

THE FOLLOWING DOCUMENTS
ARE ATTACHED:
(Please do not remove)

ER 3412X 87

ER 3412/1 87

PAO 0173 88

PAO 0173/1 88

PAO 0176 88

PAO 0194 88

ER 3192X 88

SUBJECT:

ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
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		SUSPENSE			
			Date		

Remarks
 To 14: Please note requested return date.

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Executive Secretary

23 Aug '88
 Date

3637 (10-81)

• ER -

pls have PAO

handle request

Re,

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Declassified in Part - Sanitized Copy Approved for Release

2012/08/14 : CIA-RDP90G01353R002000010029-2

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2012/08/14 : CIA-RDP90G01353R002000010029-2

JUDICIAL CONFERENCE
OF THE
DISTRICT OF COLUMBIA CIRCUIT

OFFICE OF THE SECRETARY

4826 U.S. COURTHOUSE
WASHINGTON, D.C. 20001-2866
(202) 535-3340

August 19, 1988

Honorable William H. Webster
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Judge Webster:

I have enclosed a transcript of the presentation you made at the D.C. Circuit's 1988 Judicial Conference. As you know, we will be publishing the Conference proceedings and wish to give you the opportunity to edit your remarks. My only request is that you return your edited copy to me by October 7.

If you have any questions or concerns about the attached transcript, please give me a call at 535-3340.

Best wishes,



Linda Finkelstein
Circuit Executive

Attachment



P-309-TP

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
 Transcript of D.C. Circuit Judicial Conference

FROM: William M. Baker Director, Public Affairs	EXTENSION 27676	NO. PAO 88-0194 DATE 7 June 1988
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TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		

TO: (Officer designation, room number, and building)	DATE	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. ER			<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> <p style="font-size: 2em; margin-top: 20px;">Corrected</p> <div style="border: 2px solid black; border-radius: 50%; width: 60px; height: 60px; margin: 20px auto; text-align: center; line-height: 60px;"> DCI EXEC REG </div> <p style="font-size: 2em; margin-top: 20px;">P-309-ir</p>
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.
RETIRED

June 1, 1988

Dear Bill:

At the Alibi luncheon on Friday Dan Gribbon, one of the senior partners at Covington, made a point of telling me about the talk you made at the CADC Judicial Conference in Williamsburg.

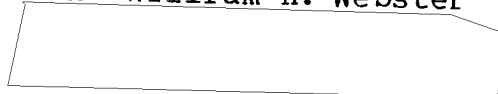
Dan praised both the substance and delivery of the talk. I have known Dan a number of years, and he is careful in expressing opinions.

This note requires no acknowledgment. If you have released a copy of your talk, perhaps your secretary could send one to me.

As ever,



Hon. William H. Webster



lfp/ss

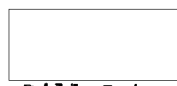
STAT

7 June 1988

JUDGE:

Here is a copy of your remarks to the D.C. Circuit Judicial Conference in
Williamsburg for Justice Powell.

STAT



Bill Baker

Attachments:
As stated

REMARKS

BY

WILLIAM H. WEBSTER

DIRECTOR OF CENTRAL INTELLIGENCE

BEFORE THE

D.C. CIRCUIT JUDICIAL CONFERENCE

WILLIAMSBURG, VA.

MAY 23, 1988

THANK YOU, JUDGE GINSBURG, DISTINGUISHED GUESTS, AND MEMBERS OF THE CONFERENCE. IT'S REALLY A GREAT TREAT FOR ME TO BE WITH YOU THIS MORNING. I'VE BEEN LOOKING FORWARD TO IT FOR A LONG, LONG TIME.

AS IS ALWAYS THE CASE BEFORE THESE CONFERENCES, I HEARD SOME GOOD NEWS AND SOME BAD NEWS. AND I WANT TO EXTEND MY CONDOLENCES ON THE DEMISE OF THE FOOD SERVICE. IT SOUNDS AS IF GSA HAS BEEN READING TOO MUCH SHAKESPEARE. IF YOU THINK YOU'RE HAVING A HARD TIME, THE GOOD NEWS IS THAT YOU CAN STILL SET YOUR OWN DOCKET. I HAD PLANNED TO BRING MY TENNIS RACQUET; I HAD PLANNED TO ENJOY DINNER TONIGHT; I HAD PLANNED A LOT OF GOOD THINGS. ON FRIDAY, I WAS TOLD THAT THE PRESIDENT HAD CALLED A NATIONAL SECURITY PLANNING GROUP SESSION FOR TWO O'CLOCK THIS AFTERNOON. AND I THOUGHT, 'WELL,

I CAN STILL STAY FOR LUNCH.' BY FRIDAY AFTERNOON, I WAS TOLD THAT THE PRESIDENT WOULD LIKE TO BE BRIEFED ON SOME ASPECTS OF HIS SUMMIT TRIP AT ONE O'CLOCK THIS AFTERNOON. THEN ON SATURDAY MORNING I WAS TOLD THE PRESIDENT HAD CALLED A MEETING FOR SATURDAY AT THE WHITE HOUSE. I THOUGHT THAT WOULD TAKE CARE OF IT, AND I WOULD STILL BE ABLE TO COME DOWN AND ENJOY THINGS. AS I WAS HEADED FOR THE AIRPORT YESTERDAY AFTERNOON, I RECEIVED A CALL FROM GENERAL POWELL SAYING THE PRESIDENT WOULD LIKE TO HAVE A MEETING AT EIGHT O'CLOCK LAST NIGHT. SO I WENT THERE AND THEN I CAME HERE. SO I'VE BEEN FULLY BRACKETED, AND IT'S GOING TO BE ALL WORK AND NO PLAY FOR BILL WEBSTER ON THIS TRIP. SO THERE IS SOME CONSOLATION IN THE FACT THAT YOU STILL SET YOUR OWN DOCKETS.

THIS IS AN IMPORTANT WEEK FOR ME: THURSDAY MARKS A YEAR SINCE I WAS SWORN IN AS DIRECTOR OF CENTRAL INTELLIGENCE. AND THIS SEEMS LIKE A GOOD TIME TO REVIEW WHAT HAS TAKEN PLACE IN THAT YEAR. WHEN I JOINED THE FBI NINE YEARS AGO, I WAS SURPRISED WHEN GRIFFIN BELL PRESENTED ME WITH A BADGE. WHEN I CAME ON BOARD AT THE CIA, I WAS

GIVEN A BUTTON. THE BUTTON SAID: "MY JOB IS SO SECRET THAT EVEN I DON'T KNOW WHAT I'M DOING." SO THAT WAS THE BEGINNING OF AN INTERESTING AND CHALLENGING YEAR.

IT'S BEEN AN EXTRAORDINARY YEAR IN A SUBSTANTIVE WAY. I CANNOT REMEMBER, PERHAPS BECAUSE I WAS NOT SO IMMEDIATELY INVOLVED, A TIME WHEN THERE HAVE BEEN SO MANY REGIONAL PROBLEMS AROUND THE WORLD ERUPTING ALMOST SIMULTANEOUSLY. ALL THE PROBLEMS IN CENTRAL AMERICA -- EL SALVADOR, NICARAGUA, HONDURAS, EVEN HAITI; THE PROBLEMS IN THE MIDDLE EAST -- PEACE IN THE MIDDLE EAST, THE PERSIAN GULF ISSUE, THE SAUDIS WITH THEIR NEW MISSILES; PROBLEMS IN AFGHANISTAN, AFRICA, MOZAMBIQUE, AND ANGOLA; THE ARMS CONTROL INITIATIVES; AND THE WORLD'S NEWEST COMPETITOR IN MUNITIONS DELIVERY SYSTEMS -- THE PEOPLE'S REPUBLIC OF CHINA. I THOUGHT I WOULD RESERVE ANY TIME AVAILABLE ON THE SCHEDULE FOR QUESTIONS YOU MIGHT WANT TO ASK ON THESE SUBJECTS. BUT THIS MORNING, I WOULD LIKE TO TALK ABOUT THINGS THAT ARE CLOSER TO HOME.

MY NINE YEARS AT THE FBI -- AS WELL AS 40 YEARS OF EXPERIENCE IN THE LAW -- HAVE CONVINCED ME THAT THE INTEGRITY OF GOVERNMENT ORGANIZATIONS CAN ONLY BE MAINTAINED BY ABSOLUTE FIDELITY TO OUR CONSTITUTION, TO OUR LAWS, AND OUR RULES -- RULES IMPOSED TO ENSURE OUR CITIZENS THAT WE ARE ACCOUNTABLE. AND I DON'T SUPPOSE THAT THIS PRINCIPLE IS ANYWHERE MORE APPLICABLE THAN IN ORGANIZATIONS THAT MUST FUNCTION IN SECRET. I DO NOT THINK THE CIA IS EXEMPT FROM THIS PRINCIPLE. IN FACT, I BELIEVE THAT IT IS THE KEY TO PUBLIC ACCEPTANCE OF THIS VITALLY NECESSARY WORK.

WHEN I CAME TO THE CIA, I SAID THAT I INTENDED TO WORK CLOSELY WITH POLICYMAKERS TO PUT TRUTH INTO ACTION. I'D LIKE TO TALK TODAY ABOUT WHAT WE AT CIA HAVE DONE DURING THIS PAST YEAR TO MAKE GOOD ON THAT PROMISE.

A YEAR AGO, THE AGENCY WAS SUBJECTED TO THE MOST SEARCHING INQUIRY INTO OUR PART IN WHAT HAS COME TO BE KNOWN AS THE IRAN-CONTRA AFFAIR. I KNEW THAT HOW WE RESPONDED TO THE FACTS

REVEALED IN THE INQUIRIES INTO IRAN-CONTRA COULD SIGNIFICANTLY AFFECT OUR ABILITY TO RECAPTURE THE TRUST WE DESERVED, RESIST INTOLERABLE NEW LEGISLATIVE RESTRICTIONS, AND RETAIN THE RESOURCES NEEDED TO CARRY OUT OUR ASSIGNMENTS. AT THE SAME TIME, I KNEW THAT WHATEVER ADMINISTRATIVE ACTIONS WERE TAKEN MUST BE JUST AND MUST BE BASED UPON OUR OWN EXISTING RULES -- NOT IMPOSED FROM THE OUTSIDE AND NOT CARRIED OUT PRECIPITOUSLY TO APPEASE AN ANGRY CONGRESS OR CRITICAL PRESS. THIS PROCESS TOOK ABOUT EIGHT MONTHS, AND UTILIZED THE SERVICES OF A SPECIAL COUNSEL, WHO WAS MY FORMER LAW CLERK, MY FORMER SPECIAL ASSISTANT, AND PARTNER IN THE FIRM OF WILMER, CUTLER AND PICKERING. HE DID AN OUTSTANDING JOB FOR ME.

AFTER A CAREFUL INTERNAL REVIEW, I DETERMINED THAT AS AN INSTITUTION WE HAD PERFORMED WELL -- THAT THERE WAS NO SYSTEMIC DISRESPECT FOR AUTHORITY, RULES, AND GUIDANCE. BUT IT WAS ALSO APPARENT THAT THERE HAD BEEN SOME VIOLATIONS OF AGENCY RULES. I ORDERED DISCIPLINARY ACTIONS IN SEVERAL CASES. IN EACH CASE, DISCIPLINE WAS BASED UPON SERIOUS VIOLATION OF EXISTING REGULATIONS

OR FAILING TO GIVE CANDID RESPONSES TO OUR INSPECTOR GENERAL AND TO COMMITTEES OF CONGRESS CHARGED BY LAW WITH OVERSIGHT OF OUR WORK.

PARTLY IN RESPONSE TO LEGITIMATE CRITICISM AND PARTLY AS A RESULT OF OUR OWN INTERNAL ASSESSMENTS, WE HAVE MADE A NUMBER OF MANAGEMENT IMPROVEMENTS IN THE PAST YEAR. THESE INCLUDE NEW GUIDELINES FOR INTERNAL MONITORING AND REVIEW OF COVERT OPERATIONS, NEW GUIDELINES FOR THOSE IN CIA WHO TESTIFY BEFORE CONGRESS, AND NEW GUIDELINES FOR FORMULATING INTELLIGENCE ASSESSMENTS WITHOUT POLITICAL BIASES. I HAVE ALSO STRENGTHENED THE INSPECTOR GENERAL'S OFFICE BY BRINGING IN OUR MOST TALENTED, SENIOR-LEVEL INTELLIGENCE OFFICERS THROUGHOUT THE AGENCY TO SERVE ON THE INSPECTOR'S GENERAL STAFF, AND MAKING SUCH SERVICE A KEY TO FURTHER ADVANCEMENT IN THE CIA. AND I HAVE DETERMINED THAT THE INSPECTOR GENERAL SHALL HOLD RANK OF DEPUTY DIRECTOR AND SHALL REPORT DIRECTLY TO ME.

INCIDENTALLY, I AM MOVING HIM BACK INTO HEADQUARTERS, JUST AS I AM MOVING THE GENERAL COUNSEL BACK INTO HEADQUARTERS.

I SEE THE INSPECTOR GENERAL'S CHARTER AS BROADER THAN IT HAS BEEN BEFORE. IN ADDITION TO THE NORMAL INSPECTION, INVESTIGATION, AND AUDIT ACTIVITIES, I SEE THE INSPECTOR GENERAL -- IN A POSITIVE, CONSTRUCTIVE SENSE -- DIRECTLY INVOLVED IN IMPROVING OVERALL AGENCY MANAGEMENT, ENSURING ACCOUNTABILITY AND DISCIPLINE, AND ENCOURAGING EVEN GREATER QUALITY OF PERFORMANCE. THE INSPECTOR GENERAL WILL ALSO PLAY A SIGNIFICANT ROLE IN DEVELOPING OUR TOP MANAGERS AND LEADERS OF TOMORROW.

IN ADDITION, WE HAVE BROUGHT TOGETHER OPERATIONS OFFICERS, ANALYSTS, AND SECURITY OFFICIALS IN A NEW COUNTERINTELLIGENCE CENTER. COUNTERINTELLIGENCE IS OF VITAL CONCERN TO OUR CURRENT NATIONAL SECURITY EFFORTS. AND WE HAVE MOVED TO ADDRESS THIS VERY SERIOUS PROBLEM. OF ALL THE DEFICIENCIES THAT HAVE BEEN ATTRIBUTED TO US, I THINK THIS ONE, PERHAPS, HAS THE MOST VALIDITY.

ANOTHER GREAT CONCERN IS THE SECURITY OF OUR EMBASSIES ABROAD, AND I THINK YOU ARE FAMILIAR WITH THOSE PROBLEMS. RESPONDING TO

PRESIDENTIAL DIRECTIVES, I HAVE ESTABLISHED A NEW INDEPENDENT OFFICE TO REPORT TO ME ON SECURITY CONDITIONS OVERSEAS. THIS OFFICE WAS WORKED OUT WITH THE SECRETARY OF STATE BUT IS INDEPENDENT OF THE SECRETARY OF STATE, AND ASSURES A QUALITY, PROFESSIONAL APPROACH TO SECURITY NEEDS.

AND TO MAKE CERTAIN THAT OUR COLLECTION EFFORTS AND ANALYSIS ARE RESPONDING TO THE NEEDS OF POLICYMAKERS, I MEET FREQUENTLY WITH INDIVIDUAL POLICYMAKERS, TO BE SURE THAT WE ARE IN FACT RESPONDING TO CONSUMER NEEDS. I HAVE A REGULARLY SCHEDULED APPOINTMENT WITH THE PRESIDENT EVERY TWO WEEKS, AND OBVIOUSLY WE MEET MORE OFTEN ON OCCASIONS WHEN WE'RE IN GROUP SESSIONS. I MEET ONCE A WEEK -- WHEN WE'RE ALL IN TOWN -- WITH THE SECRETARY OF STATE, SECRETARY OF DEFENSE, AND THE NATIONAL SECURITY ADVISER TO THE PRESIDENT. I ALSO ATTEND ALL NATIONAL SECURITY PLANNING GROUP MEETINGS AND CHAIR THE NATIONAL FOREIGN INTELLIGENCE BOARD MEETINGS. SO THERE IS A GOOD OPPORTUNITY TO KNOW WHETHER OUR WORK AND PRODUCT IS RESPONDING TO CONSUMER NEEDS.

I'D LIKE TO TELL YOU ABOUT HOW SOME OF THOSE CHANGES WE HAVE MADE AFFECT OUR DAY-TO-DAY OPERATIONS. I'LL BEGIN WITH COVERT ACTION, BECAUSE, ALTHOUGH COVERT ACTION TRADITIONALLY CLAIMS A VERY SMALL PORTION OF THE INTELLIGENCE COMMUNITY'S RESOURCES -- ONLY ABOUT 3 PERCENT -- THESE ACTIVITIES ARE THE FOCUS OF THE GREATEST CONGRESSIONAL AND PUBLIC ATTENTION. UNDER THE HUGHES RYAN AMENDMENT, THE PRESIDENT MUST FIND THAT EACH COVERT ACTION IS IMPORTANT TO THE NATIONAL SECURITY BEFORE THE OPERATION CAN BE INITIATED. THE COVERT ACTION REVIEW GROUP THAT I HAVE FORMULATED MUST MEET TO REVIEW ALL PROPOSED FINDINGS -- THIS IS BEFORE IT EVEN GOES FORWARD TO THE NATIONAL SECURITY COUNCIL. AND IT IS INCUMBENT UPON US TO DETERMINE THAT THE FINDING CAN BE DONE -- AND DONE IN A LAWFUL WAY. AND WE HAVE TO BE SURE THAT THE INDIVIDUALS WHO ARE OUT ON THE FIRING LINE, OUTSIDE THE PROTECTION OF OUR CONSTITUTION AND OUR LAWS, IN MANY INSTANCES, CAN DO THEIR WORK IN ACCORDANCE WITH

THE FLEXIBILITY THEY NEED. MOREOVER, THEY MUST HAVE THE CLEAREST POSSIBLE TRAINING AND UNDERSTANDING OF THEIR RESPONSIBILITIES TO THE CIA AND TO THE COUNTRY.

THE COVERT ACTION REVIEW GROUP, WHICH WE CALL THE CARG, ASKS THESE QUESTIONS: IS THE FINDING CONSISTENT WITH OVERT UNITED STATES POLICY? CLEARLY, THIS IS WHAT WENT WRONG IN THE IRAN-CONTRA MATTER. WHAT ARE THE CONSEQUENCES GOING TO BE IF THE ACTIVITY IS PUBLICLY EXPOSED? IS IT CONSISTENT WITH AMERICAN VALUES? WILL IT MAKE SENSE TO THE AMERICAN PEOPLE? AND WILL IT WORK? NOT ALL COVERT ACTIVITIES WILL SUCCEED, BUT I BELIEVE IF SUBJECTED TO THESE KINDS OF TESTS, AND THIS KIND OF MANAGEMENT, WE HAVE THE BEST CHANCE OF GETTING THE MAXIMUM AND MOST EFFECTIVE USE FROM OUR COVERT CAPABILITY. AND I'D LIKE TO ADD A COUPLE OF NOTES HERE. IT IS THE FOREIGN POLICY OF THE UNITED STATES THAT IS INVOKED WHEN WE ARE CALLED UPON TO USE COVERT ACTIVITY. WE ARE ASKED TO DO IT, AND WE ARE ASKED TO DO IT IN SUPPORT OF U.S. FOREIGN POLICY, NOT THE CIA'S

FOREIGN POLICY. WHEN THE PROJECT HAS BEEN FORMULATED AND PASSES THE CARG SCREENING EFFORT, IT GOES TO THE NATIONAL SECURITY PLANNING GROUP -- THAT'S THE SECRETARIES OF STATE, DEFENSE, AND TREASURY, THE ATTORNEY GENERAL, THE NATIONAL SECURITY ADVISER, THE PRESIDENT AND VICE PRESIDENT -- AND AGAIN IS SUBJECTED TO THE SAME KIND OF TESTS, SO THE PRESIDENT HAS THE OPPORTUNITY TO HEAR FROM EVERYONE, AS HE HAS BEEN DOING THIS PAST WEEKEND, ON WHETHER OR NOT THIS PROJECT IS A WORTHY ONE, BEFORE HE MAKES HIS FINDING.

UNDER LAW IT IS OUR DUTY TO NOTIFY THE HOUSE AND SENATE INTELLIGENCE COMMITTEES -- IN A TIMELY FASHION -- OF ANY SIGNIFICANT INTELLIGENCE ACTIVITIES. THIS INCLUDES ANY ACTIVITIES REQUIRING A PRESIDENTIAL FINDING. JUST WHAT CONSTITUTES TIMELY IS A MATTER OF CONCERN BOTH TO CONGRESS AND TO THE ADMINISTRATION. THE HOUSE IS CONSIDERING AND THE SENATE HAS APPROVED LEGISLATION THAT WOULD REQUIRE NOTIFICATION OF A SPECIAL ACTIVITY TO CONGRESS WITHIN 48 HOURS OF A PRESIDENTIAL FINDING.

I ANTICIPATE THAT THE PRESIDENT WILL VETO LEGISLATION THAT REQUIRES THE CIA TO NOTIFY CONGRESS OF ALL COVERT OPERATIONS WITHIN 48 HOURS. THERE IS A SERIOUS CONSTITUTIONAL QUESTION ABOUT THIS LEGISLATION. THIS IS NOT MY PROBLEM TO ARGUE, BUT IT IS THERE. ADDITIONALLY, SOME ALLOWANCE MUST BE MADE FOR THAT RARE CASE WHERE LIMITED DELAY IN CONGRESSIONAL NOTIFICATION IS CRITICAL TO PRESERVE THE ABSOLUTE SECURITY OF AN OPERATION -- WHEN, FOR EXAMPLE, LIVES ARE AT STAKE AND THIRD-COUNTRY SOURCES, WHICH SUPPLY THE INFORMATION AND PROVIDE THE OPPORTUNITY TO SAVE LIVES, REFUSE TO ALLOW US TO CONVEY THAT INFORMATION TO THE CONGRESS. THE PRESIDENT, IN HIS NATIONAL SECURITY DECISION DIRECTIVE, PROVIDES THAT IF HE DOES NOT NOTIFY CONGRESS WITHIN 48 HOURS, HE MUST REVIEW THAT DECISION EVERY 10 DAYS. IN MY EXPERIENCE AT THE BAR AND IN THE EXERCISE OF DISCRETION, I THINK THIS IS KEY. IF YOU EXERCISE DISCRETION, YOU DON'T EXERCISE IT WITHOUT REVIEW. IF YOU HAVE A DUTY TO EXERCISE

DISCRETION, YOU MUST REVIEW YOUR DECISION. AND IN THIS CASE, THE PRESIDENT HAS AGREED THAT HIS DECISION WILL BE REVIEWED EVERY 10 DAYS UNTIL CONGRESS CAN BE NOTIFIED.

BUT THE CIA'S RELATIONSHIP WITH CONGRESS IS CRUCIAL. BECAUSE I KNOW OF THE NEED TO BE ABSOLUTELY CANDID WITH CONGRESS, AND THE RESPONSIBILITY THAT INTELLIGENCE PROFESSIONALS HAVE TO PROTECT SOURCES AND METHODS, I HAVE ESTABLISHED GUIDELINES GOVERNING OUR DEALINGS WITH CONGRESS. AND I HAVE MADE IT ABSOLUTELY CLEAR THAT IN DEALING WITH CONGRESS THERE IS NO EXCUSE FOR DECEPTION.

THERE MAY BE SOME QUESTIONS THAT THE AGENCY OFFICIALS WHO BRIEF CONGRESS WILL HAVE TO REFER BACK TO ME. THEY'VE BEEN TOLD WHEN TO DEMUR AND SAY THEY HAVE TO REFER BACK TO HEADQUARTERS BEFORE ANSWERING THOSE QUESTIONS. AND I THINK THAT'S APPROPRIATE. I AM PREPARED TO TAKE THE HEAT OR WORK OUT ARRANGEMENTS WITH CONGRESS AFTER THAT OCCURS. BUT WE WILL NOT GIVE HALF ANSWERS OR AROUND-THE-CORNER ANSWERS. IF THERE IS A PROBLEM, WE WILL SAY THERE IS A PROBLEM, AND THAT WE CANNOT ANSWER THE QUESTION AT THIS TIME.

BUT WE WILL NOT LEAVE THE CONGRESS FEELING THAT IN SOME WAY WE HAVE BEEN DISINGENUOUS WITH THEM. I THINK TENSION BETWEEN CONGRESS AND THE EXECUTIVE BRANCH WILL ALWAYS EXIST, BUT WE WILL BE ABLE TO WORK IT OUT IF THERE IS AN ELEMENT OF TRUST IN THE HONESTY OF THE STATEMENTS WE MAKE. THIS, I THINK, IS VERY SIMILAR TO THE OBLIGATION OF CANDOR THAT LAWYERS HAVE IN COURT. WHEN THAT OBLIGATION IS UNDERSTOOD AND APPLIED, THERE ARE VERY FEW SITUATIONS THAT CANNOT BE WORKED OUT.

I FIRMLY BELIEVE THAT THE OVERSIGHT RESPONSIBILITIES EXERCISED BY CONGRESS ARE BOTH NECESSARY AND BENEFICIAL. THERE MUST BE A DEPENDABLE SYSTEM OF OVERSIGHT AND ACCOUNTABILITY THAT BUILDS, RATHER THAN ERODES, TRUST BETWEEN THOSE WHO HAVE THE INTELLIGENCE RESPONSIBILITY AND THOSE WHO ARE THE ELECTED REPRESENTATIVES OF THE AMERICAN PEOPLE.

WE PROVIDE A GREAT DEAL OF INFORMATION TO CONGRESS. AND THAT HAS CHANGED DRAMATICALLY OVER THE LAST 15 YEARS, WHEN WE GAVE THEM 175 BRIEFINGS. LAST YEAR ALONE WE GAVE OVER 1,000 BRIEFINGS TO

CONGRESS ON A VARIETY OF TOPICS. THESE TOPICS INCLUDE ARMS CONTROL, SOVIET WEAPONS, THE PERSIAN GULF SITUATION, THE CONFLICTS IN CENTRAL AMERICA, AND EVEN THE SPREAD OF AIDS IN AFRICA.

THE INFORMATION WE COLLECT -- AND COLLECT AND ANALYZE VERY WELL, IN MY OPINION -- IS OF VITAL IMPORTANCE TO THOSE WHO HAVE TO MAKE IMPORTANT POLICY DECISIONS AND TAKE IMPORTANT INITIATIVES IN THE INTEREST OF OUR COUNTRY. THE INFORMATION WE PROVIDE TO CONGRESS AND POLICYMAKERS MUST BE DEVELOPED IN AN OBJECTIVE WAY. THE DIRECTOR OF CENTRAL INTELLIGENCE AND THE PEOPLE WHO ANALYZE INFORMATION MUST BE SEEN AS GIVING THE BEST ESTIMATES, NOT TO "COOK THE BOOKS" OR TRY TO SHAPE OR INFLUENCE POLICY, BUT TO PROVIDE POLICYMAKERS WITH THE KIND OF INFORMATION UPON WHICH THEY CAN MAKE WISE DECISIONS IN THE INTERESTS OF OUR NATIONAL SECURITY. SOMETIMES WE HAVE TO POUND ON THE TABLE TO BE SURE THEY HEAR WHAT WE ARE TELLING THEM, BUT WE SHOULD NOT AND DO NOT TRY TO INFLUENCE THEIR OPINIONS BY TELLING THEM WHAT IS THE BEST THING TO DO. WE JUST HAVE TO BE AWFULLY SURE

FROM TIME TO TIME THAT THEY'RE NOT CLOSING THEIR EYES TO INTELLIGENCE OR FAILING TO GIVE US AN OPPORTUNITY TO SUPPLY IT. I WAS TALKING TO A COLLEAGUE THIS MORNING AND I SAID THAT SOMETIMES I THINK WE'RE GUILTY OF A "READY, FIRE, AIM" APPROACH.

BECAUSE THE QUALITY AND OBJECTIVITY OF THE INTELLIGENCE WE PROVIDE IS SO IMPORTANT, WE HAVE AND WILL CONTINUE TO "TELL IT LIKE IT IS " AVOIDING BIAS AS MUCH AS WE CAN. ON THE OTHER SIDE OF THE COIN, POLICYMAKERS MAY NOT LIKE THE MESSAGE THEY HEAR FROM US, ESPECIALLY IF THEY HAVE A DIFFERENT POINT OF VIEW. WITH THE FIRST FEW ESTIMATES WE DID ON THE PERSIAN GULF SITUATIONS, THEY WEREN'T TOO HAPPY WITH WHAT THEY WERE BEING TOLD. MY POSITION IS THAT IN THE PREPARATION OF INTELLIGENCE JUDGMENTS, PARTICULARLY 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, TORN UP, OR THROWN AWAY. BUT THEY CANNOT BE CHANGED.

I THINK THIS KIND OF INSISTENCE ON OBJECTIVITY MAY BE ONE OF THE MOST SIGNIFICANT CONTRIBUTIONS THAT I COULD MAKE IN GALVANIZING A

COHESIVE INTELLIGENCE COMMUNITY WITHOUT COMPROMISING THE INTEGRITY
OF THE INDIVIDUAL ANALYSTS OR PROGRAM MANAGERS.

I HAVE FREQUENTLY MADE THE POINT THAT IN THIS ORGANIZATION, WE
ARE GOING TO HAVE TO TAKE RISKS, BUT THE RISKS HAVE TO BE ASSOCIATED
WITH CERTAIN KINDS OF PRINCIPLES -- PRINCIPLES WITH WHICH THE PUBLIC
IS COMFORTABLE. THE RISKS MUST NOT PUT US AFOUL OF THE CONSTITUTION
OR OUR LAWS.

AMERICANS, ABOVE ALL, NEED TO BELIEVE THAT THE INSTITUTIONS AND
LAWS OF THIS COUNTRY ARE WORKING FOR THEM -- NOT AGAINST THEM. THEY
NEED TO BELIEVE THAT LAWS ARE APPLIED FAIRLY AND CONSISTENTLY, AND
THAT THERE IS AN ADEQUATE SYSTEM OF REDRESS. THEY ALSO NEED TO
BELIEVE THAT THEIR GOVERNMENT IS RESPONSIVE, ACCOUNTABLE, AND NOT
ABOVE THE LAW.

THERE HAVE BEEN SEVERAL TIMES DURING MY CAREER WHEN I'VE BEEN
CALLED TO LEAVE THE PRIVATE PRACTICE OF LAW, ALTHOUGH I STILL THINK
I'M ON LOAN TO THE GOVERNMENT -- BUT IT'S GETTING TO BE A LONG
LOAN. AND EVERY TIME I'VE BEEN ASKED TO MOVE TO SOMETHING ELSE,

I 'VE LEARNED A LITTLE MORE ABOUT THE DIMENSIONS OF THE LAW AS IT APPLIES TO OUR CITIZENS. IN THIS NEW ASSIGNMENT I HAVE NOT LEFT THE LAW. IT IS VERY MUCH A PART OF THIS ADVENTURE.

AS I WAS PREPARING THESE REMARKS, I THOUGHT OF A PHOTOGRAPH AND QUOTATION THAT APPEARED ON THE COVER OF THE ST. LOUIS BAR JOURNAL WHEN I WAS ITS EDITOR IN THE EARLY 1950'S. IT SHOWED A YOUNG LAWYER -- PERHAPS A LAW STUDENT -- SITTING IN A COURTROOM, BEHIND THE JUDGE'S BENCH, LOOKING OFF INTO THE FUTURE. AND THE QUOTATION, WHICH I SELECTED FROM JUDGE LEARNED HAND, SAID, "DESCENDED TO US, IN SOME PART MOLDED BY OUR HANDS, PASSED ON TO SUCCEEDING GENERATIONS WITH REVERENCE AND WITH PRIDE, WE AT ONCE ITS SERVANTS AND ITS MASTERS, RENEW OUR FEALTY TO THE LAW." THOSE ARE WONDERFUL WORDS. ALTHOUGH MUCH WATER HAS GONE OVER THE DAM SINCE I FIRST READ THEM, THEY ARE STILL DEEPLY MEANINGFUL TO ME. AND PERHAPS THAT IS WHY I WAS SO GRATEFUL WHEN YOU INVITED ME TO BE WITH YOU TODAY.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Transcript of D.C. Circuit Judicial Conference

FROM:

William M. Baker
Director, Public Affairs

EXTENSION

27676

NO.

PAO 88-0194

DATE

7 June 1988

TO: (Officer designation, room number, and building)

DATE

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FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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P-309-TR

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.
RETIRED

June 1, 1988

Dear Bill:

At the Alibi luncheon on Friday Dan Gribbon, one of the senior partners at Covington, made a point of telling me about the talk you made at the CADC Judicial Conference in Williamsburg.

Dan praised both the substance and delivery of the talk. I have known Dan a number of years, and he is careful in expressing opinions.

This note requires no acknowledgment. If you have released a copy of your talk, perhaps your secretary could send one to me.

As ever,



Hon. William H. Webster

[Redacted signature area]

lfp/ss

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7 June 1988

JUDGE:

Here is a copy of your remarks to the D.C. Circuit Judicial Conference in
Williamsburg for Justice Powell.

STAT



Bill Baker

Attachments:
As stated

REMARKS
BY
WILLIAM H. WEBSTER
DIRECTOR OF CENTRAL INTELLIGENCE
BEFORE THE
D.C. CIRCUIT JUDICIAL CONFERENCE
WILLIAMSBURG, VA.
MAY 23, 1988

THANK YOU, JUDGE GINSBURG, DISTINGUISHED GUESTS, AND MEMBERS OF THE CONFERENCE. IT'S REALLY A GREAT TREAT FOR ME TO BE WITH YOU THIS MORNING. I'VE BEEN LOOKING FORWARD TO IT FOR A LONG, LONG TIME.

AS IS ALWAYS THE CASE BEFORE THESE CONFERENCES, I HEARD SOME GOOD NEWS AND SOME BAD NEWS. AND I WANT TO EXTEND MY CONDOLENCES ON THE DEMISE OF THE FOOD SERVICE. IT SOUNDS AS IF GSA HAS BEEN READING TOO MUCH SHAKESPEARE. IF YOU THINK YOU'RE HAVING A HARD TIME, THE GOOD NEWS IS THAT YOU CAN STILL SET YOUR OWN DOCKET. I HAD PLANNED TO BRING MY TENNIS RACQUET; I HAD PLANNED TO ENJOY DINNER TONIGHT; I HAD PLANNED A LOT OF GOOD THINGS. ON FRIDAY, I WAS TOLD THAT THE PRESIDENT HAD CALLED A NATIONAL SECURITY PLANNING GROUP SESSION FOR TWO O'CLOCK THIS AFTERNOON. AND I THOUGHT, 'WELL,

I CAN STILL STAY FOR LUNCH.' BY FRIDAY AFTERNOON, I WAS TOLD THAT THE PRESIDENT WOULD LIKE TO BE BRIEFED ON SOME ASPECTS OF HIS SUMMIT TRIP AT ONE O'CLOCK THIS AFTERNOON. THEN ON SATURDAY MORNING I WAS TOLD THE PRESIDENT HAD CALLED A MEETING FOR SATURDAY AT THE WHITE HOUSE. I THOUGHT THAT WOULD TAKE CARE OF IT, AND I WOULD STILL BE ABLE TO COME DOWN AND ENJOY THINGS. AS I WAS HEADED FOR THE AIRPORT YESTERDAY AFTERNOON, I RECEIVED A CALL FROM GENERAL POWELL SAYING THE PRESIDENT WOULD LIKE TO HAVE A MEETING AT EIGHT O'CLOCK LAST NIGHT. SO I WENT THERE AND THEN I CAME HERE. SO I'VE BEEN FULLY BRACKETED, AND IT'S GOING TO BE ALL WORK AND NO PLAY FOR BILL WEBSTER ON THIS TRIP. SO THERE IS SOME CONSOLATION IN THE FACT THAT YOU STILL SET YOUR OWN DOCKETS.

THIS IS AN IMPORTANT WEEK FOR ME: THURSDAY MARKS A YEAR SINCE I WAS SWORN IN AS DIRECTOR OF CENTRAL INTELLIGENCE. AND THIS SEEMS LIKE A GOOD TIME TO REVIEW WHAT HAS TAKEN PLACE IN THAT YEAR. WHEN I JOINED THE FBI NINE YEARS AGO, I WAS SURPRISED WHEN GRIFFIN BELL PRESENTED ME WITH A BADGE. WHEN I CAME ON BOARD AT THE CIA, I WAS

GIVEN A BUTTON. THE BUTTON SAID: "MY JOB IS SO SECRET THAT EVEN I
DON'T KNOW WHAT I'M DOING." SO THAT WAS THE BEGINNING OF AN
INTERESTING AND CHALLENGING YEAR.

IT'S BEEN AN EXTRAORDINARY YEAR IN A SUBSTANTIVE WAY. I CANNOT
REMEMBER, PERHAPS BECAUSE I WAS NOT SO IMMEDIATELY INVOLVED, A TIME
WHEN THERE HAVE BEEN SO MANY REGIONAL PROBLEMS AROUND THE WORLD
ERUPTING ALMOST SIMULTANEOUSLY. ALL THE PROBLEMS IN CENTRAL AMERICA
-- EL SALVADOR, NICARAGUA, HONDURAS, EVEN HAITI; THE PROBLEMS IN THE
MIDDLE EAST -- PEACE IN THE MIDDLE EAST, THE PERSIAN GULF ISSUE, THE
SAUDIS WITH THEIR NEW MISSILES; PROBLEMS IN AFGHANISTAN, AFRICA,
MOZAMBIQUE, AND ANGOLA; THE ARMS CONTROL INITIATIVES; AND THE
WORLD'S NEWEST COMPETITOR IN MUNITIONS DELIVERY SYSTEMS -- THE
PEOPLE'S REPUBLIC OF CHINA. I THOUGHT I WOULD RESERVE ANY TIME
AVAILABLE ON THE SCHEDULE FOR QUESTIONS YOU MIGHT WANT TO ASK ON
THESE SUBJECTS. BUT THIS MORNING, I WOULD LIKE TO TALK ABOUT THINGS
THAT ARE CLOSER TO HOME.

MY NINE YEARS AT THE FBI -- AS WELL AS 40 YEARS OF EXPERIENCE IN THE LAW -- HAVE CONVINCED ME THAT THE INTEGRITY OF GOVERNMENT ORGANIZATIONS CAN ONLY BE MAINTAINED BY ABSOLUTE FIDELITY TO OUR CONSTITUTION, TO OUR LAWS, AND OUR RULES -- RULES IMPOSED TO ENSURE OUR CITIZENS THAT WE ARE ACCOUNTABLE. AND I DON'T SUPPOSE THAT THIS PRINCIPLE IS ANYWHERE MORE APPLICABLE THAN IN ORGANIZATIONS THAT MUST FUNCTION IN SECRET. I DO NOT THINK THE CIA IS EXEMPT FROM THIS PRINCIPLE. IN FACT, I BELIEVE THAT IT IS THE KEY TO PUBLIC ACCEPTANCE OF THIS VITALLY NECESSARY WORK.

WHEN I CAME TO THE CIA, I SAID THAT I INTENDED TO WORK CLOSELY WITH POLICYMAKERS TO PUT TRUTH INTO ACTION. I'D LIKE TO TALK TODAY ABOUT WHAT WE AT CIA HAVE DONE DURING THIS PAST YEAR TO MAKE GOOD ON THAT PROMISE.

A YEAR AGO, THE AGENCY WAS SUBJECTED TO THE MOST SEARCHING INQUIRY INTO OUR PART IN WHAT HAS COME TO BE KNOWN AS THE IRAN-CONTRA AFFAIR. I KNEW THAT HOW WE RESPONDED TO THE FACTS

REVEALED IN THE INQUIRIES INTO IRAN-CONTRA COULD SIGNIFICANTLY AFFECT OUR ABILITY TO RECAPTURE THE TRUST WE DESERVED, RESIST INTOLERABLE NEW LEGISLATIVE RESTRICTIONS, AND RETAIN THE RESOURCES NEEDED TO CARRY OUT OUR ASSIGNMENTS. AT THE SAME TIME, I KNEW THAT WHATEVER ADMINISTRATIVE ACTIONS WERE TAKEN MUST BE JUST AND MUST BE BASED UPON OUR OWN EXISTING RULES -- NOT IMPOSED FROM THE OUTSIDE AND NOT CARRIED OUT PRECIPITIOUSLY TO APPEASE AN ANGRY CONGRESS OR CRITICAL PRESS. THIS PROCESS TOOK ABOUT EIGHT MONTHS, AND UTILIZED THE SERVICES OF A SPECIAL COUNSEL, WHO WAS MY FORMER LAW CLERK, MY FORMER SPECIAL ASSISTANT, AND PARTNER IN THE FIRM OF WILMER, CUTLER AND PICKERING. HE DID AN OUTSTANDING JOB FOR ME.

AFTER A CAREFUL INTERNAL REVIEW, I DETERMINED THAT AS AN INSTITUTION WE HAD PERFORMED WELL -- THAT THERE WAS NO SYSTEMIC DISRESPECT FOR AUTHORITY, RULES, AND GUIDANCE. BUT IT WAS ALSO APPARENT THAT THERE HAD BEEN SOME VIOLATIONS OF AGENCY RULES. I ORDERED DISCIPLINARY ACTIONS IN SEVERAL CASES. IN EACH CASE, DISCIPLINE WAS BASED UPON SERIOUS VIOLATION OF EXISTING REGULATIONS

OR FAILING TO GIVE CANDID RESPONSES TO OUR INSPECTOR GENERAL AND TO COMMITTEES OF CONGRESS CHARGED BY LAW WITH OVERSIGHT OF OUR WORK.

PARTLY IN RESPONSE TO LEGITIMATE CRITICISM AND PARTLY AS A RESULT OF OUR OWN INTERNAL ASSESSMENTS, WE HAVE MADE A NUMBER OF MANAGEMENT IMPROVEMENTS IN THE PAST YEAR. THESE INCLUDE NEW GUIDELINES FOR INTERNAL MONITORING AND REVIEW OF COVERT OPERATIONS, NEW GUIDELINES FOR THOSE IN CIA WHO TESTIFY BEFORE CONGRESS, AND NEW GUIDELINES FOR FORMULATING INTELLIGENCE ASSESSMENTS WITHOUT POLITICAL BIASES. I HAVE ALSO STRENGTHENED THE INSPECTOR GENERAL'S OFFICE BY BRINGING IN OUR MOST TALENTED, SENIOR-LEVEL INTELLIGENCE OFFICERS THROUGHOUT THE AGENCY TO SERVE ON THE INSPECTOR'S GENERAL STAFF, AND MAKING SUCH SERVICE A KEY TO FURTHER ADVANCEMENT IN THE CIA. AND I HAVE DETERMINED THAT THE INSPECTOR GENERAL SHALL HOLD RANK OF DEPUTY DIRECTOR AND SHALL REPORT DIRECTLY TO ME.

INCIDENTALLY, I AM MOVING HIM BACK INTO HEADQUARTERS, JUST AS I AM MOVING THE GENERAL COUNSEL BACK INTO HEADQUARTERS.

I SEE THE INSPECTOR GENERAL'S CHARTER AS BROADER THAN IT HAS BEEN BEFORE. IN ADDITION TO THE NORMAL INSPECTION, INVESTIGATION, AND AUDIT ACTIVITIES, I SEE THE INSPECTOR GENERAL -- IN A POSITIVE, CONSTRUCTIVE SENSE -- DIRECTLY INVOLVED IN IMPROVING OVERALL AGENCY MANAGEMENT, ENSURING ACCOUNTABILITY AND DISCIPLINE, AND ENCOURAGING EVEN GREATER QUALITY OF PERFORMANCE. THE INSPECTOR GENERAL WILL ALSO PLAY A SIGNIFICANT ROLE IN DEVELOPING OUR TOP MANAGERS AND LEADERS OF TOMORROW.

IN ADDITION, WE HAVE BROUGHT TOGETHER OPERATIONS OFFICERS, ANALYSTS, AND SECURITY OFFICIALS IN A NEW COUNTERINTELLIGENCE CENTER. COUNTERINTELLIGENCE IS OF VITAL CONCERN TO OUR CURRENT NATIONAL SECURITY EFFORTS. AND WE HAVE MOVED TO ADDRESS THIS VERY SERIOUS PROBLEM. OF ALL THE DEFICIENCIES THAT HAVE BEEN ATTRIBUTED TO US, I THINK THIS ONE, PERHAPS, HAS THE MOST VALIDITY.

ANOTHER GREAT CONCERN IS THE SECURITY OF OUR EMBASSIES ABROAD, AND I THINK YOU ARE FAMILIAR WITH THOSE PROBLEMS. RESPONDING TO

PRESIDENTIAL DIRECTIVES, I HAVE ESTABLISHED A NEW INDEPENDENT OFFICE TO REPORT TO ME ON SECURITY CONDITIONS OVERSEAS. THIS OFFICE WAS WORKED OUT WITH THE SECRETARY OF STATE BUT IS INDEPENDENT OF THE SECRETARY OF STATE, AND ASSURES A QUALITY, PROFESSIONAL APPROACH TO SECURITY NEEDS.

AND TO MAKE CERTAIN THAT OUR COLLECTION EFFORTS AND ANALYSIS ARE RESPONDING TO THE NEEDS OF POLICYMAKERS, I MEET FREQUENTLY WITH INDIVIDUAL POLICYMAKERS, TO BE SURE THAT WE ARE IN FACT RESPONDING TO CONSUMER NEEDS. I HAVE A REGULARLY SCHEDULED APPOINTMENT WITH THE PRESIDENT EVERY TWO WEEKS, AND OBVIOUSLY WE MEET MORE OFTEN ON OCCASIONS WHEN WE'RE IN GROUP SESSIONS. I MEET ONCE A WEEK -- WHEN WE'RE ALL IN TOWN -- WITH THE SECRETARY OF STATE, SECRETARY OF DEFENSE, AND THE NATIONAL SECURITY ADVISER TO THE PRESIDENT. I ALSO ATTEND ALL NATIONAL SECURITY PLANNING GROUP MEETINGS AND CHAIR THE NATIONAL FOREIGN INTELLIGENCE BOARD MEETINGS. SO THERE IS A GOOD OPPORTUNITY TO KNOW WHETHER OUR WORK AND PRODUCT IS RESPONDING TO CONSUMER NEEDS.

I'D LIKE TO TELL YOU ABOUT HOW SOME OF THOSE CHANGES WE HAVE MADE AFFECT OUR DAY-TO-DAY OPERATIONS. I'LL BEGIN WITH COVERT ACTION, BECAUSE, ALTHOUGH COVERT ACTION TRADITIONALLY CLAIMS A VERY SMALL PORTION OF THE INTELLIGENCE COMMUNITY'S RESOURCES,-- ONLY ABOUT 3 PERCENT -- THESE ACTIVITIES ARE THE FOCUS OF THE GREATEST CONGRESSIONAL AND PUBLIC ATTENTION. UNDER THE HUGHES RYAN AMMENDMENT, THE PRESIDENT MUST FIND THAT EACH COVERT ACTION IS IMPORTANT TO THE NATIONAL SECURITY BEFORE THE OPERATION CAN BE INITIATED. THE COVERT ACTION REVIEW GROUP THAT I HAVE FORMULATED MUST MEET TO REVIEW ALL PROPOSED FINDINGS -- THIS IS BEFORE IT EVEN GOES FORWARD TO THE NATIONAL SECURITY COUNCIL. AND IT IS INCUMBENT UPON US TO DETERMINE THAT THE FINDING CAN BE DONE -- AND DONE IN A LAWFUL WAY. AND WE HAVE TO BE SURE THAT THE INDIVIDUALS WHO ARE OUT ON THE FIRING LINE, OUTSIDE THE PROTECTION OF OUR CONSTITUTION AND OUR LAWS, IN MANY INSTANCES, CAN DO THEIR WORK IN ACCORDANCE WITH

THE FLEXIBILITY THEY NEED. MOREOVER, THEY MUST HAVE THE CLEAREST POSSIBLE TRAINING AND UNDERSTANDING OF THEIR RESPONSIBILITIES TO THE CIA AND TO THE COUNTRY.

THE COVERT ACTION REVIEW GROUP, WHICH WE CALL THE CARG, ASKS THESE QUESTIONS: IS THE FINDING CONSISTENT WITH OVERT UNITED STATES POLICY? CLEARLY, THIS IS WHAT WENT WRONG IN THE IRAN-CONTRA MATTER. WHAT ARE THE CONSEQUENCES GOING TO BE IF THE ACTIVITY IS PUBLICLY EXPOSED? IS IT CONSISTENT WITH AMERICAN VALUES? WILL IT MAKE SENSE TO THE AMERICAN PEOPLE? AND WILL IT WORK? NOT ALL COVERT ACTIVITIES WILL SUCCEED, BUT I BELIEVE IF SUBJECTED TO THESE KINDS OF TESTS, AND THIS KIND OF MANAGEMENT, WE HAVE THE BEST CHANCE OF GETTING THE MAXIMUM AND MOST EFFECTIVE USE FROM OUR COVERT CABILITY. AND I'D LIKE TO ADD A COUPLE OF NOTES HERE. IT IS THE FOREIGN POLICY OF THE UNITED STATES THAT IS INVOKED WHEN WE ARE CALLED UPON TO USE COVERT ACTIVITY. WE ARE ASKED TO DO IT, AND WE ARE ASKED TO DO IT IN SUPPORT OF U.S. FOREIGN POLICY, NOT THE CIA'S

FOREIGN POLICY. WHEN THE PROJECT HAS BEEN FORMULATED AND PASSES THE CARG SCREENING EFFORT, IT GOES TO THE NATIONAL SECURITY PLANNING GROUP -- THAT'S THE SECRETARIES OF STATE, DEFENSE, AND TREASURY, THE ATTORNEY GENERAL, THE NATIONAL SECURITY ADVISER, THE PRESIDENT AND VICE PRESIDENT -- AND AGAIN IS SUBJECTED TO THE SAME KIND OF TESTS, SO THE PRESIDENT HAS THE OPPORTUNITY TO HEAR FROM EVERYONE, AS HE HAS BEEN DOING THIS PAST WEEKEND, ON WHETHER OR NOT THIS PROJECT IS A WORTHY ONE, BEFORE HE MAKES HIS FINDING.

UNDER LAW IT IS OUR DUTY TO NOTIFY THE HOUSE AND SENATE INTELLIGENCE COMMITTEES -- IN A TIMELY FASHION -- OF ANY SIGNIFICANT INTELLIGENCE ACTIVITIES. THIS INCLUDES ANY ACTIVITIES REQUIRING A PRESIDENTIAL FINDING. JUST WHAT CONSTITUTES TIMELY IS A MATTER OF CONCERN BOTH TO CONGRESS AND TO THE ADMINISTRATION. THE HOUSE IS CONSIDERING AND THE SENATE HAS APPROVED LEGISLATION THAT WOULD REQUIRE NOTIFICATION OF A SPECIAL ACTIVITY TO CONGRESS WITHIN 48 HOURS OF A PRESIDENTIAL FINDING.

I ANTICIPATE THAT THE PRESIDENT WILL VETO LEGISLATION THAT REQUIRES THE CIA TO NOTIFY CONGRESS OF ALL COVERT OPERATIONS WITHIN 48 HOURS. THERE IS A SERIOUS CONSTITUTIONAL QUESTION ABOUT THIS LEGISLATION. THIS IS NOT MY PROBLEM TO ARGUE, BUT IT IS THERE. ADDITIONALLY, SOME ALLOWANCE MUST BE MADE FOR THAT RARE CASE WHERE LIMITED DELAY IN CONGRESSIONAL NOTIFICATION IS CRITICAL TO PRESERVE THE ABSOLUTE SECURITY OF AN OPERATION -- WHEN, FOR EXAMPLE, LIVES ARE AT STAKE AND THIRD-COUNTRY SOURCES, WHICH SUPPLY THE INFORMATION AND PROVIDE THE OPPORTUNITY TO SAVE LIVES, REFUSE TO ALLOW US TO CONVEY THAT INFORMATION TO THE CONGRESS. THE PRESIDENT, IN HIS NATIONAL SECURITY DECISION DIRECTIVE, PROVIDES THAT IF HE DOES NOT NOTIFY CONGRESS WITHIN 48 HOURS, HE MUST REVIEW THAT DECISION EVERY 10 DAYS. IN MY EXPERIENCE AT THE BAR AND IN THE EXERCISE OF DISCRETION, I THINK THIS IS KEY. IF YOU EXERCISE DISCRETION, YOU DON'T EXERCISE IT WITHOUT REVIEW. IF YOU HAVE A DUTY TO EXERCISE

DISCRETION, YOU MUST REVIEW YOUR DECISION. AND IN THIS CASE, THE PRESIDENT HAS AGREED THAT HIS DECISION WILL BE REVIEWED EVERY 10 DAYS UNTIL CONGRESS CAN BE NOTIFIED.

BUT THE CIA'S RELATIONSHIP WITH CONGRESS IS CRUCIAL, BECAUSE I KNOW OF THE NEED TO BE ABSOLUTELY CANDID WITH CONGRESS, AND THE RESPONSIBILITY THAT INTELLIGENCE PROFESSIONALS HAVE TO PROTECT SOURCES AND METHODS, I HAVE ESTABLISHED GUIDELINES GOVERNING OUR DEALINGS WITH CONGRESS. AND I HAVE MADE IT ABSOLUTELY CLEAR THAT IN DEALING WITH CONGRESS THERE IS NO EXCUSE FOR DECEPTION.

THERE MAY BE SOME QUESTIONS THAT THE AGENCY OFFICIALS WHO BRIEF CONGRESS WILL HAVE TO REFER BACK TO ME. THEY'VE BEEN TOLD WHEN TO DEMUR AND SAY THEY HAVE TO REFER BACK TO HEADQUARTERS BEFORE ANSWERING THOSE QUESTIONS. AND I THINK THAT'S APPROPRIATE. I AM PREPARED TO TAKE THE HEAT OR WORK OUT ARRANGEMENTS WITH CONGRESS AFTER THAT OCCURS. BUT WE WILL NOT GIVE HALF ANSWERS OR AROUND-THE-CORNER ANSWERS. IF THERE IS A PROBLEM, WE WILL SAY THERE IS A PROBLEM, AND THAT WE CANNOT ANSWER THE QUESTION AT THIS TIME.

BUT WE WILL NOT LEAVE THE CONGRESS FEELING THAT IN SOME WAY WE HAVE BEEN DISINGENUOUS WITH THEM. I THINK TENSION BETWEEN CONGRESS AND THE EXECUTIVE BRANCH WILL ALWAYS EXIST, BUT WE WILL BE ABLE TO WORK IT OUT IF THERE IS AN ELEMENT OF TRUST IN THE HONESTY OF THE STATEMENTS WE MAKE. THIS, I THINK, IS VERY SIMILAR TO THE OBLIGATION OF CANDOR THAT LAWYERS HAVE IN COURT. WHEN THAT OBLIGATION IS UNDERSTOOD AND APPLIED, THERE ARE VERY FEW SITUATIONS THAT CANNOT BE WORKED OUT.

I FIRMLY BELIEVE THAT THE OVERSIGHT RESPONSIBILITIES EXERCISED BY CONGRESS ARE BOTH NECESSARY AND BENEFICIAL. THERE MUST BE A DEPENDABLE SYSTEM OF OVERSIGHT AND ACCOUNTABILITY THAT BUILDS, RATHER THAN ERODES, TRUST BETWEEN THOSE WHO HAVE THE INTELLIGENCE RESPONSIBILITY AND THOSE WHO ARE THE ELECTED REPRESENTATIVES OF THE AMERICAN PEOPLE.

WE PROVIDE A GREAT DEAL OF INFORMATION TO CONGRESS. AND THAT HAS CHANGED DRAMATICALLY OVER THE LAST 15 YEARS, WHEN WE GAVE THEM 175 BRIEFINGS. LAST YEAR ALONE WE GAVE OVER 1,000 BRIEFINGS TO

CONGRESS ON A VARIETY OF TOPICS. THESE TOPICS INCLUDE ARMS CONTROL, SOVIET WEAPONS, THE PERSIAN GULF SITUATION, THE CONFLICTS IN CENTRAL AMERICA, AND EVEN THE SPREAD OF AIDS IN AFRICA.

THE INFORMATION WE COLLECT -- AND COLLECT AND ANALYZE VERY WELL, IN MY OPINION -- IS OF VITAL IMPORTANCE TO THOSE WHO HAVE TO MAKE IMPORTANT POLICY DECISIONS AND TAKE IMPORTANT INITIATIVES IN THE INTEREST OF OUR COUNTRY. THE INFORMATION WE PROVIDE TO CONGRESS AND POLICYMAKERS MUST BE DEVELOPED IN AN OBJECTIVE WAY. THE DIRECTOR OF CENTRAL INTELLIGENCE AND THE PEOPLE WHO ANALYZE INFORMATION MUST BE SEEN AS GIVING THE BEST ESTIMATES, NOT TO "COOK THE BOOKS" OR TRY TO SHAPE OR INFLUENCE POLICY, BUT TO PROVIDE POLICYMAKERS WITH THE KIND OF INFORMATION UPON WHICH THEY CAN MAKE WISE DECISIONS IN THE INTERESTS OF OUR NATIONAL SECURITY. SOMETIMES WE HAVE TO POUND ON THE TABLE TO BE SURE THEY HEAR WHAT WE ARE TELLING THEM, BUT WE SHOULD NOT AND DO NOT TRY TO INFLUENCE THEIR OPINIONS BY TELLING THEM WHAT IS THE BEST THING TO DO. WE JUST HAVE TO BE AWFULLY SURE

FROM TIME TO TIME THAT THEY'RE NOT CLOSING THEIR EYES TO INTELLIGENCE OR FAILING TO GIVE US AN OPPORTUNITY TO SUPPLY IT. I WAS TALKING TO A COLLEAGUE THIS MORNING AND I SAID THAT SOMETIMES I THINK WE'RE GUILTY OF A "READY, FIRE, AIM" APPROACH.

BECAUSE THE QUALITY AND OBJECTIVITY OF THE INTELLIGENCE WE PROVIDE IS SO IMPORTANT, WE HAVE AND WILL CONTINUE TO "TELL IT LIKE IT IS " AVOIDING BIAS AS MUCH AS WE CAN. ON THE OTHER SIDE OF THE COIN, POLICYMAKERS MAY NOT LIKE THE MESSAGE THEY HEAR FROM US, ESPECIALLY IF THEY HAVE A DIFFERENT POINT OF VIEW. WITH THE FIRST FEW ESTIMATES WE DID ON THE PERSIAN GULF SITUATIONS, THEY WEREN'T TOO HAPPY WITH WHAT THEY WERE BEING TOLD. MY POSITION IS THAT IN THE PREPARATION OF INTELLIGENCE JUDGMENTS, PARTICULARLY 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, TORN UP, OR THROWN AWAY. BUT THEY CANNOT BE CHANGED.

I THINK THIS KIND OF INSISTENCE ON OBJECTIVITY MAY BE ONE OF THE MOST SIGNIFICANT CONTRIBUTIONS THAT I COULD MAKE IN GALVANIZING A

COHESIVE INTELLIGENCE COMMUNITY WITHOUT COMPROMISING THE INTEGRITY OF THE INDIVIDUAL ANALYSTS OR PROGRAM MANAGERS.

I HAVE FREQUENTLY MADE THE POINT THAT IN THIS ORGANIZATION, WE ARE GOING TO HAVE TO TAKE RISKS, BUT THE RISKS HAVE TO BE ASSOCIATED WITH CERTAIN KINDS OF PRINCIPLES -- PRINCIPLES WITH WHICH THE PUBLIC IS COMFORTABLE. THE RISKS MUST NOT PUT US AFOUL OF THE CONSTITUTION OR OUR LAWS.

AMERICANS, ABOVE ALL, NEED TO BELIEVE THAT THE INSTITUTIONS AND LAWS OF THIS COUNTRY ARE WORKING FOR THEM -- NOT AGAINST THEM. THEY NEED TO BELIEVE THAT LAWS ARE APPLIED FAIRLY AND CONSISTENTLY, AND THAT THERE IS AN ADEQUATE SYSTEM OF REDRESS. THEY ALSO NEED TO BELIEVE THAT THEIR GOVERNMENT IS RESPONSIVE, ACCOUNTABLE, AND NOT ABOVE THE LAW.

THERE HAVE BEEN SEVERAL TIMES DURING MY CAREER WHEN I'VE BEEN CALLED TO LEAVE THE PRIVATE PRACTICE OF LAW, ALTHOUGH I STILL THINK I'M ON LOAN TO THE GOVERNMENT -- BUT IT'S GETTING TO BE A LONG LOAN. AND EVERY TIME I'VE BEEN ASKED TO MOVE TO SOMETHING ELSE,

I'VE LEARNED A LITTLE MORE ABOUT THE DIMENSIONS OF THE LAW AS IT APPLIES TO OUR CITIZENS. IN THIS NEW ASSIGNMENT I HAVE NOT LEFT THE LAW. IT IS VERY MUCH A PART OF THIS ADVENTURE.

AS I WAS PREPARING THESE REMARKS, I THOUGHT OF A PHOTOGRAPH AND QUOTATION THAT APPEARED ON THE COVER OF THE ST. LOUIS BAR JOURNAL WHEN I WAS ITS EDITOR IN THE EARLY 1950'S. IT SHOWED A YOUNG LAWYER -- PERHAPS A LAW STUDENT -- SITTING IN A COURTROOM, BEHIND THE JUDGE'S BENCH, LOOKING OFF INTO THE FUTURE. AND THE QUOTATION, WHICH I SELECTED FROM JUDGE LEARNED HAND, SAID, "DESCENDED TO US, IN SOME PART MOLDED BY OUR HANDS, PASSED ON TO SUCCEEDING GENERATIONS WITH REVERENCE AND WITH PRIDE, WE AT ONCE ITS SERVANTS AND ITS MASTERS, RENEW OUR FEALTY TO THE LAW." THOSE ARE WONDERFUL WORDS. ALTHOUGH MUCH WATER HAS GONE OVER THE DAM SINCE I FIRST READ THEM, THEY ARE STILL DEEPLY MEANINGFUL TO ME. AND PERHAPS THAT IS WHY I WAS SO GRATEFUL WHEN YOU INVITED ME TO BE WITH YOU TODAY.

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Distribution:

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20 May 1988

MEMORANDUM FOR: Director of Central Intelligence

FROM: William M. Baker
Director, Public Affairs Office

SUBJECT: Trip to Williamsburg to Address the
1988 Judicial Conference of the District of Columbia Circuit

1. This is background information for your trip to Williamsburg to address the D.C. Circuit's 1988 Judicial Conference Monday, 23 May (9:40-10:30 a.m.) in the auditorium of the Williamsburg Lodge. Phone: (804) 229-1000. Sunday, 22 May a welcoming cocktail party (6:00-8:00 p.m.) will take place at the West Terrace of the Lodge, and Monday, 23 May a reception (7:00 p.m.) followed by a banquet (8:00 p.m.) will be held in the Virginia Room of the Lodge. (Your attendance at the cocktail party and banquet is tentative.) I will travel to Williamsburg on Monday and remain with you throughout the program.

2. Arrangements for your Address: You will be met at the back of the auditorium at approximately 9:00 a.m. by the conference coordinator Natalie Cunningham and escorted to the front row of the auditorium where you will be seated. The Honorable Patricia M. Wald, Chief Judge of the US Court of Appeals for the District of Columbia, will give the opening remarks. (See agenda tab for opening ceremony.) After the welcome of the new Judges and the resolutions of the Standing Committee, Chairman of the Conference, Judge Ruth Bader Ginsburg, will introduce you. Your remarks are scheduled for 9:40 a.m. The suggested format is 30 minutes of remarks followed by 20 minutes of questions and answers. The following judges will be on stage during your remarks:

Judge Ruth Bader Ginsburg	US Court of Appeals
Chief Judge Patricia McGowan Wald	District of Columbia Circuit
Chief Judge Aubrey E. Robinson, Jr.	US Court of Appeals
	District of Columbia Circuit
	US District Court
	District of Columbia

(See tab for biographies.)



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P-309-15

A podium and microphone will be available. Your address will be recorded by the court reporter. We will be able to review it sometime in November or January. West Publishing Company will print your remarks in the July 1989 "Federal Rules and Decisions". DCI security will also tape your remarks for the Agency's historical records. Adjournment for your section of the program is at 10:30 a.m. and will be followed by a coffee break.

3. Audience: Approximately 500 judges, representing the US District Court for D.C. and the US Court of Appeals for the D.C. Circuit, lawyers, spouses, and friends will be in the audience.

4. Media Coverage: C-Span is videotaping your address, and plans to air it at a yet to be announced date. Reporters from THE WASHINGTON POST Sandra Saperstein and Lee Hockstader will be present. WALL STREET JOURNAL reporter Steve Vermeil is also expected, but the conference does not know which speeches he will be covering.

5. Reception and Banquet, Monday, 23 May 7:00 - 10:00 p.m. (Attendance tentative): If you do attend the reception and banquet, you will be seated at Judge Gerhard Gesell's table with the following:

The Honorable Gerhard H. Gesell Judge, United States District Court
District of Columbia

Mrs. Peggy Gesell

Mr. Peter Barnes, Esq.

Mrs. Jean Ann Barnes

Mr. William Jeffress, Esq. Advisory Committee on Local Rules
for US District Courts

Mrs. Judy Jeffress

Ms. Lynn Stout Professor, George Washington
University Law School

Mr. Stuart Drake, Esq.

The reception begins at 7:00 p.m. in the West Terrace of the Lodge and the banquet will be in the Virginia Room. The Honorable Antonin Scalia, Associate Justice US Supreme Court will be the speaker for the evening.

6. Background: After your address, a bench and bar panel is scheduled on "Assuring Improved Performance by the Trial Bar." Judge Gerhard A. Gesell will be the moderator and panelists are Judge Marvin E. Aspen and Mark H. Tuohey, Esquire. Other speakers at the conference will include Chief Justice William H. Rehnquist and Professor Paul A. Freund. (See agenda tab for other speakers.) For further background information on the United States Courts District of Columbia Circuit see the 1987 Annual Report in the front pocket.)

The new Judges who will be welcomed at this conference are Judge David Sentelle US Court of Appeals D.C. Circuit and Judge Royce Lamberth District Court D.C. Circuit.

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William M. Baker

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SCHEDULE OF EVENTS/CONTACTS

TRIP TO WILLIAMSBURG
ADDRESS OF THE 1988 JUDICIAL CONFERENCE
OF THE DISTRICT OF COLUMBIA CIRCUIT
22-23 May 1988

Sunday, 22 May

Departure on Sunday or Monday to be determined

- 6:00 p.m. West Terrace of the Williamsburg Lodge
Welcoming cocktail party (attendance tentative)
- 8:00 p.m. Adjournment

Monday, 23 May

- 9:00 a.m. Auditorium of the Williamsburg Lodge
Met by Conference Coordinator Natalie Cunningham
Contact phone number: (804) 229-1000
Welcome and remarks by
Chief Judge Patricia M. Wald
- Remarks by
The Honorable Aubrey E. Robinson, Jr.
Chief Judge of the US District Court
for the District of Columbia
- Memorials
- Welcome to new Judges
- Resolutions of Standing Committees
- 9:40 a.m. Introduction by Judge Ruth Bader Ginsburg
Address by
The Honorable William H. Webster
30 minutes of remarks, 20 minutes of Q&A
- 10:30 a.m. Coffee break
- 10:45 a.m. Conference continues until noon

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(Attendance tentative)

7:00 p.m. Reception, West Terrace of Lodge

8:00 p.m. Banquet, Virginia Room of Lodge
Seated at table of Judge Gerhard A. Gesell

Speaker, The Honorable Antonin Scalia
Associate Justice US Supreme Court

Departure to be determined

20 May 1988

JUDGE:

You are scheduled to address the D.C. Circuit's 1988 Judicial Conference in Williamsburg, Virginia, on Monday, 23 May at 9:40 a.m. In your draft remarks, you emphasize the rule of law and describe the changes you have made since becoming Director of Central Intelligence. Your thesis, which is on page 1, says the following: "When I came to the CIA, I said that I intended to work closely with policymakers to put truth into action. I'd like to talk today about what we at CIA have done during this past year to make good on that promise." You expand on the thesis on page 3: "...We have made a number of management improvements in the past year. These included new guidelines for internal monitoring and review of covert operations, new guidelines for those in CIA who testify before Congress, and new guidelines for formulating intelligence assessments without political biases."

Your proposed remarks are attached.

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Bill Baker

Attachments:
As Stated

PROPOSED REMARKS
BY
WILLIAM H. WEBSTER
DIRECTOR OF CENTRAL INTELLIGENCE
BEFORE THE
D.C. CIRCUIT JUDICIAL CONFERENCE
WILLIAMSBURG, VA.
MAY 23, 1988

GOOD MORNING. I WAS DELIGHTED WHEN RUTH ASKED ME TO JOIN YOU FOR THIS CONFERENCE. IT'S A TREAT TO BE ABLE TO VISIT WITH YOU, TO PLAY A LITTLE TENNIS, AND TO DISCUSS MATTERS THAT CONCERN US.

THIS IS AN IMPORTANT WEEK FOR ME: THURSDAY MARKS A YEAR SINCE I WAS SWORN IN AS DIRECTOR OF CENTRAL INTELLIGENCE. MY NINE YEARS AT THE FBI -- AS WELL AS A LIFETIME OF EXPERIENCE IN THE LAW -- HAVE CONVINCED ME THAT THE INTEGRITY OF GOVERNMENT ORGANIZATIONS CAN ONLY BE MAINTAINED BY INSISTING UPON COMPLIANCE WITH OUR LAWS AND RULES -- RULES IMPOSED TO ENSURE OUR CITIZENS THAT WE ARE INDEED ACCOUNTABLE.

WHEN I CAME TO THE CIA, I SAID THAT I INTENDED TO WORK CLOSELY WITH POLICYMAKERS TO PUT TRUTH INTO ACTION. I'D LIKE TO TALK TODAY ABOUT WHAT WE AT CIA HAVE DONE DURING THIS PAST YEAR TO MAKE GOOD ON THAT PROMISE.

A YEAR AGO, THE AGENCY WAS SUBJECTED TO THE MOST SEARCHING INQUIRY INTO OUR PART IN WHAT HAS COME TO BE KNOWN AS THE IRAN-CONTRA AFFAIR. I KNEW THAT HOW WE RESPONDED TO THE FACTS REVEALED IN THE INQUIRIES INTO IRAN-CONTRA COULD SIGNIFICANTLY AFFECT OUR ABILITY TO RECAPTURE THE TRUST WE DESERVED, RESIST INTOLERABLE NEW LEGISLATIVE RESTRICTIONS, AND RETAIN THE RESOURCES NEEDED TO CARRY OUT OUR ASSIGNMENTS. AT THE SAME TIME, I KNEW THAT WHATEVER ADMINISTRATIVE ACTIONS WERE TAKEN MUST BE JUST AND MUST BE BASED UPON OUR OWN EXISTING RULES -- NOT IMPOSED FROM THE OUTSIDE AND NOT CARRIED OUT PRECIPITIOUSLY TO APPEASE AN ANGRY CONGRESS OR CRITICAL PRESS.

AFTER A CAREFUL INTERNAL REVIEW, I DETERMINED THAT AS AN INSTITUTION WE HAD PERFORMED WELL -- THAT THERE WAS NO SYSTEMIC DISRESPECT FOR AUTHORITY, RULES, AND GUIDANCE.

BUT IT WAS ALSO APPARENT THAT THERE HAD BEEN SOME VIOLATIONS OF AGENCY RULES. I ORDERED DISCIPLINARY ACTIONS IN SEVERAL CASES. IN EACH CASE, DISCIPLINE WAS BASED UPON SERIOUS VIOLATION OF EXISTING REGULATIONS OR FAILING TO GIVE CANDID RESPONSES TO OUR INSPECTOR GENERAL AND TO COMMITTEES OF CONGRESS CHARGED BY LAW WITH OVERSIGHT OF OUR WORK.

PARTLY IN RESPONSE TO LEGITIMATE CRITICISM AND PARTLY AS A RESULT OF OUR OWN INTERNAL ASSESSMENTS, WE HAVE MADE A NUMBER OF MANAGEMENT IMPROVEMENTS IN THE PAST YEAR. THESE INCLUDE NEW GUIDELINES FOR INTERNAL MONITORING AND REVIEW OF COVERT OPERATIONS, NEW GUIDELINES FOR THOSE IN CIA WHO TESTIFY BEFORE CONGRESS, AND NEW GUIDELINES FOR FORMULATING INTELLIGENCE ASSESSMENTS WITHOUT POLITICAL BIASES. I HAVE ALSO STRENGTHENED THE INSPECTOR GENERAL'S OFFICE BY BRINGING IN OUR MOST TALENTED SENIOR LEVEL

INTELLIGENCE OFFICERS FROM THROUGHOUT THE AGENCY TO SERVE ON THE INSPECTOR GENERAL'S STAFF. AND I HAVE DETERMINED THAT THE INSPECTOR GENERAL SHALL HOLD THE RANK OF DEPUTY DIRECTOR AND SHALL REPORT DIRECTLY TO ME.

I SEE THE INSPECTOR GENERAL'S CHARTER AS BROADER THAN IT HAS BEEN BEFORE. IN ADDITION TO THE NORMAL INSPECTION, INVESTIGATION, AND AUDIT ACTIVITIES, I SEE THE INSPECTOR GENERAL -- IN A POSITIVE, CONSTRUCTIVE SENSE -- DIRECTLY INVOLVED IN IMPROVING OVERALL AGENCY MANAGEMENT, ENSURING ACCOUNTABILITY AND DISCIPLINE, AND ENCOURAGING EVEN GREATER QUALITY OF PERFORMANCE. THE INSPECTOR GENERAL WILL ALSO PLAY A SIGNIFICANT ROLE IN DEVELOPING OUR TOP MANAGERS AND LEADERS OF TOMORROW.

IN ADDITION, WE HAVE BROUGHT TOGETHER OPERATIONS OFFICERS, ANALYSTS, AND SECURITY OFFICIALS IN A COUNTERINTELLIGENCE CENTER. COUNTERINTELLIGENCE IS OF

VITAL CONCERN TO OUR CURRENT NATIONAL SECURITY EFFORTS.

AND WE HAVE MOVED TO ADDRESS THIS VERY SERIOUS PROBLEM.

ANOTHER GREAT CONCERN IS THE SECURITY OF OUR EMBASSIES ABROAD. I HAVE ESTABLISHED A NEW INDEPENDENT OFFICE TO REPORT TO ME ON SECURITY CONDITIONS OVERSEAS.

AND TO MAKE CERTAIN THAT OUR COLLECTION EFFORTS AND ANALYSIS ARE RESPONDING TO THE NEEDS OF POLICYMAKERS, I MEET EVERY OTHER WEEK WITH PRESIDENT REAGAN; AND WEEKLY WITH THE SECRETARY OF STATE, SECRETARY OF DEFENSE, AND THE NATIONAL SECURITY ADVISER TO THE PRESIDENT. I ALSO ATTEND ALL NATIONAL SECURITY PLANNING GROUP MEETINGS AND CHAIR THE NATIONAL FOREIGN INTELLIGENCE BOARD MEETINGS.

I'D LIKE TO TELL YOU NOW HOW SOME OF THOSE CHANGES WE HAVE MADE AFFECT OUR DAY-TO-DAY OPERATIONS. I'LL BEGIN WITH COVERT ACTION, BECAUSE, ALTHOUGH COVERT ACTION TRADITIONALLY CLAIMS A VERY SMALL PORTION OF THE

INTELLIGENCE COMMUNITY'S RESOURCES -- ONLY ABOUT 3 PERCENT
-- THESE ACTIVITIES ARE THE FOCUS OF THE GREATEST
CONGRESSIONAL AND PUBLIC ATTENTION. UNDER THE HUGHES RYAN
AMMENDMENT, THE PRESIDENT MUST FIND THAT EACH COVERT
ACTION IS IMPORTANT TO THE NATIONAL SECURITY BEFORE THE
OPERATION CAN BE INITIATED. THE COVERT ACTION REVIEW
GROUP I HAVE ESTABLISHED MUST MEET TO REVIEW ALL PROPOSED
FINDINGS. AND IT IS INCUMBENT UPON US TO DETERMINE THAT
THE FINDING CAN BE DONE -- AND DONE IN A LAWFUL WAY. AND
WE HAVE TO BE SURE THAT THE INDIVIDUALS WHO ARE OUT ON THE
FIRING LINE, OUTSIDE THE PROTECTION OF OUR CONSTITUTION
AND OUR LAWS, IN MANY INSTANCES, CAN DO THEIR WORK IN
ACCORDANCE WITH THE FLEXIBILITY THEY NEED. MOREOVER, THEY
MUST HAVE THE CLEAREST POSSIBLE TRAINING AND UNDERSTANDING
OF THEIR RESPONSIBILITIES TO THE CIA AND TO THE COUNTRY.

THE COVERT ACTION REVIEW GROUP I HAVE ESTABLISHED ASKS THESE QUESTIONS: IS THE FINDING CONSISTENT WITH OVERT UNITED STATES POLICY? WHAT ARE THE CONSEQUENCES GOING TO BE IF THE ACTIVITY IS PUBLICLY EXPOSED? IS IT CONSISTENT WITH AMERICAN VALUES? AND WILL IT WORK? NOT ALL COVERT ACTIVITIES WILL SUCCEED, BUT I BELIEVE IF SUBJECTED TO THESE KINDS OF TESTS, AND THIS KIND OF MANAGEMENT, WE HAVE THE BEST CHANCE OF GETTING THE MAXIMUM AND MOST EFFECTIVE USE FROM OUR COVERT CABILITY.

UNDER LAW IT IS OUR DUTY TO NOTIFY THE HOUSE AND SENATE INTELLIGENCE COMMITTEES -- IN A TIMELY FASHION -- OF ANY SIGNIFICANT INTELLIGENCE ACTIVITIES. THIS INCLUDES ANY ACTIVITIES REQUIRING A PRESIDENTIAL FINDING. JUST WHAT CONSTITUTES TIMELY IS A MATTER OF CONCERN BOTH TO CONGRESS AND TO THE ADMINISTRATION. THE HOUSE IS CONSIDERING AND THE SENATE HAS APPROVED LEGISLATION THAT

WOULD REQUIRE NOTIFICATION OF A SPECIAL ACTIVITY TO CONGRESS WITHIN 48 HOURS OF A PRESIDENTIAL FINDING.

I BELIEVE THE PRESIDENT WILL VETO LEGISLATION THAT REQUIRES THE CIA TO NOTIFY CONGRESS OF ALL COVERT OPERATIONS WITHIN 48 HOURS. THERE IS A CONSTITUTIONAL QUESTION ABOUT THIS LEGISLATION. ADDITIONALLY, SOME ALLOWANCE MUST BE MADE FOR THAT RARE CASE WHERE LIMITED DELAY IN CONGRESSIONAL NOTIFICATION IS CRITICAL TO PRESERVE THE ABSOLUTE SECURITY OF AN OPERATION -- WHEN, FOR EXAMPLE, LIVES ARE AT STAKE.

BUT THE CIA'S RELATIONSHIP WITH CONGRESS IS CRUCIAL. BECAUSE I KNOW OF THE NEED TO BE ABSOLUTELY CANDID WITH CONGRESS, AND THE RESPONSIBILITY THAT INTELLIGENCE PROFESSIONALS HAVE TO PROTECT SOURCES AND METHODS, I HAVE ESTABLISHED GUIDELINES GOVERNING OUR DEALINGS WITH CONGRESS. AND I HAVE MADE IT ABSOLUTELY CLEAR THAT IN DEALING WITH CONGRESS THERE IS NO EXCUSE FOR DECEPTION.

THERE MAY BE SOME QUESTIONS THAT THE AGENCY OFFICIALS WHO BRIEF CONGRESS WILL HAVE TO REFER BACK TO ME. I AM PREPARED TO TAKE THE HEAT OR WORK OUT ARRANGEMENTS WITH CONGRESS. BUT WE WILL NOT GIVE HALF ANSWERS OR AROUND-THE-CORNER ANSWERS. THAT'S NOT THE WAY I OPERATE. IF THERE IS A PROBLEM, WE WILL SAY THERE IS A PROBLEM, AND THAT WE CANNOT ANSWER THE QUESTION AT THIS TIME. BUT WE WILL NOT LEAVE THE CONGRESS FEELING THAT IN SOME WAY WE HAVE BEEN DISINGENUOUS WITH THEM. I THINK TENSION BETWEEN CONGRESS AND THE EXECUTIVE BRANCH WILL ALWAYS EXIST, BUT WE WILL BE ABLE TO WORK IT OUT IF THERE IS AN ELEMENT OF TRUST IN THE HONESTY OF THE STATEMENTS WE MAKE.

I FIRMLY BELIEVE THAT THE OVERSIGHT RESPONSIBILITIES EXERCISED BY CONGRESS ARE BOTH NECESSARY AND BENEFICIAL. THERE MUST BE A DEPENDABLE SYSTEM OF OVERSIGHT AND ACCOUNTABILITY THAT BUILDS, RATHER THAN ERODES, TRUST

BETWEEN THOSE WHO HAVE THE INTELLIGENCE RESPONSIBILITY AND THOSE WHO ARE THE ELECTED REPRESENTATIVES OF THE AMERICAN PEOPLE.

WE PROVIDE A GREAT DEAL OF INFORMATION TO CONGRESS. LAST YEAR ALONE WE GAVE OVER 1,000 BRIEFINGS TO CONGRESS ON A VARIETY OF TOPICS. THESE TOPICS INCLUDE ARMS CONTROL, SOVIET WEAPONS, THE PERSIAN GULF SITUATION, THE CONFLICTS IN CENTRAL AMERICA, AND EVEN THE SPREAD OF AIDS IN AFRICA.

THE INFORMATION WE PROVIDE TO CONGRESS AND POLICYMAKERS MUST BE DEVELOPED IN AN OBJECTIVE WAY. THE DIRECTOR OF CENTRAL INTELLIGENCE AND THE PEOPLE WHO ANALYZE INFORMATION MUST BE SEEN AS GIVING THE BEST ESTIMATES, NOT TO "COOK THE BOOKS" OR TO SHAPE OR INFLUENCE POLICY, BUT TO PROVIDE POLICYMAKERS WITH THE KIND OF INFORMATION UPON WHICH THEY CAN MAKE WISE DECISIONS IN THE INTERESTS OF OUR NATIONAL SECURITY.

BECAUSE THE QUALITY AND OBJECTIVITY OF THE INTELLIGENCE WE PROVIDE IS SO IMPORTANT, WE HAVE AND WILL CONTINUE TO "TELL IT LIKE IT IS " AVOIDING BIAS AS MUCH AS WE CAN. ON THE OTHER SIDE OF THE COIN, 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 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, TORN UP, OR THROWN AWAY. BUT THEY CANNOT BE CHANGED.

I THINK THIS KIND OF INSISTENCE ON OBJECTIVITY MAY BE ONE OF THE MOST SIGNIFICANT CONTRIBUTIONS THAT I COULD MAKE IN GALVANIZING A COHESIVE INTELLIGENCE COMMUNITY WITHOUT COMPROMISING THE INTEGRITY OF THE INDIVIDUAL ANALYST OR PROGRAM MANAGERS.

I HAVE FREQUENTLY MADE THE POINT THAT IN THIS ORGANIZATION, WE ARE GOING TO HAVE TO TAKE RISKS, BUT THE RISKS HAVE TO BE ASSOCIATED WITH CERTAIN KINDS OF PRINCIPLES -- PRINCIPLES WITH WHICH THE PUBLIC IS COMFORTABLE. THE RISKS MUST NOT PUT US AFOUL OF THE CONSTITUTION OR OUR LAWS.

AMERICANS, ABOVE ALL, NEED TO BELIEVE THAT THE INSTITUTIONS AND LAWS OF THIS COUNTRY ARE WORKING FOR THEM -- NOT AGAINST THEM. THEY NEED TO BELIEVE THAT LAWS ARE APPLIED FAIRLY AND CONSISTENTLY, AND THAT THERE IS AN ADEQUATE SYSTEM OF REDRESS. THEY ALSO NEED TO BELIEVE THAT THEIR GOVERNMENT IS RESPONSIVE, ACCOUNTABLE, AND NOT ABOVE THE LAW.

THERE HAVE BEEN SEVERAL TIMES DURING MY CAREER WHEN I'VE BEEN CALLED TO LEAVE THE PRIVATE PRACTICE OF LAW, ALTHOUGH I STILL THINK I'M ON LOAN -- AND IT'S GETTING TO

BE A LONG LOAN. AND EVERY TIME I'VE BEEN ASKED TO MOVE TO SOMETHING ELSE, I'VE LEARNED A LITTLE MORE ABOUT THE DIMENSIONS OF THE LAW AS IT APPLIES TO OUR CITIZENS. IN THIS NEW ASSIGNMENT I HAVE NOT LEFT THE LAW. IT IS VERY MUCH A PART OF THIS ADVENTURE.

AS I WAS COMING HERE TODAY, I WAS THINKING OF A PICTURE AND QUOTATION THAT APPEARED ON THE COVER OF THE ST. LOUIS BAR JOURNAL WHEN I WAS ITS EDITOR IN THE EARLY 1950'S. THE LAW STUDENT IN THE PICTURE WAS LOOKING OFF INTO THE FUTURE. AND THE QUOTATION, WHICH I PERSONALLY SELECTED FROM JUDGE LEARNED HAND, SAID, "DESCENDED TO US, IN SOME PART MOLDED BY OUR HANDS, PASSED ON TO SUCCEEDING GENERATIONS WITH REVERENCE AND WITH PRIDE, WE AT ONCE ITS SERVANTS AND ITS MASTERS, RENEW OUR FEALTY TO THE LAW." WONDERFUL WORDS.

I THANK YOU FOR THE OPPORTUNITY TO SPEAK WITH YOU
TODAY ABOUT WHAT WE HAVE DONE THIS PAST YEAR AT THE CIA,
AND TO SHARE WITH YOU OUR REAFFIRMATION TO THE RULE OF
LAW.

16 May 1988

JUDGE:

You are scheduled to address the D.C. Circuit's 1988 Judicial Conference in Williamsburg, Virginia, on Monday, 23 May at 9:40 a.m. The topic of your proposed remarks is "CIA, Foreign Policy, and Congress."

These remarks are very similar to those that were so well received at Georgetown University on 10 May. The thesis, on page 2, is the same: "I'd like to talk today about the role the CIA plays in supporting and implementing foreign policy -- which is not the same as making policy. I also want to discuss the changing nature of Congressional oversight, and the importance of building public trust in the Central Intelligence Agency's mission."

The introduction includes a reference to your comments before the Intelligence Community Attorneys Conference on 11 May. There is another reference to this conference later in your remarks on page 13 where you mention that you have encouraged attorneys to discuss the CIA's role and responsibilities with the public.

In your conclusion, you discuss the people best suited to carry out the Agency's mission, and add, "With such people we can continue to provide the intelligence that policymakers need, observing the rules of oversight and accountability that both the Congress and the members of the Intelligence Community have a right to expect."

Your proposed remarks are attached.

STAT

[Redacted Signature]

Bill Baker

STAT

Attachments:
As Stated.

DCI/PAO/WMB [Redacted]

STAT

Distribution:
Orig - DCI

STAT

- 1 - D/PAO [Redacted]
- 1 - [Redacted]
- 1 - [Redacted]
- 1 - [Redacted]
- 1 - ER 88
- 1 - PAO Registry
- 1 - Ames (Hold)
- 1 - [Redacted] (Chrono)

STAT



P-309-1A

PROPOSED REMARKS
BY
WILLIAM H. WEBSTER
DIRECTOR OF CENTRAL INTELLIGENCE
BEFORE THE
D.C. CIRCUIT JUDICIAL CONFERENCE
WILLIAMSBURG, VA.
MAY 23, 1988

GOOD MORNING. I WAS DELIGHTED WHEN RUTH ASKED ME TO JOIN YOU FOR THIS CONFERENCE. IT'S A TREAT TO BE ABLE TO VISIT WITH YOU, TO PLAY A LITTLE TENNIS, AND TO DISCUSS MATTERS THAT CONCERN US. I WAS RECENTLY ASKED TO COMPARE THE LEGAL ISSUES THAT WE DEALT WITH AT THE FBI TO THE ISSUES THAT ARE IMPORTANT AT THE CIA. I MADE THE POINT THAT MOST OF OUR EFFORT AT THE BUREAU WAS IN PREPARING A CASE THAT COULD BE PROSECUTED IN COURT. BECAUSE OF THE SENSITIVITY OF INTELLIGENCE SOURCES AND METHODS, MUCH OF OUR EFFORT AT THE AGENCY IS DIRECTED AT STAYING OUT OF COURT.¹ QUITE A CHANGE.

THIS IS AN IMPORTANT WEEK FOR ME: THURSDAY MARKS A YEAR SINCE I WAS SWORN IN AS DIRECTOR OF CENTRAL INTELLIGENCE. WHEN I FIRST TOOK THIS JOB, I WAS GIVEN A LAPEL BUTTON; I SHOULD HAVE BROUGHT IT ALONG. IT SAYS: "MY JOB IS SO SECRET THAT EVEN I DON'T KNOW WHAT I'M DOING." THOSE OF YOU FAMILIAR WITH THE COMPLEXITIES OF THE

INTELLIGENCE BUSINESS CAN WELL UNDERSTAND WHY I MIGHT FEEL THAT WAY ONCE IN A WHILE.

MY GOOD FRIEND, GENERAL VERNON WALTERS, FORMER DEPUTY DIRECTOR OF THE CIA AND NOW AMBASSADOR TO THE UNITED NATIONS, DESCRIBES THE VIEW MANY AMERICANS HAVE NOT ONLY OF SECRECY, BUT OF INTELLIGENCE IN GENERAL. "AMERICANS," HE OBSERVED, "HAVE ALWAYS HAD AN AMBIVALENT ATTITUDE TOWARD INTELLIGENCE. WHEN THEY FEEL THREATENED, THEY WANT A LOT OF IT, AND WHEN THEY DON'T, THEY TEND TO REGARD THE WHOLE THING AS SOMEWHAT IMMORAL." I THINK GENERAL WALTERS' OBSERVATION IS JUST ABOUT RIGHT.

AMERICANS HAVE CERTAINLY HAD A LOT TO SAY ABOUT INTELLIGENCE OVER THE PAST YEAR. THE IRAN-CONTRA AFFAIR, PAINFUL AS IT MAY HAVE BEEN, HAS SHOWN US THE EXTENT TO WHICH CIA, CONGRESS, AND FOREIGN POLICY ARE -- AND SHOULD BE -- INTERRELATED. I'D LIKE TO TALK TODAY ABOUT THE ROLE THE CIA PLAYS IN SUPPORTING AND IMPLEMENTING FOREIGN POLICY -- WHICH IS NOT THE SAME AS MAKING POLICY. I ALSO WANT TO

DISCUSS THE CHANGING NATURE OF CONGRESSIONAL OVERSIGHT, AND THE IMPORTANCE OF BUILDING PUBLIC TRUST IN THE CENTRAL INTELLIGENCE AGENCY'S MISSION. AMERICANS, IN MY VIEW, NEED TO BELIEVE THAT THIS AGENCY AND OTHER GOVERNMENT AGENCIES ARE RESPONSIVE, ACCOUNTABLE, AND NOT ABOVE THE LAW.

THE CIA'S PRIMARY ROLE IS TO PROVIDE SUPPORT TO OUR NATION'S POLICYMAKERS. WE DO THAT BY PROVIDING INTELLIGENCE THAT IS USEFUL, TIMELY, AND OBJECTIVE.

TODAY OUR GOVERNMENT DEPENDS HEAVILY ON USEFUL, ACCURATE INTELLIGENCE. INTELLIGENCE TO FORMULATE AND IMPLEMENT OUR FOREIGN POLICY, INTELLIGENCE TO VERIFY THE ARMS AGREEMENTS THAT WE HAVE SIGNED, AND INTELLIGENCE TO UNDERSTAND BOTH THE MILITARY CAPABILITIES AND INTENTIONS OF OUR ADVERSARIES. INTELLIGENCE IS VERY IMPORTANT TODAY AS WE APPROACH AN INF AGREEMENT, AND WILL PERHAPS BE EVEN MORE IMPORTANT IN VERIFYING A START AGREEMENT. NOT TOO LONG AGO I TESTIFIED BEFORE CONGRESS ON THE INTELLIGENCE

COMMUNITY'S ABILITY TO MONITOR THE SOVIET UNION'S COMPLIANCE WITH THE PROVISIONS OF THE INF TREATY -- AN AREA IN WHICH INTELLIGENCE IS VITAL.

INTELLIGENCE MUST ALSO BE TIMELY. LAST SUMMER, I TOOK MY FRIEND BOBBY INMAN'S ADVICE AND VISITED NORAD IN COLORADO SPRINGS, ONE OF THE PRINCIPAL EARLY WARNING SYSTEMS FOR OUR COUNTRY'S NATIONAL DEFENSE. A DAY THERE CAN'T HELP BUT MAKE ONE AWARE OF THE CRITICAL IMPORTANCE OF EARLY AND ACCURATE INTELLIGENCE FOR OUR NATIONAL DEFENSE. GIVEN THE SPEED AT WHICH NUCLEAR MISSILES ARE ABLE TO TRAVEL, WHEN WE THINK IN TERMS OF SURVIVAL WARNINGS, WE THINK NOT IN TERMS OF DAYS OR WEEKS, BUT MINUTES.

NOT ONLY MUST INTELLIGENCE BE USEFUL AND TIMELY, IT IS IMPORTANT THAT THE INFORMATION THAT IS COLLECTED BE DEVELOPED IN AN OBJECTIVE WAY. THE DIRECTOR OF CENTRAL INTELLIGENCE AND THE PEOPLE WHO ANALYZE INFORMATION MUST BE SEEN AS GIVING THE BEST ESTIMATES, NOT TO "COOK THE BOOKS" OR TO SHAPE OR INFLUENCE POLICY, BUT TO PROVIDE

POLICYMAKERS WITH THE KIND OF INFORMATION UPON WHICH THEY CAN MAKE WISE DECISIONS IN THE INTERESTS OF OUR NATIONAL SECURITY.

BECAUSE THE QUALITY AND OBJECTIVITY OF THE INTELLIGENCE WE PROVIDE IS SO IMPORTANT, I HAVE TAKEN A NUMBER OF STEPS TO ENSURE THAT THE INTELLIGENCE COMMUNITY PRESERVES ITS OBJECTIVITY AND PROTECTS ITS INTEGRITY. WE HAVE AND WILL CONTINUE TO "TELL IT LIKE IT IS," AVOIDING BIAS AS MUCH AS WE CAN. ON THE OTHER SIDE OF THE COIN, POLICYMAKERS MAY NOT LIKE THE MESSAGE THEY HEAR FROM US, ESPECIALLY IF THEY HAVE A DIFFERENT POINT OF VIEW OR HAVE ALREADY ACTED BEFORE RECEIVING OUR INFORMATION. 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, TORN UP, OR THROWN AWAY, BUT THEY MAY NOT BE CHANGED.

I THINK THIS KIND OF INSISTENCE ON OBJECTIVITY MAY BE ONE OF THE MOST SIGNIFICANT CONTRIBUTIONS THAT I COULD MAKE IN GALVANIZING A

COHESIVE INTELLIGENCE COMMUNITY WITHOUT COMPROMISING THE INTEGRITY OF THE INDIVIDUAL ANALYSTS OR PROGRAM MANAGERS.

IN ADDITION TO PROVIDING INTELLIGENCE THAT IS USEFUL, TIMELY, AND OBJECTIVE, THE CIA PLAYS A ROLE IN IMPLEMENTING FOREIGN POLICY. THIS IS DONE THROUGH ITS COVERT ACTION PROGRAMS. COVERT CAPABILITY, ESSENTIAL IN OUR FOREIGN POLICY, PROVIDES NEEDED SUPPORT FOR LIBERATION MOVEMENTS, OFTEN PROVIDES SUPPORT TO GOVERNMENTS, AND ALLOWS US TO WORK IN COLLABORATION WITH THOSE GOVERNMENTS WHO DO NOT WISH, FOR LEGITIMATE POLITICAL REASONS OF THEIR OWN, TO HAVE THE U.S. ROLE AND INVOLVEMENT PUBLICLY KNOWN. ALTHOUGH COVERT ACTIONS TRADITIONALLY CLAIM A VERY SMALL PORTION OF THE INTELLIGENCE COMMUNITY'S RESOURCES -- ONLY ABOUT 3 PERCENT -- THESE ACTIVITIES ARE THE FOCUS OF THE GREATEST CONGRESSIONAL AND PUBLIC ATTENTION.²

AND CONGRESS IS VERY INTERESTED IN WHAT THE CIA DOES. NOT LONG AGO, I ADDRESSED A GROUP OF RETIRED INTELLIGENCE OFFICERS, AND THEY RECALLED THE DAYS WHEN NO CLASSIFIED PAPERS WENT FROM THE CIA TO

EITHER BRANCH OF CONGRESS AND THE ONLY CLASSIFIED BRIEFINGS TO CONGRESSIONAL COMMITTEES WERE GIVEN BY THE DIRECTOR HIMSELF, OR WITH THE DIRECTOR PRESENT. AT ONE TIME, THE SENATE APPROPRIATIONS COMMITTEE HAD ONE CLEARED STAFFER, THE HOUSE APPROPRIATIONS SUBCOMMITTEE ONE OR TWO. TODAY, FOUR CONGRESSIONAL COMMITTEES CLOSELY EXAMINE THE AGENCY'S ACTIVITIES, AND THE NUMBER OF INDIVIDUALS WHO SEE CLASSIFIED MATERIAL FAR EXCEEDS THE ONE OR TWO OF THE PAST.

FIFTEEN YEARS AGO, THE CIA GAVE 175 BRIEFINGS TO CONGRESS. LAST YEAR, WE GAVE OVER 1,000 BRIEFINGS ON A VARIETY OF TOPICS. THESE TOPICS INCLUDED ARMS CONTROL, SOVIET WEAPONS, THE PERSIAN GULF SITUATION, THE CONFLICTS IN CENTRAL AMERICA, AND EVEN THE SPREAD OF AIDS IN AFRICA. IN THE LAST YEAR, THE CIA SENT OVER 5,000 INTELLIGENCE REPORTS TO CONGRESS.

IN ADDITION TO BRIEFINGS AND PAPERS, WE ALSO TESTIFY BEFORE CONGRESS. I HAVE SPENT A FAIR AMOUNT OF TIME ON THE HILL, LATELY,

MYSELF. IN FACT, I HAVE BEGUN TO REFER TO CAPITOL HILL AS MY "HOME AWAY FROM HOME." MY TOP EXECUTIVES TELL ME THEY SPEND ABOUT 25 PERCENT OF THEIR TIME DEALING WITH CONGRESS, WHILE I ESTIMATE THAT -- ON AN AVERAGE -- 15 PERCENT OF MY TIME IS SPENT TESTIFYING ON THE HILL AND MEETING WITH MEMBERS OF CONGRESS.³

BECAUSE I KNOW OF THE NEED TO BE ABSOLUTELY CANDID WITH CONGRESS, AND THE RESPONSIBILITY THAT INTELLIGENCE PROFESSIONALS HAVE TO PROTECT SOURCES AND METHODS, I HAVE ESTABLISHED GUIDELINES GOVERNING OUR DEALINGS WITH CONGRESS. AND I HAVE MADE IT ABSOLUTELY CLEAR THAT IN DEALING WITH CONGRESS THERE IS NO EXCUSE FOR DECEPTION.

THERE MAY BE SOME QUESTIONS THAT THE AGENCY OFFICIALS WHO BRIEF CONGRESS WILL HAVE TO REFER BACK TO ME. I WILL TAKE THE HEAT OR WORK OUT ARRANGEMENTS WITH CONGRESS. BUT WE WILL NOT GIVE HALF-ANSWERS OR AROUND-THE-CORNER ANSWERS. THAT'S NOT THE WAY I OPERATE. IF THERE IS A PROBLEM, WE WILL SAY THERE IS A PROBLEM, AND

WE CANNOT ANSWER THE QUESTION AT THIS TIME. WE MAY ULTIMATELY HAVE TO PROVIDE AN ANSWER, AND IT MAY MEAN NEGOTIATION. BUT WE WILL NOT LEAVE THE CONGRESS FEELING THAT IN SOME WAY ANYONE IN THE CIA HAS BEEN DISINGENUOUS IN DEALING WITH THEM.

I FIRMLY BELIEVE THAT THE OVERSIGHT RESPONSIBILITIES EXERCISED BY CONGRESS ARE BOTH NECESSARY AND BENEFICIAL. THERE MUST BE A DEPENDABLE SYSTEM OF OVERSIGHT AND ACCOUNTABILITY WHICH BUILDS, RATHER THAN ERODES, TRUST BETWEEN THOSE WHO HAVE THE INTELLIGENCE RESPONSIBILITY AND THOSE WHO ARE THE ELECTED REPRESENTATIVES OF THE AMERICAN PEOPLE.

THERE ARE, HOWEVER, INSTANCES WHERE INFORMATION PERTAINING TO NATIONAL SECURITY MUST NOT BE RELEASED OUTSIDE THE CONGRESSIONAL OVERSIGHT COMMITTEES: THIS INCLUDES INFORMATION THAT COULD JEOPARDIZE LIVES, OR INFORMATION THAT THREATENS THE MEANS BY WHICH WE PROTECT OURSELVES. THE DISCLOSURE OF SOPHISTICATED TECHNICAL SYSTEMS OR CRYPTOGRAPHIC INFORMATION ALERTS A HOSTILE NATION TO THE

NEED TO DEVELOP COUNTERMEASURES AND CAN SERIOUSLY HAMPER OUR INTELLIGENCE EFFORTS. IN SIGNALS INTELLIGENCE, FOR EXAMPLE, IF ONE SENSITIVE PIECE OF INFORMATION IS PUBLISHED, IT COULD PUT AN ENTIRE INTELLIGENCE COLLECTION SYSTEM OUT OF USE. AN ENORMOUS AMOUNT OF TIME, PLANNING, AND MONEY WOULD BE REQUIRED TO REPLACE IT.

INFORMATION THAT IS PUBLISHED NEED NOT EVEN BE ACCURATE TO DO IRREPARABLE HARM TO OUR INTELLIGENCE CAPABILITIES. LET ME GIVE YOU AN EXAMPLE. NOT TOO LONG AGO THERE WAS A BRIEF FLURRY OF NEWS STORIES PURPORTING TO BE BASED ON CLASSIFIED INTELLIGENCE -- INFORMATION INDICATING THAT THE SOVIETS HAD CARRIED OUT CERTAIN MILITARY EXPERIMENTS. THE STORIES WERE LARGELY INACCURATE. YET COMMENTS ON THE SITUATION -- AGAIN MOSTLY INACCURATE -- WERE ATTRIBUTED TO A NUMBER OF U.S. OFFICIALS. SOME OF THESE OFFICIALS CONFIRMED THE STORY, ONE DENIED IT, AND YET ANOTHER CORRECTED THE INITIAL STORY. THE STATEMENTS BY THESE OFFICIALS SERVED TO HEIGHTEN SPECULATION AND TO SUSTAIN PUBLIC FOCUS ON MATTERS INVOLVING HIGHLY SENSITIVE U.S. INTELLIGENCE COLLECTION TECHNIQUES.

AFTER THESE STORIES WERE PUBLISHED, THE SOVIETS TOOK COUNTERMEASURES WHICH LIMITED OUR ACCESS TO THIS TYPE OF INTELLIGENCE. IN SHORT, EVEN THOUGH THE INFORMATION DISCUSSED BY THESE U.S. OFFICIALS WAS INCORRECT, THE NET RESULT WAS A FURTHER LOSS FOR U.S. INTELLIGENCE.⁴

REGRETTABLY, SOME VIEW THE INTELLIGENCE COMMUNITY'S OBLIGATION TO PROTECT INTELLIGENCE SOURCES AND METHODS AS A THREAT TO A FREE PRESS. BUT I HAVE FOUND THAT MOST MEMBERS OF THE PRESS ARE MORE THAN WILLING TO COOPERATE WHEN WE HAVE CLEARLY STATED THE REASONS WHY CERTAIN INFORMATION WOULD JEOPARDIZE NATIONAL INTERESTS.

LAST FALL, A REPORTER FROM A MAJOR NEWSPAPER REQUESTED A MEETING WITH MY PUBLIC AFFAIRS DIRECTOR AT CIA TO DISCUSS EXTREMELY SENSITIVE INFORMATION THAT HAD COME INTO HIS POSSESSION ABOUT MIDDLE EASTERN TERRORISM. THE CIA OFFICIAL ADVISED THE REPORTER THAT WITHOUT ANY DOUBT HIS INFORMATION, IF PUBLISHED, COULD ENDANGER A VALUABLE SOURCE OF INTELLIGENCE AND COULD RESULT IN LOSS OF LIFE.

THE REPORTER AGREED TO WITHHOLD THE STORY, AND TO THIS DAY, HAS NOT PUBLISHED IT.⁵

THERE HAVE BEEN OTHER INSTANCES IN WHICH THE PRESS HAS WITHHELD STORIES OR WRITTEN THEM IN A WAY THAT PRESERVED THE CONFIDENTIALITY OF INTELLIGENCE SOURCES. THIS COOPERATION IS A RESULT OF THE CREDIBILITY AND GOOD FAITH WE HAVE WORKED TO ESTABLISH WITH THE PRESS.

OUR POLICY WITH THE MEDIA -- LIKE OUR POLICY WITH CONGRESS -- IS TO BE BOTH CANDID AND RESPONSIVE. WE FREQUENTLY SCHEDULE BACKGROUND BRIEFINGS FOR REPORTERS WHO REQUEST INFORMATION ON INTERNATIONAL DEVELOPMENTS. AND IF WE CANNOT ANSWER A SPECIFIC QUESTION FROM THE MEDIA, WE WILL TELL THEM THAT WE CANNOT ANSWER IT AND WILL NOT TRY TO INVENT A RESPONSE.

IN AN INTERVIEW WITH NEWSWEEK, I MADE THE POINT THAT IT IS IMPORTANT TO REALIZE THAT IN THIS ORGANIZATION, WE ARE GOING TO HAVE TO TAKE RISKS, BUT THE RISKS HAVE TO BE ASSOCIATED WITH CERTAIN

KINDS OF PRINCIPLES -- PRINCIPLES WITH WHICH THE PUBLIC IS COMFORTABLE. THE RISKS MUST NOT PUT US AFOUL OF THE CONSTITUTION OR OUR LAWS.⁶

A LIFETIME OF EXPERIENCE IN THE LAW HAS CONVINCED ME THAT THE INTEGRITY OF GOVERNMENT ORGANIZATIONS CAN ONLY BE MAINTAINED BY INSISTING UPON COMPLIANCE WITH OUR LAWS AND RULES -- RULES IMPOSED TO ENSURE OUR CITIZENS THAT WE ARE INDEED ACCOUNTABLE. THE ONLY WAY TO DO THAT IS TO RESPOND AS FULLY AND CANDIDLY AS WE CAN TO THOSE CHARGED WITH OVERSIGHT.

WE ALSO BELIEVE THAT IT IS ESSENTIAL THAT THE AMERICAN PEOPLE KNOW AND UNDERSTAND THE ROLE OF INTELLIGENCE AND OVERSIGHT. IN ADDITION TO MAINTAINING A RELATIONSHIP WITH THE PRESS, CIA OFFICERS OFTEN SPEAK TO ACADEMIC GROUPS AND OTHER ORGANIZATIONS. TWO WEEKS AGO, AT A CONFERENCE OF INTELLIGENCE COMMUNITY ATTORNEYS, I ALSO URGED OUR ATTORNEYS TO DISCUSS OUR ROLE AND RESPONSIBILITIES WITH THE PUBLIC. WE WANT THE AMERICAN PUBLIC TO KNOW THAT WE ARE PERFORMING OUR DUTIES LAWFULLY AND RESPONSIBLY.

THE CHALLENGES THAT WE FACE -- TERRORISM, NARCOTICS, TECHNOLOGY TRANSFER, AND VERIFYING ARMS AGREEMENTS -- ALL ARGUE THE NECESSITY OF ATTRACTING TOP PEOPLE INTO INTELLIGENCE. WE ARE FORTUNATE IN THAT LAST YEAR, OVER 100,000 MEN AND WOMEN EXPRESSED INTEREST IN WORKING FOR THE CENTRAL INTELLIGENCE AGENCY. YOU HAVE NO DOUBT READ ABOUT THE PROTESTS ON SOME COLLEGE CAMPUSES WHEN CIA RECRUITS. INTERESTINGLY ENOUGH, THESE PROTESTS AND THE PUBLICITY THEY GENERATE OFTEN WORK IN OUR FAVOR. OUR RECRUITMENT CENTERS ARE INUNDATED WITH RESUMES AFTER CAMPUS DEMONSTRATIONS. BUT WE'RE NOT RESPONSIBLE FOR THE CAMPUS DEMONSTRATIONS.

I MENTIONED BEFORE THAT IN AN ORGANIZATION LIKE THIS, THERE IS A NEED TO TAKE RISKS. I HOPE THAT WE CONTINUE TO ATTRACT THOSE BEST SUITED TO CARRY OUT OUR MISSION -- PEOPLE WHO ARE RISK TAKERS BUT NOT RISK SEEKERS. PEOPLE WHO ARE DEDICATED AND RESPONSIVE TO OUR LAW AND DISCIPLINE. PEOPLE WHO UNDERSTAND AND PLAY BY THE RULES. PEOPLE TO WHOM FAME AND FORTUNE IS NOT PARTICULARLY A NECESSARY PART

OF THEIR LIFE, BUT WHO CAN FIND IN OUR WORK AN AVENUE TO PURSUE THEIR HIGHEST ASPIRATIONS FOR A SAFER AND A BETTER WORLD.

WITH SUCH PEOPLE WE CAN CONTINUE TO PROVIDE THE INTELLIGENCE THAT POLICYMAKERS NEED, OBSERVING THE RULES OF OVERSIGHT AND ACCOUNTABILITY THAT BOTH THE CONGRESS AND THE MEMBERS OF THE INTELLIGENCE COMMUNITY HAVE A RIGHT TO EXPECT. THIS IS WHAT YOU WOULD WANT OF US, WHAT ALL AMERICAN PEOPLE WOULD WANT OF US, AND WE ARE DOING OUR VERY BEST TO SUPPLY IT.

THANK YOU.

FOOTNOTES

¹ Judge Webster described the differences between legal work at the FBI and the CIA during remarks at the Intelligence Community Attorneys Conference on 11 May 1988.

² The percentage of the Intelligence Community's resources devoted to covert action was provided by the Agency's Office of the Comptroller. Documentation is included in a classified annex.

³ The amount of time the DCI and his top executives spend dealing with Congress was first mentioned by Judge Webster during his speech to the American Business Conference on 23 March. This has also been mentioned by the Judge in subsequent speeches.

⁴ Information on the news reports which surfaced about Soviet military experiments was included in Judge Webster's speeches to the American Society of Newspaper Editors (ASNE) (11 April) and the White House Fellows (5 May). Documentation is included in a classified annex.

⁵ Background on a reporter's extremely sensitive information about Middle Eastern terrorism was provided in the classified footnotes to the ASNE and White House Fellows speeches. Documentation is included in a classified annex.

⁶ The Judge's comments on the need to take risks -- albeit risks that are associated with principles -- was drawn from an interview he had with NEWSWEEK reporters on 29 September 1987. The relevant passage is attached.

Washington, D. C. 20505

October 13, 1987

The Honorable Ruth Bader Ginsburg
United States Circuit Judge
United States Court of Appeals
District of Columbia Circuit
Washington, D. C. 20001

Dear Ruth:

Thank you for your letter of October 2nd. I shall be delighted, subject to the vicissitudes of national security, to participate in the May 22-24 conference at Williamsburg. I have been trying for many years to make it and it looks like I have a clear shot at it next year. I have blocked out the 23rd for a talk and will be discussing the subject matter with you as we get closer to the time.

It sounds like a simply great conference and I am complimented to be included.

Warmest regards,

Sincerely,



William H. Webster



P-309-1R

- UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON, D. C. 20001

RUTH BADER GINSBURG
UNITED STATES CIRCUIT JUDGE

October 2, 1987

Honorable William H. Webster
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Bill:

I am chairing our Circuit's 1988 Judicial Conference, scheduled for May 22-24 at Williamsburg. With the cheers of the Conference Arrangements Committee, I invite your attendance, and your participation as featured speaker at the May 23 morning program. My success as chairman would be assured if you say yes.

The Conference will open with a cocktail party on May 22 hosted by West Publishing Company (also inspired by my attendance at the 1987 8th Circuit Conference). Activities May 23 will include a tennis tournament and conclude with a banquet at which our former colleague, Justice Scalia, will speak. (There will be no dinner show or conversation-inhibiting music.) The Conference finale, May 24 starting around 10:30, will be a conversation between Professor Paul A. Freund and Justice Rehnquist using Rehnquist's book (just published) as the springboard.

We would be glad to hear your thoughts on any topic you choose and to arrange for the format (questions by selected conferees or from the floor -- or no questions) you prefer.

With appreciation for considering this invitation, and very best wishes.

Sincerely,

Ruth
Ruth Bader Ginsburg

R.S.V.P.
535-3333

cc Bill Baker

