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23 AUG 1979 ~~SECRET~~
HSCI

MEMORANDUM FOR: Deputy Director for National Foreign Assessment
FROM: Director of Central Intelligence
SUBJECT: Article by Tom Latimer, HPSCI Staff [redacted]

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1. Attached is a copy of an article written by Tom Latimer of the HPSCI. It is a thoughtful piece. It also represents some of the directions in which we are going to be stimulated by that Committee in the months to come. [redacted]

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2. I note on page 5--by the check I have put in the margin--a warning sign that we are going to be probed in the area of crisis management. The Committee feels it did a real service in stimulating us last year on the question of indications and warning. They are pleased that Dick Lehman has that moving in the right direction. We have not, frankly, been hard-tasked from the crisis management area. May I suggest that one of the task forces you set up to look at NFAC might well address that issue. [redacted]

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3. On page 7 in the bottom right, Tom makes a comment about the fact that the principal interaction between the Agency, the State Department, the Defense Department and the White House has always been with DDO. It is my perception that that is not the case today with respect to DDO and the White House, but that it is the case with respect to State. I have talked to John McMahon about this some. I have no desire to curb the fine contact that does exist between DDO and State. That has its important functions. I would like to encourage you and John, however, to begin a program of ensuring that NFAC turns to DDO in the conduct of periodic meetings with the desk officers in State. This will not only help NFAC and State in getting to know each other

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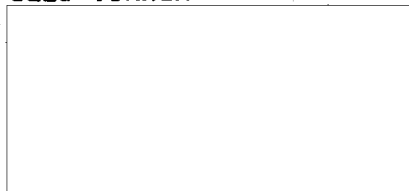
better so that the analysts can truly support some of their principal customers, it will help both NFAC and DDO in ensuring close coordination between them. I'm sure some coordination exists in many areas today but I suspect there are some areas in which DDO and NFAC do not really exchange.

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Attachment a/s

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U.S. INTELLIGENCE AND THE CONGRESS

THOMAS K. LATIMER



THE AUTHOR: Dr. Latimer is Staff Director of the House Permanent Select Committee on Intelligence. He was Principal Deputy Assistant Secretary of Defense (Communications, Command, Control and Intelligence) from 1976 to 1977 and the Special Assistant to the Secretary and Deputy Secretary of Defense from 1974 to 1976. This article is based upon a paper presented at the 8th Annual Conference of the International Security Studies Program of the Fletcher School of Law and Diplomacy, Tufts University, and it will appear in a forthcoming volume entitled *Intelligence: Deception and Surprise*.

IN BRIEF

In the past five years Congress has gained an expanded role in overseeing the intelligence activities of the government. Congressional attention centers upon five concerns: investigation, oversight, budget review, quality of analysis and legislation. By establishing guidelines and by overseeing the activities, budget requests and quality of assessments of the intelligence services, Congress ensures that intelligence analysts adequately anticipate crises and that their assessments reach the levels of policy formulation. This closer relationship between the Congress and the intelligence community is here to stay, and it should be of ultimate benefit to the United States as a whole.

The question of what role the U.S. Congress should play in the intelligence and counterintelligence activities of the government is a relatively new one. The Congress always had some impact on intelligence activities, beginning with the creation of the Central Intelligence Agency by the National Security Act of 1947. In the years since, both the Senate and the House Armed Services Committees, as well as the Appropriations Committees of both houses, were briefed to some extent on the CIA's operations and on the budget for the CIA each fiscal year.

In 1974 public allegations of massive misdeeds by the Central Intelligence Agency, the Federal Bureau of Investigation and other intelligence agencies prompted the Senate and

House to reexamine the role of Congress in overseeing the activities of the nation's intelligence services. In the process which has unfolded over the past five years, the Congress has exercised increased control over the intelligence services, primarily in five separate but associated areas: investigative activities; oversight of intelligence operations; budget authorization and appropriation; substantive quality of intelligence assessments; and enactment of legislation.

The sudden reality of determined Congressional investigation sent a shock wave throughout the intelligence community, which had been accustomed to dealing with only a few, very senior members of Congress and revealing very little about its operations. Moreover, the mana-

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the intelligence services had taken for the general acceptance by the Congress and the public that their work was necessary and that they were performing well. The glare of publicity upon their previously clandestine world, plus the hard probing of the Senate and House Select Committees on Intelligence, forced a dramatic change in the relationship between the intelligence agencies and the Congress. That new relationship now has been worked out for the most part, and the result has been a constructive one for the intelligence services, for the Congress and for the public.

The Investigative Role of Congress

In the first phase of this developing new relationship, the primary emphasis was on the investigative role of Congress. Following allegations in the press of massive illegal activities by intelligence services, the Senate created a Select Committee to Study Governmental Operations with Respect to Intelligence Activities.¹ That committee—known as the Church Committee after its Chairman, Senator Frank Church—spent fifteen months thoroughly investigating and studying the intelligence activities of the United States. In July 1975 the House followed suit and established its own Select Committee on Intelligence,² known as the Pike Committee, chaired by Representative Otis Pike. The Pike Committee finished its work in February 1976. Both committees recommended that permanent, follow-on committees be established to monitor continually the activities of intelligence services.³

In the cases of both the Church and Pike Committees, allegations of misdeeds by the intelligence services were investigated thoroughly. But both committees, in keeping with their charters, went beyond the questions of abuses and into issues involved in the very structure and quality of the intelligence process. The investigations initially met with considerable resistance on the part of those being investigated. From the prolonged struggle between the committees, which wanted information, and the intelligence services, which were reluctant to provide certain information and adamantly opposed to providing other data, emerged several important lessons for the Congress and the Executive Branch.

From the viewpoint of the Congressional

committees, it became very important to be able to ask precisely the right question of the right official in order to get the needed information. Persistence was also discovered to be a necessity. Within each element of the intelligence services there are officials who believe that cooperation with Congressional oversight committees is not only necessary and inevitable, but it can be a constructive factor in the operations of those intelligence services. Persistence on the part of the oversight committees tends to encourage and to reinforce the efforts of such officials in their internal bureaucratic struggles.

The Executive Branch also learned that the Congress was serious about exercising its oversight responsibilities with respect to the intelligence activities of the government. One result of that realization was a responsible effort on the part of senior Administration officials outside the intelligence community—beginning in President Ford's Administration and continuing into the present—to evolve procedures whereby the oversight committees can gain access to the information they seek while assuring the protection of intelligence sources from unauthorized disclosure. Not all of those procedures have been worked out to everyone's satisfaction, but both the oversight committees and the Executive Branch are approaching the problem in a spirit of comity which must exist if the Legislative and Executive Branches of the government are to work together in this complex area.

Congressional insistence on exercising its constitutional role of investigating and overseeing the Executive role in operating the clandestine intelligence activities of our government is in keeping with the wisdom of the Founding Fathers, who built into our Constitution mechanisms to check the concentration of too much power in either branch. In the area of intelligence operations, the checking and balancing role of the Congress is especially important because the part played by an informed public is greatly constrained by the very fact that our nation's intelligence activities operate best when little information about those activities is made public.

Despite the difficulty the American people have in knowing whether or not the intelligence activities of their government are proper and effective, the public attitude toward intelligence is an important factor in the way Congress approaches its oversight role. The Congress, in

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helps shape the image the public has of the intelligence services. Over the past five years that interactive process seems to have yielded several concerns shared by the Congress and the public at large.

Congressional Oversight

One such concern is that while the intelligence services should be invoked against foreign activities hostile to our nation's security, they should not be used to violate the constitutional rights of American citizens. This concern resulted in the establishment of restrictions on the activities of intelligence services, first by President Ford⁴ and then by President Carter.⁵ In addition, the Attorney General in each of these Administrations issued voluminous guidelines for the conduct of intelligence activities to limit the danger that they would infringe on the rights of American citizens.

That concern has also led to the enactment of one piece of legislation, the Foreign Electronic Surveillance Act of 1978,⁶ which for the first time requires the Executive Branch to obtain a warrant in order to monitor electronically an American citizen or permanent resident alien for national security purposes. Prior to the enactment of that legislation Presidents had relied on the inherent power of their office to approve such surveillance without a warrant. This concern has also led to proposals for the enactment of an omnibus bill which would provide legislative charters for the major intelligence services (the CIA, the National Security Agency and the counterintelligence arm of the FBI) and would also provide a list of particular activities which would be proscribed for those services.

Finally, concern over the need to guard against any future violations of the rights of Americans was a primary factor in the creation of the Senate Select Committee on Intelligence in 1976⁷ as a permanent follow-on to the Church Committee and the establishment of the House Permanent Select Committee on Intelligence in 1977.⁸ Both resolutions stated that their purpose was "to provide vigilant legislative oversight over the intelligence activities [and also intelligence-related activities, in the House version only] of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."

There can be little doubt about the chilling effect Congressional scrutiny can have on the clandestine activities of U.S. intelligence services. Proponents of more vigorous efforts in the area of so-called "covert actions" of the CIA⁹ assert that enactment of the Hughes-Ryan Amendment to the Foreign Assistance Act of 1974, which requires the appropriate committees of Congress be informed whenever the President makes a determination that such a covert action is necessary, has been followed by a dramatic decrease in the use of such activities.

Congressional Budget Review

Another concern which has evolved from the examination of intelligence over the past five years is over the amount of money being spent on intelligence. Public concern over this issue is necessarily muted because, for security reasons, the debate is conducted in secret sessions between the oversight committees and the Executive Branch and in executive sessions among the committees themselves.

Nonetheless, a major impact by Congress upon the intelligence activities of the government is via the budgetary process. Both houses of Congress recognized the importance of providing their intelligence oversight committees leverage over the intelligence services by giving them control over the budgets of those services. The resolutions establishing both select committees provided that no funds could be appropriated to carry out intelligence activities "unless such funds shall have been previously authorized, and in each house the select committees present the authorization bill annually to their respective house for approval.

It is through the annual budget review process that the oversight committees can develop an in-depth understanding of exactly how the taxpayers' money is being spent for intelligence purposes. The committees look at the budget not only agency-by-agency but functionally as well (i.e., how much is being spent on collection, processing and production). The committees also examine the budgets from an appropriations viewpoint (i.e., how much is spent on research and development, procurement, operation and maintenance, personnel, retirement, etc.).

In short, the Director of Central Intelligence and the head of each agency in the intelligence

community appear before the oversight committees and the Appropriations Committees of both houses each year to justify in detail the amount of money being requested to operate the respective agency for the coming fiscal year.

Both the Senate and House Select Committees on Intelligence examine the budget request for the National Foreign Intelligence Program, which is developed by the Director of Central Intelligence. According to Executive Order 12035, it includes the budgets for:

(A) The programs of the Central Intelligence Agency;

(B) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance, except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(C) Other programs of agencies within the intelligence community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence of counterintelligence activities;

(D) Activities of the staff elements of the Office of the Director of Central Intelligence.

In addition, the House Permanent Select Committee on Intelligence shares responsibility with the Armed Services Committee for reviewing that part of the Department of Defense budget which goes to those activities defined by the Secretary of Defense and the Joint Chiefs of Staff as "intelligence-related activities."¹⁰ Intelligence-related activities are those activities within the Department of Defense but outside the National Intelligence Program which include: responding primarily to operational military commanders' tasking for time-sensitive information on foreign entities; responding to national level intelligence tasking of systems, the primary mission of which is support of operating forces; training personnel for intelligence duties (funds for training Defense Department personnel are all contained in one program in the overall defense budget); providing an intelligence reserve; or performing research and development of intelligence or related capabilities.

The intense scrutiny which the oversight committees give to the intelligence budget requests enables them to carry out several of their key responsibilities. For one thing, it would be extremely difficult, if not impossible, for an intelligence agency to undertake any significant action in violation of the law without expending considerable funds for that purpose. The thorough budget review, which includes visits to field operations, rules out any such possibility. Secondly, it is through the budget review process that the committees are able to determine whether there is unnecessary duplication of collection, processing and production of intelligence.

The House of Representatives, which tends to delve into greater detail than does the Senate in examining Administration budget requests, includes the intelligence-related activities of the Defense Department in the responsibilities of its Select Committee on Intelligence, both to ensure that no unnecessary duplication of capabilities occurs between the operations of the "national" program and those of the Defense Department and to make certain that needed capabilities do not "slip into the cracks."

Substantive Quality of Intelligence

A third major concern which has engaged the attention of the Congress over the past half-decade is over how well our intelligence services support U.S. policymakers and the Congress. That concern was reflected in the language of both the Senate and House resolutions which created the Senate and House Select Committees on Intelligence. Both committees were charged with the responsibility to "make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the Executive and Legislative Branches to make sound decisions affecting the security and vital interests of the Nation." Both resolutions also charged their respective select committee to make a study and report back to each house of Congress on "the quality of the analytic capabilities of United States intelligence and means for integrating more closely analytic intelligence and policy formulation."¹¹

The select committees have taken their responsibilities in this area very seriously. Each has conducted its own independent series of

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studies on the quality of intelligence. Mention of a few of these studies will provide an indication of their scope and depth and a measure of the concern of the committees over this issue. One such study was conducted by the Senate Select Committee on Intelligence Subcommittee on Collection, Production and Quality. It addressed the question of how well the U.S. intelligence community had analyzed the 1973 Arab oil embargo.¹² One of the key findings of that study was that certain public sources had done as well or better in analyzing major issues involved in the oil crisis than had the intelligence community. The study also concluded that there had been ample data available to intelligence analysts and that they simply failed to analyze that data adequately. The Central Intelligence Agency countered with its own classified assessment of how well it had done on the oil problem. In the process, issues were illuminated which the management of the Central Intelligence Agency might have overlooked in the absence of such an outside study.

On the House side, one of the first studies the Permanent Select Committee on Intelligence undertook was of the interaction between the policymakers and their intelligence support services—to determine how well that interaction is working, particularly in the vital area of “warning intelligence.” As defined by the Select Committee’s Subcommittee on Evaluation, warning intelligence encompasses “the range of intelligence collection, processing, analysis and reporting of data which is intended to provide our policymakers sufficient lead time before an event occurs to develop our own course of action to either deter, alter or respond to the impending development.”¹³

Warning Analysis and Intelligence Failures

Quality analysis in the warning intelligence area certainly has to be considered one of the primary functions of the intelligence community. A major reason for the establishment of the Central Intelligence Agency in 1947 was the perception that the Pearl Harbor tragedy could have been avoided if the United States in 1941 had had a focal point for the correlation and distribution of all of the then available intelligence. The study of warning intelligence by the Subcommittee on Evaluation revealed, however, that in 1978—some thirty-one years after the

CIA was created—no focal point for warning intelligence existed within the U.S. government. Simply by opening up this subject for study, the Subcommittee found itself a gathering point for the many separate views on warning intelligence which existed throughout the intelligence and defense communities.

The Subcommittee study examined the warning process in detail, focusing on lessons learned—and not learned—from past crises such as Pearl Harbor, the Korean War, the Cuban missile crisis, the Soviet invasion of Czechoslovakia and the 1973 Middle East War. The study found that after each “intelligence failure” to provide timely warning, a major effort was begun to improve the collection of data, and yet in virtually no case had lack of data been a major factor in the failure adequately to anticipate the crisis. Improvements in analysis and in the integration of analysis with policy formulation have lagged far behind improvements in the collection, processing and dissemination of data.

As a direct result of the Subcommittee’s study of indications and warning and its revelation of the absence of a focal point for warning leadership in the intelligence community, the Director of Central Intelligence assigned a senior intelligence officer to provide such a focus. That constituted a major first step in improving the nation’s warning intelligence, but the Subcommittee study pointed out that much remains to be done. One such area of needed improvement is in crisis management, where better management is required of the flow of information which, during crises, threatens to overload the system.

The thrust of the Subcommittee study was that improvements can be made in analysis of warning intelligence, notwithstanding the likelihood that difficulties will always persist. The study also concluded that an important improvement in warning intelligence related to the analysts asking the correct questions pertinent to a given crisis.

In fact, one former staff member of the Senate Select Committee on Intelligence, Richard K. Betts, has taken this idea one step further and suggested that the intelligence analyst might perform a useful function by offering the policymaker difficult questions, thus serving as a “Socratic agnostic.” Betts has observed that it is illusory to believe that

Intelligence analysis can be improved substantially by altering the analytic system. Both the Evaluation Subcommittee's study on warning intelligence and Betts' analysis stress the importance of policy-level interaction with the intelligence analysts in the warning process. Betts places the heavier blame for failures on the policymaker:

By the narrower definition of intelligence, there have been few major failures. In most cases of mistakes in predicting attacks or in assessing operations, the inadequacy of critical data or their submergence in a viscous bureaucracy were at best the proximate causes of failure. The ultimate causes of error in most cases have been wishful thinking, cavalier disregard of professional analysts and, above all, the premises and preconceptions of policymakers.¹⁵

Communication Between Analysts and Policymakers

In the case of the 1973 Arab attack on Israel, not only was there no intelligence warning, but the very morning of the attack the CIA disseminated an assessment that there would be no attack, and the rest of the intelligence community concurred in this assessment. Similarly, policymakers were not alerted in 1968 to the impending Soviet invasion of Czechoslovakia.

Richard Betts broke down the problem of what he calls "strategic intelligence failures" into three categories: 1) attack warning, 2) operational evaluation, and 3) defense planning. We have been discussing primarily the first category. Betts notes, however, that some problems cut across all three categories, and it is in that context that he attributes the ultimate causes of error to policymakers.

Discussion on this point sometimes suffers from a difference in perspective over precisely what it is that a policymaker expects in the way of support from the intelligence community. In the area of warning intelligence, the policy levels (that is, staff officers who brief, talk to and prepare issue and decision papers for the President, Cabinet and sub-Cabinet officers) are usually satisfied with a fairly general type of warning such as: "The odds that country X will invade country Y within the next month have risen from one-in-ten to fifty-fifty in the

last two weeks because of the following factors." Too often outside observers and even intelligence analysts themselves think that warning analysts have failed in their mission if they are unable to pinpoint the precise day, time and place of an attack weeks in advance.

Two recent examples show on the one hand how poorly the intelligence community can do in providing warning and conversely how well it can perform. There is not much question that the intelligence analysts failed to provide the policy levels with adequate warning of the Shah of Iran's domestic difficulties. A thorough study of the performance of the intelligence community with respect to the Iranian crisis was conducted by the House Permanent Select Committee in Intelligence Subcommittee on Evaluation.¹⁶ It concluded that: "Clearly, policymakers were not served as well as they needed to be. Weaknesses in the intelligence community's performance in this case are serious." The report went on to note, however, that "simplistic charges of 'intelligence failure' do not accurately describe the situation. Such charges blind us to the importance of user attitudes in any warning process. In the case of Iran, long-standing U.S. attitudes toward the Shah inhibited intelligence collection, dampened policymakers' appetite for analysis of the Shah's position, and deafened policymakers to the warning implicit in available current intelligence." In short, the study concluded that in the case of Iran, there was a failure "to which both the intelligence community and the users of intelligence contributed."

In the second case, that of China's invasion of Vietnam in February 1979, the policy levels were provided adequate warning, according to their own testimony before the Subcommittee on Oversight of the House Permanent Select Committee on Intelligence. The Chairman of the Subcommittee on Oversight, Representative Les Aspin, noted in a study following hearings on this subject that "the intelligence community provided sufficiently accurate, timely notice of impending Vietnamese and Chinese actions that policymakers could prepare options and take certain actions in anticipation of hostilities."¹⁷ Representative Aspin went on to note that "the policymakers' active efforts to find out what the intelligence community knew kept channels of communications open." He further suggested that steps already taken by the Di-

rector of Central Intelligence to make differences of opinion inside the intelligence community known to policymakers should be "continued and strengthened."

Improving the Warning Process

Representative Aspin's comment deserves a closer look because it points to the fact that certain steps can be taken to improve the quality of warning intelligence. In his study on the performance of the intelligence community with respect to the China-Vietnam conflict, Representative Aspin points out that the Strategic Warning Staff, a small CIA-chaired inter-agency group of analysts housed in the Pentagon, had been well ahead of the regular intelligence analysis groups at the CIA, the Defense Intelligence Agency and the State Department's Bureau of Intelligence and Research in issuing warnings that China would invade Vietnam.

In recent years, Directors of Central Intelligence have made an effort to incorporate differing analytic views into the text of National Intelligence Estimates which are the major analytic products of the intelligence community. Representative Aspin's comment was directed at the desirability of expanding that practice even further to allow the views on warning of the Strategic Warning Staff or other analytic groups to surface to the policy level.

One impression left by the studies on Iran and China-Vietnam is that the performance of the intelligence community in the warning area is spotty. Of course, one does not wish to push too far the contrast between the intelligence analysts' performance regarding Iran and China-Vietnam because analytically they presented substantially different problems for the analysts as well as for the policymakers.

At first blush, the two case studies might seem to confirm the thesis that the success or failure of the warning process depends directly upon the degree of willingness of people at the policy levels to interact with the intelligence analysts. Certainly, that is an important factor, at least when the warning process works.

There is no way to compel policymakers to interact with the intelligence analysts. However, it is a relatively rare occurrence when officials at the policy levels deliberately refuse to listen to good, sound warning intelligence. In the case of the China-Vietnam conflict, the

policy levels at the State Department, Defense Department and the National Security Council knew that they were receiving good warning and were looking for it. In the case of Iran, the few warning signals that were sounded by intelligence analysts, primarily in the State Department, did not penetrate at the policy level, perhaps because they were obstructed by the long-standing U.S. attitudes toward the Shah.

Ultimately much depends upon the senior levels of the intelligence community having informed convictions and the courage of those convictions. Weakly sounded alarms, murky consensus and carefully hedged warnings are unlikely to get a reception at the policy levels. Granted that warning intelligence is almost always burdened by doubt: by its very nature, warning intelligence calls for an inordinate degree of prescience.

But it can be improved. In evaluating current and past efforts at warning analysis by the intelligence community, one needs to keep in mind the relative lack of attention given to analysis by the managers of intelligence since 1947. The Directors of Central Intelligence traditionally have thought of themselves as the chief clandestine operatives of the U.S. government rather than as the premier analysts. To the extent that any Director of Central Intelligence has deemed his job more important than simply managing the CIA's clandestine operations, he has tended to concentrate on his role as controller of the intelligence community's budget process.

That attitude has permeated the Central Intelligence Agency, impacting directly and indirectly on recruitment and training policies and practices. It has also directly affected the perceptions of the rest of the intelligence agencies and the key users of intelligence. Until recent years, CIA policy was that officers from the clandestine service rather than from the analysis side of that agency were to deal with the State Department, Defense Department and the White House. Thus, whatever interaction there may have been with policymakers, it came from the operations directorate and not the analysis directorate, and there was precious little interaction within the CIA between the analysts and the operators.

Even though some improvements have been made in recent years in this regard, the House Subcommittee staff report on Iran revealed the

... to get the clandestine collection part of the Agency to respond to his plea for collection on such issues as "whether Iranians were loyal to the concept of a monarchy as distinguished from a particular dynasty, to what extent the Tehran urban masses provided an exploitable tool to support or oppose a new government, etc."

Correct anticipation of the intentions of foreign decisionmakers will always be one of the most vexing tasks our analysts and policymakers face. Particularly difficult is the endeavor of correctly estimating mistakes in judgment on the part of foreign leaders. For example, one of the contributing causes of the U.S. failure to anticipate the Japanese attack on Pearl Harbor was our leaders' belief that such an outright attack on the United States would be an error in judgment the Japanese leaders would not make. Similarly, our estimators failed to anticipate Khrushchev's decision to emplace strategic missiles in Cuba, which proved indeed a mistake in judgment that played a role in Khrushchev's ouster.

From the point of view of surprise, the Cuban missile crisis is instructive. Although Khrushchev's intentions were not divined, once the Soviets began to implement that decision, U.S. intelligence collection assets were able to detect evidence which led the analysts to make a correct judgment of Khrushchev's intentions and to convey that intelligence judgment to the President in a timely enough fashion to enable him to develop and implement redressive options.

In the entire attack warning area, U.S. intelligence has registered vast improvements over the last fifteen to twenty years. Analysts may still have difficulty in correctly anticipating foreign decisions, but the ability to detect steps in the implementation of those decisions and to recognize those steps for what they are is markedly better than in the past.

It is not to say that even greater improvements are not needed. They can and must be made. Perhaps continued Congressional attention to this area will assist the Executive Branch in making those improvements.

The Lessons of Experience

We should not leave this subject without several observations on U.S. intelligence capa-

... planning. As a nation, we seem to have tried to cast the Vietnam war from our memories. Yet, one of the lessons learned by our armed forces in that conflict was the operational, battlefield use of modern intelligence. World War II and Korean War veterans, by and large, looked with disdain upon their intelligence functions, giving little weight to their input into command decisions. That attitude prevailed during the first years of the Vietnam War. It is one of the ironies of warfare that the U.S. armed forces' understanding and use of modern combat support intelligence began to peak only after the political will to continue the war had ebbed beyond the point of revival. The contrast between the surprise of the Tet 1968 Communist offensive and the fully anticipated attack of 1972 gives one measure of the dramatic way operational intelligence improved during the course of that unfortunate war.

All three military services today are making vigorous efforts to improve and to integrate combat support intelligence with the operational commands in a fashion and to a degree never before witnessed in our armed services, and that effort is in no small measure due to the operational experiences in Vietnam of the new generation of general and flag rank officers in the Army, Navy and Air Force.

Looking briefly at the intelligence role in defense planning, again the improvements in recent years have been dramatic, although they may still fail to keep pace with the developing threat. The U.S. government's knowledge of the size and deployment of the major adversary's armed forces is vastly improved over what it was twenty years ago. Granted, there are still deficiencies in certain areas. But in terms of the trend over the past two decades, the ability to assess the opposing military threat has been rising steadily.

A legitimate question is whether U.S. intelligence estimates of enemy strength are improving as quickly as the threat is developing. Here again, major qualitative improvements could be made in analysis if officials at the policy levels would draw from the available intelligence net assessments of U.S. military capabilities against Warsaw Pact capabilities. Some effort in this regard has been made in recent years by the Net Assessment office in the Department of Defense, but more could be accomplished

*Leaves out word analysis
import than attack warning*

through a truly "national" net assessment capability.

Congress can and should play a role in insisting that we do our best in attack warning, operational support and intelligence support for defense planning. After all, the Constitution assigns to the Congress the power "to raise and support armies" and "to provide and maintain a navy" as well as "to declare war."

Today as never before, intelligence plays a vital role in Congressional action in those areas. Must we accept the fatalistic conclusion that we develop and accept a "tolerance for disaster"? Cannot measurable improvements be made in the analysis process? The answer is that we cannot know until the management of the intelligence community, fully supported by the President, stages an all-out effort to accomplish major improvements and until those efforts are given enough time to achieve results. The Congress can assist this process by monitoring and encouraging such efforts.

Legislation

The fifth area in which Congress has come to exercise control over the intelligence activities of the United States is in the legislative arena. Two major pieces of legislation enacted within the past year have already been noted: the Foreign Intelligence Surveillance Act of 1978 and the bill authorizing appropriation for fiscal year 1979 intelligence and intelligence-related activities of the U.S. government. The latter marked the first time in the history of the United States that such legislation had ever been enacted into law.

Other significant legislation has been introduced into both houses of Congress and has been the subject of hearings. Several pieces of proposed legislation deal with the effort to make it a violation of law to disclose the identity of an intelligence agent to anyone not authorized

to receive such information. Other proposed legislation would attempt to regularize by law procedures whereby classified national security information can be used in criminal trials in a way that would protect classified information on the one hand and the right of the accused to a fair trial on the other.

Finally, the Executive Branch, the oversight committees of the Congress and interested segments of the American public for many months have been discussing the enormously complex task of drafting an omnibus law which would provide updated charters for the major components of the intelligence community, and which would legitimize those activities which are deemed proper for those agencies and proscribe those activities judged to be inappropriate.

The Expanding Role of Congress

It is clear that the Congress is asserting its newly expanded role in the intelligence activities of the government. Senate concern over the ability by the United States to monitor and verify Soviet compliance with strategic arms limitation treaties will continue to mean increased demands for substantive intelligence support for that body of Congress, as well as a keen interest by both houses in the budget requests by the Executive Branch for systems to maintain and improve that verification capability.

The committees of Congress increasingly have come to rely on intelligence to help them reach decisions on the wide variety of issues involving foreign affairs, military matters, international economic developments and national security in general. This closer relationship between the Congress and the intelligence community is here to stay, and it can and should be of ultimate benefit to the American people as a whole.

NOTES

1. Senate Resolution 21, U.S. Senate, 94th Congress, 1st session, January 21, 1975.
2. House Resolution 591, U.S. House of Representatives, 94th Congress, 1st session, July 17, 1975.
3. "Recommendations of the Final Report of the House Select Committee on Intelligence," House Report No. 94-833, U.S. House of Representatives, 94th Congress, 2nd session, February 11, 1976; and "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities,"

Report No. 94-755, U.S. Senate, 94th Congress, 2nd session, April 26, 1976.

4. Executive Order 11905, February 18, 1976.

5. Executive Order 12036, January 26, 1978.

6. Public Law 95-511, 95th Congress, 2nd session (50 USC 1501), October 25, 1978.

7. Senate Resolution 400, Report Nos. 94-675 and 94-770, U.S. Senate, 94th Congress, 2nd session, May 19, 1976.

8. House Resolution 658, Report No. 95-498, U.S.

NOTES (continued)

House of Representatives, 95th Congress, 1st session, July 14, 1977.

9. Non-intelligence gathering activities include planting propaganda in news media, assisting foreign political leaders and parties, paramilitary actions such as the secret war in Laos run by the CIA, coups, etc.

10. Department of Defense Budget Guidance Manual 7710-1-M.

11. The House resolution included the intelligence-related activities of the Defense Department within the purview of its Select Committee on Intelligence, whereas the Senate's resolution did not.

12. "U.S. Intelligence Analysis and the Oil Issue, 1973-1974," Staff Report of the Select Committee on Intelligence, Subcommittee on Collection, Production and Quality, U.S. Senate, 95th Congress, 1st session, December 1977.

13. "Annual Report by the Permanent Select Com-

mittee on Intelligence," Report No. 93-1795, U.S. House of Representatives, 95th Congress, 2nd session, October 14, 1978, p. 6.

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