

DRAFT

CAC #78-2470/k

The Honorable Edward P. Boland, Chairman
The Honorable Les Aspin
The Honorable Bob Wilson
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Sirs:

The meeting we held on September 13, 1978, to discuss your letter of July 28 to the President was extremely useful to me and my colleagues. Such full and frank exchanges go a long way towards broadening the area of agreement and mutual understanding between us.

As a result of our discussions I have had the entire process of clearing covert actions restudied. I believe there is one small, but very significant, change that we can make which will help to clarify the situation. Henceforth, we will categorize Findings as either "specific" or "general." Looking at the Presidential Finding [redacted] items A, B, C, D, E and the paragraphs under F which pertain to a network of agents and paramilitary operational capability would be considered "specific"; other subheadings would be considered "general." The purpose for making this distinction is to clarify what procedures ensue to check on the proper implementation of a Finding once approved by the President.

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a. In the case of specific Findings, the nature of what is to be accomplished, and where and when, should be sufficiently clear in the language used by the President; further instruction or clearance within the Executive Branch should not be required. Clearly, notification under the Hughes-Ryan Amendment to the appropriate committees of Congress is required. Overall, this is a simple and

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straightforward procedure: the President makes a specific determination; the CIA notifies the Congress; and then carries out the Presidential Finding.

b. In the instances of general Findings, we are attempting to foresee a need for covert action which cannot be spelled out in full detail in advance. Accordingly, amplifying details must be developed by the CIA prior to execution and a further clearance process within the Executive Branch is in order.

I understand that some of your members have questioned whether in the cases of general Findings it is adequate to rely on clearance within the Executive Branch for approval of amplifying details rather than going back to the President. One example cited was whether support against domestic terrorism in a particular country should be approved by the State Department or specifically by the President. It is my view that we need note that we can neither overburden the President nor become so bogged down in clearance machinery that we cannot act in a responsive manner. You will recall that in the instance of providing assistance to

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we were hamstrung by an unduly restrictive Presidential Finding and the temporary absence from the country of the President himself.

What we do in the case of each general Finding is to obtain clearance from the State Department and upon occasion from other concerned departments of the Executive Branch prior to translating the general Finding into specific action. We need some standby authorities so as to be responsive without having to process the decision all the way to the President of the

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United States, and yet we must also have some form of check to ensure that the proposed covert action will be in conformance with the basic foreign policy of our country. In brief, when signing a general Finding, the President entrusts to the Department of State the responsibility for ensuring that the way in which the covert action is carried out meets the standards of foreign policy which he has established and within which the State Department operates.

With respect to Congressional involvement in this process, there clearly is no question with respect to the specific Findings. Under the Hughes-Ryan Amendment your committee and the appropriate additional committees are notified in a timely manner. As far as the general Findings are concerned, you are, of course, notified when they are approved. I recognize this leaves you with some uncertainty with respect to the details of execution. However, yours is certainly the right at any time to interrogate us through the oversight process and it seems to me that is the essence of our relationship. If we were to inform you on a daily basis of all sensitive collection and covert action activities, it would greatly overburden both of our organizations for little advantage. It seems to me that I bear a specific responsibility, however, to identify activities which I believe you are interested in and provide you notification, and that the essence of your supervisory and oversight function is to buttress your responsibility for intelligence activities by selective and judicious questioning.

In the future, when you are briefed on a covert action Finding that is classified as "general," it will naturally and automatically raise the question in your committee's mind as to whether you have special concerns

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in this area and therefore want to conduct a closer oversight than with a specific Finding perhaps.

I think we have benefited greatly from our discussion with you in September because it has clarified the way in which we should carry out our responsibilities to the President and you in obtaining permission to execute general Findings, and it has clarified, in our minds at least, how your oversight responsibilities can be fulfilled in these same circumstances. Your position and that of the President's, it seems to me, are very analogous in these circumstances: each of you bears a responsibility; wants to be involved only in that amount of detail necessary for adequate control; and wants to ensure that the system truly is responsible to the national needs within the proper degree of control.

I am grateful for your stimulus to clarify this situation. I stand ready to discuss this further with you at any time.

Yours sincerely,

STANSFIELD TURNER

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