

# CONFIDENTIAL

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29 NOV 1977

## MEMORANDUM FOR THE RECORD

SUBJECT: Thoughts from Discussion with Senator Church,  
28 November 1977

1. The number of instances in which Directors have had difficulty getting response from within the Agency in a timely manner, e.g., the case you read in which there was a year's delay between the giving of an order and the next time it had to be repeated, may have been related to the lack of oversight. In short, if the various Deputy Directors felt in a strong enough position with respect to the Director, there was little pressure that could be brought to bear to carry out the Director's orders. When he discovered they hadn't been carried out, the Director had only the option of dismissal. With the oversight process, the Director himself is under added pressure, which is reflected down the stream.
2. Secrecy and the conviction that they knew what was best for the nation more than anyone else were two of the Agency's weaknesses. It takes a series of oversight mechanisms to insure against these mechanisms getting out of control.
3. The Church Committee had a rule that neither the names of agents nor the detailed methods of collecting information would be passed to them.

STANSFIELD TURNER  
Director

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by Stansfield Turner

There have been stories in the media in recent weeks concerning a new book that is critical of the CIA's role in the closing days in Vietnam. The media play on this publication questions whether the CIA had the right to review this book or, by extension, any work before publication, and if so whether it had the right to excise portions it reasonably considered damaging to national security.

The answer to the first question is unequivocally yes. The CIA had the right to review this book because the author had signed a specific agreement to that effect as part of the terms of his employment with the Agency. At no time prior to publication did he challenge the validity of that agreement. Rather, he claims there is some higher right which gives him the privilege of breaking that oath. Yet, all of the evidence upon which he bases that rationale was available to him when he met with me on the 17th of May. In that meeting he explicitly promised me that he would fulfill his written obligation to provide us his manuscript for review. More than that, he reaffirmed this obligation a few days later in writing. The Central Intelligence Agency, and I as its Director, accepted this man at his word. We made no effort to monitor the progress of his activities. He simply violated both his own oath and our trust. Moreover, his publisher, Random House, and his initial TV interviewer, "60 Minutes," have also acknowledged that they were party to this deliberate evasion of written and spoken promises.

Why do people and organizations feel that duplicity is justified in circumstances like these? Because, I suspect, of an erroneous premise, clearly expressed in some of the newspaper articles on this case, that government employees inevitably place covering their and their agencies' reputations above their duties and even above the law. This is a common, anti-establishment reaction which has become so familiar in recent years. Its fallacy lies in the absence of any evidence that the CIA, over the past year and a half when Mr. Snepp was writing his book, deliberately used secrecy to protect its reputation. To the contrary, the public record attests unequivocally to the Agency's willingness to face the past squarely whatever the effect on its public reputation. The self-revelations last July of the MKULTRA drug abuse activities of the 1950s and the 1960s are only the most recent examples of this forthright policy. What is at stake, however, is a fundamental issue for our society. If the society cannot trust the judgment of its public servants regarding what should or should not be withheld from the public, then the society can in fact have no secrets at all. The logical extension of the Ellsberg-Snepp syndrome is that any of our 210 million citizens is entitled to decide what should or should not be classified information.

Secrecy is, of course, dangerous. It can be abused. Yet, some things must be secret. Someone must be trusted to decide what truly is secret. Clearly there must be checks and balances on those who decide. But because these judgments are difficult does not mean that the chaos of no regulation at all is to be preferred. I believe that

the public recognizes the necessity for some secrecy in our modern society. There is no question that we each recognize it in our individual lives. Nor is there a question that we recognize it in the activities of corporations. Surely, it is not difficult to make the extension to government. None of us is so naive as to believe that we live in a totally open and benign world. Many of our efforts, like those directed toward strategic arms limitations, which could move us closer to the open and peaceful world which we all desire, would be impossible if we tried to negotiate from a position of total openness. Nonetheless, how much secrecy is necessary and who should decide what will remain secret are vexing issues.

How much must always be a matter of the subjective judgment of human beings. The best we can do is build into our system, as we have in the past few years, a series of bureaucratic checks and balances that will control secrets and secret activities, yet at the same time protect the public from any abuses which excessive secrecy can encourage. Beyond that, another check is the ballot box where the public exercises ultimate control over the quality of individuals in public office. And, also, the free media in our society can assist the public in ensuring against excesses of secrecy. However, such vigilance does not best proceed from the unsubstantiated assumption of evil motives on the part of all public servants. Investigative reporting does imply some measure of investigation. No one from Random House or CBS, for instance, contacted me or anyone in the CIA to investigate the other side of this story. It would appear

that they feared that we might have obtained an injunction against publication. Yet, an injunction is a legal mechanism of our judicial process. It, too, is a means of protecting the public. Should corporations be encouraged to skirt the legal mechanisms of our country by subterfuge?

This case in itself is not worthy of this much discussion. It is only of interest as an example of our dwindling capacity to maintain the minimal level of secrecy essential to the effective operation of our intelligence apparatus as well as many other organs of our government. It is remarkable today, and I say this with no self-pride because I am a newcomer, that the Central Intelligence Agency can operate as effectively as it does despite these circumstances. President Carter has said, "One of the greatest surprises to me in coming to office is how effective the CIA is." The concomitant of this fine performance is the fundamentally healthy and patriotic attitude within the Agency despite its being a frequent whipping boy. There is no question in my mind that the people of the United States recognize the need for good intelligence and can appreciate the destructive effect the carping of a Snapp can have. It is time, instead, to concentrate on the constructive role of oversight of the CIA and other agencies of the government.

I hope that the public will join with us in the CIA in seeking constructively to understand and build our role for the future. We need less encumbrance from national self-flagellation over the past and more interest in how we can achieve a workable balance between

necessary secrecy on the one hand and oversight on the other. Perhaps that venerable statesman, Averell Harriman, is overly generous when he often says, "The CIA is our first line of defense." But he is not far enough off that we can afford less than a constructive approach to what the Central Intelligence Agency should be providing for the defense of our country and its institutions.

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28 Nov 79

Draft Article on "Secrecy and Society"

There has been much to-do in the media in recent weeks concerning a new book that is critical of the CIA's role in the closing days in Vietnam. It is written by a former CIA employee, Mr. Frank Snepp. The media play on this publication questions whether the CIA had the right to review this work before publication and if so whether it had the right to excise portions of the writing in this publication it considered inimical to the national interest.

The answer to the first question is unequivocally yes, the CIA had the right to review his work. Mr. Snepp signed a specific agreement to that effect as part of the terms of his employment with the Agency. Even today he is not challenging the legality or the constitutionality of that agreement. Rather he is claiming that there is some higher right which gives him the privilege of breaking that oath. When one analyzes his own statement as to how he derives that right, there is no question that he is speaking from pure sophistry. Perhaps more important, it is factually the case that all of the evidence upon which he bases his rationale for breaking his agreement was available to him when he met with me on the 17th of May of this year. Nonetheless, in that meeting he unequivocally promised me that he would fulfill his written obligation to provide us his manuscript for review. More than that, he reaffirmed this \_\_\_\_\_ days later in writing. I, and the Central Intelligence Agency, accepted Mr. Snepp at his word. We made no effort to monitor the progress of his activities. Thus, I can only conclude that Mr. Snepp violated both his own oath and our trust.

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Moreover, his publisher, Random House, and his initial TV interviewer, "60 Minutes", have also acknowledged that they were party to his sophistry and deliberate evasion of written and spoken promises. Why do people in organizations feel so justified in circumstances like these?

Because, I suspect, of an erroneous premise which they must have accepted without scrutiny. It was best expressed in the column in the New York Times on \_\_\_\_\_, by Mr. Tom Wicker. The basic presumption of his analysis of the Snapp incident was that all government employees inevitably place covering their and their agencies reputations above their duties and even above the law. This is not an uncommon knee-jerk, anti-establishment reaction with which we have become so familiar in recent years. I see no evidence in this case that the CIA, over the past year and a half when Mr. Snapp was writing his book, deliberately was using secrecy to cover its reputation. This was demonstratively not the Agency's policy in other cases like the self-revelations last July of the MKULTRA drug abuse activities of the 1950s and 1960s. What the Wicker thesis does, however, is to raise a fundamental issue for our society. If the society cannot trust its public servants on what should be and should not be withheld from the public, then the society can in fact have no secrets at all. This is because the logical conclusion of the Ellsberg-Snapp syndrome is that any of our 210 million citizens is entitled to decide what should be and should not be classified information. Random House and CBS is clearly supporting this thesis in their efforts to make heroes of people like Snapp. In my view if we cannot as a nation live down our past any better than this our future may indeed be bleak.

Secrecy is, of course, dangerous. Yet, we must have some. We must trust someone to decide what truly is secret. Clearly there must be checks



and balances on those someones who so decide. But that does not mean we have the chaos of total unregulation. In fact, I believe that the public recognizes very clearly the necessity for secrecy in modern society. There is no question that we each recognize it in our individual lives. There is no question that we each recognize it in the activities of corporations. Surely, it is not difficult to make the extension to our government. None of us are so niese as to believe we live in an open and totally benign world. Clearly many of our efforts, like those toward strategic arms limitations to make the world more benign and harmless, would be meaningless if we were negotiating from a position of total openness. How much secrecy, and by whom, are nonetheless vexing issues.

How much must always be a matter of the subjective judgment of human individuals. The best we can do is build into our system, as we clearly have in the past few years, a series of bureaucratic checks and balances and hope that these will protect the public good but not destroy our capability for creating and maintaining a proper level of secrecy. Still another check, of course, is the ballot box and the quality of individuals whom the public assign to office. And, not to be forgotten, in our free society we have the vigilance of the media to ensure against excesses of secrecy. Such vigilance, however, does not best proceed from the unsubstantiated assumption of evil motives of all public servants. What has become popular these days is investigative reporting. But that does imply some measure of investigation. No one from Random House or CBS, for instance, contacted me or anyone in the CIA to investigate the other side of the Snapp story. It would appear, I'm afraid, that they fear their profits would be lost to an injunction against their publication. Yet, an injunction is a legal mechanism of our judicial process. Should corporations be encouraged to skirt the legal mechanisms of our country by subterfuge?

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It is only that it is an example of our dwindling capacity to maintain the minimal level of secrecy essential to the effective operation of our intelligence apparatus as well as many other organs of our government. A remarkable point today, in fact, and one which I can say with no self-pride because I am a newcomer, is that the Central Intelligence Agency is as effective as it is in these circumstances. President Carter has said "One of the greatest surprises to me in coming to office is how effective the CIA is." The corollary of this fine performance is that basic morale in the Agency must be high because you don't produce well without a good underpinning of attitude and morale. There is no question in my mind that this is how the people of the United States want it. There is no question in my mind that it is also time that the media of our country began to concentrate on its constructive role of oversight of the CIA and other agencies of the government. In this way only can the media keep we government servants on our toes. Continually knocking us for the evils of our predecessors blunts our effectiveness but it does not serve the basic purpose of good oversight.

All of us in the CIA are anxious to benefit from every example of excess or poor performance in the past. But we do not find in Mr. Snapp's book much valuable advice in this regard. At 32 years of age he was a medium functionary not a high level maker of intelligence policy. His book reflects his medium level of appreciation of the facts. He levels two charges: that CIA reporting in Vietnam was bad; that CIA execution of the evacuation in the closing days was inefficient. The first charge has been investigated thoroughly. There is no way to "prove" the charge to be wrong. There is, to the best of my knowledge, no evidence that it is right. The second charge on evacuation is typical of the type of second

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guessing that surrounds any military type operation. It is always easy for the operators on the spot to feel that they were not adequately supported by the policy makers in remote positions. Often, of course, this misunderstanding derives from the fact that the operators simply lack the perspective of the policy makers at higher levels. In this case, I don't have any clear way of judging who is right--the operators like Snapp or the policy makers in Washington.

I do know, however, that I am not spending a lot of my time in figuring out how to do our next massive evacuation better and hence, I am not benefiting much by Mr. Snapp's advice in this regard. I also note that there must have been many, many operational mistakes during our long involvement in Vietnam: mistakes in the military, mistakes in the State Department, mistakes in the CIA and elsewhere. The reason we are only rehashing allegations like this against the CIA is that it has become such a popular whipping boy. Witness, for instance, the inordinate attention, almost fascination, which the MKULTRA drug disclosures generated even though the activities with which we should genuinely be concerned were well, well into the past.

It is about time, in my view, that the public joined with us in the Agency in seeking to understand and build our constructive role for the future. We need less encumbrance from national self flagellation with the past and more oversight and more attention and interest in how we get and keep our secrets for tomorrow. Perhaps that venerable statesman, Averell Harriman, overstates it somewhat when he repeatedly says "the CIA is our first line of defense." But he is not far enough off that we can afford less than a constructive approach to what defense the Central Intelligence Agency should be providing each of us today and tomorrow.

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