

February 15, 2023

**Open Letter to House Judiciary Select Subcommittee on the Weaponization of the Federal Government**

Hon. James Jordan, Chair  
Judiciary Committee, House of Representatives  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Jordan:

The recent formation of the House Judiciary subcommittee which you now chair—the Select Subcommittee on the Weaponization of the Federal Government— raised an important historical parallel. Republican representatives initially referred to the Weaponization Subcommittee as a “reincarnation” of the 1975-76 Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. Widely known as the “Church Committee,” that original intelligence investigation was chaired by Senator Frank Church (D-Idaho).

The Church Committee was clearly cited as a touchstone due to the credibility it garnered by the manner and method of its investigation, the scope and significance of the intelligence activities it revealed, and its farsighted recommendations for enhancing executive, legislative, and judicial checks and balances on intelligence activities affecting rights of Americans.

Our purpose is to lay out certain hallmarks of the Church Committee, as guideposts for this next phase of House oversight.

We are writing as former Church Committee staff members and counsel who worked in support of both Democratic and Republican Senators on that panel. The signers of this letter include former occupants of intelligence, law enforcement, national security, and oversight positions. For example: U.S. National Intelligence Council Chair; Under Secretary of State for Arms Control and International Security Affairs; Deputy National Security Advisor; Director of Justice Department Executive Office for National Security; Assistant Secretary of State; Deputy Ambassador to the UN Security Council; Counsel to the President’s Intelligence Oversight Board; CIA Inspector General; Chief Judge of U.S. Court of Appeals for the Federal Circuit; Columbia University International Security Policy Program Director; and Chief Counsel to the Senate Select Committee on Intelligence.

Your subcommittee announced plans to concentrate chiefly on two topics:

- Alleged “weaponization” of the FBI and Department of Justice, including FBI investigation of President Trump’s campaign and DOJ investigations of electoral interference, including the turmoil associated with January 6, 2021.
- Classified intelligence security issues and “over-classification” questions.

These topics raise questions regarding possible domestic abuses or misjudgments by U.S. intelligence and law enforcement agencies -- similar to those confronted by the Church Committee, but in a new and different context.

The Church Committee was cited as a paradigm for Congressional investigations by Paul C. Light at NYU's Wagner School of Public Service, after examining investigations extending over a 67-year period in *Government by Investigation: Congress, Presidents, and the Search for Answers, 1945-2012* (Brookings Institution, 2014).

Light pointed to **three key ingredients** the Church Committee shared with the most effective Congressional investigations.

First, the most successful Congressional investigations were **bipartisan**. The Church Committee was launched by a Senate vote of 82 to 4, after a 1974 *New York Times* report about Nixon-era CIA domestic surveillance on U.S. anti-war and civil rights activists. This triggered the Committee's sweeping investigations of U.S. intelligence activities through the Truman, Eisenhower, Kennedy, Johnson, and Nixon administrations.

The final Church Committee reports were exhaustively documented, running over 2,700 pages. They criticized certain intelligence activities as imprudent or improper under both Democratic and Republican presidents.

The Committee's ultimate recommendations transcended political lines: creating a permanent intelligence oversight committee; promulgating presidential orders and Attorney General guidelines; and legislating a secure judicial procedure for authorizing national security electronic surveillances (eventually, the Foreign Intelligence Surveillance Act).

As chair, Frank Church worked closely not only with fellow Democrats, but with the panel's Republicans, including Vice Chairman John Tower (Texas), Howard Baker (Tennessee), Charles Mathias (Maryland), and Richard Schweiker (Pennsylvania).

Republican members did not hesitate to debate fine points of Committee procedures and findings. But they strongly supported the essential investigative mission. John Tower worked closely with Church and Gary Hart (Colorado) on CIA assassination plots. Senators Baker and Mathias were instrumental in maintaining bipartisan unity during closed and open sessions, penetrating questioning of former intelligence officials, and shaping Committee findings.

Civility and mutual respect marked Committee deliberations and staff relations. Majority counsel routinely included minority counsel in witness interviews and closed door deposition questioning of former intelligence agency or White House witnesses. While separate concurring or dissenting views were included in Committee findings, Democratic majority Senators made an effort to refine certain findings to achieve bipartisan consensus wherever possible.

Second, **effective committee leadership** was essential to the most successful Congressional investigations. For the Church Committee, this meant collaborative leadership. Church consulted frequently with Tower and Baker to present a united front to the intelligence

community on key issues such as Committee security arrangements and acquiring CIA “Family Jewels” documents.

All Committee leaders publicly committed to ensuring that intelligence activities are: (i) conducted within America’s legal framework; and (ii) optimally secure and effective. These precepts bred public confidence in the Church investigation.

Similarly, the Church Committee pledged not to interfere with active law enforcement matters or ongoing, lawful intelligence operations.

None of this prevented the Church Committee from probing the history of questionable or unlawful intelligence and counterintelligence activities such as: warrantless electronic surveillances affecting U.S. citizens; CIA assassination plots against foreign leaders and other controversial covert actions; CIA and FBI U.S. mail opening programs; CIA Operation MK-ULTRA drug testing on unwitting governmental personnel; NSA SHAMROCK and MINARET communications intercepts affecting Americans; and FBI COINTELPRO surveillance, disruption, and discrediting of peaceable civil rights and anti-war activists.

Committee leaders Church and Walter Mondale (Minnesota) on the Democratic side, and Tower and Baker on the Republican side, jointly briefed executive branch officials on Committee plans, as well as why certain documents and witnesses were needed for an accurate picture of past agency activities and authorizations.

The senators also reasonably accommodated intelligence and law enforcement agencies. They fenced off certain subjects from public discussion to preserve secrecy for operations, sources, methods, and operatives. They also acknowledged past agency activities that were duly authorized.

The Church Committee accomplished much with professionalism, transparency, and flexibility. In contrast, the parallel Pike House Intelligence Select Committee encountered a good deal of stalemate by approaching intelligence agencies with more rigidity and confrontation.

Ultimately, Church Committee recommendations for structural reforms, to prevent recurrence of improper or unwise activities, were implemented in the administrations of *both* presidents Ford and Carter.

Third, the Church Committee’s rigorous fact-finding exemplified the **objectivity** that was Professor Light’s other key ingredient for success: fair and full reporting of facts and surrounding context. Findings were grounded in witness testimony and agency documents -- resisting political temptations to assemble misleading mosaics from isolated tidbits.

Similarly, the Jordan Judiciary Committee and Weaponization Subcommittee should eschew partisan pronouncements and public prejudgments from both sides of the aisle. Any conclusions and recommendations should be based fairly on relevant evidence and applicable laws.

To be credible, we believe the Jordan subcommittee should also resist prejudgment of “weaponization” by law enforcement and intelligence agencies, and instead determine whether that label is justified by the evidence.

For example, DOJ reviews during the Trump era – both by Attorney General Barr’s appointee Special Counsel John Durham and DOJ’s Inspector General -- did not find systemic evidence of such weaponization. A balanced subcommittee would consider in good faith whether Barr and Durham themselves may have strayed into such weaponization.

The Jordan committee and subcommittee may indeed develop important oversight lessons. But their credibility will depend in large measure on whether these contemporary panels truly mirror Church Committee operating principles and practices.

Since the Church Committee, polarization and vituperation have too often pervaded the Congressional landscape. These critical times require House members to rise above partisan pugilism and adhere to the Church Committee model they have invoked, allowing true facts and the rule of law to determine wise findings and recommendations.

In closing, we share what Senator Church wrote to the Senate with the Final Report of his Committee: “The members of the Select Committee have worked diligently and in remarkable harmony. I want to express my gratitude to the Vice Chairman, Senator John Tower of Texas, for his cooperation throughout and the able assistance he has given me in directing this most difficult task.”

May this same spirit of cooperation and bipartisanship animate the investigative tasks upon which you and members of the Select Subcommittee have embarked.

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