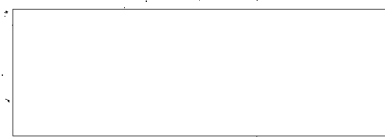


# NOMINATION OF ROBERT M. GATES

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## HEARING

BEFORE THE

## SELECT COMMITTEE ON INTELLIGENCE

OF THE

## UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

NOMINATION OF ROBERT M. GATES TO BE DEPUTY  
DIRECTOR OF CENTRAL INTELLIGENCE

APRIL 10, 1986

Printed for the use of the Select Committee on Intelligence



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(202) 225-4121

At this point, Bob, I would ask you to stand and according to the committee rules I will swear you for the purpose of your testimony. Do you, Robert M. Gates, solemnly swear that the testimony and the answers to questions that you are about to give will be truthful.

Mr. GATES. I do.

The CHAIRMAN. All right. Thank you. Why don't you proceed, with your opening statement.

**STATEMENT OF ROBERT M. GATES, NOMINEE TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE**

Mr. GATES. I welcome the opportunity to appear before you today on my nomination as Deputy Director of Central Intelligence.

I am honored by the President's decision to nominate me. I am grateful to Director Casey for his confidence in me, the opportunities he has given me and his unwavering support. I am honored to follow in the footsteps of two respected colleagues and friends, Adm. Bob Inman and John McMahan, both of whom were esteemed for their sound judgment, managerial skill, and independence of view. I cannot think of two finer role models for a Deputy Director of Central Intelligence. And I certainly appreciate Senator Warner's introduction.

**CONGRESSIONAL OVERSIGHT**

I believe it would be useful and appropriate for me to speak at the outset to the oversight process. I have addressed this in writing in response to a question from the committee, but believe it worthwhile to summarize my views.

Every so often, the assertion is made that U.S. intelligence, and CIA in particular, deeply dislikes oversight, resists keeping the committees informed, carries out its reporting responsibilities grudgingly and minimally, and would like to return to the so-called good old days before oversight.

This public hearing affords me the opportunity to say that these allegations are wrong. The concept and principles of congressional oversight of intelligence are fully accepted within the American intelligence community. Nearly two-thirds of those now serving in CIA began their careers after 1976, when oversight as we know it began. They know no other way of doing business than within the framework of congressional oversight. At the same time, we realize that, almost by definition, oversight involves skepticism, criticism, and suggestions for improvement. And, obviously, nobody likes to be on the receiving end of criticism. But, whatever frictions result are usually transitory and do not affect the basic process.

More important, the community's acceptance of oversight is based in substantial measure on recognition of the benefits to us of the process. We remember, for example, that the rebuilding of American intelligence began in the late 1970's in this committee. Subsequently, both committees have strongly supported our resource needs. You have on occasion given us—defended us in public against unjustified accusations. You have been instrumental in initiating and sponsoring legislation important to our people and our work, including the Identities Protection Act and the CIA Informa-

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tion Act. Oversight has created an environment that fosters adherence to the rules at all levels and discourages corner cutting or abuses. The committees have contributed to improving the quality of our work and to efficiency. And, finally, the congressional committees and executive oversight organizations such as the Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board should give Americans confidence that their intelligence service is accountable, carries out its activities according to the law and that we are guided by standards and values acceptable to them.

The relationship between the congressional oversight committees and the intelligence community is unique in the world—the first attempt ever to conduct secret intelligence operations accountable to the people and responsible to the law and to the Congress. While the oversight process may occasionally lead to frictions in the gray area resulting from the overlap between congressional authorities and the duties of the executive, it has been the practice of both branches of Government for 10 years now to try to resolve such difficulties in a spirit of comity and mutual understanding. This unique relationship between us depends on mutual trust, candor, and respect and I assure you I intend to conduct myself with this in mind.

#### INTELLIGENCE IMPROVEMENT MEASURES

Twenty years have elapsed since I began my intelligence career as an Air Force intelligence officer with a Minuteman missile wing. You have before you the details of my career which I will not repeat. There are three features, however, perhaps worth noting. First, I've always believed that no matter how good U.S. intelligence is—and it is in my view, quite good—it can always be improved. I somewhat presumptuously first expressed dissatisfaction with and suggested improvements in our analytical work on the Soviet Union in an article published a short time after I joined the Agency. Throughout my career, culminating in my present position, I have endeavored to improve the quality of our work—its substance, relevance and responsiveness to our leaders' needs. Because intelligence is secret and our Agency is closed to public scrutiny, I believe we must take the initiative to reach out to policymakers, the Congress, the private sector, and critics and experts of all stripes for help in improving the substance of our work, our efficiency and our effectiveness.

Second, I have spent a significant part of my career trying to build a dialog between those of us in intelligence and the policymakers we serve. Intelligence must be relevant, timely, and responsive to the real requirements of the policymaker if it is to be useful and effective. And relevance can be insured only by a close, day to day, working relationship. At the same time, intelligence must remain independent. Our very existence depends upon a reputation for integrity and for objectivity. Splendidly isolated, our independence is guaranteed but so is our irrelevance. While daily engagement with the policymaker requires constant vigilance and sound judgment to maintain our objectivity, this is the arena where we must operate. This constant contact is imperative.

environment that fosters adherence and discourages corner cutting or contributed to improving the quality. Finally, the congressional commissions and organizations such as the Intelligence Oversight Commission and the President's Foreign Intelligence Advisory Board have shown confidence that their intelligence activities are carried out according to standards and values acceptable

congressional oversight committees are unique in the world—the first intelligence operations accountable to the law and to the Congress. While they may lead to frictions in the gray areas between congressional authorities, it has been the practice of both sides now to try to resolve such differences and mutual understanding. This depends on mutual trust, candor, and a desire to conduct myself with this

#### MOVEMENT MEASURES

I began my intelligence career with a Minuteman missile. One of the highlights of my career which I will not mention, however, perhaps worth noting. No matter how good U.S. intelligence is, it is quite good—it can always be improved. My first expressed dissatisfaction was in our analytical work on the Soviet Union a short time after I joined the Agency. It culminated in my present position. I believe the quality of our work—its responsiveness to our leaders' needs. Because the Agency is closed to public scrutiny, it is difficult to reach out to policymakers, the press, and critics and experts of the substance of our work, our efficiency,

and the important part of my career trying to improve intelligence and the policy process. It must be relevant, timely, and responsive to the policymaker if it is to be useful. It is insured only by a close, day to day relationship. At the same time, intelligence must be credible. Its acceptance depends upon a reputation for objectivity. In splendidly isolated, our independence is essential. While daily engagement is necessary, constant vigilance and sound judgment, this is the arena where we must be at all times imperative.

Third, my years on the National Security Council staff opened my eyes to the enormous cost imposed on the effectiveness of Government—including intelligence—by bureaucratic parochialism—turf battles. As Deputy Director for Intelligence and Chairman of the National Intelligence Council, I have worked to break down institutional barriers within CIA and within the intelligence community. Only by cooperation and by combining the strengths of each organization can we do our work effectively. The present harmony that characterizes the American intelligence community is due in significant measure to Director Casey's leadership in reducing these barriers, and I look forward to helping him make further progress in this area.

My career has been spent primarily on the overt side of CIA and, specifically, at that point where the product of our vast collection apparatus emerges in finished form to help warn and inform policymakers and to help them understand better a complex world. The pace of change is accelerating; challenges to our security and well being are multiplying; opportunities to promote our democratic values and to help others share our economic prosperity are increasing. The contribution of intelligence in discerning and explaining these developments is becoming more vital.

#### FUTURE INTELLIGENCE DEMANDS

We are entering an era when demands on the intelligence community are reaching beyond traditional areas into new worlds including terrorism, narcotics, technology transfer, the proliferation of chemical and biological weapons, and many other problems. We must find the resources to support these new efforts while continuing to place major emphasis on the collection and analysis of countries hostile to the United States.

Thanks to the rebuilding of the last several years and a policy community willing to work with us, the American intelligence community in my view has never been in finer shape. Good intelligence is a wise and necessary investment. It can, and has, saved billions of dollars for the Department of Defense through information we acquire on Soviet weapons and military plans. Even more important, in analyzing, penetrating, and countering the shadowy worlds of terrorism, narcotics, subversion, and other problems, we save lives and help protect the Nation. But this investment in intelligence cannot be turned on and off like a faucet. It takes years to train a case officer or a good analyst, and often a decade or more to build a new technical collection system. Quality intelligence requires sustained support. We have come a long way back in recent years, but the challenges are multiplying and a continuing investment is required. Here, the understanding and support of the President and of the oversight committees have been invaluable.

In closing, a rare public hearing such as this requires acknowledgement of the brave men and women of American intelligence, military and civilian, who live and work in dangerous and inhospitable places overseas and under enormous pressures here at home. With courage and dedication, they endure personal sacrifice, incredibly long hours, a cloak of secrecy about what they do that excludes even their families, a lack of privacy, and yet anonymity. As

the President said to some of them in 1984, "the work you do each day is essential to the survival and to the spread of human freedom. You remain the eyes and ears of the free world. You are the tripwire." The Nation can be proud of its intelligence corps and, if confirmed, I would be proud to serve with them as Deputy Director of Central Intelligence.

Mr. Chairman, this concludes my statement. While I'm somewhat unaccustomed to a public forum such as this, I would be pleased to answer any questions that you or the members of the committee may wish to ask.

The CHAIRMAN. I know from your record of public education and public information that you have taken advantage of opportunities to educate the public on the role of intelligence, and I think that this effort will continue to be of greater value in your role as Deputy Director.

I wish to confirm your statement on the quality of your predecessors in this job; John McMahon and Bobby Inman. One of the things they understood is that critique of the oversight process is valuable from two perspectives. It isn't just congressional oversight critiquing the intelligence community, but it is on occasion the community critiquing the process of oversight. And I don't think there is anyone here that objects to seeing that process continue, so long as it is accomplished in the spirit that you described. Your predecessors, I think, did it very well.

I would, by way of additional advice, suggest that you continue to emulate them in that regard.

With respect to the process of intelligence, let me ask you a couple of questions taken from your answers to questions in the background and financial disclosure statement, about congressional oversight of the community. At one point you say:

Accountability, particularly with respect to the law, relevant Executive orders, guidelines, and regulations is, in my view, the fundamental purpose for oversight of intelligence activities that, of necessity must be conducted out of the public eye.

Do I read that statement to mean that you believe there are limits on oversight, and if so, how would you define those limits?

Mr. GATES. No, sir; I don't believe there are limits in the areas that oversight should extend to. I stated that accountability was the fundamental purposes. It is by no means the exclusive or the only purpose. The deep involvement of the committees in the budget process itself is testimony to the wide-ranging involvement of the committees in both resources allocation and in effective management in the Agency.

#### AGENCY'S RESPONSIBILITY TO CONGRESS

Additionally, the amount of finished intelligence that we provide to both of the committees implicitly recognizes the importance of the committees in judging the quality and effectiveness of the finished intelligence product as well. So I see the involvement of the committees as very broad. I believe however that my reading of the history of the oversight process suggests that one of the primary motives in establishing it was the need for accountability.

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#### IBILITY TO CONGRESS

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The CHAIRMAN. Related to that, you endorse the concept of self-restraint on the part of the congressional oversight committees, and you say, in part:

This, in my view, involves restraint from unreasonably burdening the intelligence agencies with reporting requirements and requests for information, and also, in avoiding micromanagement of intelligence through the budget process.

What do you consider to be examples of unreasonably burdening the intelligence agencies?

Mr. GATES. Mr. Chairman, my answer was in response to the question which had to do with my perceptions of the obligations of the DCI and DDCI, as well as the oversight committees. I made the statement more as a matter of general principle than as a matter of complaint.

The CIA alone last year conducted over or carried out more than 500 briefings of congressional staffs. That does not account for the many formal hearings that were held or the many hundreds of written questions.

So I would simply say we are willing to respond to any questions that the committee has. I think that while I was Deputy Director for Intelligence, I don't believe there was ever a question that we did not answer. I would just ask that the committee be mindful of the resources involved in this as it carries out its work.

The CHAIRMAN. In your view, do Members of Congress and the oversight committees in particular, qualify as policymaking consumers of intelligence?

#### POLICYMAKERS CONSUMERS OF INTELLIGENCE

Mr. GATES. Well, let me first define what I believe the role of the policymaker is with respect to intelligence. It seems to me that intelligence is responsible for collecting and analyzing information and arraying it for the policymaker. The role of the policymaker is to draw on that information and on other sources to develop options for policy, to make recommendations for policy, and then choices and decisions about policy, to advocate that policy, and then finally to implement that policy.

The only area where I see any real actual or potential overlap in those between intelligence and policymaking is in the arena of developing options. And in some of the areas that we work in, for example arms control, it is important that the administration have our help—that any administration have our help in figuring out what kinds of arms control options are viable in the context of our abilities to monitor.

Now, that said, it seems to me that it is obvious that the Congress frequently has a role in setting policy. Sometimes it does so directly through passing laws. Sometimes it does so in more indirect ways. But the key distinction for me is found primarily in the question of the implementation of policy, and to a certain extent also in decisions on policy, but primarily implementation. So I think it is a separation of powers issue. I regard the Congress as a legitimate consumer and user of intelligence. We have provided an enormous amount of intelligence information to the Congress—not just the oversight committees, but to the Foreign Affairs Committees, the Armed Services Committees, the Appropriations Commit-

tees and so on. So I see you as certainly as legitimate consumer of intelligence in the parlance that we use in our business. However, I would regard the policymakers, as we usually refer to them, as those that we work with in the executive branch.

#### LEAKS

The CHAIRMAN. The vice chairman mentioned the concern that we have, and you know I have articulated regarding the seriousness of leaks in recent years. One of the more serious leaks appears to have taken place recently in connection with intelligence on Libyan reaction to United States naval maneuvers in the Gulf of Sidra. What is your opinion about what can be done to prevent these damaging disclosures of intelligence sources and methods by policy officials in the executive branch?

Mr. GATES. Well, I think that the problem of leaks is one of the most serious that we face in the intelligence community and also in the Government. The Director spoke to this before the newspaper editors yesterday. Among other things, it makes it difficult for us to maintain discipline. It is very difficult for us to read about the disclosure of—or to read the disclosure of sensitive sources and methods in the morning newspaper, and then turn around and have to fire some youngster because he breached the discipline that we impose, and perhaps told his parents too much about what he does for us.

I think that the problem is a general erosion of discipline throughout the Government. I think that there probably is too much finger-pointing about who is responsible and too little consideration about needs to be done. At a minimum, it seems to me, as far more aggressive investigative process is required. I think that perhaps more strict enforcement of our—in terms of intelligence information, in terms of compartmentation is probably required.

But basically what we need somehow to do is to educate people throughout the Government, in both branches, to the sensitivity and the vulnerability of our sources and the damage that they do when they release something without authorization or without due consideration.

So I think that the main thing that we need to turn our attention to is what kind of an effective investigative process we can develop.

The CHAIRMAN. I am going to defer to the Vice Chair, but certainly would endorse that. I have also been making the point that you alluded to, and that the best way to stop this is by example. That to the degree that people either on the congressional side or the administrative side, are able to permit selective disclosure or selective discussion, it sets environment in which others feel free to do the same thing as long as they can justify their actions by elevating their cause to a comparable level.

Pat.

Senator LEAHY. Thank you, Dave.

Dr. Gates, when your predecessor John McMahon was before the committee on his nomination on May 26, 1982, I asked him a question and stated at that time that I would ask the same question of anybody else who would come before this committee on a nomina-



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tion to sensitive positions of this nature. In fact, a question I asked,  
 I also intend to ask of nominees before other committees I serve on.  
 I am going to read back from the transcript so I can make sure I  
 have it exactly the same way that I asked Mr. McMahon. I asked  
 for his assurance that he would see to it that the record were cor-  
 rected if ever inaccurate or incomplete information were given to  
 the committee by anyone in a position of authority in the intelli-  
 gence community.

#### INACCURATE OR INCOMPLETE INFORMATION

And here's what I asked. I asked Mr. McMahon, "If you were  
 aware that others in the CIA, whether the Director of the CIA or  
 anybody else, had given us misinformation, either intentionally or  
 negligently, on matters that come within our jurisdiction, would  
 you correct the testimony that had been given to us?" And he an-  
 swered, "Yes, sir, I would either correct it or cause it to be correct-  
 ed by those who gave the erroneous information." And I asked,  
 "Whether that was given by somebody over or under you?" And he  
 answered, "I can't imagine anyone over me doing that. I can't  
 imagine anyone doing that purposely, but I would certainly correct  
 the record." He added, "I don't think an oversight committee can  
 expect anything else."

I'll say now as I said then, that I don't mean to imply that I an-  
 ticipate any official, either over or under you, is going to do that,  
 that is, provide incomplete or inaccurate information. And I want  
 to add now as I did then that I would expect the same assurances  
 from a nominee to any position of trust such as yours, including  
 outside the intelligence world. So it is one of those boilerplate ques-  
 tions that a lot of people will hear from me.

Such an assurance, though, is particularly important on intelli-  
 gence. Congress and the public must know that the honesty and in-  
 tegrity of intelligence officials safeguards them from being misled.

So I am going to ask the same question I asked Mr. McMahon.  
 Dr. Gates, if you became aware that others in the CIA, whether the  
 Director or anybody else, had given us misinformation, either in-  
 tentionally or negligently, on matters that come within our juris-  
 diction, would you correct the testimony that had been given to us?

Mr. GATES. You have my assurance that I would do so.

Senator LEAHY. Dr. Gates, I would not expect anything less from  
 you, nor do I think any member of this Committee would.

Dr. Gates, in recent months it has seemed that the administra-  
 tion has more and more turned to intelligence programs as a direct  
 instrument of foreign policy. There has been much said about a  
 new Reagan doctrine of increasingly open and direct confrontation  
 with the Soviet Union and its allies and friends around the world.  
 There has also been, in the press, a great deal of discussion of pro-  
 viding so-called covert military assistance to various insurgent  
 groups around the world which the administration views as free-  
 dom fighters opposing Communist regimes.

Now, you are identified as an honest and capable individual who  
 has improved the quality of intelligence. You are also identified as  
 an internationalist who is supportive of the view that regional con-  
 flicts reflect the global competition between the United States and

the Soviet Union. What are your views on the appropriateness of using the CIA as a direct instrument of foreign policy in regional conflicts? I realize we are speaking in the abstract.

#### FOREIGN POLICY IN REGIONAL CONFLICTS

Mr. GATES. Senator, I believe that we face a very complicated international environment. We have resistance movements that are fighting Soviet aggression in their country. We have groups that are resisting the imposition of Marxist-Leninist regimes supported by the Soviet Union in Cuba and Vietnam in their countries. We have a very active Soviet covert action program aimed at political destabilization that we estimate broadly is costing them on the order of \$4 billion a year. We are confronting problems in the world of narcotics, terrorism, proliferation of chemical and biological weapons, and a host of other problems.

I think that the experience of the last 10 years would suggest that in many of these cases, diplomacy alone is not an effective instrument. I think that experience also would show that in many of these instances, overt military action by the United States is either not appropriate, or would not be supported by the American people or the Congress.

At that point, the United States has two options. It can develop other instruments by which to carry out its policy and to try and protect its interests, or it can turn and walk away. One of those other instruments available to the United States is special activities or covert action. And I believe that covert action is an appropriate instrument of foreign policy, as long as it is undertaken in the context of a larger policy.

I believe this administration has made a significant step forward, both in foreign policy and in the conduct of the oversight process, by virtue of the appearance here of senior policy officials when a covert action is presented to the committees, to explain why that policy instrument was chosen and how it fits into the broader context of administration foreign policy.

#### COVERT ACTION POLICY

I think that it is important to understand—there is a frequent misunderstanding, I think, in the public that somehow covert action is some kind of independent CIA foreign policy. That is not the case at all. The decision to undertake covert action is a policy decision. It is a decision made by the National Security Council, and CIA is the instrument by which it is implemented. And I believe that when that decision is made, that CIA has the obligation to implement it as effectively and as efficiently as possible.

Senator LEAHY. Do you see a danger, though, to the credibility or the reputation of the CIA when it is involved in increasingly open involvements around the world—when they are discussed at everything from a Presidential news conference to widely publicized debates within the administration, and when the CIA is continually being referred to as the instrument of that foreign policy. Do you see any potential problems resulting for the reputation or to the effectiveness of the CIA?

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#### IN REGIONAL CONFLICTS

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Mr. GATES. Well, I think that our recruiters on various universi-  
 ty campuses would suggest that we do see some problems resulting  
 from that. But more broadly, let me talk for a moment leading up  
 to the answer to that question, about large scale paramilitary  
 covert actions, which are primarily the ones that you are discuss-  
 ing, I think.

It has always—not just recently, but always—been difficult to  
 keep information or the fact of American involvement in a large  
 scale paramilitary action secret. It seems to me that we encounter  
 a certain gray area here in which open action is deemed not appro-  
 priate, and where despite rumors and a lot of information and a lot  
 of detail about presumed actions are known in the public forums,  
 you still do not have public confirmation or official confirmation or  
 acknowledgement of American government involvement in a partic-  
 ular activity. As small as that fig leaf may be, it still is sufficient  
 to allow third parties who have parallel interests to cooperate with  
 us.

Now, that said, it seems to me also important that we not allow  
 a handful of people who lack discipline wherever they are located,  
 or maybe a larger number, to paralyze us from action by talking to  
 the press about these things.

Now, in terms of the consequences for the Agency, there is no  
 question but that we take some hits in the public media and in  
 terms of people's—perhaps some people's perceptions of us because  
 of our involvement in these activities. I think, though, that there  
 has been a trend over the last year or so toward focusing the  
 debate on these issues more on the policy issues and less on CIA.  
 And I think that to the degree that we do a better job of advising  
 and keeping the committees fully and currently informed on these  
 things so that there are not complaints about our unwillingness to  
 share information or our giving information grudgingly, we will  
 help to focus this discussion where it ought to be, and that is on  
 the policy.

Senator LEAHY. Thank you, Dr. Gates.

The CHAIRMAN. Chic Hecht.

Senator HECHT. Thank you, Mr. Chairman. Nice to see you, Bob.

On your statement, I agree with many parts; I thought it was  
 very well done. I agree that—in my opinion, our intelligence has  
 never been better in the history of America than what we have  
 right now. And when you mentioned the brave men and women of  
 American intelligence enduring personal sacrifice, incredibly long  
 hours, and a cloak of secrecy, I can certainly attest to that. I have  
 been doing a lot of traveling the last year, seeing these brave men  
 and women in very sensitive spots. I have to tell you, I am very,  
 very impressed with the caliber, I am impressed with the esprit de  
 corps of all of them. They are dedicated Americans and they are  
 doing their job. And I am glad that on the basis of what you have  
 said, I assume you are going to continue on the same type of pro-  
 gram which has brought us up to this. And I cannot ask you that  
 question, because the next question would be, if you are going to  
 change, what are you going to change, and I wouldn't want that in  
 a public forum. But at a later time I will get into that, but I am  
 glad you are going to continue. It's nice to have you aboard.

Mr. GATES. Thank you, sir.

The CHAIRMAN. I would like to ask you at some point that we waive the 48-hour rule that we have in the committee, and vote this afternoon on this nomination. I do that because, as I have indicated earlier, the Director informs me he can't leave the country until he has a deputy—without a deputy in place.

Senator HECHT. Mr. Chairman, since we are here, is it possible to give you a proxy, because I will have to leave.

The CHAIRMAN. We need eight people physically present to take the vote.

Senator HECHT. Can you pick a certain time certain and we'll come back.

The CHAIRMAN. Let's pick a time, because we have some absent members that are in mark-up and in committees that would be willing to come. Three thirty? All right.

Bill Cohen.

Senator COHEN. Mr. Gates, I agree with your statement that covert action is sometimes necessary, and that it does in fact involve policy decisions. The difficulty with it is that covert actions also bypass the normal congressional process. You don't go through the hearings before the Foreign Relations Committee; you don't go through the normal appropriations process, as such, because of the secret nature of the covert actions. And when you do get into the gray area, I think you indicated you can't allow a small handful of people to paralyze us.

I think what has been most frustrating for a number of us has been the lack of definition of what a covert action entails, from the black aspect of it to the white. The gray area becomes very disconcerting. For example, if you have a covert action program to assist a foreign country, you assume that that is for the purpose of maintaining deniability, providing that fig leaf to cover ourselves or third countries who might be of assistance. But it becomes rather difficult when the President of the United States, for example, proclaims in front of the White House press corps, yes, we're sending you aid. It makes it very difficult to even hold that small fig leaf up at that point for this particular committee, and it undercuts, I suppose, the ability of the members of this committee to then deal with this effectively on the floor. We have a Presidential declaration of assistance, yet we have a covert action program. And so it is not just a small handful of people. This goes to the very highest levels. When it suits our purpose politically, we declare our support. And yet we still hide it over here under a covert section which by-passes the normal congressional process.

I would only suggest that we have to have some rather more definitive explanation that will satisfy the committee and the Congress about what a covert action should entail. Otherwise you are going to continue to have the kind of policy discussions spill out beyond this committee onto the Senate and House floors, with members engaging in full debate over an issue because it has been on the front pages of the press—not because of a leak by some low level staff member at the Agency or indeed even here in Congress, but one from the highest levels of our own executive branch. That to me is one of the key difficulties we have had in recent years dealing with covert actions. They are policy decisions which are on the front pages not by leaks, but by public proclamations by our

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highest leaders. I think something has to be done to at least set some ground rules about how those are handled. That is just from a personal point of view.

#### RIGHT QUESTION, ESPIONAGE, INTELLIGENCE STRUCTURE

Second, you indicated, or I should go back—there is a fictional character I am familiar with who once said, if you don't ask the right question, you don't get the right answer. And if you ask the right question, you only get half the right answer. Now, I would hope that that would remain within the realm of fiction, but I can tell you that in my own experience, there have been one or two occasions in which questions have been asked of various witnesses, and in which an answer has been given, only to find out through some story in a national magazine that the answer wasn't complete. And then the response given from that witness at the following hearing was, well, you didn't ask the right question, you weren't that specific. This has occurred to the point where one would have to spend all of his or her time with great specificity asking 200 questions to get at that specific area.

So I think that oversight, if it is going to be effective and it is going to be conducted in a spirit of comity and cooperation, has to be carried out with a sense of a full answer and a sense of the spirit as well as the letter of the law itself. That, I would say, for the most part, has been the case not always, but for the most part.

A second point I would like to make is that you have stated you can save billions of dollars from our Defense Department by monitoring Soviet military equipment and testing and so forth. We can also lose billions of dollars through espionage. During the past year, we have had three current or former CIA employees charged with espionage: Edward Lee Howard; Larry Wu-Tai Chin; Sharon Scranage. And we've had some former intelligence people such as Ronald Pelton, NSA; Jonathan Pollard, Navy Intelligence; Richard Miller, FBI.

What do you see as the most significant policy implications of these cases, and what do you intend to do about it as the Deputy Director?

Mr. GATES. I think that—let me answer the question in two levels. First of all, the general implications, and second, some specific lessons.

In general terms I think first of all that the problems that we've had in this area certainly are a strong argument in favor of continuing and strengthening the compartmentation within the Government, particularly within the intelligence community. Some of these people gave away a good deal of information. There is no doubt that without compartmentation, they would have given away a great deal more.

A second lesson it seems to me is that all agencies, including CIA, need to give particular attention to their reinvestigation programs. We have one, we have a formal one. The resources that we have available for it are limited, but over the last 2 or 3 years, we have been expanding them. I think that all agencies need to do that.

I think a third consideration is the need for probably tighter security measures throughout the Government and throughout the intelligence community. There are some fairly significant differences in the standards of different agencies in terms of security clearances, what is required for a security clearance at different levels, and so on. And I think greater cooperation and standardization to the degree possible in that area is important.

I think we have learned some specific lessons from these cases as well. From one case, we have learned the need to have different organizations within the same agency, like CIA, sharing information with each other. We have learned something about giving people very sensitive information before giving them a repolygraph.

I think one thing we have also learned, however, is that we are dealing with human beings. There are people who are going to change once they get into the intelligence community. And it is only through the reinvestigation program that we can identify that these people have become vulnerable or that they have begun having some association with a hostile intelligence service. And I think it also speaks to the importance again of compartmentation.

But no one could sit here and tell you that we can devise a set of procedures that will prevent one person or another out of the very large number of people working in intelligence from being recruited by somebody else. We have to have a set of security measures and counterintelligence measures in place that limit the damage and enable us to identify such people as quickly as possible. And I think that there are countermeasures and other things that we can do that can improve that process.

Senator COHEN. Mr. Leo Cherne, before the Defense Strategy Forum, gave a speech recently, and he asked an important question. I think you have also addressed this. I would like just to quote his statement for you. He said:

Can our intelligence be as good as it must be as long as our knowledge of foreign languages and cultures remains as poor as it is, especially when that handicap is further compounded by the disinvolvement of our centers of learning, research, science and technology, some of whom shun "contaminating" contact with the world of intelligence.

I believe you also addressed this point before the John F. Kennedy School of Government at Harvard. I have two quotes here that I will read to you and ask you to elaborate on.

The first one is that:

Preserving the liberty of this Nation is fundamental to and prerequisite for the preservation of academic freedom; the university community cannot prosper and protect freedom of inquiry oblivious to the fortunes of the Nation.

#### INTELLIGENCE, ACADEME

And the second quote was:

In defending the Nation and our liberties, the Federal Government needs to have recourse to the best minds in the country, including those in the academic community. Tensions inevitably accompany the relationship between defense, intelligence, academe, but mutual need and benefit require reconciliation or elimination of such tensions.

is the need for probably tighter security. Government and throughout the world there are some fairly significant differences between agencies in terms of security clearance at different levels. Greater cooperation and standardization in this area is important.

Some specific lessons from these cases have been learned. We have learned the need to have different security policies for different agencies, like CIA, sharing information. We have learned something about giving security clearance before giving them a copy of information.

One lesson learned, however, is that we are not sure there are people who are going to be in the intelligence community. And it is not clear from our program that we can identify that people are verifiable or that they have begun to be hostile intelligence service. And it is a challenge to get a distance again of compartmentation. We can tell you that we can devise a set of security measures for a person or another out of the very best in intelligence from being recruited. We can have a set of security measures in place that limit the damage if people are as quickly as possible. And I have learned other things that we can do.

Before the Defense Strategy Commission, before the Defense Strategy Commission, and he asked an important question. I would like just to quote

It must be as long as our knowledge of foreign intelligence as it is, especially when that handicap is present in our centers of learning, research, scientific, "contaminating" contact with the world of

At this point before the John F. Kennedy Commission. I have two quotes here that I would like to elaborate on.

It is fundamental to and prerequisite for the university community cannot prosper and the fortunes of the Nation.

THE CHAIRMAN, ACADEME

As a result, the Federal Government needs to have a policy, including those in the academic community, to improve the relationship between defense, intelligence, and education. We require reconciliation or elimination of such

Would you elaborate briefly on what the relationship has been with the groves of academe, as such, in recent years, and what you foresee for the future?

Mr. GATES. Well, in recent years I think that the relationship has improved significantly from what was probably the nadir in the mid-1970's when many university professors and scholars would refuse even to talk to us. When I was at the Agency in early 1977, I did a survey of about 25 schools in the Midwest and the West, to see what kind of cooperation we could elicit on Soviet affairs, what kind of work was going on. And there was not a single professor that I encountered who was willing to have any kind of contractual relationship with us, and many refused to have any kind of a formal relationship, including even a consulting relationship.

Our experience in the last 2 or 3 years has been almost the opposite. It is now a rarity to find a scholar who is not willing to talk to us, who is not willing to share ideas with us, and who is not willing to attend one of our conferences or talk to our analysts and so on.

I would hope that this would continue and expand. It seems to me very important, and not just in the academic community but in the business community, where our relationships have been more steady and much better over a long period of time, think tanks, and various other places where there are people who are thinking about international problems. I would like to see these relationships expand, and I think frankly, given the proliferation of the subjects that we are having to address, that it is virtually imperative that it expand.

The CHAIRMAN. One clarifying question. I thought when you were responding to the vice chairman's questions relative to covert action that you alluded to some renewed receptivity of CIA within academia in the last couple of years. Does this reflect support of the use of covert action.

Mr. GATES. There have been some demonstrations against our recruiters. What is perhaps different from an earlier period is that the demonstrations have often had to be moved out of the way for the lines of students who were lining up to apply.

The CHAIRMAN. Have you not noticed an adverse impact of those demonstrations in any way on CIA access to the resources of the universities or on the faculty of universities and their willingness to be responsive to the community's needs?

Mr. GATES. No, sir; we haven't.

The CHAIRMAN. Mitch McConnell.

Senator McCONNELL. On several occasions over the past year or so, including in the Vice President's recent report on counterterrorism, the administration advocated the formation of a single oversight committee. I am wondering, first, how you feel about that; second, what kind of impact you think that would have on the oversight process?

Mr. GATES. Well, I have heard arguments made both pro and con for a joint oversight committee. Frankly, it comes out about a wash for me, and I think it is essentially up to the Congress to decide how it wants to organize itself. I think you can make arguments both ways in terms of its value and whether it would cut down on leaks or things like that. There are also offsetting arguments. I

would think that that is basically a matter for the Congress to decide.

Senator McCONNELL. So you have no strong views about it one way or the other?

Mr. GATES. No, sir.

Senator McCONNELL. So you don't conclude that it would necessarily have an impact on the problem that the chairman and others talked about of leaks that we all find troublesome, no matter where they come from.

Mr. GATES. I don't think so. No significant. Perhaps some, but—

Senator McCONNELL. In your statement of qualifications, you mentioned, and I quote from it, that you had "introduced a number of measures to bring about the long-range improvement of CIA analysis, including accountability (for the first time) of analysts for the record of forecasting and assessments." I am interested in how you structured and implemented that, and if there are any consequences for reports that are not subsequently proved to be accurate.

#### ANALYSIS

Mr. GATES. The way we implemented that was to create for each analyst in the Directorate a file into which we placed a copy of everything that the analyst wrote on his or her particular area, whether it was a short current intelligence piece or a longer range research study. And one of the things we did that helped assuage the analysts somewhat is that we allowed as how there was the real possibility that the process of refining these reports as they are produced may take a marvelous piece of analysis and destroy it in the course of this review. So we always allow the analyst, if he or she wishes, to include the first draft of their writing as well as what was ultimately published. So that when you go through, the analyst could say, see, I was right, and you guys messed it up along the way.

One of the things that I assured the analysts of when we started this was that we were not going to take action against or on behalf of an analyst on the basis of one report. The best analysts are going to be wrong occasionally. The purpose of the file, really, is to gauge several things. First of all, accuracy over time. Is this analyst pretty much on the mark most of the time. How good is the analyst at conceptualizing the problem, of identifying what the issues are. How good is the analyst in arraying the information and in conveying it to the policymaker. And we use these files each year or throughout the year, but particularly when it comes time to evaluate the performance of an analyst, and when an analyst is a candidate for promotion. And then the managers use these files to gauge what progress the analyst has made and how good we think the analyst is compared to his or her peers.

Another purpose of it is, frankly, to gauge whether an analyst is getting better over time or getting worse. So it is used as a kind of all-purpose means of evaluation. One of my hopes was that it would be a system that would be far less subjective than just the views of their immediate supervisor. Also, when a supervisor moves



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on, every analyst sort of has to prove himself or herself anew to a  
 new supervisor. Having these files in hand would allow a new su-  
 pervisor to learn fairly early on where the strengths or weaknesses  
 of his or her organization were.

So I think that there are a lot of purposes to them. One of those  
 purposes was not to take a single piece of paper out of it and pillo-  
 ry an analyst, or promote one, for that matter.

Senator McCONNELL. I am kind of surprised it hadn't been done  
 before. I gather you might have been as well.

Mr. GATES. So was I, Senator.

Senator McCONNELL. No further questions.

The CHAIRMAN. Thank you, Mitch. Senator Murkowski.

#### STATEMENT OF SENATOR MURKOWSKI

Senator MURKOWSKI. Mr. Gates, in our discussion yesterday, al-  
 though it was very brief, I expressed a concern over the magnitude  
 of the intelligence umbrella. And I am referring to the intelligence  
 community, the NSA, the DIA, the Department of Defense, and  
 those military organizations that have intelligence support includ-  
 ing the Army, the Air Force, the Navy. Given my association on  
 the Senate Intelligence Committee, I have taken note of the com-  
 petitive aspects of their intelligence gathering capability; they all  
 operate somewhat on a parallel, a very high parallel level. We also  
 have the role of the FBI. In addition, the Department of Energy  
 maintains an intelligence capability, as does the Department of  
 State. And the CIA, through the Director's, I gather, responsibility  
 as the head of Central Intelligence, is responsible to ensure commu-  
 nication throughout the community. The realities are that the  
 budget process and the prospect of constrained budgets dictates a  
 high degree of efficiency in the intelligence-gathering process.

#### INTELLIGENCE UMBRELLA

Observing the activities of this committee, there is plenty of in-  
 telligence around; the question we have is the quality of that intel-  
 ligence. Now, we have got a tremendous resource out there, but the  
 resources appear to be competitive in many regards. And I am  
 wondering how you assess your responsibility to try and increase  
 the efficient operation of the intelligence community as a whole,  
 recognizing the competitive postures that exist within the military  
 framework of the Department of Defense, and the already estab-  
 lished agencies that are charged with specific intelligence responsi-  
 bilities obviously the decisionmaking process has to be made on the  
 basis of tough decisions. You can gather more intelligence, and  
 that is fine, but by the same token, somebody has to bite the bullet  
 and make those crucial recommendations.

Are we, in effect, because of the redundancy in the structure,  
 failing to put our budgetary dollars in the most efficient manner,  
 and would you suggest any reforms where we can utilize the physi-  
 cal resources of the intelligence community in a more responsive  
 manner in the national interest?

Mr. GATES. Senator, I believe that one of the reasons for the di-  
 versity of the community and the apparent redundancy is the  
 degree to which different elements of the community have differ-

ent responsibilities. The Air Force, the Army, the Navy, for example, while they have some national intelligence responsibilities, fundamentally provide the tactical day-to-day intelligence support that are required by their own military organizations, whether it is putting together target folders or whatever. INR at the State Department primarily serves the Secretary. DIA serves the Joint Chiefs and the Secretary of Defense, and CIA's primary customer is not only the President and the White House and the National Security Council, but the members of the National Security Council at the highest level.

So I think each of these organizations has a different role to play, and in many respects, fundamentally a different mission. Now, we have been concerned about efficiency. One of the things that we've done, frankly, was in response to suggestions from the oversight committees, and that had to do with the use of external contracts by the different agencies of the intelligence community and the worry here that there was redundancy in those contracts, that we didn't know what each other was doing, and weren't sharing the results and so on. Partly because of that, we established an Intelligence Producers Council that represents all of the principal analytic elements of the community, and within that Council we now share all the information on contracts that are being let to academe, to think tanks, to various organizations that work with us, so that we can all share the information, make sure we're not being double teamed by a contractor and so on.

So I certainly wouldn't want to say there are not efficiencies that still are to be made. One of the concerns that this committee has expressed frequently in the past is the concern to have greater competitive analysis, particularly between the agencies, and to have a clearer expression of differences between the agencies. This means several different agencies working on the same problem using the same data. It seems to me that in the interests of efficiency, what we have to make sure is that when there is such a duplication of effort, that we do it consciously and not by accident, and that we have selected those areas.

Let me give you an example.

Senator MURKOWSKI. I have one short question remaining.

The CHAIRMAN. You can always elaborate for the record.

Senator MURKOWSKI. While I appreciate the necessity of sharing the information which you have indicated you have in your formal establishment of procedure, I still think any organization needs direction and orchestration, and I am still not satisfied that the direction is there in the sense of directing the other agencies, but I have expressed that concern previously.

YURCHENKO

My last question is a procedural management question. The situation regarding the Yurchenko incident has received a great deal of attention by this committee. And there was concern over procedure and fixed responsibility in the sense of who was responsible for that extraordinary situation where the individual was allowed to leave the restaurant and for all practical purposes, disappear from our scene and appear at the Soviet Embassy.

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And without going into a great deal of detail, I think it is fair to say that as a member of this committee, I was not satisfied that the CIA had structured itself to ensure the necessary accountability. And I am curious to know if that indeed is your assessment of the situation, and if in fact it has changed, and if there is clear-cut accountability and responsibility so that situations like that cannot occur again.

Mr. GATES. Yes, sir. My perception is identical to yours. There were organizational deficiencies. We have made organizational changes so that a single individual and a single organization are accountable and are in charge of the entire process for defectors.

Another element that we have changed that had to do with our dealings with the individual himself, or an individual defector, is to ensure that the same person is basically the principal case officer for a defector with continuity, so that a defector isn't facing a whole new set of people all the time and there is somebody there that he gets to know and that he can depend upon and that understands him and understands his concerns, and can identify when he is going through a particular psychological crisis or so on. So we have made those two organizational changes.

Senator MURKOWSKI. Well, I commend you on that. I think that is very important. Because it is inconceivable to me that an agency structured as the CIA would not have a responsibility chain that would be a primary foundation of the agency, and I think we were all concerned that that situation occurred. I hope that those chains of commands are permeated throughout other parts of the intelligence community so that there is clear direction and responsibility and accountability.

I thank you very much, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you, Frank.

Dave Boren, probably we've got 2 or 3 minutes before we have to depart for a vote.

#### STATEMENT OF SENATOR BOREN

Senator BOREN. I'll be very brief, because I do know we have a vote on the Senate floor. Senator Murkowski really touched on the two major areas that are of greatest interest to me, and I am very reassured to hear about the changes in the way in which responsibility is now being clearly delineated in terms of the defectors program, and I think those are important steps that you've outlined.

#### INTELLIGENCE DUPLICATION, COORDINATION

Let me go back to the area of duplication and overlap and coordination between the intelligence agencies. The Director of course, by Executive order, is given the responsibility and the authority to coordinate the budget for the various intelligence functions that are spread among several different agencies. Let me just ask, do you think that the legal authority now given to the director is sufficient to empower him to reduce to the minimum degree possible the amount of duplication and to make sure that we make the most effective use of the dollars, or is there the possibility that we should study the enhancement of that authority?

Mr. GATES. Senator Boren, I think that the Director has sufficient authority to deal with problems such as that, not only in terms of his budgetary authority, but I think that perhaps equally important, the interest that both he and his colleagues at the senior levels of the intelligence community have in dealing with those problems when we do identify them. So I think that we can take action on a basis of an amicable understanding of, we've got a problem and let's deal with it.

Senator BOREN. Well, let me just ask one last very brief question. When we have an emergency situation, be it a hijacking situation, perhaps a case of international terrorism, perhaps just the disappearance of a defector, and you have various responsibilities shared among agencies. You have, as has already been said, a role played by the FBI, for example. There are situations that require close coordination between the agencies in an emergency situation—almost a task force to deal, let us say, with a terrorist situation or a hijacking situation or something else. Who makes the decision as to which agency shall be the lead agency in that kind of situation. I gather it might vary from circumstance to circumstance in terms of which agency would be most appropriate to give the leadership.

One of the things that has always concerned me is it seems sometimes we have a committee put together or a task force put together without any clear chairman being in charge, without a lead agency being clearly delineated in that situation. Does that have to come from the President or is the Director empowered to make that decision among agencies?

Mr. GATES. No, sir. I think that the Director has the authority and the harmony in the community is such that, in consultation with the other leaders, they can agree on and designate a lead agency for dealing with those problems.

The CHAIRMAN. I am going to recess the meeting now.

Senator BRADLEY. Can I just do one quick question? Maybe he can do it for the record?

The CHAIRMAN. Well, we all have to come back and vote anyway. We need eight people here to vote right after this, so why don't you defer, Bill, to take the time to ask questions. We'll probably vote around a quarter to 4.

Thank you. We'll recess the hearing for 15 minutes.

[A vote recess was taken from 3:22 p.m. to 3:40 p.m.]

The CHAIRMAN. The hearing will come to order.

In our rotation, Senator Bradley has at least a question or two. I want to ask just one question, and try to bring this to a vote as quickly as we can.

Senator Leahy asked you about the CIA's expanding role in covert action, to support what might be called a counterrevolutionary activity, this means utilization of the CIA as an operational entity. This presents us in the oversight process with a potential difficulty in that this Committee must rely on the CIA for intelligence—about what might be going on in a particular country which is subject to activity under a special finding.

At the same time, the CIA, under a finding, might be involved in an operation in that same country. Can you trust the agency that is given the mission of operations to also provide you with reliable and trustworthy information and intelligence about exactly what is

I think that the Director has sufficient problems such as that, not only in the community, but I think that perhaps equally so both he and his colleagues at the intelligence community have in dealing with them. So I think that we can get a considerable understanding of, we've got a

just ask one last very brief question. In a situation, be it a hijacking situation, or terrorism, perhaps just the disappearance, have various responsibilities shared. As has already been said, a role played in emergency situations that require close cooperation in an emergency situation—almost always with a terrorist situation or a hijacking. Who makes the decision as to which agency in that kind of situation. I am concerned to circumstance in terms of who is appropriate to give the leadership. One of the things that has always concerned me is it seems some- times to have a task force put together or a being in charge, without a lead in that situation. Does that have to do with the Director empowered to make

that the Director has the authority in the community is such that, in consultation with the members, can agree on and designate a lead in emergency situations.

Can we recess the meeting now. Can we do one quick question? Maybe he

has to come back and vote anyway. Can we recess right after this, so why don't you ask questions. We'll probably vote

hearing for 15 minutes. [3:22 p.m. to 3:40 p.m.]

Will come to order.

They has at least a question or two. I will stand and try to bring this to a vote as

about the CIA's expanding role in the world might be called a counterrevolutionary operation of the CIA as an operational oversight process with a potential for oversight. We must rely on the CIA for intelligence going on in a particular country or a special finding.

Under a finding, might be involved in the intelligence community. Can you trust the agency that is to also provide you with reliable intelligence about exactly what is

going on in that country and how effective the operation may or may not be?

#### MISSION OF OPERATIONS—TRUSTWORTHY INFORMATION

Mr. GATES. Mr. Chairman, I think part of the answer to an extent rests in the barriers within organizations that I spoke about earlier that I'm trying to—that I tried to reduce in some areas. Most of the analysts—well, no analyst, really, has operational responsibilities relating to any covert action. Most of the analysts have no detailed knowledge of what is going on in a covert action itself. The national intelligence officers who produce the national intelligence estimates are not brought into the covert action process. So that you have a group of people who are within the institution and representing the intelligence community who are, in most respects, insulated from being, I think, affected or influenced by a covert action.

Now, the truth of the matter is that sometimes we do encounter some difficulty in coordinating some of our work with the clandestine service, where the people are directly involved. But I do not know of a single instance in the 4 years, more than 4 years that I have been Deputy Director for intelligence where we have not been able to describe the situation inside a given country as accurately and as honestly as we know how. And I think that the information that the committee has available to it in the various estimates that we have done on some of these countries, would attest to that.

Senator LEAHY. I think, if I might, Dave, one of the reasons for the series of questions I asked on that is that so long as there is a covert operation reported to this committee as such—even if the President of the United States is talking about it at a press conference, or the Secretary of State or the Secretary of Defense, or anybody else, or it may be the subject of a major newspaper or news magazine story—we continued to be restricted under Senate Resolution 400, which places an enormous amount of restraint against any reference to it. As one Senator who when offered a chance to come on the Intelligence Committee, said no, because he felt like he was facing Pac Man, and the intelligence information was like Pac Man, coming along and gobbling him up. So he couldn't say anything. If something is made part of a covert operation, you can't have any kind of full debate on it. There is no foreign policy debate; it is here and that's it. And all of a sudden, those of us most knowledgeable on it have to become mute.

And one of the reasons I asked the question is that you should consider what the Congress eventually will have to do if the administration places more and more foreign policy matters under this umbrella. We are going to have some pressure to change these procedures. I am not convinced that that would necessarily be a good idea, but it is certainly a realistic prospect.

The CHAIRMAN. Senator Nunn. Sam, do you have any questions?

#### STATEMENT OF SENATOR NUNN

Senator NUNN. Mr. Chairman, I know you are pressing for a vote, and I unfortunately have been in other meetings, so I won't detain the committee.

The CHAIRMAN. I need two more members before we can go to a vote.

Senator NUNN. Well, if we are not going to vote, I will ask one question.

The CHAIRMAN. Sam.

Senator NUNN. Mr. Gates, I want to ask you a question that I think at some point has to be in the public domain. I'll try to phrase it in a way that will not get into classified information, but when we have Presidential decisions to disclose certain information that relates to perhaps sources and methods—I'll state this in the hypothetical—is there a method by which that is released? That is to say, if it is released by the President or the head of the CIA is it carefully couched, so that people within the bureaucracy will understand that it is a Presidential exception based on real need, rather than simply another series of leaks?

#### DISCLOSING INFORMATION

Mr. GATES. Yes, sir. In fact, when the decision is made to disclose information, whether it is at the initiative of the executive branch, the President, or the National Security Council staff, or the Secretary of State, or at the behest of this committee, or one of the other committees—the work that was done on the Soviets in the U.N. is an example of where the initiative came from the Congress—it is actually the analysts themselves who do the sanitization process, working with the collectors directly, to either find a way to rephrase the information or to delete information in order to protect sources and methods.

Senator NUNN. Is there a method by which the actual substance is released, beyond the sanitization? What I have in mind is a method of releasing it so that people know that it is an exception rather than continuing to spread the belief that everybody leaks, therefore it is OK to leak.

I have in mind, quite frankly, the tremendous number of stories that have come out regarding Libya in the last 4 or 5 days. And I am very concerned not only about the substance and so forth, and I won't talk about that in this hearing, but about the demoralizing effect of the leaks. Or, put it in reverse. These leaks encourage further leaks because they are obviously coming from high level sources in the executive branch and are obviously part of some kind of overall decisionmaking process, which I don't necessarily disagree with. But I think these leaks are devastating to our national security interests. And I think they are going to cause a lot more leaks from other places.

Mr. GATES. Senator Nunn, I believe that the leaks that you have seen over the last several days with respect to Libya are not the result of any decision process, but the result of indiscipline on the part of individuals.

Senator NUNN. Well, I think somebody at the highest levels of Government has got to get this under control. It is not just this situation, but I am concerned that nothing is going to be a secret anymore. When you start reading things that lead directly, or could, hypothetically at least, to sources and methods of a sensitive nature, I think it is deplorable. I don't cast any blame. We hear so

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much about Congress leaking, but, to the best of my information Congress hasn't even been briefed in these areas, which means that these leaks are definitely coming from the executive branch. And I think it is going to cause a lot more difficulty over the next few months.

Mr. GATES. I share your concern entirely.

Senator NUNN. Is anybody investigating it? Have we got the FBI looking at it? Is the CIA—you don't have the authority to investigate domestic leaks, do you?

Mr. GATES. I am pretty certain, Senator, that some of the more significant leaks in the last few days have been reported to the FBI with a request that they investigate. If they haven't been, I am sure that they will be.

Senator NUNN. In other words, your agency is concerned about it, and you are being assertive in regard to what can be done?

Mr. GATES. Absolutely.

Senator LEAHY. You know, it's sort of like what Justice Stewart once said—if everything is classified, then nothing is classified. After awhile if everything starts getting leaked, nothing is held back. This is certainly a great concern here.

I've made the comment on other occasions that I sometimes feel that our way of getting intelligence briefings might be better if they took the local newspapers, marked them top secret, and handed them to us. There'd be three benefits: we'd get the intelligence material in a more timely fashion; second, it would be more complete; and third, there'd be a crossword puzzle.

But I share the concern you must feel when you see those same intelligence matters on the front page.

The CHAIRMAN. Bill Cohen.

Senator COHEN. Let me ask just one question. You indicated in your opening testimony about support for congressional oversight, that nearly two-thirds of the employees at the Agency now have come on since 1976.

Mr. GATES. YES, SIR.

Senator COHEN. With that fresh infusion of new blood also comes perhaps some criticism that you have lost some of the old talent. With respect to the defector program, for example, I know the Agency came under quite a bit of criticism on the way in which it handled the *Yurchenko* case. So I guess the question I have, is to what extent—could you tell us that the ideal defector program ought to entail? How close can we come to matching that ideal? What are we doing now to correct whatever deficiencies existed?

#### DEFECTOR PROGRAM

Mr. GATES. Senator Cohen, I think that an ideal program would start with a single individual in charge of the entire process from the moment a defector walks in or appears on our doorstep to the resettlement—a person who can be held accountable and who has both the responsibility and the authority to deal with all aspects of that. The second part of that, as I suggested earlier, involves having a single case officer who can develop a relationship and who can be responsible for an individual defector and can develop a relationship with him and trust, and who can be there with him,

and have his confidence. And so we would know if he were beginning to experience some doubts or psychological problems, as many defectors do.

Senator COHEN. What about guidelines? Up until last week and maybe not even as of last week, we didn't even have an agreement on consensus on what the status is of a defector in this country in terms of what his legal rights are and what our legal recourse might be in terms of restraint.

Mr. GATES. Well, my impression from talking to our lawyers is that we do have the authority under the law—under the—

Senator COHEN. I am not questioning that. What I am saying is there haven't been any guidelines.

Mr. GATES. That's correct.

Well, there has been a policy for 40 years, and it was articulated first by Allen Dulles. The policy was that we would not restrain defectors; that in the interest of encouraging other defectors and giving an impression that they would be free to do as they pleased if they came to this country, there was no exercise of—there was to be no exercise of restraint.

Now, it seems to me, based on our experience with Yurchenko, that we perhaps ought to step back at least one step from that, at a minimum deal with defectors in a way that if they do begin to have doubts, they do begin to think about going back, if they are as appalled by leaks as Yurchenko and others have been, that they can't just sort of step out the door and walk into the Soviet Embassy. That we debrief them in circumstances where if they begin to have these doubts, we have them apart where we can keep them for a couple of days at least, at least for a temporary period, and try and ascertain whether they've been coerced, whether they're under drugs, whether they understand the full implications of their actions and so on. But then I think we still are in the position that in terms of our interest in enticing other potential defectors, that over the long term we would not want to be in the position of restraining a defector for a prolonged period.

Senator COHEN. You mentioned having one person in charge from the defection to the resettlement. What about language barriers. What about having individuals who speak the same language as that defector available to talk to him or her in their own languages?

Mr. GATES. My own view is that is imperative.

Senator COHEN. Has that been done successfully, to your knowledge?

Mr. GATES. I don't know the answer to that, Senator.

The CHAIRMAN. Do other members have any questions of Mr. Gates?

#### INTELLIGENCE BUDGET

One of the questions we haven't touched on is the budgetary question I referred to in my opening statement, we are in a time of fiscal constraint with a need to prioritize intelligence requirements. Obviously you have participated in the process of developing the first national intelligence strategy with the DCI, which in part is



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sources within the defense budget.

How are we able to get a fair estimate of the need to protect in-  
telligence budget resources from being robbed to accomplish other  
defense ends?

Before you answer that, which you can do for the record, let the  
record show there are eight members present, do any members  
want us to go into a closed session before we vote on the recom-  
mendation?

Senator LEAHY. Before we do that, Mr. Chairman—and I know  
the press would prefer that we go into a closed session because it  
would be more exciting—but Senator Bradley has a number of  
questions for the record, and if we are to vote, let us note his abili-  
ty to be able to submit those questions for the record. In fact, there  
may be other questions for the record. I move that these be allowed  
to be submitted later.

The CHAIRMAN. Without objection, all of those questions will be  
made part of the record.

Is there any member that desires us to go into a closed session?

Senator LEAHY. There is no request on this side.

The CHAIRMAN. If not, then is there any objection on waiving  
committee rule 5.5 which prevents a vote on confirmation sooner  
than 48 hours after transcripts of the hearing are available?

If so, not hearing any objection, I will ask the clerk to call the  
roll on the question, shall the committee recommend that the nom-  
ination of Robert M. Gates to be Deputy Director of Central Intelli-  
gence be confirmed.

Senator LEAHY. And before the clerk does that, Mr. Chairman, I  
would ask unanimous consent that any absent member be allowed  
to be polled by the end of the day today.

The CHAIRMAN. There is a provision in the rules that all mem-  
bers can vote by proxy. I have the proxy of Senator Roth already  
voting in favor, by proxy. Without objection we will honor the Vice  
Chairman's request.

#### COMMITTEE VOTE

The clerk will call the roll.

The CLERK. Senator Durenberger.

The CHAIRMAN. Aye.

The CLERK. Senator Leahy.

Senator LEAHY. Aye.

The CLERK. Senator Cohen.

Senator COHEN. Aye.

The CLERK. Senator Hatch.

Senator Murkowski.

Senator MURKOWSKI. Aye.

The CLERK. Senator Specter.

Senator Hecht.

Senator HECHT. Aye.

The CLERK. Senator McConnell.

Senator McCONNELL. Aye.

The CLERK. Senator Bentsen.

Senator Nunn.