

NOMINATION OF WILLIAM WEBSTER

Mr. LEAHY. Mr. President, President Reagan has taken a giant step toward rebuilding his shattered national security establishment and overcoming the disastrous arms-for-hostages policy toward Iran. His nomination of Judge William Webster to be Director of Central Intelligence and head of the CIA, is a superb choice, and I welcome it wholeheartedly.

Judge Webster and I have worked closely together over the last 10 years, both in the Judiciary and the Intelligence Committees. In that time we have become good friends as well as associates in government. I have the greatest admiration for his towering integrity, total honesty, and devotion to fundamental principles of the Constitution and the law.

My President, until January, I was vice chairman of the Senate Select Committee on Intelligence. During my nearly 8 years on the committee, both as a member and finally as vice chairman, relations between the House and Senate oversight committees and the CIA became strained. Everybody knows that. Some of the frictions became well known—the mining of the Nicaraguan harbors, the so-called Contra assassination manual, the CIA's role in what I have called the subterranean network NSC staff built up of certain U.S. officials, private citizens, foreign arms dealers and mercenaries, and, of course, the massive disaster of the arms-for-hostages deal with Iran. There are other incidents, not publicly known, which exacerbated strains between the CIA and the oversight committees since 1981.

I do not wish to speak ill of William Casey, now suffering from a serious health problem. And like all of us, I wish him only the best in recovery from that. Nevertheless, it is well

known that he had a hostile attitude toward aggressive, probing, or critical congressional oversight of the intelligence agencies, and the CIA above all. He had well-publicized disputes with both intelligence committees dating from his own confirmation hearings in 1981. Relations between Bill Casey and the committees waxed and waned, but were never what I would call cooperative and constructive.

I would place the principal responsibility for these problems on Mr. Casey's determination to use the CIA as an instrument of the Reagan doctrine regardless of the costs to the Agency. The consequence was that the CIA, instead of just being an objective intelligence agency, became embroiled in fierce debates over major foreign policy issues. The intelligence committees had to attempt to deal with covert wars and deal with covert wars in secret even though they are being reported on the nightly news many times in greater detail than the CIA was telling us. The intelligence committees were not designed to do this, and the oversight process was strained to the breaking point.

However, there is fault on both sides for failure to overcome the tensions. Initially, I had hoped the nomination of Robert Gates as Mr. Casey's successor would put the CIA and the intelligence committees back on track. I believe Dr. Gates is personally committed to making the oversight process work as it was intended to do. He might like the committees to be less intrusive or less critical of blunders, and that is understandable. But, overall, my impression was that he accepted the fact of oversight and intended to cooperate with it.

Unfortunately, Bob Gates, a patriotic American I came to know well and to respect as a thorough intelligence professional, became entangled in the Iran/Contra scandal. The Senate Intelligence Committee rightly and properly asked him tough questions about his role. Evidently, he could not allay the committee's concerns, especially about his ability to withstand pressures from the administration to withhold information from Congress.

I had planned to meet Mr. Gates privately to resolve any concerns I might have had on this score. He was clearly going to face a rough fight on the Senate floor. I do not know how it would have come out. But, it is clear that a contentious, possibly prolonged, debate over his nomination could have further damaged the CIA. Unfortunately, among the many consequences of the Iran disaster is a further loss of public and congressional trust and confidence in the CIA. Ground that the oversight committees regained in the years after the Church and Pike committee revelations has now been lost.

Bob Gate's patriotic decision to ask the President to withdraw his nomination was in the best interests of the

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CIA and, I now believe, of the oversight process. I hope he will remain as Deputy Director of the CIA. Bob still has much valuable service to give the Nation.

I would expect Judge Webster to move quickly and decisively to repair relations between the oversight committees and the CIA, especially in the area of covert operations. His reputation for rigid adherence to law and to basic American norms will stand him in good stead. He should start with a reservoir of trust and confidence, qualities his predecessor squandered in futile fights to limit congressional oversight.

No doubt, the Senate Intelligence Committee will subject Judge Webster to rigorous questioning. There are some issues which need to be discussed, including the FBI's handling of the Miller espionage case in California, the FBI's role in the defection of Edward Lee Howard, reported FBI break-ins of the offices of groups opposed to administration policy in Central America, and others. I would expect Judge Webster to deal satisfactorily with these matters.

More importantly, I would urge the committee and Judge Webster to use the confirmation hearings to develop firm understandings about how the oversight process will operate during his tenure as Director of the CIA. Rules and procedures are fine. We negotiated written oversight guidelines with Bill Casey while I was vice chairman. They did little good. What makes oversight work is a shared view that the process is constructive and an integral part of our system of checks and balances.

Perhaps the present chairman and vice chairman, who are doing such a splendid job, will allow a recently-departed colleague on the committee and a Senator who deeply believes in the oversight process to suggest some questions to pose to Judge Webster.

Will he be able to provide satisfactory assurances that he will keep the committee fully and currently informed about all intelligence matters so that another Iran/Contra scandal can be avoided in the future?

Can he assure the committee that he will insist on scrupulously objective intelligence analyses of arms-control issues, the Contra insurgency, other insurgencies around the world supported under the Reagan doctrine, and similar contentious issues, no matter what ideologues in the administration may want to hear? Can he really go back to just saying just the facts, provide the facts, and let the policymakers decide the policy but makes the intelligence agency, the CIA, a body that provides just the facts and not the policy.

Perhaps most important of all, can he assure the committee that, as Director of the CIA, he will be independent and strong enough in this administration to make the oversight process work even in the face of opposition

from other, some quite senior, officials who prefer to continue the old ways?

Mr. President, I am gladdened by this nomination. While I am no longer a member of the Intelligence Committee, I am a firm believer in the value—indeed, the necessity for the integrity of our democracy—of oversight of intelligence by strong, independent intelligence committees in the House and Senate. I will watch Judge Webster's confirmation hearings with great interest. His nomination is a badly needed opportunity for a fresh start, and I earnestly hope that both he and the intelligence committees will make the most of it.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, before the Senator yields the floor, I wonder if he would be willing to respond to a few questions from the Senator from New Hampshire?

Mr. LEAHY. I believe my time has expired. I am just not sure what the parliamentary situation is.

The PRESIDENT pro tempore. The time has expired.

Does the Senator wish to ask for additional minutes?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that we might have 5 minutes so I can ask a few questions of the Senator from Vermont.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, does the Senator from Vermont control the time?

Mr. LEAHY. I will be glad to yield for a couple of minutes for some questions. I have been here since about 10:30 waiting to get back to an 11 o'clock meeting in my office. But go ahead.

Mr. HUMPHREY. I understand.

Mr. President, I did not hear all of the Senator's remarks, but what I did hear were sensible and prudent observations, and recommendations.

Mr. LEAHY. I may be willing to yield even more time. [Laughter.]

Mr. HUMPHREY. That does not surprise this Senator for the Senator from Vermont gained a highly respected reputation during his years of service on the Intelligence Committee and lately before this Congress as the ranking member of that body.

I wanted to ask the Senator's opinion, if I might have his attention, if the proposed arms-for-hostage swap to Iran of 1980 which was not consummated, to be sure, but which was offered involving some \$150 million of military supplies which had been paid for earlier by the Shah and which were proposed to be delivered in return for hostages—52 hostages then held by Iran—if that deal, even though not consummated but offered, was any less reprehensible and unwise than the arms-for-hostage swap in 1986?

I do not ask that in a partisan sense or to gain any advantage, but I ask it in sincerity.

Mr. LEAHY. I take it as question.

As far as any attempt to free hostages held in the American Embassy, the most of what I know about that, whether the involvement Desert One or anything else, come in closed-door, classified sessions. I would be glad to respond in greater detail at another time to the Senator from New Hampshire. I am sitting here trying to understand what it was I read in the press and what I heard in classified meetings. Rather than take a chance of referring directly to a classified meeting, I will not.

I will say this, though, and I say it consistently: I think it is wrong, and I say this whether it is a Democratic or a Republican administration, it is wrong to pay ransom for hostages, certainly to a terrorist nation like Iran, one of the three most significant terrorist nations, in my estimation, to pay ransom for those hostages to Iran being wrong whether done by Republican or Democratic administrations, and certainly in the kind of ransom.

On American arms, whether the claim was made that the Shah paid for them or they had paid for them or anything else, is wrong, because I see it as putting in jeopardy all Americans who travel or work or who have reason to be in that part of the world. What happens when more arms are needed is they look around and find out who is traveling there. If the precedent is established, we will pay the ransom.

Whether it is something that was done by the Carter administration, the Reagan administration, or anything else, I will tell the Senator from New Hampshire that my condemnation is just as strong. I think it is wrong.

Everything I learned during 8 years on the Intelligence Committee tells me it is wrong, that it is the wrong way to go.

Mr. HUMPHREY. I am not surprised at the Senator's answer. I asked the question to make the point that the arms-for-hostages swap in 1986 relative to Iran was not the only thing. Indeed, in terms of dollar swap, the same thing was attempted in 1980. This is the second. It does not make it any less reprehensible, that it was smaller or involved fewer persons or fewer dollars. I wanted to make the point that this was not the first one.

I want to make the point further that the persons connected with the 1986 arms for hostages swap should be held accountable; likewise, those who are still in Government service and who were connected with the 1980 attempted arms-for-hostage swap in Iran likewise should today be held accountable and should not be occupying positions of high responsibility.

I thank the Chair and I thank the Senator.

Mr. LEAHY. I thank the Chair and I yield back whatever time I have remaining.