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Honorable William D. Hathaway, Chairman Subcommittee on Budget Authorization Select Committee on Intelligence United States Senate Washington, D.C. 20510

Dear Mr. Chairman:

During my discussion with you and Senator Inouye on the question of whether an authorization, appropriation, or expenditure figure for intelligence activities should be released, if the Senate votes for public disclosure, you asked if article I, section 9, clause 7 of the Constitution would require the release of the figure for expenditures.

CIA's General Counsel and the Department of Justice have concluded that the Constitution does not require intelligence budget figures to be separately identified when overall Government expenditures are reported. The question of which figure to release then becomes strictly a policy question. If a figure is to be released, as you know, it is my recommendation that it be the amount appropriated for intelligence activities. I believe this figure would be the most informative to the American people, and would pose the least threat of additional, potentially damaging disclosures.

Yours sincerel

STANSFIELD TURNER

29 JUN 1977

Distribution: Original - Addressee

						
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I				M/A	'Senators Hathaway and Inouye on	
			7.1.1.3	1	the open budget, you referred to	
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	1.1	which, in	100 longs		Hathaway's question of whether	1
	Ketd	recessor	y, in in	in the same	it is permissable constitutionally	
	20 ;	for The	record,	SIL	to release an appropriation figure	
			31, 131,	1 - 7 9	rather than an expenditure figure. The General Counsel has conclude	
				'	that there is no constitution al	4
	and the state of t				requirement for release of any	
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. 1202	indiracti y ,				question of which figure should be	
					released is strictly a policy	
	* * * * * * * * * * * * * * * * * * *				question. Attached are the	
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					Counsel to you on this subject	
	· ·				and a letter for your signature	
					informing Senator Hathaway of	1
					this-conclusion.	
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					We have been in touch with	
					Mike Epstein, Senator Hathaway's	
emmilionista de describir de la companya della companya de la companya della comp		<u> </u>	 	ļ	designee on the SSCI, and he feels	
					Senator Hathaway no longer needs	1
	·	ļ			a response from your on this	
					-because the Committee has	
	,			-	obtained a Justice Department	٠,
	•		<u> </u>	<u> </u>	opinion on the subject. However,	-
			-		you may want to send the attached	•
	· ·	<u> </u>			letter just to be on the record with	1
					Senator Hathaway.	1
	· · · · · · · · · · · · · · · · · · ·	 			This has been coordinated with	1
				1	OGC.	
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					George L. Cary	1