Next 2 Page(s) In Document Denied

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CIA AND THE MAKING OF AMERICAN FOREIGN POLICY

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INTRODUCTION

OVER THE YEARS, PUBLIC VIEWS OF CIA AND ITS ROLE IN AMERICAN FOREIGN POLICY HAVE BEEN SHAPED PRIMARILY BY MOVIES, TELEVISION, NOVELS, NEWSPAPERS, BOOKS BY JOURNALISTS, HEADLINES GROWING OUT OF CONGRESSIONAL INQUIRIES, EXPOSES BY FORMER INTELLIGENCE OFFICERS, AND ESSAYS BY EXPERTS WHO HAVE NEVER SERVED IN AMERICAN INTELLIGENCE AND BY SOME WHO HAVE SERVED AND STILL NEVER UNDERSTOOD OUR ROLE. WE ARE SAID TO BE AN INVISIBLE GOVERNMENT AND YET ARE THE MOST VISIBLE, MOST EXTERNALLY SCRUTINIZED AND MOST PUBLICIZED INTELLIGENCE SERVICE IN THE WORLD. WHILE WE SOMETIMES ARE ABLE TO REFUTE PUBLICLY ALLEGATIONS AND CRITICISM AGAINST US, USUALLY WE MUST REMAIN SILENT. THE RESULT IS A CONTRADICTORY MELANGE OF IMAGES OF CIA AND VERY LITTLE UNDERSTANDING OF OUR REAL ROLE IN AMERICAN GOVERNMENT.

TONIGHT, I WOULD LIKE TO TRY TO ILLUMINATE, AND I HOPE EXPAND, YOUR UNDERSTANDING OF CIA'S ROLE IN THE MAKING OF AMERICAN FOREIGN POLICY.

THIS ROLE TAKES THREE BROAD FORMS:

-- FIRST, CIA IS RESPONSIBLE FOR THE COLLECTION, ANALYSIS AND DISTRIBUTION OF INTELLIGENCE INFORMATION TO POLICYMAKERS, PRINCIPALLY THE PRESIDENT, THE NATIONAL SECURITY COUNCIL AND THE DEPARTMENTS OF STATE AND DEFENSE -- ALTHOUGH IN RECENT YEARS MANY OTHER DEPARTMENTS AND AGENCIES HAVE BECOME MAJOR USERS OF INTELLIGENCE. THIS IS A WELL KNOWN AREA, AND I WILL SPEAK OF IT ONLY SUMMARILY.

-- SECOND, CIA IS CHARGED WITH THE CONDUCT OF COVERT ACTION, THE ONE AREA WHERE WE IMPLEMENT POLICY. THIS IS A SUBJECT SO COMPLEX AND SO CONTROVERSIAL AS TO REQUIRE SEPARATE TREATMENT AT ANOTHER TIME, ANOTHER PLACE.

-- THIRD, AND MOST SIGNIFICANT, CIA'S ROLE IS PLAYED OUT IN THE INTERACTION, PRIMARILY IN WASHINGTON, BETWEEN CIA AND THE POLICY COMMUNITY. IT IS IN THE DYNAMICS OF THIS RELATIONSHIP THAT THE INFLUENCE AND ROLE OF CIA ARE DETERMINED -- WHETHER CIA'S ASSESSMENTS ARE HEEDED OR NOT, WHETHER CIA'S INFORMATION IS RELEVANT AND TIMELY ENOUGH TO BE USEFUL, AND WHETHER CIA'S RELATIONSHIP WITH POLICYMAKERS FROM ISSUE TO ISSUE AND

PROBLEM TO PROBLEM, IS SUPPORTIVE OR ADVERSARIAL. IT IS THIS DYNAMIC INTERACTION OF INTELLIGENCE AND POLICY THAT IS THE LEAST WELL UNDERSTOOD AND IT IS THIS AREA THAT I WILL FOCUS ON TONIGHT.

THE DIRECTOR OF CENTRAL INTELLIGENCE, THE DCI, SERVES BOTH AS DIRECTOR OF CIA AND HEAD OF THE UNITED STATES INTELLIGENCE COMMUNITY, WHICH ENCOMPASSES CIA; THE DEFENSE INTELLIGENCE AGENCY; THE NATIONAL SECURITY AGENCY; THE INTELLIGENCE COMPONENTS OF THE DEPARTMENTS OF STATE, TREASURY, ENERGY, AND THE FOUR MILITARY SERVICES; AND THE FBI. OF THESE, ONLY CIA IS COMPLETELY INDEPENDENT OF ANY POLICY DEPARTMENT OR AGENCY AND ACCEPTS REQUESTS FOR INTELLIGENCE SUPPORT FROM THROUGHOUT THE EXECUTIVE BRANCH. IT IS THE DCI AND CIA THAT SERVE AS THE PRINCIPAL CONDUITS OF INTELLIGENCE TO THE PRESIDENT AND NATIONAL SECURITY COUNCIL PRINCIPALS.

WHAT THEN, DOES CIA DO? BECAUSE OF THE MEDIA'S FOCUS ON COVERT ACTION, I WOULD LIKE TO SAY FIRST OF ALL THAT OVER 95 PERCENT OF THE NATIONAL INTELLIGENCE BUDGET IS DEVOTED TO THE COLLECTION AND ANALYSIS OF INFORMATION. ABOUT THREE PERCENT OF CIA'S PEOPLE ARE INVOLVED IN COVERT ACTION.

COLLECTION AND ANALYSIS

NOW, IF WE ARE NOT SPENDING MOST OF OUR TIME AND MONEY ATTEMPTING TO OVERTHROW GOVERNMENTS, WHAT EXACTLY DOES CIA DO? AS JOHN RANELAGH SAYS IN HIS HISTORY OF CIA, "TO THE PRESENT THE CIA IS AN ECHO OF ITS FOUNDERS. ITS JOB IS NOT TO FIND ENEMIES BUT TO DEFINE THEM. ITS THEME IS THE SUBSTITUTION OF INTELLIGENCE FOR FORCE." CIA DEVOTES THE OVERWHELMING PREPONDERANCE OF ITS RESOURCES TO MONITORING AND REPORTING ON DAY TO DAY DEVELOPMENTS AROUND THE WORLD, AND DETERMINING AND RESPONDING TO POLICYMAKERS' LONGER RANGE REQUIREMENTS FOR INFORMATION AND ANALYSIS.

WHAT IS INTELLIGENCE INFORMATION AND HOW IS IT USED BY THE POLICYMAKER? OUR INFORMATION COMES FROM SATELLITES; NEWSPAPERS, PERIODICALS, RADIO, AND TELEVISION WORLDWIDE; DIPLOMATS AND MILITARY ATTACHES OVERSEAS; AND, OF COURSE, FROM SECRET AGENTS. THAT INFORMATION FLOWS TO WASHINGTON WHERE ANALYSTS, WITH BACKGROUNDS IN SCORES OF DISCIPLINES, SIFT THROUGH IT, EXAMINE IT, COLLATE IT, AND TRY TO MAKE SENSE OF THE BILLIONS OF BITS AND PIECES THAT COME TO US ON ISSUES AND DEVELOPMENTS WORLD-WIDE OF INTEREST TO THE UNITED STATES. WE THEN REPORT OUR FINDINGS TO POLICY OFFICIALS AND TO THE MILITARY.

WHAT CLEARLY DISTINGUISHES INFORMATION SUITABLE FOR INTELLIGENCE EXPLOITATION IS ITS RELEVANCE TO US POLICY AND US INTERESTS. IT IS THE COMPREHENSIVENESS OF OUR COLLECTION AND ANALYSIS, THEIR FOCUS ON THE NATIONAL SECURITY INTERESTS OF THE UNITED STATES, AND THE ADVANTAGE OF UNIQUE OR PRIOR KNOWLEDGE, THAT MAKE INTELLIGENCE VALUABLE TO THE POLICYMAKER. OFTEN, WE MAKE A CONTRIBUTION SIMPLY THROUGH OUR ABILITY TO ORGANIZE THE FACTS IN A CLEAR AND CONCISE WAY, BY PROVIDING THE SAME FACTS TO DIFFERENT ORGANIZATIONS, AND BY IDENTIFYING THE IMPORTANT QUESTIONS -- AND BY TRYING TO ANSWER THEM.

THIS INFORMATION FINDS ITS WAY TO THE POLICYMAKER IN SEVERAL WAYS:

-- FIRST, INTELLIGENCE ON DAY TO DAY EVENTS AND DEVELOPMENTS AROUND THE WORLD IS PROVIDED TO SENIOR OFFICIALS DAILY OR EVEN SEVERAL TIMES A DAY.

-- SECOND, THE CIA CONTRIBUTES ANALYSIS TO POLICY PAPERS DESCRIBING BOTH EVENTS AT HAND AND POTENTIAL OPPORTUNITIES OR PROBLEMS FOR THE UNITED STATES. NEARLY ALL NSC AND SUB-CABINET MEETINGS BEGIN WITH AN INTELLIGENCE BRIEFING.

-- THIRD, NATIONAL INTELLIGENCE ESTIMATES CAN PLAY AN IMPORTANT ROLE IN THE MAKING OF POLICY. THESE ESTIMATES ARE THE MOST FORMAL EXPRESSION OF THE INTELLIGENCE COMMUNITY'S VIEWS. ALL OF THE INTELLIGENCE AGENCIES OF THE GOVERNMENT BOTH CONTRIBUTE TO AND COORDINATE ON WHAT IS SAID IN THESE ESTIMATES.

-- FOURTH, POLICYMAKERS RECEIVE SPECIALIZED ASSESSMENTS BY INDIVIDUAL AGENCIES. CIA'S ASSESSMENTS OR RESEARCH PROGRAM IS THE PRODUCT OF THE LARGEST INTELLIGENCE COLLECTION AND ANALYSIS ORGANIZATION IN THE WORLD. THE RANGE OF ISSUES IS BREATHTAKING -- FROM STRATEGIC WEAPONS TO FOOD SUPPLIES; EPIDEMIOLOGY TO SPACE; WATER AND CLIMATE TO THIRD WORLD POLITICAL INSTABILITY; MINERAL AND ENERGY RESOURCES TO INTERNATIONAL FINANCE; SOVIET LASER WEAPONS TO REMOTE TRIBAL DEMOGRAPHICS; CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION TO COMMODITY SUPPLIES; AND MANY, MANY MORE.

CIA-POLICY RELATIONSHIPS

SO FAR, SO GOOD. WHAT I HAVE JUST REVIEWED IS A TEXTBOOK DESCRIPTION OF THE ROLE OF INTELLIGENCE. IT IS NEAT, UNAMBIGUOUS, CLINICAL, NON-CONTROVERSIAL, EVEN COMMENDABLE -- AND HIGHLY MISLEADING. WHAT ABOUT USERS WHO LOOK NOT FOR DATA OR UNDERSTANDING, BUT FOR SUPPORT FOR DECISIONS ALREADY MADE; OR THOSE WHO SELECTIVELY USE OR MISSTATE INTELLIGENCE TO INFLUENCE PUBLIC DEBATE OVER POLICY; OR USERS WHO LABEL INTELLIGENCE THEY DISLIKE AS TOO SOFT, TOO HARD OR COOKED; OR INTELLIGENCE OFFICERS WITH THEIR OWN AGENDAS OR BIASES; OR THE IMPLICATIONS FOR INTELLIGENCE AND POLICY OF A CIA DIRECTOR HELD AT TOO GREAT A DISTANCE FROM THE PRESIDENT OR ONE WHO IS HELD TOO CLOSE; OR THE FRUSTRATIONS OF CONSTANTLY CHANGING EVALUATIONS, OR ANALYSIS THAT IS JUST PLAIN WRONG; OR THE USE OF INTELLIGENCE AS A POLITICAL FOOTBALL BETWEEN GOVERNMENT DEPARTMENTS OR BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES? THE ATTITUDES AND BEHAVIOR OF OFFICIALS IN CIA AND POLICY AGENCIES THAT LIE BEHIND THESE AND MANY SIMILAR ISSUES AND THE INTERACTION AMONG THEM COMPRISE THE DYNAMIC OF THE RELATIONSHIP -- WHAT PROFESSOR YEHOSHAFAT HARKABI OF HEBREW UNIVERSITY OF JERUSALEM DESCRIBES AS "THE INTELLIGENCE-POLICYMAKER TANGLE."

IN 1949, SHERMAN KENT, IN HIS BOOK STRATEGIC INTELLIGENCE FOR AMERICAN WORLD POLICY, SAID "THERE IS NO PHASE OF THE INTELLIGENCE BUSINESS WHICH IS MORE IMPORTANT THAN THE PROPER RELATIONSHIP BETWEEN INTELLIGENCE ITSELF AND THE PEOPLE WHO USE ITS PRODUCT. ODDLY ENOUGH, THIS RELATIONSHIP, WHICH ONE WOULD EXPECT TO ESTABLISH ITSELF AUTOMATICALLY, DOES NOT DO THIS."

THE FACT IS THAT, OVER THE YEARS, THE POLICYMAKER AND THE INTELLIGENCE OFFICER HAVE CONSISTENTLY -- AND WITH FRIGHTENINGLY FEW EXCEPTIONS -- COME TOGETHER HUGELY IGNORANT OF THE REALITIES AND COMPLEXITIES OF EACH OTHER'S WORLD -- PROCESS, TECHNIQUE, FORM AND CULTURE. CIA OFFICERS CAN TELL YOU IN EXCRUCIATING DETAIL HOW FOREIGN POLICY IS MADE IN EVERY COUNTRY IN THE WORLD SAVE ONE -- THE UNITED STATES. BY THE SAME TOKEN, AS SUGGESTED BY PROFESSOR HARKABI, THE UNHAPPINESS OF INTELLIGENCE PEOPLE SWELLS "WHEN THEY COMPARE THE SOPHISTICATION AND ADVANCED METHODS EMPLOYED IN COLLECTION OF THE INFORMATION AND THE PRODUCTION OF INTELLIGENCE AGAINST THE CAVALIER FASHION OR IMPROVISATION WITH WHICH POLICY DECISIONS ARE MANY A TIME REACHED."

BOOKSHELVES GROAN UNDER THE LITERATURE OF PROPOSED RULES OF ENGAGEMENT WHEN THESE TWO WORLDS COLLIDE. IN 1956, FOR EXAMPLE, ROGER HILSMAN WROTE THAT INTELLIGENCE PRODUCERS MUST "ORIENT THEMSELVES FRANKLY AND CONSCIOUSLY TOWARD POLICY AND ACTION ... ADAPTING TOOLS EXPRESSLY TO THE NEEDS OF POLICY."

OTHERS, AS DESCRIBED IN ONE INTELLIGENCE MONOGRAPH, ARGUED THAT "THE INTELLIGENCE PRODUCER SHOULD INITIATE NO DIRECT INTERACTION WITH HIS CONSUMERS, BUT RATHER SHOULD RESPOND TO REQUESTS FOR DATA AND ANALYSIS."

SHERMAN KENT OF YALE AND THEN OF CIA WAS PERHAPS THE FIRST OF THE EARLY INTELLIGENCE COMMENTATORS TO SEE THE NEED FOR A DIFFERENT, MORE DIRECT AND INTENSIVE INTERACTION BETWEEN POLICYMAKER AND INTELLIGENCE OFFICER. WARNING THAT PROTECTING THE OBJECTIVITY OF THE INTELLIGENCE ANALYST COULD BE LIKENED TO PILING ARMOR ON A MEDIEVAL KNIGHT UNTIL HE WAS ABSOLUTELY SAFE BUT COMPLETELY USELESS, KENT CONCLUDED THAT THE GREATER DANGER TO AN EFFECTIVE ROLE WAS IN BEING TOO DISTANT. EVEN SO, HE FORESAW A TROUBLED RELATIONSHIP -- THAT INTELLIGENCE OFFICERS' SKEPTICISM OF POLICYMAKERS' OBJECTIVITY -- AND THE LATTER'S CONSEQUENT RESENTMENT -- WOULD STULTIFY A FREE GIVE AND TAKE BETWEEN THEM; THAT POLICYMAKERS WOULD SEE THE VERY FACT OF CIA ASSESSMENTS AS AN INSULT TO THEIR OWN INTELLECTUAL CAPABILITIES; THAT SECURITY CONCERNS BY EACH PARTY WOULD ENCOURAGE WARINESS AND RETICENCE. AND, IN TRUTH, THESE AND OTHER DIFFICULTIES STILL LARGELY SHAPE CIA'S ROLE IN FOREIGN POLICY PROCESS.

LET ME ELABORATE ON THESE DIFFICULTIES -- ON THE REALITY OF A ROUGH AND TUMBLE WORLD -- BASED ON PERSONAL EXPERIENCE IN BOTH WORLDS AT DIFFERENT TIMES UNDER FIVE PRESIDENTS.

THE INSTITUTIONAL AUTONOMY OF THE AMERICAN INTELLIGENCE SERVICE -- OF CIA -- IS UNIQUE IN THE WORLD. WHILE THIS CONFERS CERTAIN ADVANTAGES, ABOVE ALL INDEPENDENCE, SUCH AUTONOMY ALSO IMBUES THE CIA-POLICY COMMUNITY RELATIONSHIP WITH A SIGNIFICANT ADVERSARIAL AS WELL AS SUPPORTIVE CONTENT. AND, THE POLICYMAKER HAS A LONG LIST OF GRIEVANCES, MANY LEGITIMATE, SOME NOT.

-- POLICYMAKERS LEGITIMATELY WANT INTELLIGENCE INFORMATION THAT WILL INFORM AND GUIDE THEIR TACTICAL DAY TO DAY DECISIONMAKING. IN SOME AREAS, WE CAN AND DO MEET THEIR NEEDS. FOR EXAMPLE, IN 1980, THANKS TO A VERY BRAVE MAN, WE WERE ABLE TO PROVIDE POLICYMAKERS WITH KNOWLEDGE OF THE STEP BY STEP PREPARATIONS FOR THE IMPOSITION OF MARTIAL LAW IN POLAND. IN EARLY 1986, WE WERE ABLE TO DOCUMENT IN EXTRAORDINARY DETAIL ELECTORAL CHEATING IN THE PHILIPPINES. THERE ARE EVEN SOME AREAS WHERE OUR INTELLIGENCE IS SO GOOD THAT IT REDUCES POLICYMAKERS FLEXIBILITY AND ROOM FOR MANEUVER. YET, I WOULD HAVE TO ACKNOWLEDGE THAT THERE ARE COUNTRIES AND ISSUES IMPORTANT TO THE UNITED STATES WHERE SUCH TACTICAL INTELLIGENCE -- MOST OFTEN POLITICAL INTELLIGENCE -- IS SORELY DEFICIENT AND POLICYMAKER COMPLAINTS ARE JUSTIFIED. OUR CAPABILITIES ARE MUCH IMPROVED IN RECENT YEARS, BUT STILL UNEVEN. AND NO

MATTER HOW GOOD WE ARE, THERE WILL STILL BE SURPRISES OR GAPS.

-- IT WILL NOT SURPRISE YOU THAT VERY FEW POLICYMAKERS WELCOME CIA INFORMATION WHICH DIRECTLY OR BY INFERENCE CHALLENGES THE SUCCESS OR ADEQUACY OF THEIR POLICIES OR THE ACCURACY OF THEIR PRONOUNCEMENTS. INDEED, DURING THE VIETNAM WAR, A CONSTANT REFRAIN FROM POLICYMAKERS WAS, "AREN'T YOU GUYS ON THE TEAM?" YET, I CONCEDE THAT ON MORE THAN A FEW OCCASIONS, POLICYMAKERS HAVE ANALYZED OR FORECAST DEVELOPMENTS BETTER THAN WE. AND, TRUTH BE KNOWN, ANALYSTS HAVE SOMETIMES GONE OVERBOARD TO PROVE A POLICYMAKER WRONG. WHEN SECRETARY OF STATE HAIG ASSERTED THAT THE SOVIETS WERE BEHIND INTERNATIONAL TERRORISM, ANALYSTS INITIALLY SET OUT NOT TO ADDRESS THE ISSUE IN ALL ITS ASPECTS BUT RATHER TO PROVE THE SECRETARY WRONG -- TO PROVE SIMPLY THAT THE SOVIETS DO NOT ORCHESTRATE ALL INTERNATIONAL TERRORISM. BUT IN SO DOING, THEY WENT TOO FAR THEMSELVES AND FAILED IN EARLY DRAFTS TO DESCRIBE EXTENSIVE AND WELL-DOCUMENTED INDIRECT SOVIET SUPPORT FOR TERRORIST GROUPS AND THEIR SPONSORS. FAR FROM KOW-TOWING TO THE POLICYMAKER, THERE IS SOMETIMES A STRONG IMPULSE ON THE PART OF INTELLIGENCE OFFICERS TO SHOW THAT A POLICY OR DECISION IS MISGUIDED OR WRONG, TO POKE AN ANALYTICAL FINGER IN THE POLICY EYE.

POLICYMAKERS KNOW THIS AND UNDERSTANDABLY RESENT IT. TO PROTECT THE INDEPENDENCE OF THE ANALYST WHILE KEEPING SUCH IMPULSES IN CHECK IS ONE OF THE TOUGHEST JOBS OF INTELLIGENCE MANAGERS.

-- IN THIS CONNECTION, THE POLICYMAKER SOMETIMES HAS THE SENSE THAT CIA IS ATTEMPTING, AT LEAST BY INFERENCE, TO "GRADE" HIS PERFORMANCE. FURTHER, THE POLICYMAKER IS OFTEN SUSPICIOUS THAT WHEN CIA'S ANALYSIS SUGGESTS POLICY IS FAILING OR IN DIFFICULTY, THESE CONCLUSIONS ARE, WITH MALICE, WIDELY CIRCULATED BY THE AGENCY FOR USE AS AMMUNITION BY CRITICS OF THE POLICY INSIDE THE EXECUTIVE BRANCH, WITH CONGRESS OR WITH THE PUBLIC.

-- OFTEN POLICYMAKERS, FACING A SITUATION OF EXTREME DELICACY WITH ANOTHER COUNTRY, ESPECIALLY WHERE US LAW OR POLITICAL SENSITIVITIES MAY BE INVOLVED, WILL CAUTION US AS WE WRITE OR BRIEF: "NOW, YOU HAVE TO BE CAREFUL WHAT YOU SAY ABOUT THIS -- LET'S WORK IT OUT TOGETHER BEFOREHAND." AND, WHILE PROTECTING OUR INDEPENDENCE, WE DO TRY TO BE CAREFUL AND WE DO TRY TO TAKE THEIR CONCERNS INTO ACCOUNT -- BUT THAT IS LITTLE SOLACE TO A POLICYMAKER WHO IS AT THE POLITICAL MERCY OF ANY CIA BRIEFER WHO GOES TO CAPITOL HILL.

-- MANY POLICYMAKERS BELIEVE CIA ALLOWS ITS BIASES TO DOMINATE ITS REPORTING. WHO WOULD DISAGREE THAT CIA OFFICERS HAVE VIEWS AND BIASES, AND THAT THEY TRY TO PROMOTE THEM? BUT, CIA IS NOT MONOLITHIC; THERE IS A WIDE RANGE OF VIEWS INSIDE ON VIRTUALLY EVERY ISSUE. INDEED, THE INTERNAL DEBATES ARE FIERCE AND SOMETIMES BRUTAL -- AFTER ALL, THE STAKES ARE VERY HIGH. IT IS NOT A PLACE FOR THE FAINT-HEARTED. WE HAVE ELABORATE PROCEDURES FOR REVIEWING ASSESSMENTS TO TRY TO FILTER OUT INDIVIDUAL BIAS AND MAKE OUR REPORTING AS OBJECTIVE AS POSSIBLE. AND WHEN WE SEND OUT A PROVOCATIVE ANALYSIS BY AN INDIVIDUAL WE TRY ALWAYS TO IDENTIFY IT AS A PERSONAL VIEW.

BEYOND THIS, IS THERE AN INSTITUTIONAL BIAS THAT AFFECTS OUR WORK? PROBABLY, IN SOME AREAS, IN THE BROADEST SENSE, AND PERHAPS BASED ON EXPERIENCE. AS AN INSTITUTION, WE ARE PROBABLY MORE SKEPTICAL OF SOVIET INTENTIONS THAN MOST; MORE CYNICAL ABOUT THE PUBLIC POSTURE OF OTHER GOVERNMENTS WHEN CONTRASTED TO THEIR ACTIONS, OVERT AND COVERT; MORE DOUBTFUL ABOUT THE EASE AND SPEED WITH WHICH THE UNITED STATES CAN USUALLY AFFECT DEVELOPMENTS OVERSEAS; AND, FAIRLY CONSISTENTLY, WE WILL TEND TO SEE PERILS AND DIFFICULTY WHERE OTHERS DO NOT.

SUSPICIONS THAT CIA'S ASSESSMENTS ARE BIASED IN AREAS WHERE CIA IS INVOLVED IN COVERT ACTION FAIL TO TAKE INTO ACCOUNT OUR REALIZATION THAT OUR WORK IN SUCH AREAS IS SCRUTINIZED WITH SPECIAL CARE BY OTHERS (ESPECIALLY THE CONGRESS) FOR SIGNS OF BIAS. THE ORGANIZATIONAL INDEPENDENCE OF ANALYSIS FROM OPERATIONS IS BUTTRESSED BY INTERNAL AGENCY RIVALRIES.

-- POLICYMAKERS' IMPATIENCE WITH INTELLIGENCE -- WITH CIA -- IS INTENSIFIED BY THE FACT THAT WE ARE SOMETIMES WRONG IN OUR ANALYSIS AND FORECASTS, AND WE OFTEN CHANGE OUR ASSESSMENTS BASED ON NEW ANALYSIS OR NEW INFORMATION. WE DO NOT ACKNOWLEDGE ERROR GRACEFULLY, AND OFTEN DO NOT FOREWARN POLICYMAKERS OF REVISED VIEWS BEFORE THE INFORMATION HITS THE STREET. A POLICYMAKER WHO HAS MADE DECISIONS BASED ON ONE ASSESSMENT ONLY TO SEE IT CHANGE OR TO FIND THAT IT WAS WRONG WILL NOT THINK FONDLY OF US OR SOON WISH AGAIN TO PROCEED ON OUR ASSURANCES OR ASSESSMENTS.

-- AS I SUGGESTED EARLIER, A SPECIAL CRITICISM BY POLICYMAKERS IS THAT CIA IS TOO FREQUENTLY A VOICE OF GLOOM AND DOOM. FOR POLICYMAKERS WHO MUST TRY TO FIND SOLUTIONS FOR INTRACTABLE PROBLEMS OR A WAY OUT OF A NO-WIN SITUATION, OUR FOREBODINGS AND POINTING OUT OF

PERILS AND DANGERS ARE OF LITTLE HELP AND ARE HIGHLY AGGRAVATING.

-- CIA'S RELATIONSHIP WITH CONGRESS ALSO IS A SPECIAL PROBLEM FOR POLICYMAKERS FOR SEVERAL REASONS, AND IT PROFOUNDLY INFLUENCES OUR ROLE. VIRTUALLY ALL CIA ASSESSMENTS GO TO THE TWO CONGRESSIONAL INTELLIGENCE COMMITTEES. MOST GO ALSO TO THE ARMED SERVICES, FOREIGN RELATIONS, AND APPROPRIATIONS COMMITTEES. IN 1986, CIA SENT SOME 5000 INTELLIGENCE REPORTS TO CONGRESS AND GAVE MANY HUNDREDS OF BRIEFINGS. ALL THIS IS NEW IN THE LAST DECADE OR SO. AS A RESULT, AND THANKS TO THEIR STAFFS, MANY SENATORS AND REPRESENTATIVES ARE OFTEN BETTER INFORMED ABOUT CIA'S INFORMATION AND ASSESSMENTS ON A GIVEN SUBJECT THAN THE POLICYMAKER. AND THAT INTELLIGENCE IS OFTEN USED TO CRITICIZE AND CHALLENGE POLICY, TO SET ONE EXECUTIVE AGENCY AGAINST ANOTHER, AND TO EXPOSE DISAGREEMENTS WITHIN AN ADMINISTRATION.

MOST SPECIALISTS WRITING ABOUT THE CHANGED BALANCE OF POWER IN RECENT YEARS BETWEEN THE EXECUTIVE AND CONGRESS ON NATIONAL SECURITY POLICY, CITE WATERGATE AND VIETNAM AS PRIMARY CAUSES. I BELIEVE THERE WAS A THIRD PRINCIPAL FACTOR -- WHEN CONGRESS OBTAINED ACCESS TO INTELLIGENCE INFORMATION IN THE MID-1970S ESSENTIALLY EQUAL TO THAT OF THE EXECUTIVE BRANCH.

- IMAGINE THE REACTION OF THE FORD ADMINISTRATION IN THE MID-70S WHEN THEY WENT TO CONGRESS TO GET ADDITIONAL MONEY FOR CAMBODIA ONLY TO BE CONFRONTED BY THE LEGISLATORS WITH A NEW INTELLIGENCE ASSESSMENT THAT THE SITUATION WAS HOPELESS.

- IMAGINE PRESIDENT CARTER SEEKING A US TROOP CUT IN SOUTH KOREA ONLY TO FIND CONGRESS AWARE OF A NEW INTELLIGENCE ESTIMATE THAT CONCLUDED THE NUMBER OF NORTH KOREAN DIVISIONS HAD GROWN.

- IMAGINE THE REACTION OF A SECRETARY OF DEFENSE SEEKING FUNDS FOR A NEW WEAPON ONLY TO BE TOLD ON THE HILL OF INTELLIGENCE THAT THE SOVIETS COULD NEUTRALIZE THE WEAPON.

THIS SITUATION ADDS EXTRAORDINARY STRESS TO THE RELATIONSHIP BETWEEN CIA AND POLICY AGENCIES. POLICYMAKER SUSPICION OF CIA USING INTELLIGENCE TO SABOTAGE SELECTED ADMINISTRATION POLICIES IS OFTEN NOT FAR BELOW THE SURFACE. AND NOT A FEW MEMBERS OF CONGRESS ARE WILLING TO EXPLOIT THIS SITUATION BY THEIR OWN SELECTIVE USE OF INTELLIGENCE THAT SUPPORTS THEIR VIEWS. THE END RESULT IS TO STRENGTHEN THE

CONGRESSIONAL HAND IN POLICY DEBATES AND TO HEIGHTEN GREATLY THE TENSIONS BETWEEN CIA AND THE REST OF THE EXECUTIVE BRANCH.

THE OVERSIGHT PROCESS HAS ALSO GIVEN CONGRESS -- ESPECIALLY THE TWO INTELLIGENCE COMMITTEES -- FAR GREATER KNOWLEDGE OF AND INFLUENCE OVER THE WAY CIA AND OTHER INTELLIGENCE AGENCIES SPEND THEIR MONEY THAN ANYONE IN THE EXECUTIVE WOULD DREAM OF EXERCISING: FROM EXPENDITURES IN THE BILLIONS TO LINE ITEMS IN THE THOUSANDS. CONGRESS HAS BEEN IMMENSELY SUPPORTIVE AND STEADFAST IN PROVIDING THE RESOURCES OVER THE PAST TEN YEARS TO REBUILD AMERICAN INTELLIGENCE. BUT I SUSPECT IT CAUSES POLICYMAKERS CONSIDERABLE HEARTBURN TO KNOW THAT CONGRESS MAY ACTUALLY HAVE MORE INFLUENCE TODAY OVER OUR PRIORITIES AND HOW WE SPEND OUR MONEY THAN THE EXECUTIVE BRANCH.

THE RESULT OF THESE REALITIES IS THAT CIA TODAY IS IN A REMARKABLE POSITION, POISED NEARLY EQUIDISTANT BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES -- THE FORMER KNOWS THAT CIA IS IN NO POSITION TO WITHHOLD MUCH FROM CONGRESS AND IS EXTREMELY SENSITIVE TO IT, THE CONGRESS HAS ENORMOUS INFLUENCE AND INFORMATION YET REMAINS SUSPICIOUS AND MISTRUSTFUL. THIS MAY BE OR MAY NOT BE HISTORICALLY CHARACTERISTIC OF OTHER EXECUTIVE

DEPARTMENTS' RELATIONSHIPS WITH CONGRESS, ALTHOUGH I SUSPECT NOT. REGARDLESS, SUCH A CENTRAL LEGISLATIVE ROLE WITH RESPECT TO AN INTELLIGENCE SERVICE IS UNIQUE IN OUR HISTORY AND IN THE WORLD. AND OUR POLICYMAKERS KNOW IT.

NOW, LET ME TURN TO CIA'S ROLE AND RELATIONSHIP WITH THE POLICYMAKER AS SEEN FROM OUR VANTAGE POINT.

-- LET ME SAY AT THE OUTSET THAT IN EVERY ADMINISTRATION DURING WHICH I HAVE SERVED THERE HAVE BEEN A NUMBER OF SENIOR POLICYMAKERS (ASSISTANT SECRETARY AND ABOVE) WHO WERE AVID USERS AND READERS OF INTELLIGENCE AND WHO AGGRESSIVELY SOUGHT CIA ANALYSIS AND VIEWS. THEY DEDICATED CONSIDERABLE TIME TO TALKING ABOUT SUBSTANTIVE AND POLICY PROBLEMS WITH US. WE HAVE HAD UNPRECEDENTED ACCESS IN THIS ADMINISTRATION FROM THE PRESIDENT ON DOWN, ESPECIALLY FOR ANALYSIS, AND DAILY CONTACT WITH THE MOST SENIOR OFFICIALS OF THE GOVERNMENT, INCLUDING THE VICE PRESIDENT AND THE SECRETARIES OF STATE AND DEFENSE. THEY HAVE OFTEN DIRECTLY TASKED US AND OFFERED REACTIONS TO THE INTELLIGENCE THEY READ -- AND THEY HAVE READ A GREAT DEAL. THIS IS TRUE ALSO OF THEIR SENIOR SUBORDINATES, WITH WHOM WE ARE IN CONSTANT CONTACT. THIS HAS CONTRIBUTED ENORMOUSLY TO IMPROVING THE RELEVANCE,

TIMING, AND SUBSTANCE OF OUR ANALYSIS AND OTHER SUPPORT. IT IS A DYNAMIC, HEALTHY RELATIONSHIP, EVEN THOUGH IT IS FOCUSED PRIMARILY ON CURRENT ISSUES.

-- THIS PREOCCUPATION WITH CURRENT REPORTING IS, FROM OUR PERSPECTIVE, A MAJOR PROBLEM. IF, AS I HAVE BEEN TOLD, THE AVERAGE TENURE OF AN ASSISTANT SECRETARY IN GOVERNMENT IS 21 MONTHS, A SHORT TERM FOCUS IS UNDERSTANDABLE BUT LAMENTABLE, AND, ULTIMATELY, VERY COSTLY TO OUR COUNTRY. ONE OF OUR GREATEST CONCERNS OVER THE YEARS HAS BEEN THE UNWILLINGNESS OR INABILITY OF MOST POLICYMAKERS TO SPEND MUCH TIME ON LONGER RANGE ISSUES -- LOOKING AHEAD SEVERAL STEPS -- OR IN HELPING TO GUIDE OR DIRECT OUR EFFORTS. FOR MANY YEARS WE HAVE STRUGGLED, LARGELY IN VAIN, TO GET POLICY OFFICIALS TO DEVOTE TIME TO NON-CRISIS RELATED INTELLIGENCE ISSUES. FOR EXAMPLE, WE WORK HARD TO DETERMINE THEIR REQUIREMENTS -- WHAT ARE THEIR PRIORITIES, WHAT ISSUES OR PROBLEMS SHOULD WE ADDRESS, HOW CAN WE HELP? ONE REASON CONGRESS HAS ASSUMED A LARGER ROLE IN THESE AREAS, IN MY VIEW, IS BECAUSE POLICYMAKERS IN SUCCESSIVE ADMINISTRATIONS HAVE LARGELY ABDICATED THEIR RESPONSIBILITIES. FOR MANY YEARS, TRYING TO GET SENIOR POLICY PRINCIPALS TO MEETINGS TO DISCUSS LONGER RANGE INTELLIGENCE REQUIREMENTS HAS BEEN AN EXERCISE IN FRUSTRATION. BEYOND THE LACK OF HELP ON REQUIREMENTS,

WE GET LITTLE FEEDBACK ON OUR LONGER RANGE WORK TO HELP US BE MORE RESPONSIVE. WE HAVE BEEN MORE AGGRESSIVE IN RECENT YEARS IN TRYING TO ENGAGE POLICYMAKERS ON THESE MATTERS, AND KEY FIGURES IN THIS ADMINISTRATION HAVE SHOWN SOME INTEREST IN SELECTED LONG RANGE PROBLEMS, BUT SUCH INTEREST REMAINS EXCEEDINGLY, DANGEROUSLY RARE.

-- IN PART BECAUSE OF INSUFFICIENT TIME SPENT ON INTELLIGENCE, TOO MANY POLICYMAKERS EARLY ON HAVE UNREALISTIC EXPECTATIONS ABOUT WHAT WE CAN DO THAT, WHEN DISAPPOINTED, TURN TO SKEPTICISM WHETHER WE CAN DO ANYTHING.

-- IT HAS BEEN MY EXPERIENCE OVER THE YEARS THAT THE POLICYMAKERS' RESPONSE TO INTELLIGENCE THEY DISAGREE WITH OR FIND UNPALATABLE MOST OFTEN IS TO IGNORE IT; SOMETIMES, THEY WILL CHARACTERIZE IT AS INCOMPLETE, TOO NARROWLY FOCUSED OR AS INCOMPETENT (AND THEY ARE SOMETIMES RIGHT); AND OCCASIONALLY THEY WILL CHARGE THAT IT IS "COOKED" OR THAT IT REFLECTS A CIA BIAS. IN 21 YEARS IN INTELLIGENCE, I HAVE NEVER HEARD A POLICYMAKER (OR ANYONE ELSE FOR THAT MATTER) CHARACTERIZE AS BIASED OR COOKED A CIA ASSESSMENT WITH WHICH HE AGREED. ON VIETNAM, VARIOUS ASPECTS OF SOVIET POLICY AND BEHAVIOR, ANGOLA, LEBANON, THE EFFECTIVENESS OF EMBARGOES OR SANCTIONS, AND OTHER ISSUES OVER THE

YEARS, OUR ANALYSTS HAVE DRAWN CONCLUSIONS THAT DASH COLD WATER ON THE HOPES AND EFFORTS OF THE POLICYMAKERS. SOMETIMES WE HAVE BEEN WRONG, BUT ON PROBLEMS LARGE AND SMALL WE HAVE NOT FLINCHED FROM PRESENTING OUR HONEST VIEW.

THERE IS NO CHARGE TO WHICH WE IN CIA ARE MORE SENSITIVE THAN THAT OF "COOKING" INTELLIGENCE -- OF SLANTING OUR REPORTING TO SUPPORT POLICY. EVERY DIRECTOR SINCE I JOINED CIA HAS BEEN ACCUSED OF THIS AT ONE TIME OR ANOTHER, I BELIEVE IN VIRTUALLY ALL INSTANCES UNFAIRLY. FIRST, ONE MUST UNDERSTAND THE DISTINCTION BETWEEN PERSONAL AND INSTITUTIONAL VIEWS. NATIONAL ESTIMATES ARE REVIEWED AND COORDINATED BY A DOZEN AGENCIES; CIA ASSESSMENTS ARE WIDELY REVIEWED INSIDE THE AGENCY BUT ALMOST NEVER EVEN SEEN BY THE DIRECTOR BEFORE BEING PUBLISHED AND CIRCULATED. AS NOTED EARLIER, ALL GO TO SEVERAL COMMITTEES OF THE CONGRESS, WHERE THEY ARE SCRUTINIZED.

THESE FORMAL ASSESSMENTS MUST BE DISTINGUISHED FROM PERSONAL VIEWS EXPRESSED BY INDIVIDUALS AT ALL LEVELS OF THE AGENCY, FROM ANALYST TO SENIOR OPERATIONS OFFICER TO DIRECTOR. MORE THAN ONCE, DCI CASEY (AND PROBABLY HIS PREDECESSORS) APPROVED AN ESTIMATE WITH WHICH HE DISAGREED PERSONALLY, AND SEPARATELY CONVEYED

HIS PERSONAL VIEW TO POLICYMAKERS. LEST THIS RAISE EYEBROWS, I REMIND YOU THAT IN 1962 DCI MCCONE DISAGREED WITH THE ENTIRE INTELLIGENCE COMMUNITY ON WHETHER THE SOVIETS MIGHT INSTALL MISSILES IN CUBA. HE TOLD PRESIDENT KENNEDY THEY WOULD, AND HE ALONE IN THE EXECUTIVE BRANCH WAS RIGHT. AND, I SHOULD ADD, I AM TOLD, THIS COST HIM HIS RELATIONSHIP WITH THE PRESIDENT. AS LONG AS ALL POINTS OF VIEW ARE FAIRLY REPRESENTED AND REPORTED, THE DIRECTOR OF CENTRAL INTELLIGENCE -- THE PRESIDENT'S CHIEF INTELLIGENCE ADVISER -- IS ENTITLED (EVEN OBLIGATED) TO HAVE AND TO PUT FORWARD HIS OWN VIEW. AS PROFESSOR HENRY ROWEN OF STANFORD UNIVERSITY RECENTLY WROTE IN THE NEW YORK TIMES, "... A CIA DIRECTOR IS NOT SUPPOSED TO BE AN INTELLECTUAL EUNUCH."

POLICYMAKERS HAVE ALWAYS LIKED INTELLIGENCE THAT SUPPORTED WHAT THEY WANT TO DO, AND THEY OFTEN TRY TO INFLUENCE THE ANALYSIS TO COME TO CONCLUSIONS THEY WANT. THEY ASK CAREFULLY PHRASED QUESTIONS; THEY SOMETIMES WITHHOLD INFORMATION; THEY BROADEN OR NARROW THE ISSUE; ON RARE OCCASIONS, THEY EVEN TRY TO INTIMIDATE. THE PRESSURES CAN BE ENORMOUS. THIS IS WHERE THE INTEGRITY OF INTELLIGENCE OFFICERS, BOLSTERED BY A NATURAL TENDENCY TO RESIST PRESSURE AND AN OFTEN ADVERSARIAL BUREAUCRATIC RELATIONSHIP, COMES INTO PLAY TO PROTECT THE INDEPENDENCE OF THE ASSESSMENT.

BUT, OVERALL, YOU MUST UNDERSTAND THAT THE GIVE AND TAKE -- THE DIALOGUE -- BETWEEN POLICYMAKER AND INTELLIGENCE OFFICER ON ISSUES IS NORMAL, HEALTHY, AND USUALLY IMPROVES OUR ASSESSMENTS AND MAKES THEM MORE USEFUL TO THE POLICYMAKER -- EVEN WHILE OBJECTIVITY IS PRESERVED. WE KNOW THEY ARE OFTEN TRYING TO INFLUENCE AN ASSESSMENT, BUT THAT DOES NOT RENDER THEIR INFORMATION AND INSIGHTS IRRELEVANT OR OFF-LIMITS.

A FINAL THOUGHT. TO ATTEMPT TO SLANT INTELLIGENCE NOT ONLY TRANGRESSES THE DEEPEST ETHICAL AND CULTURAL PRINCIPLE OF CIA, WE ALL KNOW IT WOULD ALSO BE FOOLISH -- IT WOULD PRESUPPOSE A SINGLE POINT OF VIEW IN AN ADMINISTRATION AND WOULD IGNORE THE REALITY OF CONGRESSIONAL READERSHIP. INDEED, IN MY OPINION, THE SHARING OF INTELLIGENCE WITH CONGRESS IS ONE OF THE SUREST GUARANTEES OF CIA'S INDEPENDENCE AND OBJECTIVITY. AS DIRECTOR WEBSTER HAS SAID, "WE INTEND TO 'TELL IT AS IT IS,' AVOIDING BIAS AS MUCH AS WE CAN, OR THE POLITICIZATION OF OUR PRODUCT. POLICYMAKERS MAY NOT LIKE THE MESSAGE THEY HEAR FROM US, ESPECIALLY IF THEY HAVE A DIFFERENT POINT OF VIEW. MY POSITION IS THAT IN THE PREPARATION OF INTELLIGENCE JUDGMENTS, PARTICULARLY IN NATIONAL INTELLIGENCE ESTIMATES, WE WILL PROVIDE THEM FOR THE USE OF POLICYMAKERS. THEY

CAN BE USED IN WHOLE OR IN PART. THEY CAN BE IGNORED, OR TORN UP, OR THROWN AWAY, BUT THEY MAY NOT BE CHANGED."

CONCLUSION

WHAT I HAVE DESCRIBED HERE IS THE REALITY OF CIA'S ROLE IN THE MAKING OF AMERICAN FOREIGN POLICY. I HAVE TRIED TO GO BEYOND THE MECHANICS AND THE HEADLINES TO IDENTIFY THE STRESSES, TENSIONS, RIVALRIES, ENDURING COMPLAINTS AND RELATIONSHIPS -- THE PULLING AND HAULING, DAY IN AND DAY OUT, REAL LIFE IF YOU WILL -- THAT DETERMINE CIA'S ROLE AND ITS IMPACT. SOME OF OUR ANALYSES ARE BETTER THAN OTHERS; SOME INTELLIGENCE EXPERTS ARE BETTER THAN OTHERS; ESTIMATES SOMETIMES ALLEGED TO BE POLITICIZED OR BIASED WERE NOT THAT AT ALL -- SOMETIMES THEY WERE JUST NOT VERY WELL DONE. BUT UNEVENNESS OF QUALITY SHOULD NOT BE CONFUSED WITH POLITICIZATION.

CIA'S AUTONOMY IS UNIQUE IN OUR GOVERNMENT, ITS RELATIONSHIP WITH THE LEGISLATURE IS UNIQUE IN THE WORLD. OUR RELATIONSHIPS WITH OTHER ELEMENTS OF THE EXECUTIVE ARE A DYNAMIC BLEND OF SUPPORT AND RIVALRY, OF COOPERATION AND CONFLICT. OUR CHALLENGE IS TO MANAGE THOSE RELATIONSHIPS SO

THAT THE WHOLE RANGE OF INTERACTIONS -- SUPPORTIVE AND ADVERSARIAL -- NET OUT TO PROMOTE BETTER UNDERSTANDING OF AN EVER MORE COMPLEX WORLD AROUND US AND HENCE CONTRIBUTE TO BETTER INFORMED DECISIONS AND POLICIES.

THE REAL INTELLIGENCE STORY IN RECENT YEARS IS THE SIGNIFICANT IMPROVEMENT, WITH HELP FROM BOTH THE PRESIDENT AND CONGRESS, IN THE QUALITY, RELEVANCE AND TIMELINESS OF INTELLIGENCE SUPPORT TO THE POLICYMAKER -- A STORY THAT HAS BEEN NEGLECTED IN PREFERENCE TO CONTROVERSIAL COVERT ACTIONS, PROBLEMS BETWEEN CIA AND THE CONGRESS, AND SPY SCANDALS. WE UNDERSTAND THIS POLITICAL REALITY, BUT IT IS IMPERATIVE THAT AMERICANS KNOW THAT OUR PRIMARY MISSION REMAINS THE COLLECTION AND ANALYSIS OF INFORMATION. THIS IS OUR PRIMARY ROLE IN THE MAKING OF AMERICAN FOREIGN POLICY. AS RANELAGH OBSERVES, "... SO FAR FROM BEING THE SECRET POLICE THAT TRUMAN AND MANY THOUGHTFUL PEOPLE HAD FEARED ONLY HALF A LIFETIME EARLIER, THE CIA [IS] NOW TAKEN FOR GRANTED AS A MODERATE AND CONSTITUTIONAL ARM OF THE AMERICAN STATE." THE PRESIDENT, THE POLICY COMMUNITY, AND THE CONGRESS -- ALBEIT SOMETIMES WITH CLENCHED TEETH -- DEPEND UPON US, TASK US, AND LOOK TO US MORE EACH DAY. WE ATTRACT AMERICA'S BRIGHTEST YOUNG PEOPLE, WHO FIND WITH CIA EXCEPTIONALLY CHALLENGING, HONORABLE, AND CONSISTENTLY FASCINATING CAREERS. TO QUOTE RANELAGH A FINAL TIME, IN THE LAST SENTENCE OF HIS BOOK, HE STATES, "IN ITS MOMENTS OF ACHIEVEMENT AS WELL AS CONDEMNATION, THE AGENCY WAS A REMINDER

THAT IT WAS A FAITHFUL INSTRUMENT OF THE MOST DECENT AND PERHAPS THE SIMPLEST OF THE GREAT POWERS, AND CERTAINLY THE ONE THAT EVEN IN ITS DARKEST PASSAGES PRACTICED MOST CONSISTENTLY THE VIRTUE OF HOPE."

THE UNITED STATES HAS THE FINEST GLOBAL INTELLIGENCE SERVICE IN THE WORLD. FAITHFUL TO THE CONSTITUTION AND THE LAWS, IT HELPS TO SAFEGUARD OUR FREEDOM AGAINST OUR ADVERSARIES AND HELPS THE POLICYMAKER UNDERSTAND AND DEAL WITH THE OFTEN DANGEROUS WORLD AROUND US. CIA IS TRULY AMERICA'S FIRST LINE OF DEFENSE -- ITS EYES AND EARS. AND OUR DEEPEST COMMITMENT, TO BORROW A PHRASE USED BY ERIC LARRABEE TO DESCRIBE GEORGE MARSHALL, IS "TO SPEAK TRUTH TO POWER."

Next 23 Page(s) In Document Denied

propose that a portion of the Gauley River be established as a national recreation area, and that the lower portions of the Meadow and the Bluestone be designated as the State's first wild and scenic rivers. This bill will also allow for much-needed boundary modifications in the New River Gorge National River.

Protecting these rivers in their pristine state will give people the opportunity to enjoy their unmatched beauty for years to come. Federal designation of these rivers will go a long way toward luring more tourists to southern West Virginia. Each year, 700,000 tourists visit the New River Gorge National River. Being part of the National Park System will provide increased awareness—both nationally and internationally—to the recreational opportunities available on these rivers. It will give West Virginia's wild, wonderful rivers more publicity than we could ever buy.

The recently funded New River Parkway, the just-completed West Virginia Turnpike, and the soon-to-be-completed Interstate 64 will enable tourists to visit these areas on modern, safe, and convenient highways. Indeed, West Virginia's interstate system is now among the most elaborate and accessible in the Nation.

The Gauley River National Recreation Area will cover a 24.5-mile segment from Summersville to Swiss. With its boulder-strewn rapids, high ledges, narrow chutes, and tortuous channels, this area provides one of the most spectacular whitewater experiences in the country. In 1986, whitewater recreation on the Gauley alone pumped over $16 million into the local economy.

The Meadow River, from the Route 19 Bridge to its confluence with the Gauley, is in a wild and primitive condition. For rafting enthusiasts, it's even more demanding than the Gauley due to its narrow channel and steep grade.

One of the most pristine rivers in the United States is the Bluestone. Well known for its beauty and magnificent gorge, superb opportunities exist for fishing, camping, rafting, and canoeing on the Bluestone.

The Greenbrier River was also studied under the legislative mandate. The study, conducted by the Forest Service, determined that 133 miles of the river were eligible for Federal protection. Under the provisions of the 1968 Wild and Scenic Rivers Act, 106 miles were classified as scenic and 27 miles were judged to be recreational. The Forest Service recommended that the river be protected by the State Natural Stream Preservation Act—not by the Federal Government through congressional action.

I have received hundreds of letters, numerous phone calls, and have met with many residents of Pocahontas and Greenbrier Counties on the prospect of including the Greenbrier in the system of federally protected rivers. To give people a chance to be heard on the proposal, I sponsored public meetings in Durbin, Marlinton, and Lewisburg. What I heard from my constituents was an overwhelming desire to protect their river—but not through designation as a scenic river.

Moreover, any plan that is put forth to protect the Greenbrier must address the issue of flood control. In 1985, the region was devastated by a flood. Currently, the Corps of Engineers is preparing a feasibility study that will suggest various alternatives for flood protection. This study will be ready for release and public discussion in January 1988.

Based on what I have heard from my constituents and the unresolved flood control issue, I have decided not to include the Greenbrier River in this legislation. Since there is an enormous interest in protecting the river, I will offer my assistance in developing a local plan that will protect the river—while not precluding effective flood control.

Mr. President, without a doubt, the rivers that I have proposed for Federal designation are worthy of inclusion in the system of wild and scenic rivers. Enactment of this legislation will complement the existing New River Gorge National River and greatly enhance the economic development of southern West Virginia through tourism. I urge my colleagues to pass this legislation as soon as possible.●

By Mr. COHEN (for himself, Mr. BENTSEN, Mr. DECONCINI, and Mr. MURKOWSKI):

S. 1721. A bill to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the executive branch, and for other purposes; to the Select Committee on Intelligence.

INTELLIGENCE OVERSIGHT ACT

● Mr. COHEN. Mr. President, I am introducing today, along with three members of the Intelligence Committee, Senators BENTSEN, DECONCINI and MURKOWSKI, a bill entitled the Intelligence Oversight Act of 1987, which is an effort to strengthen the statutory framework already existing in this area and to ensure that Congress will continue to play an active, effective role in the oversight of U.S. intelligence activities, including covert actions.

It is important to recognize at the outset that this bill would place no new restrictions upon the President, either in the conduct of intelligence activities generally or of covert actions in particular. Rather, it is aimed at strengthening the congressional oversight process, by clarifying the responsibilities and roles of both branches and removing the other ambiguities under current law. To be sure, the effectiveness of any law will ultimately depend upon the mutual trust and good faith of both parties, but it nevertheless behooves us—in the interests of good government—to make our mutual responsibilities under the law as clear and certain as we can.

As has been reported in the press in recent weeks, the President has, in fact, taken a number of concrete steps in this direction. These were reported to the Intelligence Committees last August. He has told us that there will not be oral findings in the future, that such findings will not authorize covert actions retroactively, and that all covert programs will be periodically subjected to review. These steps are welcome and commendable. But one is nevertheless obliged to recognize that these are policies which do not have the force of law, which may be subject to exceptions or waivers approved by the President in special circumstances—ones that would be highly classified—and which are not binding upon any future administrations.

The bill I am introducing today accepts and builds upon the commitments already made to the Intelligence Committees by the President. It does not purport to be the final answer, but it does represent a comprehensive attempt to restructure, and where necessary, improve the current system of intelligence oversight.

Appended to the bill is a lengthy section-by-section analysis which sets forth its purposes in great detail. I wish only to highlight several of them here.

First, the bill would place all of the laws bearing upon intelligence oversight in one place in the United States Code, and would restructure those laws in a logical, coherent fashion. Accordingly, the Hughes-Ryan Amendment, which was an amendment to the Foreign Assistance Act of 1961, would be moved to that portion of the intelligence oversight statute which deals with limitations on the funding of intelligence activities. Moreover, the limitation set forth in Hughes-Ryan would be expanded to cover agencies of the executive branch other than CIA which may be used to carry out covert actions. This has been the policy within the executive branch for several years, although Hughes-Ryan itself only applies to CIA.

Second, the bill would eliminate much of the ambiguity under current law by specifying those congressional oversight requirements which pertain to intelligence activities and those which pertain to covert actions—termed in the bill "special activities." Under current law, these requirements are unclear.

Third, the bill would, for the first time, provide explicit statutory authority for the President to authorize covert actions, or "special activities," in support of U.S. foreign policy objectives, provided they are authorized in accordance with the requirements set forth in the bill. As I mentioned at the outset, these requirements do not entail new restrictions on covert actions, but are designed to improve the

ability of the Intelligence Committees to carry out their oversight of this vital area.

Recent experience has demonstrated that the current system has numerous flaws. This bill addresses them. It provides for written authorization of covert actions and prohibits retroactive authorizations. It requires the congressional oversight committees to be advised of all findings within 48 hours of their being signed, but permits such notice to be limited to the leadership of both Houses and the chairmen and vice-chairmen of the Intelligence Committees where the President deems such limited notice essential to protect vital U.S. interests. It provides that the Intelligence Committees be made aware of precisely who within Government and outside Government will be used to carry out covert actions, and it puts to rest the notion that the President may authorize, under the rubric of covert actions, activities which would violate the statutes of the United States.

I hope this bill will receive serious consideration, both by my colleagues in the Senate and on the Intelligence Committee and by those outside Congress with an interest in this subject. It represents a balanced, comprehensive approach to congressional oversight of intelligence activities, which, to my mind, would constitute a decided improvement over the current system.

In addition to the bill and a section-by-section analysis, I am submitting the letter the President sent to the Intelligence Committee which I referred to earlier, and I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Oversight Act of 1987."

SECTION 1. Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is hereby repealed.

SEC. 2. Section 501 of Title V of the National Security Act of 1947 (50 U.S.C. 413) is amended by striking the language contained therein, and substituting the following new sections:

"SEC. 501. GENERAL PROVISIONS.

(a) The President shall ensure that the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives (hereinafter in this title referred to as the "intelligence committees") are kept fully and currently informed of the intelligence activities of the United States as required by this title. Such activities shall ordinarily be conducted pursuant to consultations between the President, or his representatives, and the intelligence committees, prior to the implementation of such activities, although nothing contained herein shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of such activities.

(b) The President shall ensure that any illegal intelligence activity or significant intelligence failure is reported to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity or intelligence failure.

(c) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

(d) The House of Representatives and the Senate, in consultation with the Director of Central Intelligence, shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information and all information relating to intelligence sources and methods furnished to the intelligence committees or to Members of Congress under this section. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

(e) Nothing in this Act shall be construed as authority to withhold information from the intelligence committees on the grounds that providing the information to the intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

(f) As used in this section, the term "intelligence activities" includes, but is not limited to, "special activities," as defined in subsection 503(e), below.

SEC. 502. REPORTING INTELLIGENCE ACTIVITIES OTHER THAN SPECIAL ACTIVITIES.

The Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall keep the intelligence committees fully and currently informed of all intelligence activities, other than special activities as defined in subsection 503(e), below, which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity; provided that such obligation shall be carried out with due regard for the protection of classified information relating to sensitive intelligence sources and methods. In satisfying this obligation, the Director of Central Intelligence and the heads of all departments and agencies and other entities of the United States Government in intelligence activities shall furnish the intelligence committees any information or material concerning intelligence activities other than special activities which is within their custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

SEC. 503. APPROVING AND REPORTING SPECIAL ACTIVITIES.

(a) The President may authorize the conduct of "special activities," as defined herein below, by departments, agencies, or entities of the United States Government when he determines such activities are necessary to support the foreign policy objectives of the United States and are important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than forty-eight (48) hours after the decision is made;

(2) A finding may not authorize or sanction special activities, or any aspect of such activities, which have already occurred;

(3) Each finding shall specify each and every department, agency, or entity of the United States Government authorized to fund or otherwise participate in any way in such activities; provided that any employee, contractor, or contract agent of a department, agency or entity other than the Central Intelligence Agency directed to participate in any way in a special activity shall be subject either to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency or entity, in consultation with the Director of Central Intelligence, to govern such participation;

(4) Each finding shall specify, in accordance with procedures to be established pursuant to subsection 501(c), any third party, including any foreign country, which is not an element of, contractor or contract agent of, the United States Government, or is not otherwise subject to U.S. Government policies and regulations, who it is contemplated will be used to fund or otherwise participate in any way in the special activity concerned; and

(5) A finding may not authorize any action that would be inconsistent with or contrary to any statute of the United States.

(b) The President, the Director of Central Intelligence and the heads of all departments, agencies, and entities of the United States Government authorized to fund or otherwise participate in any way in a special activity shall keep the intelligence committees fully and currently informed of all special activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government. In satisfying this obligation, the intelligence committees shall be furnished any information or material concerning special activities which is in the possession, custody or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

(c) The President shall ensure that any finding issued pursuant to subsection (a), above, shall be reported to the intelligence committees as soon as possible, but in no event later than forty-eight (48) hours after it has been signed; provided, however, that if the President determines it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States, such finding may be reported to the chairmen and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate. In either case, a certified copy of the finding, signed by the President, shall be provided to the chairman of each intelligence committee. Where access to a finding is limited to the Members of Congress identified herein above, a statement of the reasons for limiting such access shall also be provided.

(d) The President shall promptly notify the intelligence committees, or, if applicable, the Members of Congress specified in subsection (c), above, of any significant change in any previously-approved special activity.

(e) As used in this section, the term "special activity" means any activity conducted in support of national foreign policy objectives abroad which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activity, but which is not intended to influence United States political processes, public opinion, policies or media, and does not include activities to collect necessary intelligence, military operations conducted by the armed forces of the United States and subject to the War Powers Resolution (50 U.S.C. 1541-1548), diplomatic activities carried out by the Department of State or persons otherwise acting pursuant to the authority of the President, or activities of the Department of Justice or federal law enforcement agencies solely to provide assistance to the law enforcement authorities of foreign governments."

SEC. 3. Section 502 of Title V of the National Security Act of 1947 (50 U.S.C. 414) is redesignated as section 504 of such Act, and is amended by adding the following new subsection (d):

"(d) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government, may be expended, or may be directed to be expended, for any special activity, as defined in subsection 503(e), above, unless and until a Presidential finding required by subsection 503(a), above, has been signed or otherwise issued in accordance with that subsection."

SEC. 4. Section 503 of Title V of the National Security Act of 1947 (50 U.S.C. 415) is redesignated as section 505 of such Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. REPEAL OF HUGHES-RYAN AMENDMENT

Current statutory provisions for intelligence oversight include the general requirements to inform the House and Senate Intelligence Committees in Title V of the National Security Act of 1947, as amended in 1980, and the requirement of Presidential approval for CIA covert action in Section 662 of the Foreign Assistance Act of 1961, as amended (22 USC 2422—the Hughes-Ryan Amendment). The differences in language and scope between these provisions have been a source of unnecessary confusion. Therefore, Section 1 of the bill would repeal the Hughes-Ryan Amendment in order to substitute a new Presidential approval requirement as an integral part of a more coherent and comprehensive statutory oversight framework for covert action (or "special activities") and other intelligence activities. The superceding Presidential approval requirement is contained in the proposed new sections 503 and 504(d) of the National Security Act of 1947, discussed below.

This change is intended to bring current law more closely into line with Executive branch policy which requires Presidential approval for covert action by any component of the U.S. Government, not just by the CIA. Section 3.1 of Executive Order 12333, December 4, 1981, states "The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 USC 2422), and section 501 of the National Security Act of 1947, as amended (50 USC 413), shall apply to all special activities as defined in this Order." Replacing Hughes-Ryan with a comprehensive Presidential approval requirement for covert action (or "special activities") by any U.S. Government entity gives statutory force to a policy that has not been consistently followed in recent years.

SECTION 2. OVERSIGHT OF INTELLIGENCE ACTIVITIES

Section 2 of the bill would replace the existing Section 501 of the National Security Act of 1947 with three new sections that prescribe, respectively, general provisions for oversight of all intelligence activities, reporting of intelligence activities other than special activities, and approval and reporting of special activities. This revision of current law has three principal objectives.

The first is to clarify and emphasize the general responsibilities of the President to work with the Congress, through the House and Senate Intelligence Committees, to ensure that U.S. intelligence activities are conducted in the national interest. Current law does not fully address the obligations of the President. Nor does the existing statute reflect the commitment to consultation with the Congress made by the President as a result of the lessons learned from the Iran-Contra inquiries.

The second objective is to eliminate unnecessary ambiguities in the law. Experience under the current statute has indicated significant areas where Congressional intent may be subject to misinterpretation by Executive branch officials, as well as gaps in the law where Congress did not adequately anticipate the need for statutory guidance. Examples are the uncertain meaning of the requirement to report "in a timely fashion," the absence of an explicit provision for written Presidential Findings, and the need to specify those responsible for implementing covert actions. The aim is to clarify the intent of Congress with respect to oversight of intelligence activities so as to reduce the possibilities for misunderstanding or evasion. For purposes of clarity, a distinction is made between the detailed provisions for special activities, which are instruments of U.S. foreign policy, and the requirements for other intelligence activities (i.e., collection, analysis, counterintelligence) that are less controversial.

A third objective is to provide statutory authority for the President to employ special activities to implement U.S. foreign policy by covert means. Congress has not previously done so, except to the extent that the CIA was authorized by the National Security Act of 1947 "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." Current law requires Presidential approval and the reporting to Congress of "intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence." This does not provide affirmative statutory authority to employ covert means as a supplement to overt instruments of U.S. foreign policy. Nor does it specify what types of activity are intended to be covered by the legal requirements for covert action. This has called into question the legality of covert actions, such as arms transfers, undertaken as alternatives to overt programs with express statutory authority. Congress should expressly authorize covert action as a legitimate foreign policy instrument, subject to clearly defined approval and reporting requirements.

The overall purpose of this bill is to use the lessons of recent experience to establish a more effective statutory framework for executive-legislative cooperation in the field of intelligence. Such legislation is not a guarantee against conflicts between the branches or abuses of power. It can, however, help minimize such conflicts and abuses by emphasizing the mutual obligations of the President and Congress and by eliminating unnecessary legal ambiguities that invite misunderstanding on both sides.

SECTION 501. GENERAL PROVISIONS

The new Section 501 of Title V of the National Security Act of 1947 would specify the general responsibilities of the President and the Congress for oversight of intelligence activities.

(a) Presidential Duties and Prior Consultation

Subsection (a) would place a statutory obligation upon the President to ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (referred to in the bill as the "intelligence committees") are kept fully and currently informed of the intelligence activities of the United States as required by this title. Current law imposes such duties on the DCI and agency heads, but not on the President himself. Overall responsibility should be vested in the President because of the importance and sensitivity of secret intelligence activities that may affect vital national interests and because the President may have unique knowledge of those activities that he is best suited to ensure is imparted to the intelligence committees. The terms and conditions for keeping the committees "fully and currently informed" are those set forth in Sections 502 and 503, discussed below.

In addition, subsection (a) would provide that U.S. intelligence activities shall ordinarily be conducted pursuant to consultations between the President, or his representatives, and the intelligence committees, prior to the implementation of such activities. This is consistent with the intentions of the President as stated in his letter of August 8, 1987, to the Chairman and Vice Chairman of the Senate Intelligence Committee. It applies to all U.S. intelligence activities, including collection, analysis, counterintelligence, and special activities. Additional Presidential reporting requirements for special activities are set forth in Section 503, discussed below. This new general provision for prior consultation with the intelligence committees would supplement current requirements for keeping the committees informed of "significant anticipated intelligence activities." The requirement for prior consultations is a more complete reflection of the need for executive-legislative cooperation in the formulation of intelligence policies. For example, the President or his representatives should ordinarily consult the intelligence committees on proposed Presidential Findings prior to their approval by the President.

Subsection (a) would also retain the qualification in current law that nothing contained in the prior consultation or prior notice requirements shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of such activities. The parallel provision of existing law is clause (A) of paragraph 501(a)(1).

(b) Illegal Activities and Significant Failures

Subsection (b) would require the President to ensure that any illegal intelligence activity or significant intelligence failure is reported to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity or failure. Under current law, paragraph 501(a)(3) imposes this duty on the DCI and agency heads, subject to certain conditions. The purpose is to place an unqualified statutory obligation on the President to ensure reporting of such matters to the committees. The President should establish procedures for review within the Executive branch of intelligence activities that may have been illegal and for

reporting to the intelligence committees when a determination is made that there are reasonable grounds to believe that the activity was a violation of the Constitution, statutes, or Executive orders of the United States. The President should establish procedures for the reporting of activities determined to be significant intelligence failures. The current provision requires the reporting of an illegal activity or significant failure "in a timely fashion." This language is deleted because of its ambiguity. The intent is that the committees should be notified immediately whenever a determination is made under procedures established by the President in consultation with the intelligence committees.

Another difference from existing law is that the requirement to report illegal activities or significant failures would not be subject to the preambular clauses in the current subsection 501(a) which could be interpreted as qualifying the statutory obligation to inform the intelligence committees.

(c)-(f) Other General Provisions

Subsections (c) through (e) would retain provisions of existing law. Subsection (c) is identical to the current subsection 501(c) that authorizes the President and the intelligence committees to establish procedures to carry out their oversight obligations. Subsection (d) is the same as the current subsection 501(d) that requires the House and Senate to establish procedures to protect the secrecy of information furnished under this title and to ensure that each House and its appropriate committees are advised promptly of relevant information. Subsection (e) repeats the current subsection 501(e) which makes clear that information may not be withheld from the intelligence committees under this Act on the grounds that providing the information to the intelligence committees would be unauthorized disclosure of classified information or information relating to intelligence sources and methods.

Subsection (f) states that the term "intelligence activities," as used in this section, includes, but is not limited to, "special activities," as defined in subsection 503(e), discussed below.

SECTION 502. REPORTING INTELLIGENCE ACTIVITIES OTHER THAN SPECIAL ACTIVITIES

The new section 502 is intended to be substantially the same as the current requirements of subsections 502(a)(1) and (2) insofar as they apply to intelligence activities other than special activities. This distinction between special activities and other intelligence activities is discussed more fully with respect to section 503, below.

Fully and Currently Informed

Section 502 would require the Director of Central Intelligence (DCI) and the heads of all departments, agencies and other entities of the United States involved in intelligence activities to keep the intelligence committees fully and currently informed of all intelligence activities, other than special activities as defined in subsection 503(e), which are the responsibility of, are engaged in by, or are carried out for or on behalf of any department, agency, or entity of the United States, including any significant anticipated intelligence activity. The special procedure for prior notice to eight leaders in the current clause (B) of paragraph 501(a)(1) would be deleted, since it was intended to apply to special activities, to be governed by section 503, discussed below.

Section 502 also would provide that, in satisfying the obligation to keep the committees fully and currently informed, the DCI and the heads of all departments and agencies and other entities of the United States involved in intelligence activities shall furnish the intelligence committees any information or material concerning intelligence activities (other than special activities) which is within their custody or control and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities. This requirement is subject to the provision for protection of sensitive intelligence source and methods, discussed below.

Protection of Sensitive Sources and Methods

The obligation to keep the intelligence committees fully and currently informed under this section is to be carried out with due regard for the protection of classified information relating to sensitive intelligence sources and methods. This provision is similar to the second preambular clause in the current subsection 501(a) which imposes duties "to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods." The proposed new language more accurately reflects and is intended to have the same meaning as the legislative history of the similar preambular clause in existing law.

The first preambular clause in the current subsection 501(a) would be deleted. It imposes obligations "[t]o the extent consistent with all applicable authorities and duties, including those conferred upon the executive and legislative branches of the Government." This clause creates unnecessary ambiguity in the law, because it has been interpreted by some as Congressional acknowledgement of an undefined constitutional authority of the Executive branch to disregard the statutory obligations. Recent experience indicates that legislation qualifying its terms by reference to the President's constitutional authorities may leave doubt as to the will of Congress and thus invite evasion. Legitimate Executive branch concerns are adequately met by the provision for due regard for protection of sensitive intelligence sources and methods, discussed above.

SECTION 503. APPROVING AND REPORTING SPECIAL ACTIVITIES

Special activities (or covert actions) raise fundamentally different policy issues from other U.S. intelligence activities because they are an instrument of foreign policy. Indeed, constitutional authorities draw a distinction between Congressional power to restrict the gathering of information, which may impair the President's ability to use diplomatic, military, and intelligence organizations as his "eyes and ears," and Congressional power to regulate covert action that goes beyond information gathering. There is little support for the view that such special activities are an exclusive Presidential function. Congress has the constitutional power to refuse to appropriate funds to carry out special activities and may impose conditions on the use of any funds appropriated for such purposes.

Under current law, however, the Congressional mandate is ambiguous, confusing and incomplete. There is no express statutory authorization for special activities; the requirement for Presidential approval of special activities applies only to the CIA; and Presidential approval procedures are not specified. There is a question whether Congress has intended that the President have authority to conduct special activities which are inconsistent with or contrary to other statutes. The statutory requirements for informing the intelligence committees of special activities are subject to misinterpretation, and the scope of activities covered by the law is undefined. This bill seeks to remedy these deficiencies so that covert actions are conducted with proper authorization in the national interest as determined by the elected representatives of the American people—the President and the Congress—through a process that protects necessary secrecy.

(a) Presidential Findings

Subsection (a) would provide statutory authority for the President to authorize the conduct of special activities by departments, agencies or entities of the United States when he determines such activities are necessary to support the foreign policy objectives of the United States and are important to the national security of the United States. This determination must be set forth in a "Finding" that meets certain conditions. The importance of this requirement is underscored by Section 3 of the bill, discussed later, which prohibits expenditure of funds for any special activity unless and until such a presidential Finding has been issued.

The current Presidential approval provision in the Hughes-Ryan Amendment (22 USC 2422) requires a finding by the President "that each such operation is important to the national security of the United States." The proposed new subsection 503(a) would require the President to make an additional determination that the activities "are necessary to support the foreign policy objectives of the United States." This conforms the statute to the Executive branch definition of "special activities" in section 3.4(h) of Executive Order 12333 which refers to "activities conducted in support of national foreign policy objectives abroad." The President should determine not only that the operation is important to national security, but also that it is consistent with and in furtherance of established U.S. foreign policy objectives.

In addition to reflecting these presidential determinations, Findings must meet five conditions. First, paragraph 503(a)(1) would require that each Finding be in writing, unless immediate action is required of the United States and time does not permit the preparation of a written Finding, in which case a written record of the President's decision would have to be contemporaneously made and reduced to a written Finding as soon as possible but in no event more than 48 hours after the decision is made. This requirement should prevent a President's subordinate from later claiming to have received oral authorization without further substantiation than the subordinate's undocumented assertion. It is also consistent with the President's current policy of requiring written Findings.

Second, paragraph 503(a)(2) would restate emphatically the current legal ban on retroactive Findings. It would provide that a Finding may not authorize or sanction special activities, or any aspects of such activities, which have already occurred. This is also consistent with the President's current policy.

Third, paragraph 503(a)(3) would require that each Finding specify each and every department, agency, or entity of the United States Government authorized to fund or otherwise participate in any way in the special activities authorized in the Finding. This requirement is consistent with section 1.8(e) of Executive Order 12333 which states that no agency except the CIA in peacetime may conduct any special activity "unless the President determines that another agency is more likely to achieve a particular objective."

Fourth, paragraph 503(a)(4) would require that each Finding specify, in accordance with procedures to be established, any third

party, including any third country, which is not an element of, contractor of, or contract agent of the U.S. Government, or is not otherwise subject to U.S. Government policies and regulations, whom it is contemplated will be used to fund or otherwise participate in any way in the special activity concerned. The purpose is to require the President's approval and notice to the intelligence committees when third countries, or private parties outside normal U.S. government controls, are used to help implement a covert action operation. The intent is that procedures be established in consultation with the intelligence committees to determine when the involvement of a third party constitutes use "to fund or otherwise participate" in a special activity and to determine when a private party is not "subject to U.S. Government policies and regulations."

Fifth, paragraph 503(a)(5) would establish that a Finding may not authorize any action that would be inconsistent with or contrary to any statute of the United States. This is similar to section 2.8 of Executive Order 12333, which states that nothing in that Order "shall be construed to authorize any activity in violation of the Constitution or statutes of the United States." Current CIA policy is to conform its operations to any federal statutes which apply to special activities, either directly or as laws of general application. This provision is not intended to require that special activities authorized in Presidential Findings comply with statutory limitations which, by their terms, apply only to another U.S. Government program or activity. For example, a statutory restriction on the overt Defense Department arms transfer program would not apply to covert CIA arms transfers authorized in a Finding, even if the CIA obtained the arms from the Defense Department under the Economy Act. When the Congressional concerns that led to the restriction on the Defense Department program are relevant to the similar covert CIA activity, those factors should be taken into account by the intelligence committees.

(b) Fully and Currently Informed

Subsection 503(b) would place a statutory obligation on Executive branch officials to keep the intelligence committees fully and currently informed of special activities and furnish the intelligence committees any information or material concerning special activities which they possess and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities. This subsection differs in four respects from the parallel provisions of Section 502 that apply to other intelligence activities.

The first difference is that the obligation would be placed on the President, as well as on the DCI and the heads of departments, agencies, and entities of the U.S. Government. The President may have unique information concerning a special activity that should be imparted to the committees.

The second difference is that the obligation would be placed on the heads of departments, agencies, and entities of the U.S. Government "authorized to fund or otherwise participate in a special activity"—rather than just those directly involved in the activity. This conforms to the terms of the presidential Finding requirement in subsection 503(a)(3).

The third difference is that the requirement to inform the committees of "any significant anticipated intelligence activity" would be deleted. In the case of special activities, that requirement would be superceded by the requirements in subsections 503(c) and (d), discussed below, for reporting presidential Findings and significant changes in special activities, as well as by the general provision in subsection 501(a) for prior consultations with the intelligence committees.

The fourth difference is that the obligation to inform the committees would not be subject to a ... proviso that such obligation shall be carried out with due regard for the protection of classified information relating to sensitive intelligence sources and methods. Instead, a specific statutory procedure would be established in subsection 503(c) for limiting the number of Members of Congress to whom information would be imparted in exceptionally sensitive cases. Moreover, sensitive sources and methods would also be protected under the procedures established by the President and the intelligence committees pursuant to subsection 501(c) and by the House of Representatives and the Senate pursuant to subsection 501(d).

(c) Notice of Findings

Subsection 503(c) would require the President to ensure that any Findings issued pursuant to subsection (a), above, shall be reported to the intelligence committees as soon as possible, but in no event later than 48 hours after it has been signed. If, however, the President determines it is essential to limit access to the Finding to meet extraordinary circumstances affecting vital interests of the United States, such Finding may be reported to 8 Members of Congress—the chairman and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate. This procedure is similar to the existing provision in clause (B) of the current paragraph 501(a)(1) for limiting prior notice of "significant anticipated intelligence activities" to the same 8 congressional leaders.

The principal differences from existing law are the elimination of the preambular clauses in the current subsection 501(a) that qualify clause (1)(b) and the deletion of the separate provision in the current subsection 501(b) for "timely" notice when prior notice is not given. These current provisions have created confusion because they appear, on the one hand, to require notice of Findings to at least the 8 leaders while, on the other hand, leaving open the possibility of postponement of notice until some time after a Finding is implemented. The proposed new subsection 503(c) changes the point of reference in the law from notice prior to the initiation of an activity to the more logical point of notice immediately upon the issuance of a Finding.

Subsection 503(b) would also require that in all cases a certified copy of the Finding signed by the President shall be provided to the chairman of each intelligence committee and that, if access is limited, a statement of the reasons for limiting access to the Finding concerned shall accompany the copy of the Finding.

(d) Notice of Significant Changes

Subsection 503(d) would require the President to ensure that the intelligence committees, or, if applicable, the 8 leaders specified in subsection (c), are promptly notified of any significant change in any previously-approved special activity. The intent is that such changes should be reported insofar as practicable prior to their implementation, in accordance with procedures agreed upon by the intelligence committees and the President. Such procedures currently exist in the form of agreements entered into between the DCI and the Chairman and Vice Chairman of the Senate Intelligence Committee in 1984 and 1986. Any change in the actual terms and conditions of a Finding would have to be reported in accordance with subsection 503(c).

(e) Definition of "Special Activities"

Section 503(e) sets forth a definition of the term "special activities". Not heretofore used or defined in statute, the term has nevertheless been used since 1978 in two Executive orders as a euphemism for the more colloquial term "covert actions". The term is adopted here not only because of its previous use within the Executive branch but as a more appropriate designation of such activity by the United States.

As stated, the definition of "special activities" set forth in section 503(e) is based upon the definition of the term now set forth in section 3.4(h) of Executive order 12333, issued by President Reagan on December 4, 1981. Indeed, the first and principal clause of the definition is taken verbatim from the definition in the Executive order. The exclusionary clauses, exempting certain activities from the scope of the definition, are for the most part modifications of, or additions to, the exclusions contained in the Executive order definition.

As defined in section 503(e), a "special activity" is any activity conducted in support of national foreign policy objectives abroad which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activity. The definition covers all covert activities undertaken by the United States to support its foreign policy objectives towards other countries regardless of the department, agency, or element of the United States Government used to carry out such activities. While it applies to those activities conducted in support of national foreign policy objectives abroad, the term encompasses those activities conducted by the United States Government within the territory of the United States, so long as they are intended to support U.S. objectives abroad. The definition applies only to activities in which the role of the U.S. Government is not apparent or acknowledged to the public. Thus, activities of the United States Government conducted in support of national foreign policy objectives which are made known to the public, or which would be made known to the public or press if the Government were asked, are not covered by the definition.

The definition also makes clear that special activities shall not be intended to influence U.S. political processes, public opinion, policies or media. The purpose of this language is to preclude the use of the authority contained in this bill to plan or execute special activities for the purpose of influencing U.S. public opinion. While it is recognized that some special activities may occasionally have an indirect effect on U.S. public opinion, no such activity may be instituted for this purpose, and to the extent such indirect effect can be minimized in the planning and execution of special activities, it should be done. This portion of the definition reiterates what has been longstanding policy and practice within the Executive branch.

The definition further specifies four broad areas of activity undertaken by the United States Government in support of foreign policy objectives which are not included within the definition of special activities even if planned and conducted so that the role of the United States Government is not apparent or acknowledged publicly. These include activities to collect necessary intelligence, military operations conducted by the armed forces of the United States and subject to the War Powers Resolution (50 U.S.C. 1541-1548), diplomatic ac-

tivities carried out by the Department of State or persons otherwise acting pursuant to the authority of the President, or activities of the Department of Justice or federal law enforcement agencies solely to provide assistance to the law enforcement authorities of foreign governments. An explanation of each of these exclusions follows.

The exclusion of U.S. activities to collect necessary intelligence is intended to cover all activities of the United States Government undertaken for the purpose of obtaining intelligence necessary for the national security of the United States. While such activities clearly require oversight by the Congress, they are excluded from the definition of "special activities", inasmuch as they are subject to separate authorization and oversight, and often do not require specific approval by the President. This exclusion reiterates the longstanding policy contained in the Hughes-Ryan amendment (24 U.S.C. 2422) (1974) and in subsequent Executive orders.

The exclusion of military operations conducted by the armed forces of the United States and subject to the War Powers Resolution (50 U.S.C. 1541-1548) is new, appearing in neither statute or Executive order heretofore. The purpose of this exclusion is to clarify a problem of interpretation namely, when is a military operation undertaken by the United States reportable as a "special activity" or covert action? The definition sets forth a clear dividing line: if the military operation concerned is carried out covertly by U.S. military forces and it is not required to be reported to the Congress under the War Powers Resolution, then it is a "special activity" which is reportable to the intelligence committees under this statute. The exclusion would not apply to covert assistance given by the United States to the military forces, or to support the military operations, of a third party, either governmental or to private entities.

The third area excluded from the definition of special activities is diplomatic activities carried out by the Department of State or persons otherwise acting pursuant to the authority of the President. This represents a modification of the comparable exclusion in Executive order 12333. Although most diplomatic activities of the United States are publicly acknowledged, it is recognized that there are many diplomatic contacts and deliberations which are necessarily secret. The definition of special activities excludes these activities so long as they are undertaken by the Department of State, or by persons—either government officials or private citizens—who are acting pursuant to the authority of the President. It would not exclude diplomatic activities which are carried out by persons who are not employees of the Department of State—either governmental or private—whose authority to carry out such activities on behalf of the United States is not already established by law or Executive branch policy.

The fourth and final area excluded from the definition of special activities are activities of the Department of Justice or federal law enforcement agencies solely to provide assistance to law enforcement authorities of foreign governments. This exclusion is also new, reflected neither in law nor Executive order heretofore. Its incorporation here is intended to clarify a problem of interpretation which has existed under the current framework, namely, do law enforcement activities undertaken covertly by U.S. Government agencies outside the United States qualify as special activities? The formulation contained in the proposed definition would exclude assistance provided covertly to third countries by U.S. law enforcement agencies. It would not exclude law enforcement activities actually carried out covertly and unilaterally by such agencies outside the United States. It would also not exclude either assistance to law enforcement agencies of third countries, or carrying out law enforcement activities outside the United States, by elements of the U.S. Government which do not have law-enforcement functions.

SECTION 3. LIMITATION ON USE OF FUNDS FOR SPECIAL ACTIVITIES

Section 3 of the bill redesignates section 502 of the National Security Act of 1947, which concerns the funding of intelligence activities, as section 504 of the Act and adds a new subsection (d) which deals with the use of funds for special activities.

This provision is intended to carry forward and expand the limitation currently contained in 22 U.S.C. 2422 (the Hughes-Ryan Amendment), which would be repealed by Section 1 of the bill. The Hughes-Ryan amendment restricts the use of funds appropriated to CIA to carry out actions outside the United States "other than the collection of necessary intelligence", unless and until the President had determined that such actions were important to the national security.

Section 504(d) would similarly provide that appropriated funds could not be expended for special activities until the President had signed, or otherwise approved, a Finding authorizing such activities, but it would expand this limitation to cover the funds appropriated for any department, agency, or entity of the Government, not solely CIA. It would also cover non-appropriated funds which are available to such elements from any source, over which the agency involved exercises control. These might include funds offered or provided by third parties, funds produced as a result of intelligence activities (i.e. proprietaries), or funds originally appropriated for an agency other than the agency who wishes to expend the funds. The limitation contained in section 504(d) would also apply whether or not the agency concerned actually came into possession of the funds at issue. So long as the agency concerned had the ability to direct such funds be expended by third parties—governmental or private—it could not do so until a presidential Finding had been signed, or otherwise approved, in accordance with the requirements of section 503(a).

SECTION 4. REDESIGNATION OF SECTION 503 OF NATIONAL SECURITY ACT OF 1947

Section 4 redesignates section 503 of the National Security Act of 1947 as section 505, to conform to the changes made by the bill.

TEXT OF THE PRESIDENT'S LETTER ON NEW GUIDELINES FOR COVERT OPERATIONS

Hon. DAVID L. BOREN,
Chairman, Senate Select Committee on Intelligence, U.S. Senate, Washington, DC.
cc: The Honorable Louis Stokes and the Honorable Henry J. Hyde.

DEAR CHAIRMAN BOREN: In my March 31, 1987, message to Congress, I reported on those steps I had taken and intended to take to implement the recommendations of the President's Special Review Board. These included a comprehensive review of executive branch procedures concerning Presidential approval and notification to Congress of covert-action programs—or so-called special activities.

In my message, I noted that the reforms and changes I had made and would make "are evidence of my determination to return to proper procedures including consultation with the Congress."

In this regard, Frank Carlucci has presented to me the suggestions developed by the Senate Select Committee on Intelligence for improving these procedures. I welcome these constructive suggestions for the development of a more positive partnership between the intelligence committees and the executive branch.

Greater cooperation in this critical area will be of substantial benefit to our country, and I pledge to work with you and the members of the two committees to achieve it. We all benefit when we have an opportunity to confer in advance about important decisions affecting our national security.

Specifically, I want to express my support for the following key concepts recommended by the committee:

1. Except in cases of extreme emergency, all national security "findings" should be in writing. If an oral directive is necessary, a record should be made contemporaneously and the finding reduced to writing and signed by the President as soon as possible, but in no event more than two working days thereafter. All findings will be made available to members of the National Security Council (N.S.C.).

2. No Finding should retroactively authorize or sanction a special activity.

3. If the President directs any agency or persons outside of the C.I.A. or traditional intelligence agencies to conduct a special activity, all applicable procedures for approval of a finding and notification to Congress shall apply to such agency or persons.

4. The intelligence committees should be appropriately informed of participation of any Government agencies, private parties, or other countries involved in assisting with special activities.

5. There should be a regular and periodic review of all ongoing special activities both by the intelligence committees and by the N.S.C. This review should be made to determine whether each such activity is continuing to serve the purpose for which it was instituted. Findings should terminate or "sunset" at periodic intervals unless the President, by appropriate action, continues them in force.

6. I believe we cannot conduct an effective program of special activities without the cooperation and support of Congress. Effective consultation with the intelligence committees is essential, and I am determined to ensure that these committees can discharge their statutory responsibilities in this area. In all but the most exceptional circumstances, timely notification to Congress under Section 501(b) of the National Security Act of 1947, as amended, will not be delayed beyond two working days of the initial of a special activity. While I believe that the current statutory framework is adequate, new executive branch procedures nevertheless are desirable to ensure that the spirit of the law is fully implemented. Accordingly, I have directed my staff to draft for my signature executive documents to implement appropriately the principles set forth in this letter.

While the President must retain the flexibility as Commander in Chief and chief executive to exercise those constitutional authorities necessary to safeguard the nation and its citizens, maximum consultation and notification is and will be the firm policy of this Administration.

Sincerely,

RONALD REAGAN.

● Mr. BENTSEN. Mr. President, I am pleased today to join my colleagues in introducing the "Intelligence Oversight Act of 1987." This legislation continues the pattern of statutory strengthening of the intelligence oversight process that was established 40

years ago by the National Security Act of 1947. In the ensuing years, Congress has enacted other legislation in this area, including most recently the Foreign Intelligence Surveillance Act of 1978, the Intelligence Oversight Act of 1980, and the Intelligence Identities Protection Act of 1982. Each of these pieces of legislation responded to a requirement that was identified at the time, ranging from the need to strengthen our counterintelligence capabilities in the first instance to a life-and-death situation where CIA agents' identities were being publicly revealed in the past. The legislation we are introducing today, too, grows out of our own recent experience.

One of the lessons that we learned during the investigation of the Iranian arms sales and diversion of profits to the Contras is that current oversight statutes, particularly in the area of covert action reporting, are simply not specific enough. Indeed, it had become obvious during the preliminary investigation conducted by the Select Committee on Intelligence late last year that there were gaps and loopholes in our oversight laws and that there were some individuals within the executive branch who exploited these loopholes as a means of avoiding congressional notification of a covert operation.

To be specific, there is currently a statutory requirement that the oversight committees of Congress be notified in advance of covert actions, or must be notified "in a timely fashion" after the fact. This loophole of "timely fashion" was broad enough to allow the administration not to report the Iranian arms sales for some 18 months. I doubt they would have reported them even then, except that a small newspaper in the Middle East broke the story in November of last year.

The legislation that we are introducing today closes that loophole by requiring that the President provide written notification to the Oversight Committees of the Congress within for 48 hours after he has authorized a covert action. If he believes that the action is too sensitive to reveal to the entire membership of the Intelligence Committees, he would be authorized to limit notification to the chairmen and ranking members of those committees, the majority and minority leaders of the Senate and the Speaker and minority leader of the House. Notification of these eight individuals would insure that we do not have another situation where our country is embarked on a course of action with potentially grave foreign policy implications without notifying the Congress that such was about to be done.

Unlike present law, which does not require Presidential approval for covert activities conducted by agencies other than the CIA, this legislation spells out for the first time that the President must personally approve each covert action or "special activity," as they are sometimes called. So that there will be no doubt as to what the President has authorized and when he authorized it, our legislation requires that a Presidential finding be in writing and that a copy of each finding must be transmitted to the Intelligence Committees within 48 hours after it is signed. Retroactive findings such as were used in the Iran arms sales would be prohibited.

In other sections, this legislation would spell out for the first time the statutory power of the President to authorize covert actions. It also provides that no finding which authorizes a covert action can operate contrary to statute and that no funds can be used for a covert action unless there is a finding. Taken together, it seems to me that these requirements represent a reasonable approach to the problem of regaining control over covert actions, while at the same time not in any way harming or endangering our Nation's ability to conduct such operations.

Mr. President, I would like to close this statement on a more personal note. I have been a member of the Select Committee on Intelligence for almost 7 years now. In time of service on the committee I am the senior member on the Democratic side. During these years it has been my privilege to have had weekly, and sometimes almost daily, contact with the men and women of our Nation's intelligence services. The work that they do for our country is absolutely invaluable, and many of them routinely put their lives on the line with little or no public recognition.

Indeed, when public recognition does occur, it can sometimes mean death, as in the case of William Buckley who was CIA station chief in Beirut. Buckley was taken hostage, tortured, and killed because of what he was doing for his country—our country. There are similar men and women all over the world doing their jobs in silence and without public praise. In the lobby of the CIA headquarters building in Langley, VA, there are rows of gold stars carved into the wall. Each of those stars represents a CIA employee who was killed serving his country. Beneath the stars is a display case in which has been placed an open book. There are names in the book representing most of the stars on the wall, but there are blank lines as well, for some of these CIA employees still cannot be publicly identified, even 35 years later.

Mr. President, I end with these sentiments because I want to make it clear that in sponsoring this legislation today, I am not aiming it at the men and women of the intelligence community. I am not criticizing them for the job they do for us each and every day. No, I am not introducing this legislation as a way of strengthening the oversight process, continuing the pattern of the past 40 years, and making our Nation's partnership between the legislative and executive branches in this area a stronger and even more productive one.●

Mr. MURKOWSKI. Mr. President, events of recent months have highlighted the importance of congressional oversight of intelligence activities. The oversight function, performed by the two Select Intelligence Committees—one in the House and one in the Senate—is the means by which this democracy reconciles the people's right to know with the intelligence agencies need for secrecy.

Under existing law the intelligence agencies are obliged to keep the two communities currently informed of significant intelligence activities, including covert action. However, ambiguities inherent in existing statutes were dramatically highlighted during the recently concluded congressional investigation of the Iran-Contra affair. It is important that these ambiguities are eliminated so that the ground rules are clearly understood in both the Executive and the Congress and the temptation to look for loopholes is reduced.

As an outgrowth of painstaking negotiations on these issues between the staffs of the Senate Intelligence Community and the National Security Council, the committee sent a letter to the President's National Security Adviser. The legislation closely follows the provisions contained in that letter.

This bill does not impose new and more onerous burdens upon the intelligence agencies. Rather, it clarifies and rationalizes existing law. For example, this bill will, for the first time, explicitly empower the President to authorize covert actions and establish a Presidential "finding" as the authorizing document.

I am pleased to join with my distinguished colleague from Maine, the vice chairman of the Senate Select Committee on Intelligence, in cosponsoring this legislation.

By Mr. INOUYE (for himself, Mr. EVANS, Mr. BYRD, Mr. CRANSTON, Mr. SIMPSON, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. CONRAD, Mr. DOMENICI, Mr. GORE, Mr. GRAMM, Mr. LEVIN, Mr. MATSUNAGA, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. RUDMAN, Mr. STAFFORD, Mr. SANFORD, Mr. SIMON, Mr. WIRTH, Mr. BOREN, and Mr. MELCHER):

S. 1722. A bill to authorize the establishment of the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indians, and for other purposes; by unanimous consent, referred jointly to the Committee on Rules and Administration and the Select Committee on Indian Affairs.

Office of Current Production and Analytic Support
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PAGE : 4 ITEM NO. 1

Specter Urges Splitting Top CIA Post, Tougher Penalty for Lying

By Walter Pincus
Washington Post Staff Writer

Sen. Arlen Specter (R-Pa.), a member of the Senate Select Committee on Intelligence, yesterday introduced legislative reforms for the Central Intelligence Agency stemming from the Iran-contra scandal, including a proposal calling for mandatory prison terms for government officials convicted of lying to Congress.

He also joined other Senate and House members who have proposed that President Reagan and his successors be required by law to inform Congress within one or two days after approval of any covert intelligence operations.

Specter also proposed splitting the director of central intelligence job into two posts: a director of national intelligence to be the president's primary adviser on foreign intelligence, supervise all U.S. intelligence-gathering agencies, and serve as a member of the National Security Council, and a director of the Central Intelligence Agency to manage the agency and carry out covert action.

Currently, the CIA director is charged with providing the president and his advisers objective intelligence relating to policy and at the same time carrying out covert operations to support that policy.

Specter said that splitting the job would end what he called problems of "objectivity and reliability" created by a "foreign policy activist" such as the late William J. Casey. Referring to differences that developed between CIA Director Casey and Secretary of State George P. Shultz, Specter said, "We cannot afford to have two secretaries of state, two foreign policy-makers who may be attempting to move the country in different directions, one overtly and the other covertly."

Casey, Specter said, was not the first director "who desired to be involved to some degree in the formulation or implementation of foreign policy, nor is he likely to be the last."

Specter called for a presidentially appointed, independent inspector general for the CIA. The CIA is one of the few government agencies whose director still appoints his own inspector general, which Specter said "is not conducive to objectivity."

He pointed out that the CIA of-

ficial with operational responsibility for the controversial 1984 mining of Nicaraguan harbors was later named inspector general.

Other sources pointed out yesterday that the current inspector general's investigation of CIA activities on behalf of the Nicaraguan contra rebels during the time it was prohibited by law had to be redone when it became apparent that agency personnel were giving him false stories.

Specter's proposal for congressional notification of all covert actions within 24 hours after presidential approval appears to have the best chance for passage because versions of it have already been introduced by top members of the House and Senate intelligence panels.

Sen. William S. Cohen (R-Maine), vice chairman of the Senate committee, introduced legislation requiring notice within 48 hours. Cohen is expected to announce today that his measure is supported by intelligence committee Chairman Sen. David L. Boren (D-Okla.) and three key members of the Iran-contra investigating panel: Sen. Daniel K. Inouye (D-Hawaii), the chairman; Sen. Warren B. Rudman (R-N.H.), the vice chairman, and Sen. George J. Mitchell (D-Maine).

Under law, the president is required to consult with Congress in advance on covert operations, but the chief executive is allowed, in special circumstances, to give only "timely notice" after an operation has begun.

Reagan used that loophole to delay telling Congress about the Iran arms sales until after they were exposed in the press 10 months later.

The White House has traditionally opposed a time limit on such notification, and in a letter to Boren and Cohen after the Iran-contra hearings ended, Reagan indicated he still would demand the right to delay notification in special circumstances.

In demanding jail sentences for officials found deliberately misleading committees, Specter argued that congressional oversight cannot be accomplished if Congress is given false or misleading testimony. Specter said the situation is "especially problemsome where witnesses appear before the intelligence committees in a secret session .... Under those circumstances, the committees realistically have little or no opportunity to determine the truth."

Next 1 Page(s) In Document Denied

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WASHINGTON WHISPERS

Two years after the redefection of KGB officer Vitaly Yurchenko, the CIA faces a similar crisis: Thinking of a return to Moscow is Anatoly Bogaty, 43, an intelligence officer who, as first secretary of the Soviet Embassy in Morocco, defected in 1982 and who has been living under the CIA's protection in the United States. His wife Larissa is so unhappy that she phoned the Soviet Embassy in Washington, which has since been demanding that the U.S. "release" the Bogatys and their two sons. The State Department says the Bogatys are free to go. One American who knows Bogaty calls him "complex, troubled" and says that his threat of redefection may be a way to pressure the CIA to get him a better job. Another person familiar with the case says that Bogaty lost big in the recent stock-market crash and is now deep in debt.

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Page 24

Next 2 Page(s) In Document Denied