doubt that it was mere circumvention of the 1980 Act for an agency that was not a traditional intelligence agency to engage in activities that would fall within the scope of the 1980 Act if carried out by an intelligence agency. This is so, even though, at the time the Hughes-Ryan amendment was drafted it is open to question whether many would have considered secret negotiations and arms sales to a foreign power to be an intelligence activity if carried out at the President's behest by the White House staff or private emissaries. Thus, laws originally intended to provide oversight jurisdiction over identified components of the executive branch have been transformed into measures purporting to define a set of substantive activities that fall within the scope of congressional oversight of intelligence, regardless of by whom performed. Yet the contours of these activities are far from clear.

Perturbed by the absence of a statute requiring prior notice to the Congress when such activities are being carried out by agencies other than the CIA (or the other identifiable traditional intelligence agencies), the drafters of the Senate version of the proposed amendments to the 1980 Act[9] have chosen to treat all activities of the United States Government (regardless of which agency conducts them), which are "in support of national foreign policy objectives" and are "planned and executed so

8. Foreign Assistance Act of 1961, 22 U.S.C. § 2422 (1982).
9. S. REP. No. 1721, 100th Cong., 2d Sess., 133 CONG. REC. S12, 852-58 (daily ed. Sept.

that the role of the United States Government is not apparent or acknowledged publicly" as covert actions, excepting only "diplomatic activities" and intelligence collection.[10] It is evident that such a definition, fraught with ambiguities, might potentially include numerous activities of agencies never thought to be in the intelligence business. For this reason, some in Congress, particularly on the House side, and in the Administration, have been struggling to narrow the definition by introducing exclusions for activities with the primary purpose of conducting, *inter alia,* "traditional" diplomatic and military functions.[11]

What has been occurring, of course, has been a skirmish in the ongoing congressional and executive struggle for supremacy in foreign affairs. In this conflict, claims that there is a need for congressional oversight of intelligence activities may carry greater plausibility than similar claims for direct congressional intervention in the President's conduct of and decision-making process concerning foreign relations. For this reason, intelligence oversight has become the "cat's paw" of congressional ambitions to reduce executive powers. Consequently, the Congress has increasingly directed the focus of oversight of intelligence activities away from the intelligence functions of the intelligence agencies and instead, towards the assertion of an expanded congressional role in the formulation of foreign policy.

TOWARD A DEFINITION OF INTELLIGENCE OVERSIGHT

Given the foregoing, in the current political climate, it is not surprising that the concept of intelligence oversight is skewed toward issues of congressional and executive relations. Thus, for example, almost all popular attention regarding oversight of intelligence activities appears currently to be devoted to covert action, which represents a small percentage of the total number of dollars spent and personnel employed within the intelligence community.

Defining Intelligence Oversight

It is profoundly incorrect to view intelligence oversight in such a narrow context. Congressional access to information about covert actions is indubitably an important aspect, but it is not the beginning and end of the process of ensuring the proper conduct of intelligence activities. Rather, intelligence oversight, correctly viewed, should be regarded as the totality of the measures external to the actual operational conduct

25, 1987). This measure was amended and passed by the Senate on March 15, 1988. *See* 133 CONG. REC. S2224-2250 (daily ed. March 15, 1988).

10. S. REP. No. 1721, 100th Cong., 2d Sess. § 503(e) (1987).

11. Personal communications.

of the affairs of the various intelligence agencies, which are undertaken to promote the attainment of a number of interrelated goals. These are, as suggested above: (i) to ensure the efficacy of intelligence operations; (ii) to protect the liberties of the American people; (iii) to provide the necessary degree of constitutional balance; and (iv) to provide for budgetary authorization and appropriations of funds by involving the Congress in the oversight process. It should be apparent that the Congress is indispensable to only the third and fourth goals, and that "the necessary degree of constitutional balance" is an inherently controversial notion.

The definition of intelligence oversight proposed above, which encompasses all measures external to the actual conduct of operations, intentionally begins within the intelligence agencies themselves. This is the most important level at which oversight should occur. Experience tends to demonstrate that no amount of vigilance or interference from outside an organization, at least no amount of external oversight that is compatible with a wise allocation of public resources and with the proper conduct by an intelligence agency of its mission, can guarantee against negligent or intentional misconduct within that organization on a scale that evades external attention or control. This will be true regardless of how sweeping the requirements of law may become. Few criminal statutes have succeeded in eliminating the conduct they criminalize, even with the aid of massive law enforcement efforts. It is equally unlikely that mere statutory enactments, even if coupled with a vast expansion of the resources external to the intelligence agencies devoted to detecting potential misconduct, will by themselves deter individuals within the intelligence agencies from pursuing courses that they consider to be in the national interest but which run counter to externally-imposed rules.

Internal Oversight Mechanisms

Thus, the first bastion of oversight is within the intelligence agencies. Such oversight is the responsibility of the agencies' management and, in particular, of the Offices of General Counsel and Inspector General. Since the role of the inspector general inherently limits the preventive capabilities of that office, it seems likely that the potentially most effective official in terms of inhibiting misconduct is the general counsel. For this to be the case, however, two elements are necessary. First, it is essential that the general counsel and lawyers on that person's staff be independent, strong-minded and conceive of the office in a broader role than merely serving as the personal legal counsel to the agency head. Second, it is important that the agency head and agency management respect the law and recognize that the General Counsel's Office should be involved in the planning stages of significant operations; in decisions

relating to the interpretation of any legal requirements, including those relating to reporting to the Congress; and generally in all decision-raising issues of sensitivity (*i.e.*, concerning activities which have what is aptly described as "flap potential"), whether or not a direct question of legal interpretation can be discerned.

The second line of defense within the agencies is the Office of Inspector General. Here again, efficacy in that role depends on having officials with the strength of character, the institutional structure and the management support to operate independently. The inspector general should not be, as is so often the case, an employee with a narrow operational background serving time until retirement (although having the job be the last stop before retirement may induce a measure of independence) or alternatively, facing a career future that may be blighted by taking unpopular steps as inspector general.

Although independence and strong-mindedness are essential to the ability of both lawyers and internal inspectors to play an effective oversight role, it is equally important that both offices be viewed within the agencies as part of the agencies, and not as adversaries. Thus, it is essential, particularly in the case of the Office of General Counsel, that the office also carry out a role that is perceived as useful to other agency components. In short, the lawyers and inspectors must earn the trust and respect of their coworkers without losing the ability to be objective. This is a difficult, but not impossible task. It is one, however, that cannot be legislated.

Other Executive Branch Oversight Bodies

Another important contributor to proper oversight lies external to the intelligence agencies, but within the executive branch. There have existed for many years institutions within the executive branch created for the purpose of providing external oversight to the intelligence agencies. Among these, the institution having the most direct oversight functions is the President's Intelligence Oversight Board.[12] This Board, composed of three trustworthy and distinguished citizens outside government, has the function of investigating, as appropriate, reporting to the President and receiving reports from intelligence agency general counsels and inspectors general regarding matters that may be unlawful. To date, however, the public image of this body fails to inspire confidence that it is a strong organ of internal executive branch oversight. The Board is made up of part-time members and has virtually no staff. It is hard to

12. Exec. Order No. 12,334, 46 Fed. Reg. 59,955 (1981).

conceive, given the limitations on its resources, that it can play a forceful role.

A second mechanism of oversight is the Department of Justice. Under the President's Executive Order on Intelligence,[13] as in those of preceding Administrations,[14] the Attorney General is required to be involved in the review of various aspects of intelligence, especially regarding the implementation by the agencies of the provisions of the Executive order intended to protect civil liberties. There exists within the Department of Justice a special unit, established during the Carter administration, called the Office of Intelligence Policy. The function of this office is to assist the Attorney General in carrying out this review function, as well as those conferred on him by the Foreign Intelligence Surveillance Act[15] regarding applications to the court established under that Act. By virtue of this role, and the presence in the Office of Intelligence Policy of professionals with extensive intelligence-related experience, the Department of Justice potentially is a major source of executive branch oversight of the intelligence agencies. The ability of the Department of Justice to function effectively in this role, however, depends on many of the same factors described above with respect to the Office of General Counsel of an intelligence agency, including the need for the person at the top, the President, to communicate a strong desire that intelligence activities be subject to strict rules.

THE PRESENT STATE OF INTELLIGENCE OVERSIGHT

If one accepts a broad view of the nature of intelligence oversight and the institutions involved in it, an assessment of the current state of intelligence oversight must extend beyond the issue of the congressional committees or the impending congressional oversight legislation. It must consider the entire panoply of oversight mechanisms within both the executive and legislative branches. These mechanisms include, in addition to the congressional oversight committees: (i) the Offices of General Counsel and Inspector General within the intelligence agencies; (ii) the system of internal regulations established under the President's Executive Order on Intelligence and administered through implementing regulations of the intelligence agencies; (iii) the Office of Intelligence Policy within the Department of Justice; (iv) the Foreign Intelligence Surveillance Act and the court established thereunder; (v) the President's Intelligence Oversight Board; and (vi) review of certain intelligence activities

13. Exec. Order No. 12,333, 46 Fed. Reg. 59,941 (1981).
14. *See, e.g.*, Exec. Order No. 12,036, 43 Fed. Reg. 3674 (1978) (President Carter).
15. Foreign Intelligence Surveillance Act of 1978, 18 U.S.C. §§ 2511, 2518-2519, 50 U.S.C. §§ 1801-1811 (1982).

by the National Security Council or its staff and by other nonintelligence departments and agencies, whether in interagency committees or through less formal involvement in the planning or conduct of a particular activity.

It is not unreasonable to conclude, on the basis of the Iran-Contra Affair, that any of these oversight mechanisms failed to function in that context as effectively as desired—especially the CIA's Offices of General Counsel and Inspector General and the President's Intelligence Oversight Board. In addition, within other institutional components, such as the National Security Council staff, in-house legal review and counsel failed to avert mistakes.

The recognition that mechanisms other than congressional oversight did not perform well would seem to lead to a conclusion that they should be strengthened. Similarly, in examining the reasons why congressional oversight did not work in the Iran-Contra case, it is obvious that there was a failure by the executive branch to give a good faith reading to existing law, the 1980 Act. This failure in turn can be attributed, at least in part, to a breakdown in the relationships between the intelligence agencies and the congressional oversight committees that antedated the Iran-Contra incident itself. One would expect in these circumstances that the first task of those concerned would be to attempt to understand the reasons for that breakdown and to attempt to build the kind of congressional and executive relationship in which the desire to avoid congressional notification would be unlikely to recur.

It is regrettable that, up to the present time, the reactions on all sides to the oversight crisis engendered by the Iran-Contra Affair have been far from those described above. What has in fact occurred, or failed to occur, in broad outline, is the following:

(i) the President has undertaken in a letter to the Congress to adopt modest changes in the way covert actions are authorized—primarily to eliminate the possibility of retroactive findings.[16] These changes manifestly have failed to impress many members of Congress;

(ii) the executive branch has not agreed to the proposition that prior notice of covert actions can never be withheld under the 1980 Act;

(iii) the Congress has embarked on a spate of legislative activity designed to lock the particular barn door involved in the Iran-Contra Affair by imposing a series of Draconian reporting requirements on the executive branch, eliciting predictable opposition from the Administration;

16. Letter from President Reagan to Sen. Boren, *reprinted at* 133 CONG. REC. S12,857 (daily ed. Sept. 25, 1987).

(iv) little or no discernable change has occurred in the internal executive branch oversight organs. In particular, the President's Intelligence Oversight Board, which has never had resources sufficient to be a credible institution, remains no stronger than it was before;

(v) no useful measures have been taken in the Congress to strengthen the executive branch institutions which normally should be the first line of defense against misconduct by the intelligence agencies. While a bill has been introduced in the Senate to create a statutory inspector general for the CIA,[17] the proposed legislation would do little more than insert in the Agency an official whose primary function would be to report to the Congress. This is hardly a prescription for effective internal oversight of the Agency or a way to encourage the development of better relations between the Congress and the intelligence agencies.

In short, on the executive branch side, there appears not to have been enough recognition of shortcomings, at least not in a sufficiently discernable manner, to engender confidence that internal oversight will be strengthened on the basis of the lessons of the Iran-Contra Affair. On the congressional side, wounded pride and jockeying for power over the conduct of foreign relations seem to have shouldered aside any attempt at thoughtful consideration of the underlying causes for the unsatisfactory relationship between the oversight committees and the executive branch. An assumption seems to have been accepted in the Congress that any degree of tension between the two branches in this area is acceptable, even when all indications are that such tension is destructive rather than creative.

It is not easy to see a way out of the present situation, yet it seems imperative to find one. The need for improved oversight, in the broad sense suggested above, has been demonstrated by recent events. Yet, no progress can be expected as long as oversight is misused to mean only congressional assertions of rights to information about the intelligence agencies and to prior notice of a whole range of executive branch initiatives whether carried out by traditional intelligence agencies or not. Nor can progress be achieved as long as the Congress misuses its oversight role as a point of attack on executive branch primacy in foreign relations, and misuses the oversight committees as the forum for partisan foreign policy disputes with the Administration.

By the same token, no improvement can be anticipated as long as the executive branch fails to recognize the need for improvement or to take more than cosmetic steps to improve the oversight mechanisms

17. S. REP. No. 1820, 100th Cong., 1st Sess. (1987).

within the intelligence agencies and the executive branch. Nor can tensions between the two branches relating to intelligence oversight be expected to ease, unless the Administration dedicates real efforts to accommodating the legitimate desires of the Congress—not by acceding to unwise and possibly unconstitutional legislation, but by voluntarily seeking to bring the appropriate congressional leaders and committees into the process of developing a consensus on covert operations (or less than covert operations which nonetheless will involve the intelligence agencies) that have major national policy implications or promise to be controversial. These are steps that any Administration would be well advised to take as a matter of good political sense. They are particularly desirable in the present context.

If progress is to be achieved, it is submitted that both the Congress and the executive branch must lower the level of assertiveness they currently bring to congressional and executive relations concerning intelligence issues. Simultaneously, both should explore the means within their respective branches of government of strengthening oversight functions without provoking a confrontation with the other branch.

On the executive branch side, the nature of possible measures is fairly clear. The President could give real teeth to the President's Intelligence Oversight Board and provide it with full-time members and a sufficient staff to play an effective role. The President, alternatively or in addition, could establish a "Blue Ribbon" Advisory Board that would review all covert action proposals and report to the President before his authorization of any such proposal. The President and the heads of the intelligence agencies could take measures (indeed some salutary measures appear already to have been applied at the CIA) to strengthen the Offices of General Counsel and Inspector General. They could redouble efforts to educate officials in operational positions about applicable agency policies, Executive order provisions, and laws affecting the conduct of intelligence activities. The executive branch could take steps to disengage the intelligence agencies from the conduct of foreign operations once they pass the stage of being clandestine, and become involved in public scrutiny or congressional debate of a kind inappropriate to intelligence organizations.

On the congressional side, a number of measures of reform would contribute to a likely improvement of the oversight relationship.[18] One

18. *See generally* STANDING COMM. ON LAW AND NATIONAL SECURITY, WORKING GROUP ON INTELLIGENCE OVERSIGHT AND ACCOUNTABILITY, OVERSIGHT AND ACCOUNTABILITY OF THE U.S. INTELLIGENCE AGENCIES: AN EVALUATION (1985)(American Bar Association).

measure would be to change the constituent resolutions in both Houses[19] which permit the Congress to release classified information over the objection of the President. Another would be to reform the current "designee" staff structure of the Senate Select Committee on Intelligence to provide for a more streamlined and centrally directed committee staff. Even more important, however, would be to find a mechanism within the Congress for separating contentious issues of foreign policy arising in the context of nonsecret "covert actions," such as the Nicaragua matter, from the activities of the oversight committees that relate to truly clandestine intelligence collection. Such a mechanism would require either a transfer of jurisdiction over such matters to the committees concerned with foreign relations, or the creation of another select committee (perhaps a joint committee of both Houses) to deal specifically with review of this category of activities.

19. S. Res. 400, 94th Cong., 2d Sess. (1976); H.R. Res. 658, 95th Cong., 1st Sess. (1977).