

Office of Legislative Counsel


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TO: Andrew Falkiewicz

Attached is a copy of Admiral Turner's transcript for your information and for your action (corrections, follow-ups, and identification and suggested resolution of problems which fall into your area). A copy is being sent to Morning Meeting participants.

STATINTL


Deputy Legislative Counsel

MORI/CDF

1 STATEMENT OF ADMIRAL STANSFIELD TURNER, U.S. NAVY,
2 NOMINEE FOR DIRECTOR OF CENTRAL INTELLIGENCE

3 Admiral Turner. Mr. Chairman, members of the Committee,
4 I am very pleased to be here this morning and to have the
5 opportunity to express to you some of my views on the conduct
6 of our national intelligence activities, and on the President's
7 decision to nominate me to the post of Director of Central
8 Intelligence. May I first, however, thank Senator Stevenson
9 for his very kind words, and Senator Percy for his in absentia.

10 I would like to start by noting that governments, no less
11 than any of us as individuals, depend upon accurate and timely
12 information to make decisions. The collection, the evaluation,
13 the dissemination of information to protect our national
14 security, and upon which to base the foreign policy, is essential
15 for any sovereign state. And in this day when our state has
16 such international responsibilities, a good intelligence
17 collection organization is absolutely vital.

18 Today, however, we are in an era of effort to reduce
19 international tensions, and in this era, the United States, in
20 my opinion, needs an organization for intelligence of high
21 quality and responsiveness perhaps more than any other time.
22 The Congress itself has recognized the fact that the success
23 of our ongoing negotiations for SALT and MBFR may very well
24 depend in part on our ability to verify that past agreements
25 are in fact being carried out. Thus, our intelligence will

1 be one factor in developing that mutual trust which will be
2 essential to further progress in this important area. If our
3 intelligence is faulty, we may misjudge; if it is inadequate,
4 we may read the signals incorrectly. Without good intelligence,
5 we may simply miss opportunities to ensure the world of
6 peace. I believe, then, that we must have the best intelligence
7 agency in the world. I think we can do this and still be
8 fully consistent with American values and law.

9 At the same time today that we are working toward inter-
10 national understanding, we are also witnessing the substantial
11 investment of the Soviet Union in their military forces,
12 whether their forces are larger or smaller than ours, stronger
13 or weaker, better or poorer is a subject that could involve
14 interminable debate. It does seem clear to me, however, that
15 we are going to require all of the leverage which good intelli-
16 gence can give to our military posture if we are going to
17 remain adequately strong in the future.

18 However, today there are more than military requirements
19 for intelligence. Our intelligence must be acutely aware of
20 foreign political, economic and social trends, as well as the
21 military ones, and must be able to relate these in assessing
22 the prospects for our future.

23 There is no doubt in my mind that we possess the capa-
24 bility to have the best of all intelligence services in all of
25 these areas. To do that, though, we must ensure that our

1 intelligence resources are employed in an optimal manner.

2 In this connection, the President has within the last few
3 days made it expressly clear to me that he expects the Director
4 of Central Intelligence to be able to ensure him that our
5 total national intelligence effort is being conducted in
6 accordance with established priorities and with minimal dupli-
7 cation of effort. He also wants to be certain that the
8 foreign intelligence work of all agencies of our government is
9 being conducted strictly in accordance with law and with
10 American values. The President indicated that while he believes
11 that existing law and executive orders encompass these objec-
12 tives, he intends to work closely with the Congress on any
13 revisions of law or executive orders that may be desirable to
14 assist the Director of Central Intelligence in fulfilling these
15 charges.

16 I believe that we can adhere to the President's guidance
17 for greater efficiency and responsiveness within full legality
18 while simultaneously maintaining the individuality, the
19 imaginative initiatives, and the independent voice of the
20 various agencies of our national intelligence structure.

21 I appreciate the importance of maintaining a degree of inde-
22 pendence in our subordinate national intelligence activities,
23 as well, of course, as in our tactical intelligence operations.

24 I have already discussed this question with the Secretary
25 and Deputy Secretary of Defense and know that we all approach

1 it with open and cooperative minds. We all seek greater effec-
2 tiveness and efficiency from better direction and coordination.
3 We all abhor any though of such a degree of centralization that
4 alternative judgments cannot be heard, and uncertainties
5 discussed.

6 Again, the President stated that he feels that the
7 decision makers in Congress and in the executive branch will
8 be better served if they all work from the same foundation of
9 intelligence. This is not to say that consensus among the
10 various elements of the community need be forced, or that
11 dissenting opinion need by stifled. Contrary views must be
12 presented, but in such a way that the rationale for such
13 dissent is clearly evident.

14 In fact, were the Senate to confirm me for this position,
15 I would look upon maintaining the objectivity which comes from
16 considering divergent viewpoints as my highest priority.
17 Objectivity benefits both the producer and the user of intelli-
18 gence. The user obviously benefits because he is given all
19 reasonable alternatives. As a frequent user of intelligence,
20 I understand, I believe, the importance of approaching
21 decisions with a range of choices in hand, not simply one
22 option. I also believe that I am aware of the dangers to
23 military planning and operations of intelligence estimates that
24 are biased in one direction. The producer of intelligence also
25 benefits from an emphasis on objectivity because he is not asked

1 to sacrifice his intellectual or scientific integrity to support
2 an established position, but rather, he is asked to lay out all
3 sides of a case indicating the level of confidence he has in
4 the deductions he makes from the facts at hand. Objectivity
5 simply must continue to be the hallmark of our intelligence
6 effort.

7 My second point of emphasis would be to ensure that the
8 work of the intelligence community is conducted lawfully. I
9 believe with my deepest conviction, that the greatest strength
10 we have as a world power is our moral dedication to the rights
11 of the individual. If any part of our government is perceived
12 to function outside of this fundamental American tenet, it can
13 only bring discredit on the whole. I believe that it is the
14 solemn duty of every agency of the United States Government to
15 protect the constitutional rights of our citizens.

16 I also believe that there are valid national secrets
17 and recognize that the Director of Central Intelligence is
18 charged by law to prevent the unauthorized disclosure of
19 intelligence sources and methods. Thus, though American
20 citizens can rightfully expect their government to operate
21 openly, there must be a relatively small amount of information
22 and activity which is kept secret. As long as representative
23 groups of elected officials such as this Committee and the
24 Chief Executive are kept informed, and as long as they can act
25 for the society in regulating the secret information and

1 activities, I think that the difficult balance between necessary
2 secrecy and an open, democratic society can be maintained.

3 From the discussions I have enjoyed over the past two
4 and a half weeks, it appears to me that this Committee has
5 taken great and successful strides in improving communications
6 between the Congress and the intelligence community. I fully
7 support this progress and philosophy. Within the limits of
8 the constitutional prerogatives of the executive branch, I
9 would intend to do my part in ensuring that Congress remains
10 a full and knowledgeable partner.

11 Similarly, I believe that it is incumbent upon the
12 intelligence community to make a serious and continuing effort
13 to avoid the overclassification of information and even to
14 attempt selectively to publish unclassified information which
15 is of high interest and value to our citizens.

16 Even though the various disclosures of questionable
17 intelligence activities during the past several years were
18 quite necessary, they have had an adverse impact on the
19 reputation of our intelligence community. A third area of
20 emphasis which I would suggest would be to continue to rebuild
21 this reputation. The intelligence community is, by and large,
22 composed of well-qualified, hard-working individuals who are
23 as dedicated to our national ideals as are any of us. As in
24 any organization, they need a clear understanding of what is
25 expected of them, and a clear recognition of the importance of

1 the work that they would do. I intend to make the realization
2 of these goals my next highest priority should I be confirmed
3 in this office.

4 To achieve this, we must continue the work of restoring
5 confidence in the credibility of the intelligence effort, and
6 this can only be done by actions, not by words. Redundant
7 programs, parochial causes, needless controversy within the
8 community must be eliminated. Everyone's full effort must be
9 turned to producing intelligence information and estimates of
10 the highest quality. That product will measure our intelli-
11 gence community's worth. And coupled with good communication
12 with the Congress, maximum permissible disclosure to the
13 public, we should be able to create that measure of confidence
14 and credibility which is vital to a successful intelligence
15 program.

16 There is much work ahead, and if I am confirmed by the
17 Senate, I would be excited by the challenge. I have been in
18 the service of our nation for 30 years, and I view this appoint-
19 ment as another opportunity to continue that service in an
20 area of special importance today.

21 Since you have my biography, I would not want to detail
22 further my experience in managing large organizations or in the
23 analysis and rationalization of defense programs.

24 I would like to conclude simply by reiterating that I
25 do respect the dedicated professionals in both our civilian

1 and military components of the intelligence organizations. I
2 hope to encourage them to realize their full capabilities, to
3 be innovative, questioning and objective in their approach to
4 all problems. At the same time, I believe that I also under-
5 stand the need for honest, rigidly accurate intelligence
6 assessments if they are to be useful to the Congress and to
7 the President.

8 If I am confirmed, I would work to re-establish the
9 full credibility of the community's work, to ensure that a
10 worthwhile contribution is made in support of our decision
11 making process, and to require that the gathering and
12 dissemination of intelligence for the United States is consis-
13 tent with the ideals upon which this country was founded.

14 Mr. Chairman, if confirmed by the Senate, I would be
15 proud to be the Director of Central Intelligence, and the
16 Director of the Central Intelligence Agency, and to work
17 closely with this Committee in helping to provide this country
18 with an intelligence service second to none.

19 Thank you, sir.

20 The Chairman. Thank you very much, Admiral Turner.

21 Before proceeding with the questioning by the Committee,
22 may I administer the oath, sir?

23 Admiral Turner. Please.

24 The Chairman. Do you swear that the testimony you are about
25 to give is the truth, the whole truth, and nothing but the truth?

1 Admiral Turner. I do.

2 The Chairman. Thank you very much, sir.

3 Because of the interest shown in this nomination, the
4 Chair would like to once again institute the ten minute
5 rule, and so I will begin with the first ten minutes.

6 Admiral Turner, as you know, one of the purpose of the
7 creation of the CIA in 1947 was to ensure that United States
8 intelligence would be independent of military control.

9 Although the DOD related intelligence represents the
10 largest part of the annual U.S. intelligence budget, I believe
11 that purpose still continues, and so the question I ask, sir,
12 is whether you might be able to better serve the intent of
13 civilian control were you to resign your commission prior to
14 becoming the Director of Central Intelligence?

15 How do you react to this issue, sir?

16 TESTIMONY OF ADMIRAL STANSFIELD TURNER

17 Admiral Turner. Mr. Chairman, I come to this nomination
18 as an active military officer. The law provides that an
19 active officer may serve as the Director of Central Intelli-
20 gence. In fact there have been nine -- there have been eleven
21 military officers who have served either as Director or Deputy
22 Director. Nine of them served while on active duty. Seven of
23 those nine returned to military service after completing their
24 duty in Central Intelligence.

25 Having thoroughly enjoyed serving my country in active

1 military service for 30 years, I am anxious not to foreclose
2 the possibility I may follow in the footsteps of those seven.

3 The Chairman. Do you perceive any conflict of interest
4 in your serving with your commission?

5 Admiral Turner. I do not, sir. To begin with, I am
6 charged, or would be charged by law not to accept any responsi-
7 bility to or carry out any responsibility with the military
8 services while serving as the Director of Central Intelligence,
9 and I would intend to fulfill that law, not only in its letters,
10 but in its spirit.

11 The Chairman. Have you discussed this relationship with
12 members of the Joint Chiefs of Staff?

13 Admiral Turner. No, sir.

14 The Chairman. Or with the Department of the Navy?

15 Admiral Turner. I have discussed it with the Secretary of
16 Defense and the Deputy Secretary of Defense, and I believe that
17 we have a thorough understanding, and I think that is the level
18 on which I will be communicating with the Department of Defense
19 primarily.

20 The Chairman. What are the thoughts of the President on
21 this issue, sir?

22 Admiral Turner. The President has told me that it is
23 his strong desire that I remain on active duty.

24 The Chairman. If you retain your military commission while
25 serving as the Director of Central Intelligence, your Deputy

1 Director must be a civilian.

2 Do you have in mind as to who should be the Deputy
3 Director?

4 Admiral Turner. I am very pleased with the incumbent
5 Acting Director who came from the position of Deputy Director,
6 but I would not feel it appropriate at this time, having such
7 a short acquaintanceship with him and with the Community to
8 commit myself irrevocably to maintain him in that position. But
9 I am pleased with him and I would certainly want to consider
10 him as a candidate, among others.

11 The Chairman. You are speaking of Mr. Henry Knoche.

12 Admiral Turner. Yes, sir.

13 The Chairman. Now, as a senior ranking military officer,
14 I believe you are entitled to personal staff. Do you intend
15 to maintain this personal staff while serving as Director of
16 Central Intelligence?

17 Admiral Turner. I have asked the Chief of Naval Operations
18 and obtained his permission to maintain four officers as a
19 personal staff.

20 The Chairman. And will these men be drawn from Naval
21 personnel?

22 Admiral Turner. Yes, sir.

23 The Chairman. Senate Resolution 400, the Resolution
24 that created this committee, expresses the sense of the Senate
25 that the head of any department or agency of the United States

1 involved in any intelligence activity should furnish any
2 information or document in their possession, custody or control
3 whenever requested by this Committee with respect to any
4 matter within the Committee's jurisdiction.

5 Do you intend to honor this request of the Committee with
6 regard to any information requested which is within the juris-
7 diction of this Committee?

8 Admiral Turner. Within the accepted prerogatives of the
9 executive branch, I certainly intend to do that, and it is
10 my pleasant impression that the arrangements that currently
11 exist between this Committee and the intelligence community
12 are working well to the satisfaction of both the Committee
13 and the community, and I would pledge myself, sir, to continue
14 that spirit of cooperation in every way.

15 The Chairman. I am glad you brought that up, and I would
16 like to say publicly that as Chairman of this Committee -- and
17 I believe I speak for the members of this Committee -- I have
18 been extremely pleased with the cooperation that we have
19 experienced with all of the agencies of the intelligence
20 community. They have been most forthcoming and forthright and
21 open with us, and I look forward to the same type of relation-
22 ship with you, sir.

23 My first question on Congressional oversight related to
24 whether you will honor our requests for information.

25 Will you also, without a request, advise us as to information

1 which you feel we should know about?

2 Admiral Turner. I feel that is an absolute responsibility,
3 sir, not only to your Committee, but to the entire Congress.
4 I think that the intelligence community should be acutely
5 aware of the activities of all the Committees of the Congress,
6 and anxious to offer intelligence information that may be of
7 assistance to any of them.

8 The Chairman. This Senate Resolution also expresses the
9 sense of the Senate that each department and agency of the
10 United States involved in intelligence activities should report
11 to this Committee immediately upon discovery of any and all
12 intelligence activities which may constitute violations of the
13 constitutional rights of any person, violations of law, or
14 violations of executive orders, Presidential directives, or
15 departmental or agency rules or regulations. The Resolution
16 further provides that each department and agency should also
17 report to this Committee what actions have been taken or are
18 expected to be taken with respect to any such violations which
19 occur.

20 Will you pledge to make such reports promptly to this
21 Committee with respect to any and all such violations?

22 Admiral Turner. Yes, sir. There are established proce-
23 dures and regulations within the executive branch for reporting
24 such improper activities, and I pledge myself to follow those
25 absolutely and completely.

1 The Chairman. One of the major problems in maintaining
2 the necessary secrecy has been the proliferation of Committees
3 and members of the Congress involved in intelligence activities.
4 I believe at one time the Director of Central Intelligence
5 theoretically had to call upon about a dozen committees.

6 Do you have any thoughts on this?

7 Admiral Turner. Yes, sir. I would draw a distinction
8 between information concerning sources and methods of intelli-
9 gence collection and covert operations, and information of
10 an intelligence nature. It is very important that we maintain --
11 and that is the legal responsibility of the Director of Central
12 Intelligence to maintain the secrecy of our sources and methods
13 of intelligence, and of course, covert operations must be
14 dealt with very discretely because people's lives may be at
15 stake as well as other great matters of importance for our
16 country.

17 I would think it would be very desirable if the dissemina-
18 tion to the Congress in these categories of sources and methods
19 and covert operations could be limited to a committee in each
20 of the houses of Congress that could assume responsibility for
21 adequate dissemination and adequate measures of control else-
22 where. I don't think there should be any restriction at all
23 on the number of committees who are given the product of our
24 intelligence effort as it applies to their work.

25 The Chairman. Thank you very much. My time is up.

1 Senator Goldwater?

2 Senator Goldwater. Thank you.

3 Admiral, you have the dual role of Director of Central
4 Intelligence and Director of the CIA.

5 Do you feel that these two positions should be separated
6 and headed by two individuals?

7 Admiral Turner. I do not at this time, Senator, but I am
8 certainly open to looking at that suggestion. I have in the
9 last couple of weeks here heard arguments on both sides of the
10 fence, but I am really unwilling to jump down at this time
11 one way or the other.

12 Senator Goldwater. Will you keep us posted as to your
13 thinking in this matter?

14 Admiral Turner. I certainly will.

15 Senator Goldwater. As Director of Central Intelligence,
16 you control only a small percentage of the intelligence budget.
17 The remaining is mostly controlled by the Secretary of
18 Defense.

19 How can the Director of the entire intelligence community
20 operate effectively when someone else controls most of the
21 money?

22 Admiral Turner. If I might, sir, say that the executive
23 order of February 18th, 1976, which created the Committee on
24 Foreign Intelligence, I believe gives that committee consider-
25 able authority over 100 percent of the intelligence budget, and

1 I as Director of Central Intelligence, if confirmed, would be
2 the Chairman of that Committee.

3 I think that is a very important tool. It is one that has
4 been exercised in this last budget preparation for the first
5 time. The preliminary view I have had of that is that it was
6 reasonably effective in so doing. It is possible that the
7 budgetary authority of the Director of Central Intelligence
8 might be strengthened, but again, I feel it would be preliminary
9 for me to pass such a judgment.

10 Senator Goldwater. Thank you.

11 As Director of Central Intelligence, which includes the
12 operations of the DIA and others, you have a responsibility for
13 them but not the authority over them.

14 Do you think this would be a problem, and how would you
15 handle it?

16 Admiral Turner. I don't think it need be a problem. It
17 certainly can be. I think it is a matter of good leadership
18 and particularly persuasive leadership. There are tools, such
19 as the budget power that I just mentioned. There is provision
20 in the executive order I described also for the establishment
21 of priorities by the Director of Central Intelligence. All of
22 these things have to be worked out on a cooperative basis, and
23 there may be some need for strengthening the law or the executive
24 order in addition.

25 I think it can be done, and particularly with men of good

1 will, and I am very impressed that both Secretary Brown and
2 Secretary Duncan are men of good will, and I intend to cooperate
3 with them in every way.

4 Senator Goldwater. Thank you.

5 That's all I have, Mr. Chairman.

6 The Chairman. Thank you.

7 Senator Bayh?

8 Senator Bayh. Admiral, I want to add my welcoming voice
9 to those that you have already heard.

10 Let me go directly to one of the critical questions, it
11 seems to me, that past CIA Directors have had to confront, and
12 which I assume you might be forced to confront yourself. I
13 say this in no way with the intention of suggesting that either
14 you or the present Commander in Chief will be tempted or
15 succumb to temptation to do something that you feel is basically
16 wrong, but individuals differ in their appraisal of factual
17 situations and legal guidelines.

18 You have to have the trust of the President of the United
19 States to fulfill this role, trust that you will do your job
20 right and report to him honestly. Also, it seems to me, the
21 country has a right to demand a degree of independence so
22 that where your judgment conflicts with that of the President
23 you will have the capacity to say no, Mr. President. As
24 past Director Helms has mentioned, it is difficult to say no
25 to the President of the United States.

1 I guess what I want to know, Admiral, is if you are
2 Director of the CIA, and your assessment of the situation is
3 that something should not be done and the President thinks it
4 should be done and countermands your order, are you prepared to
5 say no, Mr. President, and if you say no and he continues to
6 say yes, what alternatives are available to you, and what
7 alternatives are you willing to pursue?

8 Admiral Turner. The issue in my mind, Senator Bayh,
9 would be whether I viewed this as a disagreement with the
10 President on the proper course of action, or whether I felt
11 that the President was proposing an action which contravened
12 my sense of morals and ethics or the law of the country.
13 Surely if I just think the President's course of action is not
14 as wise as another one, but is perfectly legal and moral and
15 ethical, I feel a responsibility to make my views known to
16 him, but I am not a policy maker if I am confirmed as the
17 DCI, I am a provider of intelligence.

18 If, however, I am put in a position of being asked to
19 execute something I feel is immoral, unethical or illegal,
20 I believe I have only one option, and that is to make my
21 point extremely forcefully to the President of the United
22 States, perhaps calling upon the new Intelligence Oversight
23 Board for counsel, advice and support, and then, if I am
24 unable to reconcile that difference with the President, simply
25 to resign, and I would be prepared to do so. I have discussed

1 this with President Carter, but I would not be sitting here
2 today, sir, voluntarily if I thought there was any possibility
3 that I would be confronted by this situation by this President.

4 Senator Bayh. As I say, I don't anticipate that possibility,
5 but we have been confronted with some rather unusual circumstances
6 in the past, and I think that is a question a lot of American
7 people are asking themselves? Have you explored in your own
8 mind the possibility of the alternative of reporting those
9 significant differences to this Committee?

10 Admiral Turner. Yes, I have explored that, sir, and I
11 do not believe that I would report such differences to this
12 Committee. I believe that as long as I am employed in the
13 executive branch of the government, my loyalty is to the
14 President of the United States. I believe that if every
15 member of the executive branch who disagreed with the President
16 went to the press or went to the Congress independently, we
17 would have anarchy in the executive branch.

18 Senator Bayh. Well, Admiral, if you will excuse me,
19 we are not talking here, again, about your definition with
20 differences, simple differences. We are talking about -- and
21 I accept your definition, that petty differences, even
22 differences on policy, you have to follow the Commander in
23 Chief, but if you are talking about a President who is embarking
24 on something that is clearly illegal, clearly unconstitutional,
25 don't you have a responsibility not to go to the press or not

1 to go to Congress generally, but to go to one of those
2 committees that might be in a position to change that policy
3 or say wait a minute, Mr. President, let's rethink this?

4 Admiral Turner. I would come to you, sir, but after
5 having resigned my office.

6 Senator Bayh. That's a fair assessment.

7 Let me ask you to go again, and here I guess we are talking
8 about hindsight and hoping that that can be it's normal 20/20,
9 and keep us from getting into situations that we have had
10 before. This last session, the Congress was considering the
11 matter of how we can limit if not totally avoid the invasion
12 of individual rights, civil liberties. Our Committee and the
13 Senate Judiciary Committee reported S. 3197 which tried to
14 strike a balance between the right of individuals to be pro-
15 tected and secure under our Constitution, and their right to
16 be secure from foreign invasion and this kind of danger.

17 Could you give us your judgment of this kind of legisla-
18 tion? We were dealing in that area specifically with limiting
19 wiretap legislation. We were trying to provide the same
20 protection in the foreign intelligence gathering area that now
21 exists as far as the application of electronic surveillance to
22 domestic matters.

23 I would like to know whether you would support our efforts
24 to try to put reasonable guidelines, protections, the use of
25 a warrant, not only on electronic surveillance but other invasions

1 such as surreptitious entry, the mail openings and the other
2 invasions that we are painfully aware of that had taken place
3 in the past.

4 Admiral Turner. I certainly would support those efforts,
5 Senator. I am not prepared at this early time to make specific
6 comment on specific provisions of the legislation, or which of
7 them are better served in the executive order as some of those
8 you mentioned already are, or better served in legislation, but
9 I think the intelligence community, as I briefly mentioned in
10 my opening remarks, needs a real sense of direction to be given
11 to it by the Congress and by the Executive Branch so that
12 people know the rules within which they are required to work.

13 Senator Bayh. You see nothing inconsistent with doing
14 your job of collecting information necessary to protect the
15 country and protecting the rights of American citizens by
16 requiring that warrants be used?

17 May I ask you to expand this to apply also to American
18 citizens who are abroad? There seems to be a rather unique
19 distinction where if you are an American citizen at home your
20 rights can be protected, but if you are an American citizen
21 abroad, there is significant leeway, so far at least the way
22 the intelligence community has looked at this.

23 Would you give us your thoughts on that, please?

24 Admiral Turner. On the first part of your question, yes,
25 there is an inconsistency between maintaining full rights of

1 the individual and conducting secret operations, but I don't
2 think that that means that we should not spell out reasonably
3 explicitly how we are going to draw the line between those
4 conflicting interests. That is the whole problem of conducting
5 intelligence in a democratic and an open society. And each
6 instance is going to be a judgment call, and some guidelines
7 laid down by the Congress and the President can be useful in
8 making those decisions.

9 As far as protection of Americans overseas from invasion
10 of their proper liberties and rights, I believe here again we
11 must recognize that although it is more difficult overseas
12 because we are not in full control of the situation, we must
13 extend to Americans there the protection of the Constitution
14 to the degree at all possible.

15 And we must conduct our activities over there in accordance
16 with American law.

17 Senator Bayh. I guess the key lynchpin of what we are
18 trying to do is in most instances apply the same standard, the
19 same proof on intelligence agencies in foreign surveillance
20 and gathering area that is now applied domestically, which
21 basically has been the criminal standard, and in the legislation
22 which we passed through this Committee, in all areas save one,
23 we did apply the reasonable cause standard, the criminal
24 standard, to the foreign area. The one area of exception was
25 where we could find someone who we could say had reasonable

1 cause to believe, and could nail down he or she was on the
2 payroll of a foreign intelligence system involved in clandestine
3 activity. Given that one roughly minor limitation, do you see
4 any problems? Would you support asking a Federal judge for a
5 warrant before this kind of activity could be initiated as
6 far as American citizens are concerned here and abroad?

7 Admiral Turner. I am really not prepared to jump into
8 that degree of detail, I am afraid, sir. I can just guess that
9 there must be considerable problems in doing that kind of thing
10 overseas with a judge in the United States in a timely fashion,
11 and I am not opposed to it, but I am not ready to endorse it
12 at this point because I simply haven't been into it deeply
13 enough?

14 Senator Bayh. Are you -- would you support that as far
15 as intelligence activities in the foreign area as they applied
16 here at home?

17 Admiral Turner. I think we should conduct our intelligence
18 activities in foreign areas in as close a manner to those in
19 the United States as we possibly can.

20 Senator Bayh. Does this include your support of an
21 effort to require a Federal judge to give permission before
22 electronic surveillance and mail opening and surreptitious
23 entry can be conducted?

24 Admiral Turner. I beg your indulgence, sir. I am simply
25 not that familiar with either the problems that that would

1 create or how that would be executed to pass that judgment here
2 but I will certainly look into it with all dispatch and be back
3 to you if I am confirmed for this office.

4 The Chairman. Your time is up.

5 Senator Bayh. Let me make one observation, Mr. Chairman.
6 If the Admiral is confirmed, he will soon find out.

7 The Chairman. Senator Mathias.

8 Senator Mathias. Mr. Chairman, I have a brief statement
9 which I request be included in the record.

10 The Chairman. Without objection, it is so ordered.

11 (The prepared statement of Senator Mathias follows:)

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1 Senator Mathias. Admiral, again I congratulate you. It
2 is a pleasure to see you here today.

3 Admiral Turner. Thank you.

4 Senator Mathias. You have expressed your opinion that
5 Congress should be a knowledgeable partner within the limits
6 of the constitutional prerogatives of the executive branch,
7 and I certainly agree with the first part of that statement,
8 that Congress should be a knowledgeable partner, but if we
9 are to exercise oversight, we have to have access to knowledge,
10 full access to knowledge.

11 So I am wondering if you could tell us what your concept
12 of the constitutional prerogatives may be which could in some
13 way impinge upon this Committee's need for information.

14 Admiral Turner. Yes, sir. I think there are two that
15 come to my mind. One is I believe that the deliberations on
16 policy decision making within the executive branch are not
17 necessarily or well transmitted to the Congress and are not a
18 necessary part of the information the Congress needs.

19 Secondly, I also had in mind in that phrase that the
20 Director of Central Intelligence does have a statutory
21 responsibility to prevent the unauthorized disclosure of sources
22 and methods of intelligence, and it seems to me that there are
23 some very delicate details of covert intelligence operations
24 which the Committee may not want to hear.

25 It is my understanding that this, as I said earlier to

1 the Chairman, is an area that has been working well in the
2 present arrangements, and I would hope to certainly keep it
3 that way.

4 Senator Mathias. Well, I would say to the Admiral that
5 that phrase "may not want to hear" is a little bit of a
6 sore phrase around here.

7 Admiral Turner. Sorry.

8 Senator Mathias. There are some very senior members of
9 the Senate, no longer -- I can't think of anyone still here --
10 but who used to employ that phrase: "I don't want to hear it,"
11 "I don't want to know," and there are a lot of things in this
12 life that we don't want to hear and don't want to know, but it
13 seems to me that we have some constitutional responsibility to
14 know and to help bear the burden, and I don't think that it
15 should be a criteria of withholding of information that it is
16 something that this Committee would not want to know.

17 Admiral Turner. I apologize for using a phrase that could
18 be interpreted in several ways. I did not mean it as a part
19 of the traditional doctrine of plausible deniability. I don't
20 mean that at all. I simply mean that I feel a great sense of
21 responsibility for the protection of, say, individuals who are
22 involved in covert intelligence operations and whose lives may
23 well depend on their being kept secret. I would think in a
24 case like that what I am talking about is being sure the
25 Committees of the Congress are advised fully of the extent and

1 nature of the operations, but perhaps not the detail of such
2 sensitive significance that would not be germane to their
3 making a decision on the case.

4 Senator Mathias. You are not asserting this as a right
5 to withhold information.

6 Admiral Turner. No, sir, I am not. I think this can be
7 amicably worked out between the Committee and the Director of
8 Central Intelligence.

9 Senator Mathias. When you were kind enough to come and
10 see me a couple of weeks ago, we discussed a very sensitive
11 question of conflicting loyalties that might someday confront
12 you. I hope they never will. I hope that we in this country
13 will all be moving with such common purpose that you won't
14 have a sense of conflicting loyalty, but you have spent your
15 professional career as a member of the Navy, you hold very high
16 rank and very high responsibilities in the Navy, and in those
17 circumstances, the orders of the Commander in Chief, the President
18 of the United States are unquestioned.

19 Do you have any compunction about revealing to this
20 Committee information it needs to know, even though it might
21 be the wish of a President -- I am not talking about the
22 incumbent President, but a President who might clearly indicate
23 to you that you are not to communicate that information to the
24 Committee?

25 Admiral Turner. As long as in my personal view the

1 Committee had a lawful right to that information, that is,
2 it was not in the categories we have just discussed, sir, I
3 would not have any such hesitation.

4 Senator Mathias. But if a President were to lay that
5 upon you as a positive injunction, how would you resolve that?

6 Admiral Turner. I would do as I discussed with Senator
7 Bayh a few minutes ago. I would go to the President and make
8 my position absolutely clear to him. I would not come to you
9 before I had done so. And if we could not resolve that, my
10 alternative is only to leave my position and resign.

11 Senator Mathias. Admiral, do you draw a line between
12 national intelligence and tactical intelligence?

13 Admiral Turner. There certainly is a line, Senator.
14 The line, I believe, is becoming fuzzier. The tactical intelli-
15 gence used to be the man on patrol. Now it may also be an
16 overhead reconnaissance system controlled from thousands of
17 miles away from the squad leader who would have sent the man
18 out on patrol. There are still, of course, the patrols, the
19 individual reconnaissance aircraft controlled by the local
20 tactical commander, and those, I believe, the commander must
21 retain his control over. But we are going to have to in the
22 near future rethink this definition of the dividing line
23 between national and tactical intelligence and how we best
24 apportion those collection assets that can serve both purposes
25 simultaneously. It is a difficult issue.

1 Senator Mathias. In view of the fact that the tactical
2 intelligence removes them from the DCI's management, have you
3 thought out and are you prepared now to give us some idea of
4 the guidelines that you yourself would like to see applied?

5 Admiral Turner. No, sir, I am not anywhere near that, but
6 I think the definition may have to go to something like the
7 source of the control of the intelligence asset. But it would
8 be foolhardy of me to try to jump in and say I had reached a
9 conclusion in this short a time.

10 Senator Mathias. Having in mind your previous concern for
11 protection of sources and methods, would you be inclined to
12 provide on a regular basis to this Committee counterintelligence
13 information about hostile activities of foreign intelligence
14 and foreign security services which might be of some use to the
15 Congress in developing a comprehensive national policy?

16 Admiral Turner. Yes, sir. Again in each case we have
17 to make a difficult decision as to how much of the detail is
18 needed for your proper oversight responsibilities and how much
19 of it is very, very sensitive and needs to be protected for
20 the legal responsibilities of the DCI.

21 Senator Mathias. Well, to give the Committee at least a
22 sense of the level at which these activities are taking place,
23 the kind of direction that they may have or the kind of
24 impact that they could have on policies that we should be
25 either adopting or policies that perhaps we ought to alter?

1 Admiral Turner. Yes, sir, that gives me no problem.

2 Senator Mathias. What level of priority do you give in
3 your mind to counterintelligence activities? Do you feel that
4 they ought to be a major function of the intelligence community,
5 that counterintelligence deserves to be treated on a level with
6 other functions of the community, or do you think it is a lesser
7 concern?

8 Admiral Turner. I don't know that I have really made a
9 judgment as to where it fits with the collection, the analysis,
10 covert operations activities. It certainly seems to me a
11 very important one, but it seems equally important that it
12 be strictly in accordance with law which my understanding is
13 that counterintelligence by the intelligence agencies, particularly
14 the CIA, is an overseas responsibility and the FBI a national
15 responsibility.

16 Senator Mathias. Would you plan to give this some personal
17 attention as you shake down in this particular period?

18 Admiral Turner. Absolutely, yes, sir.

19 Senator Mathias. And make your own evaluation as to
20 exactly the relative priority that it ought to receive?

21 Admiral Turner. Yes, indeed.

22 Senator Mathias. And will you communicate your judgments
23 to the Committee when you have reached them?

24 Admiral Turner. I certainly will.

25 The Chairman. Your time is up, Senator.

1 Senator Stevenson?

2 Senator Stevenson. Thank you, Mr. Chairman.

3 Admiral, I would begin by following up on some of the
4 questions raised already by the Chairman and by Senator
5 Mathias.

6 Effective Congressional oversight is a recent phenomenon
7 and a little-understood phenomenon, and I say effective
8 because this Committee is kept informed, imperfectly, but we
9 are continuously informed, and misunderstood or little-understood
10 because we are informed in secret.

11 Now, perhaps it is possible for all of us today to
12 relief some of the anxieties that I believe you alluded to
13 earlier about intelligence activities by being a little more
14 specific.

15 Now, I recognize that you can't go very far without
16 touching upon sensitive subjects.

17 Will you inform us in advance of covert operations?

18 Admiral Turner. I understand the sense of the Senate in
19 Resolution 400 with regard to advance notification, and I would
20 anticipate no difficulty in making every effort to comply with
21 the sense of that resolution, and in complying strictly with
22 the law in the Hughes-Ryan amendment.

23 I would think it would be an extremely rare occasion when
24 it was not possible to provide information on covert activities
25 in advance.

1 Senator Stevenson. The Hughes-Ryan amendment speaks
2 of timely notification, and it has been the source of some
3 confusion. The resolution to which you referred to speaks
4 of advance notification.

5 I think that answer is satisfactory, and I think we can
6 assume that all of your answers are subject to your earlier
7 remarks about your relationship with the President.

8 In addition to the extent it is possible, advance notice
9 of covert operation, will you likewise inform us in advance of
10 collection operations which carry high political risks?

11 Admiral Turner. Yes, sir.

12 Senator Stevenson. And I think you mentioned this
13 earlier --

14 Admiral Turner. And again -- I'm sorry, sir -- again
15 with the same provisions.

16 Senator Stevenson. And qualifications.

17 Admiral Turner. There is always that possibility that
18 something comes up in the middle of the night where a decision
19 absolutely has to be made right now, and that is the kind of
20 thing I have in mind of not wanting to be pinned down
21 absolutely.

22 Senator Stevenson. We can't expect more of you than is
23 possible, and we are not unfamiliar with such situations.

24 Senator Mathias. If the Senator would yield, our Chairman
25 sleeps lightly.

1 Senator Stevenson. In fact, he has a beeper which wakes
2 him up.

3 (General laughter.)

4 Senator Stevenson. The same question with respect to
5 improper or unlawful activities which come to your attention --
6 this is after the fact -- you will inform us?

7 Admiral Turner. Yes, sir, through the normal or the
8 established procedures for this.

9 Senator Stevenson. And our mandate makes specific reference
10 to, in this connection, to security problems, breaches of
11 security, unauthorized disclosures of sensitive information.
12 You will again inform us, and to the extent it is possible, of
13 your own knowledge, of such actions?

14 Admiral Turner. Yes, sir.

15 Senator Stevenson. Of unlawful activities.

16 And how do you feel in this connection about public
17 disclosure of aggregate budget figures for the intelligence
18 community?

19 Admiral Turner. My inclination at this time is that we
20 should publish an aggregate budget figure for the total
21 intelligence community, but I have not, sir, had an opportunity
22 to hear all of the arguments on the contrary side, and I feel
23 that it would be imprudent to make a final judgment until
24 I have heard people out. I know there are certainly those who
25 do not agree with that point of view.

1 Senator Stevenson. Now, this Committee is assigning
2 a new Congressional emphasis in connection with oversight to
3 the quality of American intelligence, its collection, its
4 analysis, production, and its communication to appropriate
5 policy makers. In addition to the disclosures to the Congress
6 that we have already discussed, will you view the Congress
7 and its appropriate agencies as a consumer, that is to say,
8 undertake to bring to the attention of Congress information
9 available to you which is relevant to deliberations in the
10 Congress?

11 This has not happened in the past, and yet this is the
12 policy making branch of the government. Can we feel that you
13 will make an effort to inform us of relevant information that
14 will help us in our legislative committees make sound policy?

15 Admiral Turner. Absolutely, sir. I think that is a
16 responsibility of the intelligence community, and I think that
17 one of the ways to restore the credibility and confidence in
18 the intelligence community is to do just that.

19 Senator Stevenson. Now, there is some feeling in the
20 Congress, a feeling which I share, that intelligence, both in
21 the collection and production, has been too narrowly focused
22 in the past, and that new priorities are required, priorities
23 which attach more importance to economic and political
24 matters in this interdependent and rapidly changing world.

25 In this connection, the quality of intelligence, what

1 in your opinion are the principal deficiencies in the intelli-
2 gence community, the principal problems which you face?

3 Admiral Turner. I think the principal problem that concerns
4 me, from the preliminary view I have had of the intelligence
5 community, is ensuring that all of the shreds of intelligence
6 which are available, whether they are in ERDA or Treasury or
7 FBI or DIA, anywhere else, are brought together and synthesized
8 so that we take advantage of all that is available to us, and
9 so that we are sure that the President and the Congress are get-
10 ting the most balanced view of the situation that we can possibly
11 construct, and the operation is so immense, there are so
12 many different interests involved, that I don't think that is
13 an easy task, but it is one that I think must be continually
14 approached. It has been in the past, and I intend to continue
15 efforts in that direction.

16 The Chairman. Your time is up, sir.

17 Senator Chafee?

18 Senator Chafee. Thank you, Mr. Chairman.

19 I would like to join in the congratulations to you,
20 Admiral Turner, for your selection, and congratulate the
21 President for having chosen you. It has been my privilege to
22 have been associated with you for many years, and I must say
23 that every job you have done, you have just been superb.

24 Admiral Turner. Thank you.

25 Senator Chafee. I would like to ask one question.

1 Under the 1947 Act, as I read it, it talks about the
2 Director of Central Intelligence is responsible for protecting
3 intelligence sources and methods from unauthorized disclosure.

4 Now, it seems to me we come down in this modern era to
5 a dilemma, a dilemma in that I think Congress and the nation
6 feel that they were burned by overclassification, by what
7 were considered improper actions in the intelligence community,
8 and therefore it is perfectly proper for those people to have
9 made these disclosures, yet -- and now we have a torrent of
10 books and news articles and scoops and even stealing classified
11 documents. And we don't as a nation seem to be able to do
12 anything about this.

13 Do you see it as one of your responsibilities, if you
14 consider this a problem, to come to Congress and press Congress
15 to get on with the enacting of some laws that can somehow
16 handle the situation, or do you think it is just up to Congress
17 to take the lead in this area?

18 Admiral Turner. I certainly think that the Director of
19 Central Intelligence is charged with a very difficult task
20 here under the existing ability or inability to prosecute
21 people who violate these trusts of security information.
22 And I would be very happy to endeavor to study this to the
23 degree of being able to make recommendations to the Congress,
24 though of course it is the ultimate responsibility of
25 Congress to decide whether a law is needed here.

1 Senator Chafee. Well, I am not suggesting there is any
2 easy answer. I think it is a dilemma, particularly based on
3 recent history, but certainly as we go along, I would be
4 interested in, first of all, whether you have considered the
5 problem as you proceed in your activity, should you be
6 confirmed, which I certainly hope you will be, and then the
7 burden falls on Congress, it seems to me, to carry the ball
8 from there based on the recommendations that we look forward
9 to you to come forward with.

10 Admiral Turner. All right, sir.

11 Senator Chafee. Thank you very much, Mr. Chairman.

12 The Chairman. Thank you very much, sir.

13 Senator Hathaway?

14 Senator Hathaway. Thank you, Mr. Chairman.

15 Mr. Chairman, I ask unanimous consent that a brief statement
16 be inserted in the record.

17 The Chairman. Without objection.

18 (The prepared statement of Senator Hathaway follows:)

19 COMMITTEE INSERT
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25

1 Senator Hathaway. I would like to pursue the covert
2 activities questions that have been asked you. You indicated
3 that you are, of course, in favor of pre-notification of any
4 covert activities. Would you go a step further and advocate a
5 pre-clearance by the Committee so that no covert activity could
6 commence until the Committee had given its okay, within a
7 certain length of time, say, a week or ten days?

8 Admiral Turner. Senator, I think that in my position as
9 the executor here for the executive branch, it is my responsi-
10 bility to comply with the law of the Congress, and if the
11 Congress wishes to make that the law, certainly. Otherwise,
12 the resolution of the degree of approval that the Congress
13 is going to have over these must be something taken between
14 the President and the Congress, I believe.

15 Senator Hathaway. Well, would you support such legislative
16 action on behalf of the Congress?

17 Admiral Turner. I would personally have some qualms here,
18 again as to the issues of timeliness that I raised with
19 Senator Stevenson previously, because it seems to me there are
20 practical problems involved. But I surely have not had the
21 time to study this in enough depth to answer you with a
22 definitive yes or no. I will certainly look into it further.

23 Senator Hathaway. And how about the Congress establish-
24 ing certain guidelines with respect to covert activities, such
25 as ones that we don't think should be carried out: to-wit,

1 assassinations of any kind, and other categories, whether we
2 are going to approve influencing elections, payments to foreign
3 dignitaries or whatnot, do you think that you would welcome
4 Congressional guidelines along that line?

5 Admiral Turner. I would, sir. Which and how many is
6 another issue that I just am not prepared at this time to be
7 specific on.

8 Senator Hathaway. What about the paramilitary operations
9 of the CIA? What are your thoughts on that? Should that be
10 discontinued?

11 Admiral Turner. I do not think that we should deprive the
12 country of that possibility. I think in this particular time
13 in our history, the possibility of wanting to rely on
14 paramilitary operations is very low.

15 Senator Hathaway. Let me ask you some questions in regard
16 to classification. You mentioned something in your statement,
17 that you would welcome a classification legislation from the
18 Congress.

19 Would this be along the lines of establishing limited
20 authority -- because I understand now that almost everybody
21 in every agency has a rubber stamp that he can stamp a document
22 with, with the result that we have a lot of documents that
23 have been classified that shouldn't be classified, and many
24 that have been classified for many, many years without being
25 reclassified, and there has been a movement on in Congress to

1 both limit the authority, to limit the number of classifications,
2 and to limit the duration that a document could remain classi-
3 fied, not that it wouldn't be subject reclassification, but
4 at least every year or two years at the most, it would be
5 subject to re-examination.

6 Would you support legislation along that line?

7 Admiral Turner. I am not sure whether I believe that
8 legislation or executive directives -- and there are, of course,
9 directives today that require many of the things that you have
10 just suggested, sir -- is the best way to handle this. My
11 feeling is that with regulations and legislation, it is going
12 to be very, very difficult to curb the overclassification
13 problem.

14 My particular approach to it, as Director of Central
15 Intelligence, were I approved, would be to conduct periodic
16 reviews of what information can be gleaned from existing
17 secure sources and classified information, and deliberately
18 either declassify it, or if it is unclassified, extract it.

19 We often find a document with one secret paragraph in
20 it and ten pages --

21 Senator Hathaway. Right.

22 Admiral Turner. -- of unclassified information, much of
23 which is of value to the public as well as to the Congress.

24 I would like --

25 Senator Hathaway. When you say periodic, do you mean at

1 least annually?

2 Admiral Turner. Well, yes, sir, but I mean, I would look
3 to taking particular subjects that are of current importance to
4 the country and making sure that we are not withholding informa-
5 tion that would improve the quality of public debate on them,
6 unnecessarily withholding it. So I think it would be an ad
7 hoc thing in many way. What is really important that the
8 public know that we have today and can share with them?

9 Senator Hathaway. Now, with respect to organization, you
10 mentioned in answer to Senator Mathias' question the knotty
11 problem we have separating national from tactical intelligence,
12 and I don't recall whether you came to any conclusion on whether
13 this Committee should have jurisdiction over all intelligence,
14 regardless of whether it is classified as tactical or national
15 or whatever way it is classified, but should we be establishing
16 the budget authorizations for, say, tactical intelligence?

17 Admiral Turner. I think that I would respectfully like
18 to stay out of the crunch between you and the Armed Services
19 Committee on this one, sir. I think that is as difficult an
20 issue as deciding where Defense and Central Intelligence divide
21 their jurisdiction over the two intelligence activities.

22 Senator Hathaway. We could use your recommendation,
23 provided it is favorable.

24 (General laughter.)

25 Senator Hathaway. There has been some talk, too, of

1 consolidating our intelligence activities rather than having
2 each, the Army, the Navy, the Air Force, and so forth, have
3 their own intelligence arms, that we have just one intelligence
4 unit, whatever you may call it, and each one would simply
5 refer to that one for whatever information they might need.

6 Do you think that is a sensible step to reorganize the
7 intelligence community that way?

8 Admiral Turner. I think we must look at a number of
9 alternatives for reorganization, but I think we must at the
10 same time be very clear that we cannot so centralize that we
11 in any way make it too difficult for dissenting, differing
12 views to come forward. We must not ever think that somebody's
13 prescient in the intelligence view. We must let different
14 evaluations come out, and I think in any reorganization, a
15 careful compromise has got to be made between centralization
16 in order to effect necessary control and efficiency, and
17 decentralization to be sure that there are differing views.

18 Senator Hathaway. Along that line, do you favor maintaining
19 or continuing this Team B approach that was used recently
20 with respect to evaluating our posture internationally?

21 Admiral Turner. I believe that there is a place for
22 outsiders to evaluate what is being done inside the intelligence
23 community. I believe there is certainly a place for a wide
24 divergence of biases, attitudes, opinions to be brought to bear
25 on any intelligence problem. I don't think you necessarily have

1 to go outside to get the wide variety of attitudes and opinions,
2 but I think that there are good opportunities for something
3 like the Team B-Team A operation, but I would not necessarily
4 endorse that particular method of having done it. But
5 particularly --

6 Senator Hathaway. But the concept of having some other
7 independent group evaluate the data and come up with its
8 conclusions you are in favor of..

9 Admiral Turner. Yes, sir, very much so.

10 Senator Hathaway. What about disclosure of the intelligence
11 budget?

12 Do you have any views on that, whether we should disclose
13 the total figure, or detailed disclosure, or just what dis-
14 closure do you think is necessary to keep the public informed?

15 Admiral Turner. My inclination is to disclose the one
16 total and go no further, but I mentioned earlier that I am
17 reluctant to make that a commitment to you until I have heard
18 more of the opposing views.

19 Senator Hathaway. Fine.

20 Thank you very much, Admiral.

21 Admiral Turner. Thank you, sir.

22 Senator Hathaway. Thank you, sir.

23 The Chairman. Thank you.

24 Senator Lugar?

25 Senator Lugar. Mr. Chairman, Admiral Turner, do you

1 believe that the armed services have traditionally resisted
2 attempts at oversight and consolidation in the intelligence
3 area, and if so, how do you presume to try to overcome that
4 resistance?

5 Admiral Turner. I don't think there is any bureaucracy
6 in the world that hasn't resisted its collapse into some
7 more central organization, and I think one has to overcome
8 that resistance by a combination of persuasive leadership,
9 by a combination of encouraging the executive to issue the
10 proper executive orders, and working with the Congress to
11 ensure that the adequate legislation is there to effect whatever
12 changes may be necessary.

13 Senator Lugar. Earlier on you tried to reflect and
14 answer this question, but let me pursue for just a moment the
15 problem that might be analogous to that which faced George
16 Bush when he came before this Committee, and because George
17 Bush was a politician, it was suggested that he ought not to
18 move on to further office in the political realm, at least
19 not too rapidly after his service.

20 What sort of problems do you see in terms of your naval
21 career, granted the desire to continue with the commission and
22 to move on in that service, and given very difficult decisions
23 that you may need to make with regard to the other armed
24 services, or very unpopular decisions with regard to future
25 colleagues or those who might be in command over you when you

1 resume that career?

2 Admiral Turner. Senator, throughout my career to date,
3 I have felt it was always necessary to transfer one's loyalty
4 completely to the job at hand and let the future worry about
5 itself, and I am convinced in this instance if, having
6 transferred my loyalty, if I am approved, to the President
7 of the United States, to whom I would report directly, if I
8 ever showed a subsidiary loyalty to the Navy, to the Department
9 of Defense, the President of the United States would detect
10 that very quickly, and my usefulness to him and to the
11 country would soon diminish rapidly.

12 Senator Lugar. Will you have unrestricted access to
13 President Carter, and have you discussed that access or some
14 modus vivendi for reporting with him?

15 Admiral Turner. Yes, sir. We have discussed it. He has
16 assured me that I have direct access to him, and we have or
17 are working out an arrangement for regular meetings between
18 the two of us.

19 Senator Lugar. Let me carry on a point that you made
20 earlier on which I am certain is the right course to follow
21 in the event that after a discussion with President Carter
22 you came to a very severe disagreement or the constitutionality
23 of an action, or its illegality, and therefore you resigned
24 and then informed this Committee. Still, as a practical matter,
25 a resignation under those circumstances of course is bound to

1 lead to questions by friends and foes alike, not only of the
2 President and yourself, but of this country as to what is going
3 on, what sort of problems are involved. There is no easy
4 way to make certain that at some point reconciliation occurs
5 all the way along the line, but is it your judgment of the
6 conversations you have had with the President or with others
7 in his administration that they are so sensitive to the course
8 of history, at least with regard to intelligence in this
9 country, that they are of a mind to make certain that they do
10 not transgress -- in other words, put all of us in a situation
11 in which there is a blow-up, literally, that would cause your
12 resignation, cause perhaps difficulty with this Committee and
13 with Congress and with the public. In other words, probably,
14 the question I am raising, asks itself, if we are all sufficiently
15 sensitive in this country about the things which have occurred,
16 the misuse of authority, that we are all on guard not to do
17 this again, but I am just simply curious in exploring this
18 relationship which you will have to have with the President,
19 to what extent he or others have really thought through what
20 would occur in the event of your resignation, as a matter
21 of conscience, you saw that you could not perform?

22 Admiral Turner. I am very persuaded from my several
23 conversations with the President that he is most sensitive in
24 these areas. I am persuaded and very pleased at the high
25 degree of interest that he has shown in the intelligence

1 function, and the surprising, to me, amount of detail that he
2 has absorbed about it in the brief time that he has had.

3 So I look forward, if confirmed, to working for a man
4 who I think has an intense interest in the job he is asking
5 me to take, and that is a wonderful way to start.

6 Senator Lugar. As a matter of detail, are you prepared to
7 log all contacts, the President included, and everybody else,
8 with you so that there is some record for yourself or
9 the President or this Committee of all persons who contact
10 you with regard to CIA business?

11 Admiral Turner. Yes, sir, I certainly am, and I think
12 it would be a very prudent thing to do.

13 Senator Lugar. What assurance can you give the Committee
14 that improper influence will not be brought to bear, not
15 by the President, but by his staff members, by other intervening
16 persons or by persons in business or labor or public interest
17 groups or other? How will you guard against persons who,
18 albeit from good motives, at least as they see them, want to
19 see you and to have a word and to suggest ways in which you
20 might further your mission?

21 Admiral Turner. I can only assure you, sir, that one
22 in public office has to develop a sense of propriety here. At
23 the same time, I would also assure you that I have always had
24 a great quest for contact with people from a wide variety of
25 attitudes and diverse opinions, and I would intend to maintain

1 that here, but certainly being very careful that none of them
2 placed me or themselves in a position of impropriety in so
3 doing.

4 Senator Lugar. Let me ask this question finally. Through-
5 out your career, obviously, you have been a consumer of
6 intelligence. You have some ideas of its value in regard to
7 command decisions or staff work in which you have been involved.

8 In what ways could you work effectively with this
9 Committee, or for that matter, with Congress generally, in
10 thinking through what ought to be the role of your agency in
11 providing intelligence for the Congress?

12 I am thinking in this case not simply information as to
13 covert activity or sensitive data, but I suppose I am thinking
14 more in terms of the fact that the legislative body has a
15 mission to perform, sometimes independently of the President,
16 in legislative initiatives, or at least having good data with
17 which to work, and this comes from all sorts of sources, but
18 have you given any thought as to how the development of your
19 role might proceed so that you not only serve the President
20 directly and are part of his administration, but think of
21 yourself in more national sense, serving the legislative body,
22 too, for that matter, the Supreme Court, should it have need
23 for your services?

24 Admiral Turner. I hadn't thought of the Supreme Court,
25 good idea, but yes, sir, I would hope that my experience as a

1 consumer would help me to take the point of view of the Committees
2 of Congress who are approaching national problems. I would hope
3 that I could stay abreast of what the principal interests of
4 the Committees of the Congress were, and charge my staff to
5 be sure that we were carefully seeking out that information that
6 we possess which could conceivably be of value to these
7 Committees, and I speak not only of the Intelligence
8 Committees, and the Foreign Relations and the Armed Services
9 Committees, who are major consumers, but it seems to me we should
10 be scrutinizing almost virtually all of the Committees.

11 Senator Lugar. Well, for instance, take a look at
12 agricultural data and think of food supplies and other energy
13 supplies and sources and what have you that may very well be
14 universal in their application.

15 Admiral Turner. Yes, sir, very much so.

16 Senator Lugar. Thank you, Admiral.

17 Thank you, Mr. Chairman.

18 The Chairman. Senator Huddleston?

19 Senator Huddleston. Thank you, Mr. Chairman.

20 I ask unanimous consent that a short statement that I have
21 prepared be included in the record at the beginning of the
22 session.

23 The Chairman. Without objection, so ordered.

24 (The prepared statement of Senator Huddleston follows:)
25

1 Senator Huddleston. Admiral Turner, in looking at your
2 statement, I find on page 3 an indication of what your objectives
3 with the President are, as detailed to you, to paraphrase,
4 that we explore ways of improving the efficiency of our intelli-
5 gence gathering, that we see that all elements of our intelli-
6 gence operate within the law and within the values of Americans.
7 There is also the statement there that indicates that the
8 President believes that this can be accomplished under the
9 existing executive orders and the existing law, and it goes
10 on to say that you will consider any new approaches that the
11 Congress may suggest along this line.

12 Is it correct that the President, then, has an open mind,
13 and you, too, as to the need for additional statutory charters
14 for the various elements of our intelligence?

15 Admiral Turner. Yes, sir.

16 Senator Huddleston. Do you believe that the executive
17 order under which you are now operating, 11905, plus the
18 1947 Act, gives you the authority that you need to success-
19 fully manage the intelligence community?

20 Admiral Turner. I am not prepared, Senator, to assure you
21 that I think that is optimal. I am drawing a fine line, here.
22 I think it can be done under the existing orders and laws.
23 I think it might be --

24 Senator Huddleston. You don't rule out the possibility
25 that it might be done better.

1 Admiral Turner. That is just what I was going to say.

2 Senator Huddleston. Under statutes that might be developed.

3 Admiral Turner. Yes, sir, easier or better, or both, if
4 there were some changes.

5 Senator Huddleston. Is there any way to really manage the
6 intelligence community without having the authority, for instance,
7 of the purse, being able to assign the various appropriations
8 to them on the basis of assignments that you as DCI would direct
9 them to undertake?

10 Admiral Turner. I am not actually a believer that you
11 have to have control of the purse in order to control
12 bureaucracies --

13 Senator Huddleston. It is usually a pretty effective
14 tool.

15 Admiral Turner. -- but it is very helpful, and whether
16 we need in the DCI's hands more control than presently exists
17 through the executive order and the Committee on Foreign
18 Intelligence, I am not really sure at this time.

19 Senator Huddleston. The previous investigative committee,
20 that was chaired by Senator Church, and on which I served, in
21 reviewing the act of 1947, described it as no longer an
22 adequate framework for the conduct of America's intelligence
23 activities. It went on to say that it was a vague and open-
24 ended statement of authority for the President.

25 Do you disagree with those findings?

1 Admiral Turner. I am not in disagreement with them, but
2 I am not sure I would be quite that explicit or emphatic.

3 Senator Huddleston. But you are willing to review with
4 this Committee the possibility of additional statutory
5 authority.

6 Admiral Turner. Yes, sir.

7 Senator Huddleston. And to the extent of even separate
8 charters for each element of the intelligence community.

9 Admiral Turner. Yes, sir. I have not formed an opinion
10 on whether charters are appropriate or necessary, but I am
11 certainly very open to considering the subject.

12 Senator Huddleston. You are not foreclosing the possi-
13 bility.

14 Admiral Turner. No, sir, in no way.

15 Senator Huddleston. One of the things that we found was
16 that it was virtually impossible to ascertain to what extent
17 the President knew about some of the activities, specifically
18 the assassination activities, even though those who were in the
19 field carrying out those activities or attempting to, seemed
20 to be certain in their own mind that they had approval "at the
21 highest level", which was either the President or someone
22 speaking for him in the White House.

23 Do you believe it is important that we have a system
24 whereby the accountability is clearly defined?

25 Admiral Turner. Yes, sir.

1 Senator Huddleston. And can be determined who gave the
2 orders, what they knew, and the total line of authority
3 discerned so that persons all the way from the top to the
4 bottom can be held accountable?

5 Admiral Turner. Yes, sir.

6 Senator Huddleston. Is that possible under the present,
7 or likely under the present system of operation do you believe?

8 Admiral Turner. I believe that the current procedures for
9 gaining approval of covert operations give a very high
10 assurance that that would be the case, but it still would
11 depend on the Director of Central Intelligence absolutely
12 demanding that he knows that it is the President who has given
13 the approval and not one of his subordinates, and I would
14 intend to take that position.

15 Senator Huddleston. On this approval, certainly the
16 awareness ought to be of just precisely how a policy or an
17 action, a covert or clandestine action, is to be carried out,
18 so that the President, the highest authority, might be aware
19 of specifically what is taking place down on the local level,
20 so to speak, in order to carry out an assignment that is given
21 by the National Security Council or the DCI.

22 Admiral Turner. It would be an act of irresponsibility
23 to fail to inform the decision makers through the entire chain
24 of command of that kind of information and ask them to make a
25 decision on a covert operation.

1 Senator Huddleston. In other words, I am saying if it
2 becomes important or somebody at the top might believe that it
3 would be better for this country's interests if a certain
4 leader were disposed of, then that terminology ought to be
5 explicit, and it ought to mean whether or not disposed of by
6 supporting a candidate who might defeat him in a free and open
7 election, or whether he ought to be incapacitated in some way
8 that would eliminate his presence. I would agree that those
9 are extreme cases, and we have dealt with assassination, but
10 the point is, the manner in carrying out a directive sometimes
11 is far different from what might be perceived in the directive
12 itself.

13 Admiral Turner. Yes, sir.

14 Senator Huddleston. Do you agree with that?

15 Admiral Turner. Yes, sir. I do.

16 Senator Huddleston. Your experience indicates that to you.

17 The 1947 Act doesn't specifically give the CIA the
18 authority to collect intelligence. Do you think that the Act
19 ought to be amended or specific authority ought to be given
20 for that purpose?

21 Admiral Turner. Yes, sir.

22 Senator Huddleston. Rather than the vague terms that
23 do whatever else the National Security Council might direct?

24 Admiral Turner. I think there is undoubtedly room for
25 improvement here. We can operate under the existing one, and

1 have, but I am certainly amenable to reviewing --

2 Senator Huddleston. But not always in a way that might
3 be termed exemplary.

4 The investigating committee found a rather wide use by
5 the CIA of various types of individuals and institutions, use
6 of the media, use of academics, use of the clergy, in carrying
7 out covert activities. In the case of the media, new directives
8 have altered that to a great extent.

9 What is your feeling about using institutions that if it
10 became knowledge, might seriously reflect on or be detrimental
11 to those institutions themselves?

12 Admiral Turner. I don't think that the intelligence
13 function of this Committee should attempt to shape the opinion
14 of students on our campuses or to use academic institutions as
15 a tool for propagandizing in any way. At the same time, I
16 would be reluctant to think that a member of an academic
17 community would be denied his right of serving his country in
18 any legal way that he wanted, whether it was in helping the
19 Agricultural Department --

20 Senator Huddleston. But you feel he ought to be knowledgeable
21 about what he is doing.

22 Admiral Turner. I don't feel that the intelligence agency
23 should recruit assistance from people on our campuses without
24 making it clear that it is the intelligence community that is
25 doing it.

1 Senator Huddleston. Admiral Turner, do you consider the
2 Congress as a legitimate user of intelligence?

3 Admiral Turner. Yes, sir.

4 Senator Huddleston. And you would treat it as such.

5 Admiral Turner. Yes, sir.

6 Senator Huddleston. Even if such intelligence might be
7 contrary to stated policies of the President?

8 Admiral Turner. My responsibility, if confirmed as the
9 Director of Central Intelligence, is to provide intelligence,
10 not policy.

11 Senator Huddleston. Even if the intelligence might be
12 embarrassing to the President.

13 Admiral Turner. Yes, sir.

14 Senator Huddleston. You would supply that.

15 My time is up. Thank you, Mr. Chairman.

16 The Chairman. Senator Biden.

17 Senator Biden. Thank you, Mr. Chairman.

18 Admiral, I have had a new-found feeling of power sitting
19 here. I don't know of anybody who has ever kept Pat
20 Moynihan waiting, and I am able to do that for ten more
21 minutes.

22 (General laughter.)

23 Senator Biden. The more he thumps his foot, the more I
24 will hurry, though.

25 I would like, on a bit of a humorous note, to raise

1 another question.

2 I never thought of the Supreme Court as being a consumer,
3 but in light of recent decisions on busing, I would like you
4 to investigate the counterintelligence activities in that
5 area. It would be very helpful to me.

6 I would like to make a brief comment. I feel very, very
7 strongly, as I indicated to you in my office when we had an
8 opportunity to speak, that the issue raised by several members
9 of the Committee here as to the need or the suggestion that there
10 might be a need for the DCI to have greater control over the
11 entire intelligence community, including the purse strings,
12 particularly that aspect which is part of the Department of
13 Defense. I feel very strongly that -- and I realize you can't
14 make that push, even if you agreed, and I don't know that you
15 do or don't, but I would hope that this Committee will pursue
16 with you and with the President of the United States, the need
17 for there to be one person, if you are confirmed, you, who has
18 control of the intelligence community, not maybe, not sometimes,
19 not part of the time, not part of it, but all of it, and I
20 would hope that as we investigate that, which I, as one member
21 of this Committee am going to pursue with the President, and
22 I suspect the whole Committee will in some way or another, that
23 you will be amenable to listening to our suggestions to move
24 the DCI into a position of greater authority, because I think it
25 is absolutely critical that when the President turns to you,

1 if you are confirmed, and says, what is the situation, that you
2 know, that it is not -- that you do not have to be embroiled
3 in a controversy, in internecine warfare with the Secretary of
4 Defense or some underling in the Defense Department or any other
5 agency, and that I think that is very important.

6 You also mentioned, and it has been mentioned here, the
7 need for the Administration, executive branch, and in concurrence
8 or in conjunction with the -- with this Committee, to determine
9 a more definite policy as to what constitutes classified
10 material, what constitutes secrecy, what should and shouldn't
11 be treated as a document, as a classified document, and what
12 sanctions prevail for violation of any directive in that
13 regard.

14 I know it is the intention of the Chairman of the Committee
15 to, if not have a subcommittee, but for the whole Committee at
16 one point to pursue that issue with you, and we look forward
17 to your cooperation when that time occurs, assuming you are
18 confirmed.

19 I would like to raise a few specific questions within
20 the remainder of my time, if I may.

21 With regard to covert activities, I have been somewhat
22 disturbed as a member of this Committee that there is a very
23 fine line between what constitutes clandestine activities
24 and a covert activity, and as I understand the law -- and staff
25 may correct me if I am wrong; I wish they would correct me if

1 I am wrong -- the -- under the present situation and the
2 situation which you alluded that you agree with, that is, infor-
3 ming this Committee, if not prior, at least simultaneously,
4 with a decision to undertake a covert activity.

5 Everyone agrees that that is the case, but in my experience
6 on this Committee, there are certain potentially, there are
7 things categorized as clandestine which have potentially more
8 danger to our national security and embarrassment to the
9 United States of America were they to be uncovered, that are of
10 greater consequence and importance, than the covert activities
11 that are going on, and I wonder whether or not you feel there
12 is a need for you to advise us prior to, if not at least
13 simultaneously, with the initiation of a clandestine activity
14 which is obviously of major international consequence?

15 Admiral Turner. Yes, sir, I think that ties in --

16 Senator Biden. It is clandestine, I am told by the
17 distinguished Senator from Kentucky, who said you all.

18 Admiral Turner. I think it is part and parcel of the
19 overall package of proper oversight of our activities.

20 Senator Biden. Do you agree that there are clandestine,
21 secret activities on the part of the intelligence community
22 that can be of greater consequence to our national security
23 than certain covert activities?

24 Admiral Turner. I would suspect that is the case. I have
25 not yet read into the covert and clandestine activities

1 of greatest sensitivity other than those that I have known in
2 the course of my military activities.

3 Senator Biden. Well, again, assuming you are confirmed,
4 I would hope that the Committee will pursue that question with
5 you and with the President of the United States.

6 I would like to move to an area that we have already
7 discussed and ask you, because I am sure, I suspect the press
8 is going to ask us why we weren't a little bit harder on you
9 in terms of the -- your retention of your rank of Admiral, and
10 we did go through, and I was one of the several who voted
11 against the confirmation of George Bush, we went through this
12 great long debate as to whether or not his activities subsequent
13 to service as DCI should be within the purview and scope of
14 consideration by this Committee or the Congress as a whole, and
15 it was concluded that it was, and yet we haven't asked you
16 yet whether or not you -- how long you plan on serving as
17 DCI, if you are confirmed, assuming you stay, you keep the
18 pleasure of the President.

19 Admiral Turner. I intend to remain in that office, if
20 confirmed, as long as the President of the United States desires
21 me to do so.

22 Senator Biden. Now, that is in spite of the fact that
23 in July of '78 the position of Chief of Naval Operations and
24 Chairman of the Joint Chiefs of Staff will become vacant.

25 Admiral Turner. Yes, sir.

1 Senator Biden. You are aware that that vacancy will
2 occur in 1978.

3 Admiral Turner. I have heard about it.

4 Senator Biden. And are you in a position to indicate to
5 this Committee that it is not your intention to seek that
6 Chairmanship and Chief of Naval Operations of the Joint Chiefs
7 of Staff?

8 Admiral Turner. Yes, sir.

9 Senator Biden. Fair enough.

10 And I have another question in that regard..

11 I am not quite sure why you want to remain on active
12 duty. I am not sure I understand. I understand your feeling
13 a commitment to the service and your love for it, and your
14 not wanting to preclude the possibility of becoming -- of going
15 back to the same function or similar function you had prior to
16 becoming DCI, but why is it required that you remain on active
17 duty in the interim?

18 Admiral Turner. Thirty years of -- retiring after thirty
19 years of service will in no way change my accumulated background
20 and attitudes. The law specifically provides for an active
21 duty man to be in this position. In the years since the first
22 founding of the Central Intelligence Agency, with the exception
23 of the last seven months, there has never been a time that
24 there has not been one military man in either the post of
25 Director or Deputy Director, and the majority of those have been

1 on active duty. I see no conflict arising.

2 Senator Biden. I am not suggesting a conflict. I am just
3 looking for your rationale. You will have no command, and so
4 I am not sure why the need to remain on active duty, why you
5 want to other than -- I mean, does it affect if and when you
6 go back where you come in?

7 Admiral Turner. No, sir. The law specifically provides
8 that there is no impact here, so far as that is concerned, and
9 I am not worried about where I would come or go in that event,
10 in any case.

11 Senator Biden. The question of the -- you indicated
12 earlier that at least you have requested four naval officers
13 remain on your personal staff.

14 What is the general capacity of those officers? I mean,
15 you know, we hear a lot about Admirals having people who wait
16 on their tables and that kind of thing. I realize this seems,
17 may seem inappropriate in light of the gravity of this hearing,
18 but it is not, in my opinion, in terms of the need to establish
19 the degree of public confidence which we all feel very strongly,
20 as you do, that must be established there. I would not want
21 any impression left in the minds of anyone in this room, or
22 the viewing audience, if any of this is played, and/or the
23 reading audience after this is covered, that we are in effect,
24 you are maintaining your active duty status to ensure that you
25 have four personal servants.

1 Admiral Turner. No, sir, that is not my intent in any
2 way, and these I don't view as personal servants whatsoever.
3 They are highly qualified officers. They are officers who
4 have served with me in the past few years. They are officers
5 who I have a great rapport with in writing speeches, in per-
6 forming duties that are necessary in any office, answering large
7 volumes of correspondence, taking care of the schedules and --

8 Senator Biden. Administrative kinds of --

9 Admiral Turner. Administrative.

10 Senator Biden. -- kinds of duties.

11 Admiral Turner. Yes, sir. I would anticipate that after
12 I have settled into this job, if I am given it, I might find
13 that the need for them atrophied. I am reluctant to step into
14 what looks to me like a maelstrom of activity without this kind
15 of support that just takes day to day burdens off your shoulders.
16 If I do not need them in the course of time, I would certainly
17 not ask them to stay.

18 Senator Biden. I quite frankly think that is appropriate.
19 But my time is up. Thank you very much.

20 Admiral Turner. Thank you, sir.

21 The Chairman. Now, Senator Moynihan.

22 Senator Moynihan. Thank you, Mr. Chairman.

23 Admiral, I don't want to take issue with my good friend
24 Senator Lugar, but I don't see why you shouldn't show a little
25 partiality to the Navy.

1 Sir, I should like to take the opportunity to express
2 my own great pleasure that you are before this Committee in
3 these pleasant circumstances, and to take the occasion to put
4 to you a question which, while specific in its particulars,
5 has, I believe, a general bearing of the role of the Central
6 Intelligence Agency in world affairs.

7 I have recently been in Jamaica where I had the honor
8 to pay a call on Prime Minister Manley, and as I am sure you
9 know, during the recent general election in Jamaica, there was
10 much discussion of the role of the CIA in that country. I
11 asked the Prime Minister about this and his answer was somewhat
12 general. However, he did say most explicitly that the opposition
13 that during the campaign the opposition party, the Jamaica
14 Labor Party, received funds from the CIA. I replied that if
15 this were true, it was an outrageous act upon our part, and that
16 we would owe, at very least, an apology to the government and
17 the people of Jamaica.

18 On the other hand, it is my understanding and my belief
19 that this was not true, and is not true, and in that circum-
20 stance it grieves me to consider the damage this charge may
21 have done to the JLP. As you know, the Jamaica Labor Party is
22 an established and staunchly democratic political party which
23 on several occasions has formed the Government of Jamaica,
24 to use the parliamentary term.

25 As you also know, Jamaica is one of those few nations --

1 there are scarcely three dozen of us -- which not only carry
2 out democratic elections, but in which those elections have
3 brought about a change in the political party governing the
4 nation.

5 Inevitably, a party's opposition accused in the manner
6 that the JLP has been accused bears the impossible burden of
7 disproof. In the nature of things, any disavowal on our part
8 is of not much greater avail, and for these reasons, accusations
9 of CIA involvement have become a feature of the political
10 rhetoric of our time around the world.

11 And I ask you, sir, if as Director of Central Intelligence,
12 you would not give some thought to ways in which the United
13 States could make such charges less rewarding to those who
14 make them in circumstances where we know the charge is not
15 true.

16 Admiral Turner. That is a most interesting though,
17 Senator, and I certainly agree with it. I agree that we
18 should make efforts to make unjustified statements against our
19 country and its activities less rewarding. I can see that
20 in some instances this could be done by policy decisions of
21 the executive and legislative branches, decisions that would
22 bring the weight of the authority of this country to bear. I
23 can see that the intelligence community itself can also play a
24 role, but largely by a gradual process of enhancing our
25 credibility in the world, enhancing the confidence that people

1 will have that when we say we have not done something, that that
2 is in fact the case, and I would hope we can move in that
3 direction over time.

4 Senator Moynihan. Thank you, Admiral.

5 You recognize, Admiral, that the reputation of respected
6 political parties are at stake, and respected people are at
7 stake.

8 I have two other quick questions, sir. I assume that for
9 thirty years now there has been a fairly consistent effort by
10 the Soviets to infiltrate the Agency, and to some extent they
11 have succeeded.

12 Would you want to share with us now or sometime your
13 judgment of just how much they may have succeeded, if at all?
14 You have your first major defector in Mr. Agee. I think this
15 Committee would want to know -- has Mr. Agee gone over to the
16 KGB? Is he now a Soviet agent, in your knowledge, or what do
17 you think he is doing?

18 Admiral Turner. I do not have knowledge of that at this
19 time, Senator, no.

20 Senator Moynihan. Would you let us know what you think
21 has happened?

22 Admiral Turner. Yes, sir, I will look into it if I
23 am confirmed for this office and let you know.

24 The Chairman. The Committee will call upon the Director
25 of Central Intelligence at one of our later meetings to advise

1 us of the type of activity you have just described.

2 Senator Moynihan. Thank you, Mr. Chairman.

3 A last point, and again it may be of the same order, but
4 again these are so public things I don't know how -- I think
5 the public in the end will want to know, too. The Boston Globe
6 on February 11 reported that the British Intelligence in early
7 1973 brought to the United States a document which they regarded
8 as of extraordinary importance, comparable to the text of the
9 1956 speech in which Nikita Khrushchev denounced Stalin and
10 detailed his offenses, and I quote now from the Globe, it
11 says, speaking of the British report: "It quoted Brezhnev
12 as telling a secret meeting of East Europeans, Communist
13 leaders in Prague, that detente was a stratagem to allow the
14 Soviets to build up their military and economic power so that
15 by 1985 a decisive shift in the correlation of forces would
16 enable the Russians to exert our will" -- I am quoting the
17 story -- "exert our will wherever we need to."

18 This was not accepted in our government, at least some
19 parts of government, as trustworthy, and was dismissed, and
20 yet it is now very public and I gather it appeared in the
21 national intelligence estimate in 1976, after a sort of
22 subterranean life.

23 The nation, I think, probably ought to know what our
24 judgment of the validity of the report, the accuracy of the
25 report, did Mr. Brezhnev make such a speech, and is that

1 text as we understand the case?

2 Would you propose to make any general statement about that
3 sometime?

4 Admiral Turner. I am not at this time specifically
5 familiar with that document other than, as you report, in the
6 press. I would be very happy to investigate its authenticity
7 and also determine whether, with an eye to protecting the
8 source from which it was obtained, we can release more informa-
9 tion on this to the public, but certainly to you in this
10 Committee.

11 Senator Moynihan. Thank you, Admiral.

12 Thank you, too, Mr. Chairman.

13 The Chairman. Senator Case.

14 Senator Case. Thank you, Mr. Chairman.

15 Mr. Chairman, my apologies to you and the Committee, and
16 to you, Admiral, for not being here until just a few moments
17 ago. I was in the Foreign Relations Committee, and we had
18 actions to take on behalf of the Administration in another
19 field which I was obliged to attend to.

20 I think I only have one question that I would like to
21 raise with you, and Senator Biden I believe raised it before.
22 I would like to sort of underscore it. That is the great
23 importance of the period of continuity of single strong
24 leadership in the CIA, and while no one would want, and I would
25 not want to inhibit the President from choosing you for any

1 post that he might find you qualified for -- and I can imagine
2 many posts which I would want to engage you in -- that I want
3 to underscore the importance that this choice of you for this
4 post I think makes in respect of an indefinite, at least,
5 period of continuity of leadership in this Agency. I under-
6 stand you have said you would not seek another post and that
7 you would, of course, serve as long as the President wanted you
8 to.

9 Have you any indication from the President as to how long
10 he has in mind for you to serve in this post?

11 Admiral Turner. I have no indication of how long he wants
12 me to serve. I have no indication that he has any ideas of
13 any other use of my services.

14 Senator Case. Well, that, obviously you cannot bind the
15 President not to ask you to run, say, NATO or the Armed Services
16 of the United States or anything else, but choices have to be
17 made, and I do just want strongly to underscore the great
18 importance of the choice that is being made here now. You are
19 choosing to do this, and my own view is -- and I am not asking
20 you to make any further comment -- is that you ought to stay
21 at it until the job is thoroughly done.

22 Admiral Turner. Yes, sir.

23 Senator Case. Thank you, Mr. Chairman.

24 The Chairman. Thank you very much.

25 Before recessing this hearing I would like to make two

1 announcements.

2 First, this hearing will reconvene at 2:30 this afternoon,
3 and Admiral, sir, if you can be ready to answer questions
4 because I am certain other members would like to ask further
5 questions, and receive the testimony of three other witnesses.

6 The second announcement is at 2:30 tomorrow afternoon the
7 Committee will meet to carry on Committee business, including
8 the confirmation discussion and hopefully the vote of Admiral
9 Turner.

10 The Chair intends to make that portion of the Committee
11 meeting tomorrow open to the public, the portion relating
12 to the debate and vote on the debate and vote on the confirma-
13 tion of Admiral Turner.

14 So with those two announcements --

15 Senator Case. Mr. Chairman, may I ask, there are certain
16 questions I didn't think I should delay the Committee for,
17 be answered for the record?

18 The Chairman. Without objection your questions will be
19 handed to the Admiral, sir.

20 With these two announcements, this hearing will stand in
21 recess until 2:30 this afternoon.

22 (Whereupon, at 12:03 o'clock p.m., the Committee recessed,
23 to reconvene at 2:30 o'clock p.m., the same day.)

24 - - -

AFTERNOON SESSION

(2:39 p.m.)

1
2
3 The Chairman. We will now resume the hearings.

4 Senator Stevenson?

5 Senator Stevenson. Thank you, Mr. Chairman.

6 I just have a few holes that I would like to plug in the
7 record.

8 First, Mr. Chairman, I know there are questions about the
9 so-called Hussein affair.

10 Is my understanding correct that that will be taken up
11 by the Committee in executive session?

12 The Chairman. Yes, tomorrow at 2:30 I will be presenting
13 this to the Committee.

14 Senator Stevenson. Now, Admiral, getting back briefly
15 to covert operations, both the President --

16 (Pause)

17 Senator Stevenson. Admiral, both the President and the
18 Secretary of State have said in words which I can't seem to
19 find at the moment, that covert operations will only take place
20 in the most extraordinary of circumstances. Covert operations
21 are difficult to discuss because the phrase signifies one
22 thing to the public and it means something that is much broader,
23 including conduct of activities which in the main is innocent.

24 What is your own attitude about the wisdom of covert
25 operations? Could you just address yourself to the general

1 subject?

2 TESTIMONY OF ADMIRAL STANSFIELD TURNER -- Resumed

3 Admiral Turner. I would be pleased to, Senator.

4 I think no covert operation should be undertaken until
5 two standards have been met. The first would be that there was
6 a thorough exploration of any alternative ways to accomplish
7 that objective in an overt manner. The second would be that
8 there was a very careful weighing of the potential value to the
9 country of what might develop from the operation versus the
10 risks that have to be accepted, and I would urge that we
11 think of the risks in two categories: the risks of disclosure
12 of the covert operation becoming overt against our desires,
13 and then simply the risk of undermining our own respect for
14 the fundamental laws and values of our country.

15 Senator Stevenson. Now, I detect some interest, there
16 certainly should be, in your general attitude towards the
17 Soviet Union. Your impressive article in Foreign Affairs sheds
18 some light on that subject.

19 Is the Soviet military build-up in your opinion due to
20 aggressive or imperialistic designs, or is the Soviet Union
21 reacting to a perceived threat or in your opinion is the reason
22 some combination of both?

23 Admiral Turner. I believe that the Soviet Union today
24 finds itself at a disadvantage with respect to us in the field
25 of economics. They do not have the economic power or the

1 economic access to the rest of the world that the United
2 States does, and they see little prospect of being able to
3 close the gap with us.

4 I believe that you might say politically or culturally they
5 also find themselves behind us in their ability to deal in the
6 international forum: witness their debacle in Egypt with their
7 heavyhandedness.

8 The Soviet Union, however, is quite accustomed to using
9 military power at home as well as abroad, and I think they
10 believe that the existence of strong military forces can be
11 translated into political advantage for them, and I would think
12 this is a primary motive behind their very considerable efforts
13 today, the great expense that they are accepting to build up
14 their military power.

15 I would be reluctant to hazard a guess as to whether that
16 means they intend to use it in an active, combative fashion or
17 whether they hope that they can simply gain enough political
18 leverage with it to satisfy their needs.

19 Senator Stevenson. Well, you have referred to their needs
20 and the political advantages.

21 What are their needs? What political advantages are they
22 seeking? Are they basically defensive, or are they offensive?
23 Is this Russian imperialism, or is it a response to a perceived
24 threat which could also be explained against Russian history,
25 or as I said, some combination?

1 Admiral Turner. I think it is a combination. Their
2 actions in Poland, Hungary and Czechoslovakia it seems to me
3 clearly indicate a total resolve not to give up their empire,
4 so-called. I think that they are still attempting to be the
5 world's last empire. I think that Russian imperialism is by
6 no means lost sight of in the Soviet Union today, and I believe
7 that they would be very happy, at least by political means,
8 including the application of military pressure, to try to
9 dominate western Europe, and through it, the United States.

10 Senator Stevenson. So you wouldn't place yourself
11 squarely in either the Russians are coming school or the,
12 whatever the other extreme, on the other side.

13 Admiral Turner. I think they are neither benign nor
14 warlike, but I think we must be cautious, we must maintain a
15 strong enough posture economically, socially and militarily
16 to be sure they do not translate such advantages as they have
17 into political leverage against us.

18 Senator Stevenson. Well, that sounds like a neutral and
19 a pragmatic, a reasonable approach to me.

20 Has the President assured you access to him whenever in
21 your judgment you have information that he should have?

22 Admiral Turner. He has, sir.

23 Senator Stevenson. And now getting back to where I think
24 I left off earlier on the quality of intelligence and the
25 estimating process, I believe in response to Senator Lugar

1 earlier you indicated that you felt intelligence should be
2 concerned about such sources of authority in the world as
3 food supplies, natural resources, the economic sources of
4 authority as well as the more typical military concerns that
5 have tended to dominate the intelligence community in the past.

6 Is that correct?

7 Admiral Turner. Absolutely. There are many more factors
8 than military that determine the fate of our country today.

9 Senator Stevenson. On the estimating process, do you
10 think the NIEs make a significant contribution to the
11 policy making process, and if so, or if not, how can they be
12 improved?

13 Admiral Turner. I think they do make a significant
14 contribution. I hesitate as a near outsider to suggest at
15 this short time exactly how they could be improved, but I
16 would emphasize that I think we should be sure the divergent
17 views, the alternative conclusions that could be drawn from
18 the facts that are the foundation of those estimates, must be
19 clearly displayed, and I would like to see a confidence level
20 displayed in many of our intelligence judgments as opposed to
21 factual statements.

22 I have seen cases, Senator, where people come to an
23 express conclusion from a set of facts in intelligence, and
24 don't allow that maybe another line of deduction could have
25 taken you to another conclusion, and I would hope that we would

1 express, oh, several lines of deduction and show some level
2 of confidence that one was right and the other was wrong, maybe
3 one was 90 percent and one is only 10 percent, but it sometimes
4 is worth showing that there is at least an alternative.

5 Senator Stevenson. Do you think regular competition
6 between estimating teams is desirable?

7 Admiral Turner. I would hope that the very process within
8 the intelligence community that brings estimates forward would
9 have built into it an adequate opportunity for the expression of
10 these divergent views, and that the creation of special teams,
11 if that is done, would be reserved for special occasions rather
12 than just the routine. But I certainly want the divergent
13 views to come forward one way or the other.

14 Senator Stevenson. If I understood you earlier, you
15 indicate that you approved of competition between estimating
16 teams inside and outside the intelligence community. Is that
17 right?

18 Admiral Turner. Yes, sir.

19 Senator Stevenson. Good, I'm glad to hear that.

20 I might just mention for the record, Mr. Chairman, that
21 since the subject came up earlier -- I think Senator Moynihan
22 mentioned it -- that this Committee is conducting a major
23 study of this estimative process, including the recent A-B
24 Team controversy, and we will welcome your help and
25 cooperation in conducting that study, Admiral.

1 Admiral Turner. You will certainly have it, sir.

2 Senator Stevenson. One question more, Mr. Chairman.

3 For many years the Office of National Estimates has
4 served as the focal point for production of the intelligence
5 community's national intelligence estimates. In 1973 the
6 Office of National Estimates was disbanded. The successor
7 mechanism, the National Intelligence Officers, has been criti-
8 cized as an inadequate substitute.

9 Will you review the present mechanism for producing
10 those NIE's?

11 Admiral Turner. I'm sorry. You asked if I would review
12 it?

13 Senator Stevenson. Yes.

14 Admiral Turner. Yes, sir. I intend to.

15 Senator Stevenson. And are you considering any organiza-
16 tional changes now with respect to national intelligence
17 officers?

18 Admiral Turner. Yes, sir.

19 Senator Stevenson. Would you care to tell us what they
20 are?

21 Admiral Turner. I would prefer to keep my counsel until
22 I have a more firm judgment, sir, but I am certainly exploring
23 that as a matter of high priority.

24 Senator Stevenson. We will have additional opportunities.

25 Thank you, Mr. Chairman. My time has expired.

1 The Chairman. Admiral Turner, regretfully we will have
2 to take a short recess. There is a vote on the final passage
3 on Senate Concurring Resolution No. 10, the budget. So --
4 but before we do, I am pleased to recognize a very illustrious
5 member of the United States Senate. He is from the State of
6 Illinois. He wasn't here this morning. He wanted to be here
7 very much but because of some flight schedules he was unable
8 to make it. Senator Percy.

9 Senator Percy. Mr. Chairman, Senator Goldwater, I will
10 be very brief indeed because of our vote, and also that I
11 just simply wanted to express my appreciation for the opportunity
12 to be here with Adlai Stevenson to present Admiral Turner.

13 My distinguished colleague has spoken about him this
14 morning. I had a lengthy discussion with Admiral Holloway,
15 whose judgment I consider very good indeed, and with other
16 members, I might say, of my own branch of the service, the
17 United States Navy, six or seven flag officers who have known
18 directly or indirectly of Admiral Turner, so that I speak with
19 the conviction that his own colleagues, both those who have
20 been subordinate, worked along with him, and his superiors,
21 think that the President's judgment in making this appointment
22 is just outstanding.

23 We in Illinois are very proud to have such a distinguished
24 native son. He is a man of many proven abilities. He is a
25 recognized scholar, capping his number one position in his class

1 in the Naval Academy with a Rhodes Scholarship. He has made
2 a significant contribution to the intellectual world through his
3 writings, and as an innovative and extremely effective President
4 of the Naval War College.

5 But Admiral Turner is more than an intellectual. He has
6 consistently proven his merit as a commander both of U.S. and
7 Naval forces. Through his naval career he has commanded mine
8 sweepers, destroyers, guided missile frigates, a carrier task
9 force, NATO Strike Fleet, Atlantic, and he is presently
10 Commander in Chief of Allied Forces, Southern Europe.

11 In his Washington assignments he has been in the vanguard
12 of Navy and Defense decision making, in highly competitive
13 assignments in the staffs of the Chief of Naval Operations,
14 the Assistant Secretary of Defense for Systems Analysis, and
15 as aide and executive assistant to the Secretary of the Navy,
16 he compiled an outstanding record of performance, and certainly
17 Admiral Holloway emphasized what he considered to be an
18 extraordinarily important asset, not only the work that he has
19 done in systems analysis -- and I happened to head a systems
20 analysis company for a number of years. I didn't understand
21 half of what the engineers and scientists did, but at least
22 I gained a competence or a recognition of a competence for
23 someone who can engage in that process, but even more
24 complicated, he feels that he thoroughly understands Congress,
25 and has had a relationship here that will stand him in good

1 stead as head of the CIA as well as in the duties and functions
2 performance that we have directed the CIA to perform to this
3 very, very vital Committee.

4 Now that Admiral Turner has reached the top rank in the
5 Navy, has been acclaimed for his creativity, lauded for his
6 administrative abilities, and proven himself an outstanding
7 diplomat in varied assignments. The President has called upon
8 him to make use of all of these considerable talents.

9 I can think of no more difficult challenge than that
10 facing him as the Director of Central Intelligence. I can think
11 of no one better qualified to assume this key assignment.

12 We in Illinois have no doubt that he will meet all of
13 the challenges and take all of the frustrations in side. I am
14 sure that you will find Admiral Turner an excellent choice for
15 this critical and sensitive post. I trust at the end of several
16 years experience working with him, that you will have even
17 greater admiration for him than you have today, because I
18 think he will work intimately and closely with you, and having
19 spoken to him, I know how sensitive he is to the position that
20 we must restore the CIA to in the eyes of the world as one
21 of the great intelligence gathering agencies the world has
22 ever seen, and in the vanguard of the protection and defense
23 of this country, absolutely crucial and essential. And certainly
24 I think he will be respected by all of the professionals inside,
25 by intelligence all over the world, which is important, but I

1 think he will have the respect of the American people, which
2 is absolutely crucial.

3 Thank you.

4 Senator Goldwater. Might I say to my friend from Illinois
5 that the Chairman and I have decided that the Air Force and the
6 Army like him, too.

7 Senator Percy. That's either all bad or all good. When
8 I was in the service they didn't get along very well.

9 (General laughter.)

10 Senator Stevenson. I will just add a word for the
11 Marine Corps, since the Navy is a subsidiary of the Marine
12 Corps, we will accept him also.

13 The Chairman. The Committee will stand in recess for
14 15 minutes.

15 (A brief recess was taken.)

16 The Chairman. Let us now resume our hearings.

17 Senator Huddleston?

18 Senator Huddleston. I have no further questions, Mr.
19 Chairman.

20 The Chairman. Senator Mathias.

21 Senator Mathias. Admiral, under Executive Order 11905
22 the General Counsel of the Central Intelligence Agency is
23 required to make reports to the Intelligence Oversight Board
24 with respect to any improprieties that may come to his atten-
25 tion within the Central Intelligence Agency. Now, my question

1 to you is, would you as DCI provide this Committee with the
2 substance of those reports, and I am careful to say the sub-
3 stance, having in mind our colloquy this morning as to certain
4 fine points, but with the substance of those reports, the
5 Committee can carry out the oversight function with respect to
6 any improprieties which might arise in the future.

7 Admiral Turner. Yes, sir.

8 Senator Mathias. Now, in the same connection, the
9 Executive Order No. 11905 provides for the Intelligence
10 Oversight Board to report to the President any activities which
11 it deems to be improper and which it discovers within the
12 intelligence community as a whole.

13 Will you as Director provide this Committee with the
14 substance of those reports so that the Committee can carry out
15 its oversight function again?

16 Admiral Turner. Yes, sir.

17 Senator Mathias. So that we get it at two different
18 sequential stages.

19 Admiral Turner. I see the difference you are --

20 Senator Mathias. In the event that it moves to two
21 different sequential stages.

22 Admiral Turner. Yes.

23 Senator Mathias. Well, I am very gratified to have your
24 unequivocal answer to those two questions.

25 Admiral Turner. I may be in unequivocal problems, but

1 I will --

2 Senator Mathias. Well, I don't anticipate that you will.
3 I hope that we won't have such questions arising, but I
4 think it is of the greatest importance for this Committee to
5 be advised of them if those problems do exist.

6 Now, turning to another question, in our original study of
7 the intelligence community, one of the most difficult problems
8 that we observed was the lack of statutory charters governing
9 the activities of different elements of the intelligence
10 community. Where there was no statutory charter, the boundaries
11 of jurisdiction were very difficult to define. They could
12 lack permanence. Individuals who might be affected by the
13 activities of the community would find it difficult to ascertain
14 exactly where their rights began and where they ended.

15 It has been a subject of concern in the Congress that we
16 should develop statutory charters for the different elements of
17 the community that are not governed by charters at this time.

18 Do you have any problem in working with the Congress in
19 the development of that kind of statutory base?

20 Admiral Turner. No, sir, none whatsoever. I mentioned
21 this morning that I don't have a preconceived notion in my
22 mind as to where charters or other instruments may be the
23 appropriate vehicle, but I am certainly openminded to view it
24 and would look on the Congress's interest in better definition
25 of the responsibilities of each of these agencies as something

1 that could be a bit help to the Director of Central Intelligence.

2 Senator Mathias. I believe it could be a substantial
3 help to the Director, to future Directors, to have a clear
4 understanding of the guidelines that the Congress adopted with
5 the concurrence of the President, as to what was the proper
6 role and sphere of activity of the intelligence community, and
7 I think that is really the opportunity which lies before us
8 because this hasn't been done. In some cases jurisdiction is
9 defined only in executive orders and directives, some of which
10 are so classified as to be unavailable to certainly the average
11 citizen, and in many cases, to senior government officials,
12 and if this could be embodied in a code of law which was
13 sufficiently flexible to make it possible to operate, but
14 sufficiently firm and defined so that people knew where they
15 were, I think we would have made a substantial advance, and
16 I appreciate your willingness to move forward in this area.

17 Admiral Turner. I think the problems you have mentioned of
18 flexibility and of security are very real in developing such
19 charters, and again, having read a few arguments against
20 charters and a few arguments for them, I can only say I am
21 open minded at this time.

22 Senator Mathias. And you have no fundamental personal
23 reservations.

24 Admiral Turner. No, sir.

25 Senator Mathias. All right, thank you.

1 The Chairman. Senator Hart.

2 Senator Hart. Thank you, Mr. Chairman.

3 Admiral, let me add my welcome. I am sorry I missed
4 this morning's session.

5 As you know, when we discussed your appointment before,
6 I have personal reservations based not on your record or
7 qualifications, but rather on the nature of the Central Intelli-
8 gence Agency about a military director, and I raised that with
9 you, and I feel because I have those reservations I should raise
10 them for the record.

11 I don't think at this point it would be sufficient as far
12 as my vote is concerned to vote against you, but the record of
13 the purpose and history of the CIA is such that it was estab-
14 lished to provide an independent analytic capability separate
15 from the capability of defending this country, so that those
16 who were assessing the threat and those who were responding
17 to it were two different groups of people.

18 I think you are extremely well qualified for this position,
19 and I think you will be confirmed and will do a very good job.
20 I think it would be unfortunate if we got into a pattern over
21 a period of time of having the DCI and the Director of the
22 Agency being from the military side.

23 Having said that, I would like to get -- and I know
24 that you have responded to questions in that area, so I am not
25 going to repeat them merely for myself -- I would like to get

1 to the area that concerns me the most, and that is the inde-
2 pendence of the intelligence, the CIA's analytic capability.

3 As you know, there has been a deep discussion in this
4 community here, this town in the last several months, over the
5 so-called A Team and B Team reports, and with your background
6 in the Navy, in the military, I would like for you to repeat
7 anything you have already said to the Committee in summary form,
8 or to give your thoughts on what you as the head of the
9 Central Intelligence Agency can do or should do to protect the
10 independence of that Agency and its analytic capability from,
11 let's say, outside intimidation by those who do not agree with
12 its assessments or its analyses.

13 Admiral Turner. I think one of the primary devices, sir,
14 is to be sure that nobody feels he has to intimidate the
15 Agency or the analysts, by being sure that there is adequate
16 opportunity for the divergent views to be expressed. When it
17 comes to the crunch as to which one is the view we express
18 with the greatest level of confidence, when there is a real
19 issue, I am going to be the one who makes that decision
20 personally, and there is no way I can guarantee you that I
21 will be unbiased, but I can assure you that that would be my
22 certain intent.

23 Senator Hart. Let's say over a period of time, just to
24 repeat what has actually happened, hypothetically, over a
25 period of time other elements within the intelligence community

1 do not agree with or do not share or like the analyses or the
2 judgments put forward by the Agency analysts, and pressure is
3 brought to bear on you to construct or develop a B Team which --
4 with the purpose of challenging that assessment, and challenging
5 it from one direction or the other, not just from a more
6 conservative point of view.

7 Would you share with -- what would be your response to that
8 pressure?

9 Admiral Turner. It is very difficult to hypothesize
10 response to a particular pressure, but I said this morning I am
11 not opposed to outside review, I am not opposed to A-B Team
12 type review where one side is all on one spectrum and one on
13 the other. I personally would prefer to make sure that all
14 spectra were represented in the initial review, or in an outside
15 or post-analysis review. So I only want to make clear that
16 I don't think -- I would not want to respond to pressures for
17 these reviews; I would want to be persuaded that they were really
18 needed and not being done because somebody wanted to have them
19 done, if you see what I mean, sir.

20 Senator Hart. I see exactly, but I would like to put you
21 in Mr. Bush's shoes, your predecessor's shoes, and that was
22 exactly the pressure he was under six or eight months ago, I
23 think, and if you were in his shoes, given those circumstances,
24 and you were convinced that the analysts under your direct
25 control in the Agency represented different points of view, were

1 not all hawks or all doves or all anything, but were selected
2 for their independence and their unbiased analytic capability,
3 and had in fact over a period of time come up with accurate
4 assessments, and pressure was brought to bear on you by those
5 who didn't share your conviction, that you should appoint an
6 outside group with a bias, what would be your response?

7 Admiral Turner. My initial attitude towards that would be
8 negative, towards having a group with a bias. I can see that
9 there is merit in that under some circumstances, but it seems
10 to me you are inviting problems when they come in with a
11 deliberate bias under a pressure situation.

12 If you construct a bias here and a bias there, I think you
13 have a better opportunity of keeping control of it.

14 May I elaborate on one point?

15 Senator Hart. Please do.

16 Admiral Turner. I think the way to avoid these crises
17 is to try to make those who feel the estimates are erroneous
18 be more specific and more quantifying in their reasons for
19 objecting. I think if we say we think there are in the
20 Green intelligence estimate, we think there are 32 submarines
21 in this situation and somebody else says it is 52, I am going
22 to ask that they give me concrete evidence as to why they
23 think it is 52, the building rate is higher in their estimation,
24 they think our intelligence has only detected 50 percent of
25 the ones that are in existence. I mean, there must be some

1 basis for this.

2 And it would be my hope that you could develop your estimate
3 in such a way that the driving forces of difference were readily
4 apparent and nobody could have a complaint that his view was
5 not adequately stated, and yet the decision maker would not
6 just know that one party thought it was a very dangerous
7 situation and one thought it was a negligible situation, he would
8 know that it is because of certain differences in the way they
9 made their calculations.

10 Senator Hart. Well, I think that is one of the things
11 that disturbed me so much about the so-called B Team, and that
12 was that one of the, according to published accounts, not
13 getting into classified information, one of the areas they
14 looked into was what the Soviet intent was based upon undis-
15 puted data.

16 B Team took data which they did not dispute and reached a
17 different conclusion about what was going on inside the Soviet
18 mind, as if there were, first of all, a Soviet mind, and that
19 is where they quarreled seriously with the Agency. Well, that
20 is a very subjective judgment.

21 Admiral Turner. Yes, sir.

22 Senator Hart. And my own view is it is very demoralizing
23 for the analysts at the Agency to have their judgments attacked
24 on a subjective basis.

25 Shifting to another area, my understanding is you testified

1 this morning that you would not accept an order from the President
2 to conduct an illegal activity.

3 Is that correct?

4 Admiral Turner. Yes, sir.

5 Senator Hart. Was there any circumstance under which it
6 was determined that a head of state represented a threat to the
7 security of this country and had to be eliminated, and you would
8 agree to plot the elimination of that head of state?

9 Admiral Turner. No, sir, not in peacetime.

10 Senator Hart. It has been suggested that it is very
11 difficult for a Director of the Central Intelligence Agency to
12 know all the things that are going on at any given time inside
13 the Agency.

14 Can you suggest to us, either through a completely independent
15 and highly authorized Inspector General System or some other
16 system, that you intend to be satisfied in your own mind that
17 you know everything that the Agency is up to at any given
18 time, that you can go to bed every night thinking, I know exactly
19 what is going on there?

20 Admiral Turner. I don't think that will ever be possible,
21 sir, but I certainly expect to be able to know the things of
22 critical importance, the things that could lead to problems, and
23 I would lean heavily on the existing Inspector General and his
24 staff. As far as I understand at this point, their charter
25 is clear and adequate. I will certainly be reviewing it to

1 see if it needs any strengthening.

2 But getting control of any large organization takes more
3 than rules and inspectors and others. It is in part the tenor
4 of leadership that you exert. It is in part the example that you
5 set when somebody pulls a surprise on you, and I am going to
6 make it clear in my first days in office that I don't want any
7 plausible deniable theories with respect to my stewardship.

8 I am going to make it clear that if I ever have to come before
9 this Committee and confess that I didn't know what was going
10 on, and it was not good, that I will not ask you for excuse.

11 I will accept the responsibility, and thereby my subordinates in
12 the Agency, if I am approved for that job, had better be
13 prepared to accept the responsibility also, and if I ever
14 find that their sense of their own responsibility is such that
15 they are entitled to hide anything from me or in any way
16 feel I am not entitled to know every detail of what is going
17 on, there will be some fireworks out there.

18 Senator Hart. Thank you, Admiral.

19 Thank you very much.

20 The Chairman. Admiral Turner, a number of significant
21 CIA policies are embodied in CIA internal regulations rather
22 than being fixed by law.

23 If you become head of the CIA and you find that you can
24 waive the application of these regulations or simply change
25 them without notifying Congress, would you do so or would you

1 ensure that this Committee would be notified of any change
2 in CIA regulations?

3 Admiral Turner. I have no problem with notifying you
4 of change of CIA regulations, Mr. Chairman. I am not sure what
5 detail these get into and how much detail you want to get into.
6 My only hesitation is that I would be very happy to be sure you
7 were advised of those which seem to be of -- seem worthy of
8 your attention.

9 The Chairman. Fine.

10 Admiral Turner. And if you feel there are others that are
11 worthy of your attention that are not, why, I will happy to
12 go deeper.

13 The Chairman. I would like to apologize.

14 Senator Lugar, do you have any questions?

15 Senator Lugar. Yes, Mr. Chairman.

16 Admiral Turner, following up Senator Hart's questions a
17 moment ago about the control of the Agency and your knowledge
18 of what was occurring, you know, obviously this is critical
19 in terms of the relationship with this Committee or the
20 Congress or the nation, that you have this control.

21 Now, having examined the organization, do you feel that
22 you have sufficient control with regard to personnel policy, or
23 maybe to state it another way, without doubt are going to have
24 the loyalty of persons who have been affiliated with the Agency
25 for a long period of time, so that they are going to accept

1 without any difficulty your leadership, the chain of command,
2 or whatever the organizational relationship is.

3 The reason that I ask this, in a parallel situation, much
4 less grave, from time to time a Chief of Police may be appointed,
5 and he may come in from the outside, and sometimes all of the
6 police officers who are members of that police department do
7 not share enthusiasm for the chief. As a matter of fact,
8 they may feel that the attitudes that he is adopting are very
9 different from the code that they have followed, and they
10 believe they are going to outlast him, that they will still
11 be there after he has gone, and maybe four or four successors.

12 What is your basic feeling as you enter this situation
13 prospectively, about your ability, really, to obtain management
14 control and to have knowledge and to have loyalty and to have
15 the sort of feeling on the part of subordinates that they would
16 really genuinely care that you knew and that you were thus
17 able to represent the truth to this Committee?

18 Admiral Turner. Senator, I think that the tools, the
19 official legal tools available to the Director for those purposes
20 are adequate today. From there, I think it is a matter of
21 personal leadership. You must not only have a threat of some
22 sort over people, you must be able to win their enthusiastic
23 support for what you are doing.

24 I cannot guarantee you I am that leader, but I can only
25 say with some sense of immodesty that I don't think I have

1 ever failed to be in control of an operation I have commanded.

2 Senator Lugar. But you perceive the importance of that,
3 obviously, from Senator Hart's questions and from mine, that
4 if this was not to be the case, then we are all in trouble.

5 In other words, that you have been appointed and maybe confirmed,
6 but there is somehow rather a, I suppose some would feel on
7 occasion that people might be going off doing their own thing,
8 and your feeling is that whether that has been true historically
9 or not, that it will not be true in your administration of the
10 Agency.

11 Admiral Turner. Sir, I am not so immodest as to agree that
12 it will not be true, but I will be making every effort to be
13 sure it is not true.

14 Senator Lugar. This morning the wire services report
15 that President Carter was disturbed over leaks in intelligence,
16 and at least the wire service report suggests that from the
17 executive branch standpoint, he felt that the number of persons
18 who had a need to know ought to be reduced substantially. At
19 least one ticker tape story that I saw mentioned a reduction
20 to as low as 5 persons, although I am not certain what type
21 of information that might have referred to. Apparently he
22 left the ball over in Congress's court as to what the response
23 of the Congress ought to be.

24 Let me ask you now as a professional in the intelligence
25 business, if you were to have the best of all worlds and to

1 indicate how many persons ought to have a need to know in the
2 Congress, about how many persons can safely be entrusted with
3 information, given the normal odds of hearsay and problems of
4 security and so forth, what sort of target would you advise us
5 to be aiming at if we were to have the sort of control that
6 we would want on behalf of the people we represent, but at the
7 same time, from the standpoint of national security and
8 intelligence, the odds would be substantially diminished,
9 as apparently thought they needed to be in his distress this
10 morning.

11 Admiral Turner. It is my view, sir, that I would feel
12 more comfortable, if confirmed in this office, and assuming
13 the responsibilities under law for the protection of sources
14 and methods of intelligence, if I could report these very
15 sensitive clandestine collection operations or covert operations
16 only to one Committee of each chamber.

17 Senator Lugar. And you feel that the Committees, at least
18 constituted as they are, about the size that they are, are
19 appropriate, at least, that this is a reasonable situation.

20 Admiral Turner. At this point I see no problem with that,
21 sir.

22 Senator Lugar. In the regulations for the Agency --
23 and you have offered to share those with the Chairman or with
24 the Committee, as the case may be, so that we can have some
25 surveillance, are you satisfied, having read through those,

1 that there is an adequate code of conduct for persons affiliated,
2 really, in all sorts of activities with the agencies, in terms
3 of how they ought to conduct themselves in interrogating persons,
4 for example, or in a worse case, maybe, of capture, how they
5 ought to react if they were under capture? Are you satisfied
6 that that situation has been explored and that the rules are
7 reasonable, and that everybody involved has a good anticipation
8 of what he or she ought to do?

9 Admiral Turner. No, I am not satisfied, but only because
10 I simply have not probed into this in depth as yet, sir. I
11 am sorry, I just have not had the time.

12 Senator Lugar. Would you agree that this is a reasonably
13 serious proposition that probably ought to be looked into,
14 given the debate in the military services from time to time
15 on similar situations, especially the prisoner of war
16 situation?

17 Admiral Turner. Yes, sir.

18 Senator Lugar. The code of conduct there, and what ought
19 to be anticipated in the national service.

20 Admiral Turner. I certainly agree.

21 Senator Lugar. Finally, what in a general sense do you
22 see as an ideal course for the development of superior intelli-
23 gence gathering or evaluation in this country? I suppose
24 two prongs of my question: is there a part, at least, of your
25 administration, as you look at it, that would be devoted to

1 research capability, discovering new ways in which information
2 can be found. Obviously the discovery means that we don't know
3 precisely which technique we are looking at, but the research
4 and development aspect, if that is appropriate, will that be
5 a part of your outlook as to how we refine technique, and then
6 I suppose secondly, what should be the objectives of intelligence
7 finding, what sort of capabilities, and beyond that, has the
8 President discussed with you his philosophy of what intelligence
9 ought to be about, in other words, any new dimensions that
10 he sees or that you see in conversation with him?

11 Admiral Turner. I certainly think we must pursue a
12 vigorous research and development program. There is a prospect
13 that new developments in intelligence collection techniques
14 can perhaps make unnecessary some of the more risky ones that
15 we must suffer today. In addition, we must always stay ahead
16 of the competition. This is one of the great strengths we
17 have, it seems to me, over the Soviet Union is a more
18 advanced technology.

19 The President has shared some of his philosophy with me,
20 particularly his great desire for a well-coordinated intelligence,
21 drawing upon all the sources that are available to us, particu-
22 larly his desire for a very balanced presentation, perhaps,
23 as he said in the press several times, with several sources
24 coming to him separately, and again, as I said this morning,
25 I am just very encouraged because of his intense interest

1 in this whole area, and I am sure that means that I and you
2 are going to have lots of interchange with him and lots of
3 cooperation.

4 Senator Lugar. Did you mean in that last answer that the
5 President might on occasion encourage the publication of -- take
6 this A and B Team controversy, suggest that A, B, and C Teams
7 have looked at identical data and have come up with these
8 evaluations, and for the good of the national argument, he
9 might say I want to share this with you, or does that go
10 well beyond what the President's intent would appear to be?

11 Admiral Turner. It goes beyond any specific discussion
12 I have had with him, so I don't wish to commit him there, sir.

13 Senator Lugar. Thank you.

14 The Chairman. It appears that I will be the one to
15 wrap up the questioning, sir.

16 Reading some of our front pages and books being published,
17 I gather that many Americans have reached a conclusion that the
18 CIA and the other agencies in the community are insidious,
19 close, ultra-secret, conspiratorial type organizations. The
20 very nature of the work requires secrecy, but I think the
21 record should show that of all the intelligence gathering
22 organizations in the free world, ours happens to be the most
23 open.

24 As you are well aware, Admiral, in a great democracy,
25 Great Britain, the identity of the head of MI-6 is not known

1 to the people of that country. In fact, the Prime Minister
2 and the Foreign Minister are the only two who are aware of the
3 identity of the Chief of MI-6.

4 Here we are having an open hearing on the Chief of our
5 MI-6, and tomorrow we will have an open discussion, and open
6 vote as to your confirmation.

7 As Senator Lugar has pointed out, the President unquestion-
8 ably is and should be concerned with some of the unauthorized
9 disclosures that have been appearing in the press and elsewhere,
10 and my question is this: employees of the Government who are
11 made privy to highly sensitive material, such as those who
12 are working for the CIA, are required to take a special oath,
13 and the oath would in essence say that we will never divulge
14 the information that we have received during our service to
15 this country, and yet we know that in violation of this oath,
16 articles have been written, books have been written, names have
17 been printed, operations have been described.

18 Do you believe that criminal sanctions should be provided
19 for by law to punish those who violate this oath?

20 Admiral Turner. Yes, sir.

21 The Chairman. Do you have any suggestions as to what sort
22 of criminal sanctions?

23 Admiral Turner. I really do not at this time, Senator.

24 The Chairman. If confirmed, do you intend to work with
25 your colleagues in the Community to come forth with some sort

1 of legislation that we can look at?

2 Admiral Turner. Yes, sir, I would certainly be very
3 amenable to doing that and bringing any legislative suggestions
4 through the normal channels of the executive branch to the
5 Congress and to your Committee.

6 The Chairman. You have indicated that you would like to
7 be required to just respond to one Committee. Here in the
8 Senate we have this Committee. Then you have the Appropriations
9 Committee with a special Subcommittee, a highly secret
10 Subcommittee handling intelligence appropriations; the Armed
11 Services, I think will jealously guard its prerogatives over
12 the activities of the Defense Intelligence activities, and I
13 presume the Foreign Relations Committee will insist upon
14 having its hand in the foreign policy aspects of intelligence
15 gathering.

16 How do you think we can improve the situation?

17 Admiral Turner. What I intended to say, sir, was I
18 would hope that for very sensitive, clandestine collection
19 efforts or covert operations we could report those to one
20 committee who would assume the responsibility for oversight of
21 these delicate, risky operations. I certainly see -- I certainly
22 do not propose, for instance, not reporting to the Appropriations
23 Committee on appropriations matters, but I am not sure that
24 need carry through to the degree of detail that I am suggesting
25 on the sensitive side.

1 The Chairman. Well, I believe I speak for all members of
2 this Committee when I say we are very much impressed by you,
3 sir.

4 Admiral Turner. Thank you, sir.

5 The Chairman. And we appreciate your forthrightness and
6 your responses to our questions, and although this may sound
7 rather premature, and maybe uncalled for, but I don't see any
8 problems tomorrow at 3:00 o'clock in the afternoon.

9 So if you have an assignment in Naples this evening, I
10 would say to you, bon voyage and you can go ahead knowing
11 that you will be confirmed, sir.

12 Admiral Turner. Thank you very much, and may I think
13 all the members of the Committee for their generosity and for
14 the stimulation that I have received and I do look forward,
15 if confirmed, to working very closely with all of you, sir.

16 The Chairman. And Admiral, if we may, we would like to
17 submit to you questions that were prepared by members who were
18 not able to be here today, and by some of the staff people,
19 and your responses will be most appreciated.

20 Admiral Turner. Yes, sir.

21 The Chairman. Thank you very much, sir.

22 Admiral Turner. Thank you.

23 The Chairman. Our next witness is the President of
24 Common Cause, Mr. David Cohen.

25 Welcome to the Committee, Mr. Cohen. We have received

1 your statement.

2 Without objection, your statement will be made part of
3 the record in toto.

4 (The prepared statement of Mr. David Cohen follows:)
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