

NOMINATION OF ADMIRAL STANSFIELD TURNER

HEARINGS
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
FIRST SESSION
ON
NOMINATION OF ADMIRAL STANSFIELD TURNER TO BE
DIRECTOR OF CENTRAL INTELLIGENCE

FEBRUARY 22 AND 23, 1977

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NOMINATION OF ADM. STANSFIELD TURNER TO BE DIRECTOR OF CENTRAL INTELLIGENCE

TUESDAY, FEBRUARY 22, 1977

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C.

The committee met, pursuant to notice, at 10:04 a.m., in room 235, Russell Senate Office Building, Hon. Daniel K. Inouye (chairman) presiding.

Present: Senators Inouye, Goldwater, Bayh, Stevenson, Hathaway, Huddleston, Biden, Morgan, Hart, Moynihan, Case, Garn, Mathias, Chafee, and Lugar.

Also present: William G. Miller, staff director; Michael J. Madigan, minority counsel; Audrey Hatry, clerk of the committee; and Harold Ford, Anne Karalekas, Sam Bouchard, Charles Kirbow, Stan Taylor, Jean Evans, Daniel Childs, Spencer Davis, Martha Talley, Edward Levine, Michael Epstein, Mark Gitenstein, Walter Ricks, Thomas Connaughton, and Thomas Moore, professional staff members.

The CHAIRMAN. Today the Senate Select Committee on Intelligence begins its hearings to consider the nomination of Adm. Stansfield Turner to be Director of Central Intelligence.

Timely and accurate intelligence is a major means of preserving the peace and constitutes our first line of defense. For these reasons alone the post of Director of Central Intelligence is one of the most important in the U.S. Government. Accurate intelligence and rigorous analysis of that information will play a critical role in the forthcoming strategic arms limitation talks, the possibilities for peace in the Middle East, and the viability of the NATO alliance. In all of our relationships throughout the world, our national intelligence system will play an invaluable part.

The national intelligence system requires a leader that will be able to direct the activities of many highly complex organizations in the national intelligence community such as the National Security Agency, elements in the Department of Defense, as well as CIA, the Defense Intelligence Agency, the counterintelligence activities of the FBI and the intelligence functions of the Departments of State, Treasury, and a number of other Departments and agencies. The position of the Director of Central Intelligence requires a man with the ability to manage, to set priorities, and allocate resources. In order to carry out this task he must have the clear authority and support of the President of the United States, the Congress, and the people.

The most important duty of the Director of Central Intelligence and the purpose of the vast and complex national intelligence system of the United States is to provide the President and the national leadership, both in the executive and legislative branches, with the best information and analysis of that information available to the U.S. Government. Independence of mind, mature judgment and an analytic bent, are qualities that must be possessed by the Director of Central Intelligence if he is to fulfill his mandate.

It will be the task of the Director of Central Intelligence to assure that our national intelligence system is not only effective but that it will work under the Constitution and the law. Without question, the overriding purpose of the national intelligence system, as indeed of all our agencies of government, is to protect and enhance the liberties of all Americans.

This committee has made every effort to work together with both President Ford and President Carter and the intelligence community to set in order problems that have emerged in recent years. A close working relationship between the Director of our national intelligence system and the committee is vitally important if that important work is to continue. There must be trust between the legislature and the executive branch if our national security policies are to have support, and if the public is to have the confidence that necessarily secret activities of the United States are being conducted in conformity with the Constitution and the law and with the purpose of strengthening our free democratic society.

The Chair wishes to recognize the ranking Republican Member, Senator Goldwater.

Senator GOLDWATER. Thank you.

Admiral, I recall with great pleasure our visit to the South Pole a few years ago, and if you are going to remain an admiral and want to do it again sometime, I will go with you.

You know as well as I know that the dual position of Director of Central Intelligence and the Director of the Central Intelligence Agency is a tough assignment, perhaps the hardest of all the jobs in government.

The job carries unusual responsibilities and requires unusual qualifications. It demands the ability to manage, set priorities, allocate resources, and direct activities that cut across many agencies of the Government.

In addition, the Director has to furnish all kinds of information to the President and the Congress that is vital to the peace and welfare of the country, while at the same time maintaining the confidence of the people.

Your own experience in handling various command responsibilities in the Navy over the years, plus your intellectual training early as a Rhodes Scholar and later as college president, indicates to me that you are well qualified to handle this difficult assignment.

I believe that your appointment as Director of Central Intelligence is one that brings the right man, to the right job, at the right time, and I will be very happy to support you.

The CHAIRMAN. I am pleased now to recognize a very distinguished member of the committee, who will in turn introduce the nominee.

I would like to introduce and recognize Senator Stevenson.

Senator STEVENSON. Thank you, Mr. Chairman.

Mr. Chairman, my colleague Senator Percy could not be here this morning, and has asked me to express his regrets and to also offer to your record a statement. I trust that statement will be entered in the record.

The CHAIRMAN. Without objection, so ordered.

[The prepared statement of Senator Percy follows:¹]

Senator STEVENSON. Mr. Chairman, the last time this committee acted on a nomination for Director of Central Intelligence, it offered its advice. This time, I believe, is an occasion for consent.

It is a great pleasure to introduce to this committee a distinguished Illinoisan, Adm. Stansfield Turner. Admiral Turner's educational background, including a Rhodes scholarship, his thoughtful publications, his energetic leadership of the Naval War College, and his past professional experience with intelligence and policymaking all suggest the intellectual stature and the intellectual integrity this most difficult office begs for.

Admiral Turner is a proven executive. He has served with distinction as Commander of the 2d Fleet, and as Commander in Chief of Allied Forces, Southern Europe. Admiral Turner has the President's confidence, it would seem. His record in all suggests the fortitude to tell the President about the world as it is, and not as the President might wish it to be, and an authority that would command access to all policymakers at the highest possible levels.

The Admiral's innovations at the Naval War College, his appetite for intellectual combat suggest little patience for habit, not all of which is right in the intelligence community. It would be possible at least for things to change, and for new priorities to be established in the intelligence community, to better reflect all of the requisites of survival in a new era.

And, Mr. Chairman, as to his commitments to our national decency and the rule of law, he, like anyone else, can only offer his assurance, as I am certain he will, and also a record that is bereft of any evidence to belie them.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Stevenson.

I am pleased to now welcome to the committee the nominee for the Director of Central Intelligence, Adm. Stansfield Turner.

Admiral Turner, welcome sir.

Admiral TURNER. Thank you, sir.

The CHAIRMAN. Please proceed in any manner you wish, sir.

STATEMENT OF ADM. STANSFIELD TURNER, U.S. NAVY, NOMINEE FOR DIRECTOR OF CENTRAL INTELLIGENCE

Admiral TURNER. Mr. Chairman, members of the committee, I am very pleased to be here this morning and to have the opportunity to express to you some of my views on the conduct of our national intelligence activities, and on the President's decision to nominate me to

¹ Senator Percy appeared later at the afternoon session and read his prepared statement, see page 37.

the post of Director of Central Intelligence. May I first, however, thank Senator Stevenson for his very kind words, and Senator Percy for his in absentia.

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

Today, however, we are in an era of effort to reduce international tensions, and in this era, the United States, in my opinion, needs an organization for intelligence of high quality and responsiveness perhaps more than any other time. The Congress itself has recognized the fact that the success of our ongoing negotiations for SALT and MBFR may very well depend in part on our ability to verify that past agreements are in fact being carried out. Thus, our intelligence will be one factor in developing that mutual trust which will be essential to further progress in this important area. If our intelligence is faulty, we may misjudge; if it is inadequate, we may read the signals incorrectly. Without good intelligence, we may simply miss opportunities to insure the world of peace. I believe, then, that we must have the best intelligence agency in the world. I think we can do this and still be fully consistent with American values and law.

At the same time today that we are working toward international understanding, we are also witnessing the substantial investment of the Soviet Union in their military forces, whether their forces are larger or smaller than ours, stronger or weaker, better or poorer is a subject that could involve interminable debate. It does seem clear to me, however, that we are going to require all of the leverage which good intelligence can give to our military posture if we are going to remain adequately strong in the future.

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

There is no doubt in my mind that we possess the capability to have the best of all intelligence services in all of these areas. To do that, though, we must insure that our intelligence resources are employed in an optimal manner.

In this connection, the President has within the last few days made it expressly clear to me that he expects the Director of Central Intelligence to be able to insure him that our total national intelligence effort is being conducted in accordance with established priorities and with minimal duplication of effort. He also wants to be certain that the foreign intelligence work of all agencies of our Government is being conducted strictly in accordance with law and with American values. The President indicated that while he believes that existing law and executive orders encompass these objectives, he intends to work closely with the Congress on any revisions of law or executive orders that may be desirable to assist the Director of Central Intelligence in fulfilling these charges.

I believe that we can adhere to the President's guidance for greater efficiency and responsiveness within full legality while simultaneously maintaining the individuality, the imaginative initiatives, and the independent voice of the various agencies of our national intelligence structure. I appreciate the importance of maintaining a degree of independence in our subordinate national intelligence activities, as well, of course, as in our tactical intelligence operations.

I have already discussed this question with the Secretary and Deputy Secretary of Defense and know that we all approach it with open and cooperative minds. We all seek greater effectiveness and efficiency from better direction and coordination. We all abhor any thought of such a degree of centralization that alternative judgments cannot be heard, and uncertainties discussed.

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

In fact, were the Senate to confirm me for this position, I would look upon maintaining the objectivity which comes from considering divergent viewpoints as my highest priority. Objectivity benefits both the producer and the user of intelligence. The user obviously benefits because he is given all reasonable alternatives. As a frequent user of intelligence, I understand, I believe, the importance of approaching decisions with a range of choices in hand, not simply one option. I also believe that I am aware of the dangers to military planning and operations of intelligence estimates that are biased in one direction. The producer of intelligence also benefits from an emphasis on objectivity because he is not asked to sacrifice his intellectual or scientific integrity to support an established position, but rather, he is asked to lay out all sides of a case indicating the level of confidence he has in the deductions he makes from the facts at hand. Objectivity simply must continue to be the hallmark of our intelligence effort.

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

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

balance between necessary secrecy and an open, democratic society can be maintained.

From the discussions I have enjoyed over the past 2½ weeks, it appears to me that this committee has taken great and successful strides in improving communications between the Congress and the intelligence community. I fully support this progress and philosophy. Within the limits of the constitutional prerogatives of the executive branch, I would intend to do my part in insuring that Congress remains a full and knowledgeable partner.

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

Even though the various disclosures of questionable intelligence activities during the past several years were quite necessary, they have had an adverse impact on the reputation of our intelligence community. A third area of emphasis which I would suggest would be to continue to rebuild this reputation. The intelligence community is, by and large, composed of well-qualified, hard-working individuals who are as dedicated to our national ideals as are any of us. As in any organization, they need a clear understanding of what is expected of them, and a clear recognition of the importance of the work that they would do. I intend to make the realization of these goals my next highest priority should I be confirmed in this office.

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

There is much work ahead, and if I am confirmed by the Senate, I would be excited by the challenge. I have been in the service of our Nation for 30 years, and I view this appointment as another opportunity to continue that service in an area of special importance today.

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

I would like to conclude simply by reiterating that I do respect the dedicated professionals in both our civilian and military components of the intelligence organizations. I hope to encourage them to realize their full capabilities, to be innovative, questioning and objective in their approach to all problems. At the same time, I believe that I also understand the need for honest, rigidly accurate intelligence assessments if they are to be useful to the Congress and to the President.

If I am confirmed, I would work to re-establish the full credibility of the community's work, to insure that a worthwhile contribution is made in support of our decisionmaking process, and to require that

the gathering and dissemination of intelligence for the United States is consistent with the ideals upon which this country was founded.

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

Thank you, sir.

The CHAIRMAN. Thank you very much, Admiral Turner.

Before proceeding with the questioning by the committee, may I administer the oath, sir?

Admiral TURNER. Please.

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

Admiral TURNER. I do.

The CHAIRMAN. Thank you very much, sir.

Because of the interest shown in this nomination, the Chair would like to once again institute the 10-minute rule, and so I will begin with the first 10 minutes.

Admiral Turner, as you know, one of the purposes of the creation of the CIA in 1947 was to insure that U.S. intelligence would be independent of military control.

Although the Department of Defense intelligence activities represent the largest part of the annual U.S. intelligence budget, I believe that purpose still continues, and so the question I ask, sir, is whether you might be able to better serve the intent of civilian control were you to resign your commission prior to becoming the Director of Central Intelligence?

How do you react to this issue, sir?

TESTIMONY OF ADM. STANSFIELD TURNER

Admiral TURNER. Mr. Chairman, I come to this nomination as an active military officer. The law provides that an active officer may serve as the Director of Central Intelligence. In fact there have been 11 military officers who have served either as Director or Deputy Director. Ten of them served while on active duty. Six of those ten returned to military service after completing their duty in Central Intelligence.

Having thoroughly enjoyed serving my country in active military service for 30 years, I am anxious not to foreclose the possibility I may follow in the footsteps of those six.

The CHAIRMAN. Do you perceive any conflict of interest in your serving with your commission?

Admiral TURNER. I do not, sir. To begin with, I am charged, or would be charged by law, not to accept any responsibility to or carry out any responsibility with the military services while serving as the Director of Central Intelligence, and I would intend to comply with that law, not only to the letter, but in its spirit.

The CHAIRMAN. Have you discussed this relationship with members of the Joint Chiefs of Staff?

Admiral TURNER. No, sir.

The CHAIRMAN. Or with the Department of the Navy?

Admiral TURNER. I have discussed it with the Secretary of Defense and the Deputy Secretary of Defense. I believe that we have a thorough understanding, and I think that is the level to which I will be communicating with the Department of Defense primarily.

The CHAIRMAN. What are the thoughts of the President on this issue, sir?

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

The CHAIRMAN. If you retain your military commission while serving as the Director of Central Intelligence, your Deputy Director must be a civilian.

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

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

The CHAIRMAN. You are speaking of Mr. Knoche.

Admiral TURNER. Yes, sir.

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

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

The CHAIRMAN. And will these men be drawn from naval personnel?

Admiral TURNER. Yes, sir.

The CHAIRMAN. Senate Resolution 400, the resolution that created this committee, expresses the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activity should furnish any information or document in their possession, custody, or control whenever requested by this committee with respect to any matter within the committee's jurisdiction.

Do you intend to honor this request of the committee with regard to any information requested which is within the jurisdiction of this committee?

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

The CHAIRMAN. I am glad you brought that up, and I would like to say publicly that as Chairman of this committee—and I believe I speak for the members of this committee—I have been extremely pleased with the cooperation that we have experienced with all of the agencies of the intelligence community. They have been most forthcoming and forthright and open with us, and I look forward to the same type of relationship with you, sir.

My first question on congressional oversight is related to whether you will honor our requests for information.

Will you also, without a request, advise us as to information which you feel we should know about?

Admiral TURNER. I feel that is an absolute responsibility, sir, not only to your committee, but to the entire Congress. I think that the intelligence community should be acutely aware of the activities of all the committees of the Congress, and anxious to offer intelligence information that may be of assistance to any of them.

The CHAIRMAN. This Senate resolution also expresses the sense of the Senate that each department and agency of the United States involved in intelligence activities should report to this committee immediately upon discovery of any and all intelligence activities which may constitute violations of the constitutional rights of any person, violations of law, or violations of executive orders, Presidential directives, or departmental or agency rules or regulations. The resolution further provides that each department and agency should also report to this committee what actions have been taken or are expected to be taken with respect to any such violations which occur.

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

Admiral TURNER. Yes, sir, there are established procedures and regulations within the executive branch for reporting such improper activities, and I pledge myself to follow those absolutely and completely.

The CHAIRMAN. One of the major problems in maintaining the necessary secrecy has been the proliferation of committees and Members of the Congress involved in intelligence activities. I believe at one time the Director of Central Intelligence theoretically had to call upon about a dozen committees.

Do you have any thoughts on this?

Admiral TURNER. Yes, sir, I would draw a distinction between information concerning sources and methods of intelligence collection and covert action, and substantive information of an intelligence nature. It is very important that we maintain—and it is the legal responsibility of the Director of Central Intelligence to maintain, the secrecy of our sources and methods of intelligence, and of course, covert operations must be dealt with very discreetly because people's lives may be at stake as well as other great matters of importance for our country.

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

The CHAIRMAN. Thank you very much. My time is up.

Senator GOLDWATER?

Senator GOLDWATER. Thank you.

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

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

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

Senator GOLDWATER. Will you keep us posted as to your thinking in this matter?

Admiral TURNER. I certainly will.

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

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

Admiral TURNER. If I might, sir, say that the executive order of February 18, 1976, which created the Committee on Foreign Intelligence, I believe gives that committee considerable authority over 100 percent of the intelligence budget, and I as Director of Central Intelligence, if confirmed, would be the chairman of that committee.

I think that is a very important tool. It is one that has been exercised in this last budget preparation for the first time, and my preliminary view is that it was reasonably effective. It is possible that the budgetary authority of the Director of Central Intelligence might be strengthened, but again, I feel it would be preliminary for me to pass such a judgment.

Senator GOLDWATER. Thank you.

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

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

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

I think it can be done, and particularly with men of good will, and I am very impressed that both Secretary Brown and Secretary Duncan are men of good will, and I intend to cooperate with them in every way.

Senator GOLDWATER. Thank you.

That's all I have, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator BAYH?

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

Let me go directly to one of the critical questions, it seems to me, that past CIA Directors have had to confront, and which I assume you might be forced to confront yourself. I say this in no way with the intention of suggesting that either you or the present Commander in Chief will be tempted or succumb to temptation to do something that

you feel is basically wrong, but individuals differ in their appraisal of factual situations and legal guidelines.

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

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

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

If, however, I am put in a position of being asked to execute something I feel is immoral, unethical or illegal, I believe I have only one option, and that is to make my point extremely forcefully to the President of the United States, perhaps calling upon the new Intelligence Oversight Board for counsel, advice, and support, and then, if I am unable to reconcile that difference with the President, simply to resign, and I would be prepared to do so. I have discussed this with President Carter, but I would not be sitting here today, sir, voluntarily if I thought there was any possibility that I would be confronted by this situation by this President.

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

Admiral TURNER. Yes; I have explored that, sir, and I do not believe that I would report such differences to this committee. I believe that as long as I am employed in the executive branch of the Government, my loyalty is to the President of the United States. I believe that if every member of the executive branch who disagreed with the President went to the press or went to the Congress independently, we would have anarchy in the executive branch.

Senator BAYH. Well, Admiral, if you will excuse me, we are not talking here, again, about your definition of differences, simple differences. I accept your definition, that on petty differences, even differences on policy, you have to follow the Commander in Chief, but if you are talking about a President who is embarking on something that is

clearly illegal, clearly unconstitutional, don't you have a responsibility not to go to the press or not to go to Congress generally, but to go to one of those committees that might be in a position to change that policy or say wait a minute; Mr. President, let's rethink this?

Admiral TURNER. I would come to you, sir, but after having resigned my office.

Senator BAYH. That's a fair assessment.

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

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

I would like to know whether you would support our efforts to try to put reasonable guidelines, protections, the use of a warrant, not only on electronic surveillance but other invasions such as surreptitious entry, the mail openings and the other invasions that we are painfully aware of that had taken place in the past.

Admiral TURNER. I certainly would support those efforts, Senator. I am not prepared at this early time to make specific comment on specific provisions of the legislation, or to say which should be treated in the Executive order as some of those you mentioned already are, or which would be better in legislation. However, I think the intelligence community, as I briefly mentioned in my opening remarks, needs a real sense of direction from the Congress and the executive branch, so that people know the rules within which they are required to work.

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

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

Would you give us your thoughts on that, please?

Admiral TURNER. On the first part of your question; yes, there is an inconsistency between maintaining full rights of the individual and conducting secret operations, but I don't think that that means that we should not spell out reasonably explicitly how we are going to draw the line between those conflicting interests. That is the whole problem of conducting intelligence in a democratic and an open society. And each instance is going to be a judgment call, and some guidelines laid down by the Congress and the President can be useful in making those decisions.

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

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

Senator BAYH. I guess the key lynchpin of what we are trying to do in most instances is apply the same standard, the same proof on intelligence agencies in the foreign surveillance and gathering area that is now applied domestically, which basically has been the criminal standard, and in the legislation which we passed through this committee, in all areas save one, we did apply the reasonable cause standard, the criminal standard, to the foreign area. The one area of exception was where we could find someone about whom we could say we had reasonable cause to believe, and could nail down that he or she was on the payroll of a foreign intelligence system involved in clandestine activity. Given that one roughly minor limitation, do you see any problems? Would you support asking a Federal judge for a warrant before this kind of activity could be initiated as far as American citizens are concerned here and abroad?

Admiral TURNER. I am really not prepared to go into that degree of detail, sir. I can foresee considerable problems in seeking timely approval of a judge in the United States before carrying out an activity abroad. I am not necessarily opposed to the concept but I am not ready to endorse it at this point because I simply haven't been into it deeply enough.

Senator BAYH. Are you—would you support that as far as intelligence activities in the foreign area as they applied here at home?

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

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

Admiral TURNER. I beg your indulgence, sir. I am simply not that familiar with either the problems that that would create or how that would be executed to pass that judgment here, but I will certainly look into it with all dispatch and be back to you, if I am confirmed for this office.

The CHAIRMAN. Your time is up.

Senator BAYH. Let me make one observation, Mr. Chairman. If the admiral is confirmed, he will soon find out.

The CHAIRMAN. Senator Mathias.

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

The CHAIRMAN. Without objection, it is so ordered.

[The prepared statement of Senator Mathias follows:]

PREPARED STATEMENT OF HON. CHARLES MCC. MATHIAS JR., A U.S. SENATOR FROM THE STATE OF MARYLAND

Secrecy and democracy are at best uneasy partners. The investigations of this committee in the recent past have provided evidence that secrecy can be a spawning ground for abuse.

The failures of the intelligence system we uncovered jeopardized not only the rights and liberties of individual Americans, but the very values and principles that are the bedrock of our society. And the requirements of secrecy were stretched so far that they inhibited even the legitimate review of basic programs and policies.

If they are to exercise their responsibilities wisely, Members of Congress, Executive Branch officials and the American people themselves must be adequately informed. They must know enough about intelligence activities to be able to weigh and evaluate the moral and political issues involved.

By bringing the intelligence services back within our constitutional system, by correcting abuses and checking excesses, the Select Committee has, in my opinion, strengthened our intelligence arm. Now that the proper range for intelligence activity has been reassessed and the primacy of law has been reaffirmed, our intelligence agencies can carry out their vital mission unencumbered by doubts about legitimacy.

The Director of Central Intelligence plays a crucial role in seeing that our intelligence agencies operate effectively, accountably and constitutionally. He must keep alive a continuous interaction between policy groups in the Executive Branch and Oversight Committees in the Congress. His assistance will be required in the mutual effort to develop clear statutory charters for the intelligence agencies. He must be personally committed to continuing and close cooperation between all elements of the intelligence community and this Committee in the discharge of its oversight function. The exercise of that responsibility requires that there be full access to all information necessary for stringent accountability to the legislative branch.

As this confirmation hearing proceeds, those are the criteria I will have in mind.

I would just like to add one personal remark. As a Navy man myself, I welcome Admiral Turner's nomination. I am confident that the leadership and discipline that have been required of him in his service with the Navy will enhance his attractiveness to this Committee and his suitability for the position for which he is being considered.

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

Admiral TURNER. Thank you.

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

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

Admiral TURNER. Yes, sir. I think there are two that come to my mind. One is I believe that deliberations on policy decisions within the executive branch are not necessarily suitable for transmittal to the Congress and are not a necessary part of the information the Congress needs.

Second, I had in mind the phrase that the Director of Central Intelligence does have a statutory responsibility to prevent the unauthorized disclosure of sources and methods of intelligence, and it seems to me that there are some very delicate details of covert intelligence operations which the committee may not want to hear.

It is my understanding that this, as I said earlier to the Chairman, is an area that has been working well under present arrangements, and I would hope to certainly keep it that way.

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

Admiral TURNER. Sorry.

Senator MATHIAS. There are some very senior Members of the Senate, no longer—I can't think of anyone still here—who used to employ that phrase: "I don't want to hear it," or "I don't want to know," and there are a lot of things in this life that we don't want to hear and don't want to know, but it seems to me that we have some constitutional responsibility to know and to help bear the burden, and I don't think that it should be a criterion of withholding information that it is something that this "committee would not want to know."

Admiral TURNER. I apologize for using a phrase that could be interpreted in several ways. I did not mean it as a part of the traditional doctrine of plausible deniability. I don't mean that at all. I simply mean that I feel a great sense of responsibility for the protection of, say, individuals who are involved in covert intelligence operations and whose lives may well depend on their identities being kept secret. What I am talking about is being sure the committees of the Congress are advised fully to the extent and nature of the operations, but perhaps not the detail which is of such sensitive significance and would not be germane to their making a decision on the case.

Senator MATHIAS. You are not asserting this as a right to withhold information?

Admiral TURNER. No, sir, I am not. I think this can be amicably worked out between the committee and the Director of Central Intelligence.

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

Do you have any compunction about revealing to this committee information it needs to know, even though it might be the wish of a President—I am not talking about the incumbent President, but a President who might clearly indicate to you that you are not to communicate that information to the committee?

Admiral TURNER. As long as in my personal view the committee had a lawful right to that information, that is, it was not in the categories we have just discussed, sir, I would not have any such hesitation.

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

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

Senator MATHIAS. Admiral, do you draw a line between national intelligence and tactical intelligence?

Admiral TURNER. There certainly is a line, Senator. The line, I believe, is becoming fuzzier. The tactical intelligence used to be the

man on patrol. Now it may also be an overhead reconnaissance system controlled from thousands of miles away by the squad leader who would have sent the man out on patrol. There are still, of course, the patrols, the individual reconnaissance aircraft controlled by the local tactical commander, and I believe the commander must retain control of those. But we are going to have to in the near future rethink this definition of the dividing line between national and tactical intelligence, and how we best apportion those collection assets that can serve both purposes simultaneously. It is a difficult issue.

Senator MATHIAS. In view of the fact that tactical intelligence is removed from the DCI's management, have you thought out and are you prepared now to give us some idea of the guidelines that you yourself would like to see applied?

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

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

Admiral TURNER. Yes, sir, again in each case we have to make a difficult decision as to how much of the detail is needed for your proper oversight responsibilities and how much of it is very, very sensitive and needs to be protected under the legal responsibilities of the DCI.

Senator MATHIAS. Well, to give the committee at least a sense of the level at which these activities are taking place, the direction that they may have or the kind of impact that they could have on policies that we should be adopting or policies that perhaps we ought to alter?

Admiral TURNER. Yes, sir, that gives me no problem.

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

Admiral TURNER. I don't know that I have really made a judgment as to where it fits with the collection, the analysis, and the covert action activities. It certainly seems to me a very important function, but it seems equally important that it be strictly in accordance with the law, which my understanding is that counterintelligence by the intelligence agencies, particularly by the CIA, is an overseas responsibility and by the FBI a national responsibility.

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

Admiral TURNER. Absolutely; yes, sir.

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

Admiral TURNER. Yes, indeed.

Senator MATHIAS. And will you communicate your judgments to the committee when you have reached them?

Admiral TURNER. I certainly will.

The CHAIRMAN. Your time is up, Senator.

Senator STEVENSON?

Senator STEVENSON. Thank you, Mr. Chairman.

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

Effective congressional oversight is a recent phenomenon and a little-understood phenomenon, and I say effective because this committee is kept informed, imperfectly, but we are continuously informed, and misunderstood or little-understood because we are informed in secret.

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

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

Will you inform us in advance of covert operations?

Admiral TURNER. I understand the sense of the Senate in Resolution No. 400 with regard to advance notification, and I would anticipate no difficulty in making every effort to comply with the sense of that resolution, and in complying strictly with the law in the Hughes-Ryan Amendment.

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

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

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

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

Admiral TURNER. Yes, sir.

Senator STEVENSON. And I think you mentioned this earlier—

Admiral TURNER. And again—I'm sorry, sir—again with the same provisions.

Senator STEVENSON. And qualifications.

Admiral TURNER. There is always that possibility that something might come up in the middle of the night when a decision absolutely has to be made right now, and that is the kind of thing I have in mind on not wanting to be pinned down absolutely.

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

Senator MATHIAS. If the Senator would yield, our Chairman sleeps lightly.

Senator STEVENSON. In fact, he has a beeper which wakes him up.

[General laughter.]

Senator STEVENSON. The same question with respect to improper or unlawful activities which come to your attention—this is after the fact—you will inform us?

Admiral TURNER. Yes, sir, through the normal or the established procedures for this.

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

Admiral TURNER. Yes, sir.

Senator STEVENSON. Of unlawful activities.

And how do you feel in this connection about public disclosure of the aggregate budget figure for the intelligence community?

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

Senator STEVENSON. Now, this committee is assigning a new congressional emphasis in connection with oversight to the quality of American intelligence, its collection, its analysis, production, and its communication to appropriate policymakers. In addition to the disclosures to the Congress that we have already discussed, will you view the Congress and its appropriate agencies as a consumer, that is to say, undertake to bring to the attention of Congress information available to you which is relevant to deliberations in the Congress?

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

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

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

In this connection with respect to the quality of intelligence, what in your opinion are the principal deficiencies in the intelligence community, the principal problems which you face?

Admiral TURNER. The principal problem that concerns me, from the preliminary view I have had of the intelligence community, is insuring that all of the shreds of intelligence which are available, whether they are in ERDA, Treasury, FBI, DIA, or anywhere else, are brought together and synthesized so that we take advantage of all that is available to us, and so that we are sure that the President and the Congress are getting the most balanced view of a situation that we can possibly construct. The operation is so complex, there are so many different interests involved, that I don't think that is an easy task, but it is one that I think must be continually faced. It has been in the past, and I intend to continue efforts in that direction.

The CHAIRMAN. Your time is up, sir.

Senator Chafee?

Senator CHAFEE. Thank you, Mr. Chairman.

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

Admiral TURNER. Thank you.

Senator CHAFEE. I would like to ask one question.

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

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

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

Admiral TURNER. I certainly think that the Director of Central Intelligence is charged with a very difficult task because of questions about the ability to prosecute people who violate their trusts to protect sensitive information. I would be very happy to study this in order to make recommendations to the Congress, though of course it is the ultimate responsibility of Congress to decide whether a law is needed here.

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

Admiral TURNER. All right, sir.

Senator CHAFEE. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, sir.

Senator Hathaway?

Senator HATHAWAY. Thank you, Mr. Chairman.

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

The CHAIRMAN. Without objection.

[The prepared statement of Senator Hathaway follows:]

PREPARED STATEMENT OF HON. WILLIAM D. HATHAWAY, A U.S. SENATOR FROM THE STATE OF MAINE

Admiral Turner, I am pleased to welcome you here today, the CIA is an Agency which needs the wholehearted support of every American. It needs our

trust and it requires our confidence. Its dedicated men and women are the unsung heroes of our society. We hear about the mistakes, but never the successes—the day-in and day-out efforts of the Agency's heroic officers and agents who each and every day take enormous risks on our behalf for no other reason than love of their country.

I have been impressed by your outstanding record of service to our Nation. I have been persuaded during our limited contacts that if confirmed you intend to send a message which is loud and clear that you and you alone will be in charge, and that you intend to provide to this Agency your exceptional talents of leadership and command.

I also believe that you are personally committed to insuring that the CIA is not only entitled to, but deserving of the respect of every citizen of this country as the result of maintaining our security and our strength without ever sacrificing our traditional national values.

Senator HATHAWAY. I would like to pursue the covert activities questions that have been asked you. You indicated that you are, of course, in favor of pre-notification of any covert activities. Would you go a step further and advocate a pre-clearance by the committee so that no covert activity could commence until the committee had given its OK, within a certain length of time, say, a week or 10 days?

Admiral TURNER. Senator, I think that in my position as the executor here for the executive branch, it is my responsibility to comply with the enactments of the Congress, and if the Congress wishes to make that the law, certainly. Otherwise, the resolution of the degree of approval that the Congress is going to have over these must be something taken up between the President and the Congress, I believe.

Senator HATHAWAY. Well, would you support such legislation by the Congress?

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

Senator HATHAWAY. And how about the Congress establishing certain guidelines with respect to covert activities, such as activities that we don't think should be carried out; such as, assassinations of any kind; and guidelines for other categories, such as whether we are going to approve influencing elections or payments to foreign dignitaries or activities. Would you welcome congressional guidelines along that line?

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

Senator HATHAWAY. What about the paramilitary operations of the CIA? What are your thoughts on that? Should that be discontinued?

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

Senator HATHAWAY. Let me ask you some questions in regard to classification. You mentioned in your statement that you would welcome classification legislation from the Congress.

Would this be along the lines of establishing limited authority. I understand that now almost everybody in every agency has a rubber stamp that he can stamp a document with, with the result that we have a lot of documents that have been classified that shouldn't be classified, and many that have been classified for many, many years

without being reclassified. There has been a movement on in Congress to limit the authority to classify, to limit the number of classifications, and to limit the length of time that a document may remain classified—not that it wouldn't be subject to reclassification, but at least every year or 2 at the most, it would be subject to reexamination.

Would you support legislation along that line?

Admiral TURNER. I am not sure whether I believe that legislation or executive directives—and there are, of course, directives today that require many of the things that you have just suggested sir—is the best way to handle this. My feeling is that even with regulations and legislation, it is going to be very, very difficult to curb the overclassification problem.

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

We often find a document with 1 secret paragraph in it and 10 pages—

Senator HATHAWAY. Right.

Admiral TURNER [continuing]. Of unclassified information, much of which is of value to the public as well as to the Congress. I would like—

Senator HATHAWAY. When you say periodic, do you mean at least annually?

Admiral TURNER. Well, yes, sir, but I mean, I would select particular subjects that are of current importance to the country and make sure that we are not unnecessarily withholding information that would improve the quality of public debate on them. So I think it would be ad hoc in many ways. What is really important is that the public know what information we have which can be shared with them.

Senator HATHAWAY. Now, with respect to organization, you mentioned in answer to Senator Mathias' question the knotty problem of separating national from tactical intelligence. I don't recall whether you came to any conclusion on whether this committee should have jurisdiction over all intelligence, regardless of whether it is classified as tactical or national or whatever way it is classified. For instance, should we be establishing the budget authorizations for tactical intelligence?

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

Senator HATHAWAY. We could use your recommendation, provided it is favorable.

[General laughter.]

Senator HATHAWAY. There has been some talk, too, of consolidating our intelligence activities so that rather than having each element, like the Army, the Navy, and the Air Force, having its own intelligence arm, we have just one intelligence unit, whatever you may call it, and each element would simply refer to that unit for whatever information is needed.

Do you think that it would be sensible to reorganize the intelligence community in that way?

Admiral TURNER. I think we must look at a number of alternatives for reorganization, but I think we must at the same time be very clear that we cannot so centralize that we in any way make it too difficult for dissenting, differing views to come forward. We must not ever think that somebody is prescient in the intelligence business. We must let different evaluations come out, and I think in any reorganization, a careful compromise has got to be made between centralization in order to effect necessary control and efficiency, and decentralization to be sure that there are differing views.

Senator HATHAWAY. On that very subject, do you favor continuing the team B approach that was used recently with respect to evaluating our international posture?

Admiral TURNER. I believe that there is a place for outsiders to evaluate what is being done inside the intelligence community. I believe there is certainly a place for a wide divergence of biases, attitudes, opinions to be brought to bear on any intelligence problem. I don't think you necessarily have to go outside to get the wide variety of attitudes and opinions, but I think that there are good opportunities for something like the team B-team A operation, but I would not necessarily endorse that particular method of having done it. But particularly—

Senator HATHAWAY. But you are in favor of the concept of having some other independent group evaluate the data and come up with its own conclusions?

Admiral TURNER. Yes, sir, very much so.

Senator HATHAWAY. What about disclosure of the intelligence budget?

Do you have any views on whether we should disclose the total figure, or make a detailed disclosure? Just what disclosure do you think is necessary to keep the public informed?

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

Senator HATHAWAY. Fine.

Thank you very much, Admiral.

Admiral TURNER. Thank you, sir.

Senator HATHAWAY. Thank you, sir.

The CHAIRMAN. Thank you.

Senator Lugar?

Senator LUGAR. Mr. Chairman, Admiral Turner, do you believe that the armed services have traditionally resisted attempts at oversight and consolidation in the intelligence area, and if so, how do you presume to try to overcome that resistance?

Admiral TURNER. I don't think there is any bureaucracy in the world that hasn't resisted its collapse into some more central organization, and I think one has to overcome that resistance by persuasive leadership, and by a combination of encouraging the Executive to issue the proper Executive orders, and working with the Congress to insure that there is adequate legislation to effect whatever changes may be necessary.

Senator LUGAR. Earlier on you tried to reflect on and answer this question, but let me pursue for just a moment the problem that might be analogous to that which faced George Bush. Because George Bush was a politician, it was suggested that he ought not to move on to further office in the political realm, at least not too rapidly after his service.

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

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

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

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

Senator LUGAR. Let me carry on a point that you made earlier which I am certain is the right course to follow. In the event that after a discussion with President Carter you came to a very severe disagreement as to the constitutionality of an action, or its illegality, and therefore you resigned and then informed this committee. Still, as a practical matter, a resignation under those circumstances of course is bound to lead to questions by friends and foes alike, not only of the President and yourself, but of this country as to what is going on, what sort of problems are involved. There is no easy way to make certain that at some point reconciliation occurs all the way along the line, but is it your judgment of the conversations you have had with the President or with others in his administration that they are so sensitive to the course of history, at least with regard to intelligence in this country, that they are of a mind to make certain that they do not transgress—in other words, put all of us in a situation in which there is a blow-up, literally, that would cause your resignation, and perhaps cause difficulty with this committee and with Congress and with the public. In other words, the question I am raising, asks itself, if we are all sufficiently sensitive in this country about the things that have occurred, the misuse of authority, that we are all on guard not to do again. I am just simply curious in exploring this relationship which you will have to have with the President, to what extent he or others have really thought through what would occur in the event of your resignation, as a matter of conscience, you saw that you could not perform?

Admiral TURNER. I am very persuaded from my several conversations with the President that he is most sensitive in these areas. I am

very pleased at the high degree of interest that he has shown in the intelligence function, and the surprising, to me, amount of detail that he has absorbed about it in the brief time that he has had.

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

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

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

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

Admiral TURNER. I can only assure you, sir, that one in public office has to develop a sense of propriety. At the same time, I would also assure you that I have always had a great quest for contact with people with a wide variety of attitudes and opinions, and I would intend to maintain that attitude, if confirmed as Director of Central Intelligence, but certainly being very careful that no one placed me or themselves in a position of impropriety.

Senator LUGAR. Let me ask this question finally. Throughout your career, obviously, you have been a consumer of intelligence. You have some ideas of its value in regard to command decisions or staff work in which you have been involved.

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

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

Admiral TURNER. I hadn't thought of the Supreme Court, good idea, but yes, sir, I would hope that my experience as a consumer would help me to take the point of view of the committees of Congress who are approaching national problems. I would hope that I could stay abreast of what the principal interests of the committees of the Congress were, and charge my staff to be sure that we were carefully seeking out that information that we possess which could conceivably be of value to these committees. I speak not only of the Intelligence Committees, and the Foreign Relations and the Armed Services Com-

mittees, who are major consumers, but it seems to me we should be scrutinizing virtually all of the committees.

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

Admiral TURNER. Yes, sir, very much so.

Senator LUGAR. Thank you, Admiral.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Huddleston?

Senator HUDDLESTON. Thank you, Mr. Chairman.

I ask unanimous consent that a short statement that I have prepared be included in the record.

The CHAIRMAN. Without objection, so ordered.

[The prepared statement of Senator Huddleston follows:]

PREPARED STATEMENT OF HON. WALTER (DEE) HUDDLESTON, A U.S. SENATOR
FROM THE STATE OF KENTUCKY

Thank you, Mr. Chairman, I will only take a moment, since we are all anxious to hear from the nominee. But I want to take this opportunity to welcome Admiral Turner and to say that my brief contacts with him and my reading about his background have impressed me very favorably. In the course of his career Admiral Turner has shown himself to be a man of intelligence, independent judgment, and firm leadership. Those are important personal qualifications for the sensitive office of Director of Central Intelligence.

Today, however, this Committee and the public are anxious to hear from Admiral Turner about a variety of specific issues central to the course of American intelligence for the foreseeable future. We intend to question Admiral Turner in some detail on such subjects as improving the intelligence product, collection, covert action, protection intelligence sources and methods, and simultaneously protecting the civil liberties of Americans. As Chairman of the Subcommittee on Charters and Guidelines, I will be particularly interested in the nominee's view on enacting legislation to define the authority of the various intelligence agencies.

As this Committee has done since its creation in May 1976, we will address these issues in a spirit of cooperation, and not confrontation. We do not expect Admiral Turner to have all the answers to every problem, for if there is one thing which we have learned in these past few months, it is that the problems of the intelligence community are extremely complex, and simple solutions which will resolve all of them simply do not exist. But we do expect the nominee, together with the entire intelligence community, to join with us in addressing these problems with certain common assumptions in mind: that the intelligence community must be subject to the rule of law; and that it must be accountable to the Congress and ultimately the public.

If we base our discussion today and our efforts in the future on those assumptions, we will have moved a long way toward restoring the faith of the American people in one of its most sensitive and important institutions.

Senator HUDDLESTON. Admiral Turner, in looking at your statement, I find on pages 4 and 5, an indication of what the President's objectives are. If I can paraphrase them, his objectives, and yours, are to explore ways of improving the efficiency of our intelligence gathering, and to see that all elements of our intelligence community operate within the law in ways consistent with the values of Americans. There is also the statement that indicates that the President believes that this can be accomplished under the existing Executive orders and the existing law. It goes on to say that you will consider any new approaches that the Congress may suggest along this line.

Is it correct that the President, and you, too, have an open mind, as to the need for additional statutory charters for the various elements of the intelligence community?

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. Do you believe that the Executive order under which you are now operating, 11905, plus the 1947 act, give you the authority that you need to successfully manage the intelligence community?

Admiral TURNER. I am not prepared, Senator, to assure you that I think that is optimal. I am drawing a fine line, here. I think it can be done under the existing orders and laws. I think it might be—

Senator HUDDLESTON. You don't rule out the possibility that it might be done better if changes were made?

Admiral TURNER. That is just what I was going to say.

Senator HUDDLESTON. Under statutes that might be developed?

Admiral TURNER. Yes, sir, easier or better, or both, if there were some changes.

Senator HUDDLESTON. Is there any way to really manage the intelligence community without having authority, for instance, over the purse, that is, being able to assign various appropriations on the basis of assignments that you as DCI would make?

Admiral TURNER. I am not actually a believer that you have to have control of the purse in order to control bureaucracies—

Senator HUDDLESTON. It is usually a pretty effective tool.

Admiral TURNER [continuing]. But it is very helpful, and whether we need in the DCI's hands more control than presently exists through the Executive order and the Committee on Foreign Intelligence, I am not really sure at this time.

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

Do you disagree with those findings?

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

Senator HUDDLESTON. But you are willing to review with this committee the possibility of additional statutory authority.

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. Even to the extent of separate charters for each element of the intelligence community?

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

Senator HUDDLESTON. You are not foreclosing the possibility?

Admiral TURNER. No, sir, in no way.

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

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

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. So it can be determined who gave the orders, what they knew, and who was in the chain of command so that persons all the way from the top to the bottom can be held accountable?

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. Do you believe that that is possible or likely under the present system of operation?

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

Senator HUDDLESTON. If a covert action is to be approved, certainly there could be an awareness of just precisely how the covert action is to be carried out. Then the President, the highest authority, can be aware of specifically what is taking place down on the local level.

Admiral TURNER. It would be an act of irresponsibility to fail to inform the decisionmakers through the entire chain of command of that kind of information and ask them to make a decision on a covert operation.

Senator HUDDLESTON. In other words, I am saying if somebody at the top believes that it would be better for this country's interests if a certain leader were "disposed of," then the words used ought to be explicit. It ought to be clear whether "disposed of" means supporting an opposition candidate who might defeat him in a free and open election, or whether it means something else. We have recommended legislation prohibiting peacetime political assassination, but the point is, the manner in carrying out a directive sometimes is far different from what might be perceived in the directive itself.

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. Do you agree with that?

Admiral TURNER. Yes, sir, I do.

Senator HUDDLESTON. The 1947 act doesn't specifically give the CIA the authority to collect intelligence. Do you think that the act ought to be amended and specific authority given for that purpose?

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. Rather than the vague terms which seem to allow CIA to do whatever else the National Security Council might direct?

Admiral TURNER. I think there is undoubtedly room for improvement here. We can operate under the existing one, and have, but I am certainly amenable to reviewing—

Senator HUDDLESTON. But not always in an exemplary way.

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

What is your feeling about using institutions where knowledge of that use might be detrimental to the institutions themselves?

Admiral TURNER. I don't think that the intelligence community should attempt to shape the opinion of students on our campuses or to use academic institutions as a tool for propagandizing in any way. At the same time, I would be reluctant to think that a member of an academic community would be denied his right of serving his country in any legal way that he wanted, whether it was in helping the Agricultural Department—

Senator HUDDLESTON. But you feel he ought to be knowledgeable about what he is doing?

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

Senator HUDDLESTON. Admiral Turner, do you consider the Congress a legitimate user of intelligence?

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. And you would treat it as such?

Admiral TURNER. Yes, sir.

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

Admiral TURNER. My responsibility, if confirmed as the Director of Central Intelligence, is to provide intelligence, not policy.

Senator HUDDLESTON. Even if the intelligence might be embarrassing to the President?

Admiral TURNER. Yes, sir.

Senator HUDDLESTON. You would supply that.

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

The CHAIRMAN. Senator Biden.

Senator BIDEN. Thank you, Mr. Chairman.

Admiral, I have had a new-found feeling of power sitting here. I don't know of anybody who has ever kept Pat Moynihan waiting, and I am able to do that for 10 more minutes.

[General laughter.]

Senator BIDEN. The more he thumps his foot, the more I will hurry, though.

I would like, on a bit of a humorous note, to raise another question.

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

I would like to make a brief comment. I feel very, very strongly, as I indicated to you in my office when we had an opportunity to speak, that as several members of the committee have suggested, the DCI needs greater control over the entire intelligence community, including the purse strings, particularly that aspect which is part of the Department of Defense. I feel very strongly that—and I realize you can't make that push, even if you agreed, and I don't know that you do or don't, but I would hope that this committee will pursue with you and with the President of the United States, the need for there to be one person, if you are confirmed, you, who has control of the intelligence community. Not maybe, not sometimes, not part of the

time, not part of it, but all of it. I would hope that as we investigate that, which I, as one member of this committee, am going to pursue with the President—and I suspect the whole committee will in some way or another—that you will be amenable to listening to our suggestions to move the DCI into a position of greater authority, because I think it is absolutely critical that when the President turns to you, if you are confirmed, and says, “What is the situation?” that you know, that you do not have to be embroiled in a controversy, in internecine warfare with the Secretary of Defense or some underling in the Defense Department or any other agency.

You also mentioned, and it has been mentioned here, the need for the administration, executive branch, and in concurrence or in conjunction with the—with this committee, to determine a more definite policy as to what constitutes classified material, what constitutes secrecy, what should and shouldn't be treated as a classified document, and what sanctions prevail for violation of any directive in that regard.

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

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

With regard to covert activities, I have been somewhat disturbed as a member of this committee that there is a very fine line between what constitutes clandestine collection activities and covert activity, and as I understand the law—and staff may correct me if I am wrong—under the present situation and the situation which you alluded that you agree with, that is, informing this committee, if not prior, at least simultaneously, with a decision to undertake a covert activity.

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

Admiral TURNER. Yes, sir, I think that ties in——

Senator BIDEN. It is clandestine, I am told by the distinguished Senator from Kentucky, who said “you all.”

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

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

Admiral TURNER. I would suspect that is the case. I have not yet read into the covert and clandestine activities of greatest sensitivity other than those that I have known in the course of my military activities.

Senator BIDEN: Well, again, assuming you are confirmed, I would hope that the committee will pursue that question with you and with the President of the United States.

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

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

Senator BIDEN. Now, that is in spite of the fact that in July of 1978 the positions of Chief of Naval Operations and Chairman of the Joint Chiefs of Staff will become vacant.

Admiral TURNER. Yes, sir.

Senator BIDEN. You are aware that that vacancy will occur in 1978.

Admiral TURNER. I have heard about it.

Senator BIDEN. And are you in a position to indicate to this committee that it is not your intention to seek that Chairmanship and Chief of Naval Operations of the Joint Chiefs of Staff?

Admiral TURNER. Yes, sir.

Senator BIDEN. Fair enough.

And I have another question in that regard.

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

Admiral TURNER. Retiring after 30 years of service will in no way change my accumulated background and attitudes. The law specifically provides for an active duty man to be in this position. In the years since the first founding of the Central Intelligence Agency, with the exception of the last 7 months, there has never been a time that there has not been one military man in either the post of Director or Deputy Director, and the majority of those have been on active duty. I see no conflict arising.

Senator BIDEN. I am not suggesting a conflict. I am just looking for your rationale. You will have no command, and so I am not sure why the need to remain on active duty. Does it affect if and when you go back where you come in?

Admiral TURNER. No, sir, the law specifically provides that there is to be no impact upon the position, so far as that is concerned, and I am not worried about where I would come or go in that event, in any case.

Senator BIDEN. You indicated earlier that you have requested four naval officers remain on your personal staff.

What is the general capacity of those officers? I mean, you know, we hear a lot about admirals having people who wait on their tables

and that kind of thing. I realize this seems, may seem inappropriate in light of the gravity of this hearing, but it is not, in my opinion, in terms of the need to establish the degree of public confidence which we all feel very strongly, as you do, must be established there. I would not want any impression left in the minds of anyone in this room, or the viewing audience, if any of this is played, and/or the reading audience after this is covered, that you are maintaining your active duty status to insure that you have four personal servants.

Admiral TURNER. No, sir, that is not my intent in any way, and I don't view them as personal servants whatsoever. They are highly qualified officers. They are officers who have served with me in the past few years. They are officers who I have a great rapport with in writing speeches, in performing duties that are necessary in any office, answering large volumes of correspondence, taking care of the schedules and—

Senator BIDEN. Administrative kinds of—

Admiral TURNER. Administrative.

Senator BIDEN [continuing]. Kinds of duties.

Admiral TURNER. Yes, sir. I would anticipate that after I have settled into this job, if I am confirmed, I might find that the need for them atrophied. I am reluctant to step into what looks to me like a maelstrom of activity without this kind of support that takes day-to-day burdens off your shoulders. If I do not need them in the course of time, I would certainly not ask them to stay.

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

Admiral TURNER. Thank you, sir.

The CHAIRMAN. Now, Senator Moynihan.

Senator MOYNIHAN. Thank you, Mr. Chairman.

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

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

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

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

As you also know, Jamaica is one of those few nations—there are scarcely three dozen of us—which not only carry out democratic elections, but in which those elections have brought about a change in the political party governing the nation.

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

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

Admiral TURNER. That is a most interesting thought, Senator, and I certainly agree with it. I agree that we should make efforts to make unjustified statements against our country and its activities less rewarding. I can see that in some instances this could be done by policy decisions of the executive and legislative branches, decisions that would bring the weight of the authority of this country to bear. I can see that the intelligence community itself can also play a role, but largely by a gradual process of enhancing our credibility in the world, enhancing the confidence that people will have that when we say we have not done something, that that is in fact the case, and I would hope we can move in that direction over time.

Senator MOYNIHAN. Thank you, Admiral.

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

I have two other quick questions, sir. I assume that for 30 years now there has been a fairly consistent effort by the Soviets to infiltrate the Agency, and to some extent they have succeeded.

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

Admiral TURNER. I do not have knowledge of that at this time, Senator, no.

Senator MOYNIHAN. Would you let us know what you think has happened?

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

The CHAIRMAN. The committee will call upon the Director of Central Intelligence at one of our later meetings to advise us of the type of activity you have just described.

Senator MOYNIHAN. Thank you, Mr. Chairman.

A last point. The Boston Globe on February 11 reported that the British Intelligence Service in early 1973 brought to the United States a document which they regarded as of extraordinary importance, comparable to the text of the 1956 speech in which Nikita Khrushchev denounced Stalin and detailed his offenses, which I quote now from the Globe, speaking of the British report:

It quoted Brezhnev as telling a secret meeting of East Europeans, Communist leaders in Prague, that détente was a stratagem to allow the Soviets to build up their military and economic power so that by 1985 a decisive shift in the correlation of forces would enable the Russians to exert our will—

I am quoting the story—"exert our will wherever we need to."

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

The Nation, I think, probably ought to know our judgment of the validity of the report, the accuracy of the report, did Mr. Brezhnev make such a speech, and is that text as we understand the case?

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

Admiral TURNER. I am not at this time specifically familiar with that document other than, as you report, in the press. I would be very happy to investigate its authenticity and also determine whether, with an eye to protecting the source from which it was obtained, we can release more information on this to the public, but certainly to you in this committee.

Senator MOYNIHAN. Thank you, Admiral.

Thank you, too, Mr. Chairman.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

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

I think I only have one question that I would like to raise with you, and Senator Biden I believe raised it before. I would like to sort of underscore it. That is the great importance of a period of continuity, of single strong leadership in the CIA, and while no one would want, and I would not want to inhibit the President from choosing you for any post that he might find you qualified for—and I can imagine many posts which I would want to engage you in—I want to underscore the importance that I think this choice of you for this post makes with respect to an indefinite, at least, period of continuity of leadership in this agency.

I understand you have said you would not seek another post and that you would, of course, serve as long as the President wanted you to. Have you any indication from the President as to how long he has in mind for you to serve in this post?

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

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

Admiral TURNER. Yes, sir.

Senator CASE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Before recessing this hearing I would like to make two announcements.

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

The second announcement is that at 2:30 tomorrow afternoon the committee will meet to carry on committee business, including the confirmation discussion and hopefully the vote on Admiral Turner.

So with those two announcements—

Senator CASE. Mr. Chairman, may I ask, that certain questions which I didn't think I should delay the committee for, be answered for the record?

The CHAIRMAN. Without objection your questions will be handed to the Admiral, sir.¹

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

[Whereupon, at 12:03 p.m., the committee recessed, to reconvene at 2:30 p.m., the same day.]

AFTERNOON SESSION

The CHAIRMAN. We will now resume the hearings.

Senator STEVENSON?

Senator STEVENSON. Thank you, Mr. Chairman.

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

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

Is my understanding correct that that will be taken up by the committee in executive session?

The CHAIRMAN. Yes; tomorrow at 2:30 I will be presenting this to the committee.

Senator STEVENSON. Now, Admiral, getting back briefly to covert operations, both the President—

[Pause.]

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

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

¹ Senator Case's questions and Admiral Turner's answers are included in the additional interrogatories which appear on pages 71 to 86.

TESTIMONY OF ADM. STANSFIELD TURNER—Resumed

Admiral TURNER. I would be pleased to, Senator.

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

Senator STEVENSON. Now, I detect some interest, there certainly should be, in your general attitude toward the Soviet Union. Your impressive article in Foreign Affairs sheds some light on that subject.

Is the Soviet military buildup in your opinion due to aggressive or imperialistic designs, or is the Soviet Union reacting to a perceived threat, or in your opinion is the reason some combination of both?

Admiral TURNER. I believe that the Soviet Union today finds itself at a disadvantage with respect to us in the field of economics. They do not have the economic power or the economic access to the rest of the world that the United States does, and they see little prospect of being able to close the gap with us.

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

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

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

Senator STEVENSON. Well, you have referred to their needs and the political advantages.

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

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

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

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

Senator STEVENSON. Well, that sounds like a neutral and a pragmatic, but a reasonable approach to me.

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

Admiral TURNER. He has, sir.

Senator STEVENSON. And now getting back to where I think I left off earlier on the quality of intelligence and the estimating process, I believe in response to Senator Lugar earlier you indicated that you felt intelligence should be concerned about such sources of authority in the world as food supplies, natural resources, the economic sources of authority as well as the more typical military concerns that have tended to dominate the intelligence community in the past.

Is that correct?

Admiral TURNER. Absolutely, there are many more factors than military that determine the fate of our country today.

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

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

I have seen cases, Senator, where people express a conclusion from a set of facts, and don't acknowledge that another line of deduction might take you to another conclusion. I would hope that we would express several lines of reasoning and show some level of confidence that one conclusion was right and others were wrong. Maybe one conclusion is 90-percent persuasive, and another only 10-percent so, but it sometimes is worth showing that there is at least an alternative.

Senator STEVENSON. Do you think regular competition between estimating teams is desirable?

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

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

Admiral TURNER. Yes, sir.

Senator STEVENSON. Good, I'm glad to hear that.

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

Admiral TURNER. You will certainly have it, sir.

Senator STEVENSON. One question more, Mr. Chairman.

For many years the Office of National Estimates has served as the focal point for production of the intelligence community's national intelligence estimates. In 1973 the Office of National Estimates was disbanded. The successor mechanism, the National Intelligence Officers, has been criticized as an inadequate substitute.

Will you review the present mechanism for producing those NIEs?

Admiral TURNER. I'm sorry. You asked if I would review it?

Senator STEVENSON. Yes.

Admiral TURNER. Yes, sir, I intend to.

Senator STEVENSON. And are you considering any organizational changes now with respect to national intelligence officers?

Admiral TURNER. Yes, sir.

Senator STEVENSON. Would you care to tell us what they are?

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

Senator STEVENSON. We will have additional opportunities.

Thank you, Mr. Chairman, my time has expired.

The CHAIRMAN. Admiral Turner, regretfully we will have to take a short recess. There is a vote on the final passage on Senate Concurring Resolution No. 10, the budget. So—but before we do, I am pleased to recognize a very illustrious Member of the U.S. Senate. He is from the State of Illinois. He wasn't here this morning. He wanted to be here very much but because of some flight schedules he was unable to make it. Senator Percy.

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

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

We in Illinois are very proud to have such a distinguished native son. He is a man of many proven abilities. He is a recognized scholar, capping his position in his class in the Naval Academy with a Rhodes Scholarship. He has made a significant contribution to the intellectual world through his writings, and as an innovative and extremely effective president of the Naval War College.

But Admiral Turner is more than an intellectual. He has consistently proven his merit as a commander both of United States and naval

forces. Through his naval career he has commanded mine sweepers, destroyers, guided missile frigates, a carrier task force, NATO Strike Fleet, Atlantic, and he is presently Commander in Chief of Allied Forces, Southern Europe.

In his Washington assignments he has been in the vanguard of Navy and Defense decisionmaking, in highly competitive assignments on the staffs of the Chief of Naval Operations, the Assistant Secretary of Defense for Systems Analysis. As aide and executive assistant to the Secretary of the Navy, he compiled an outstanding record of performance, and certainly Admiral Holloway emphasized what he considered to be an extraordinarily important asset, not only the work that he has done in systems analysis—and I happened to head a systems analysis company for a number of years. I didn't understand half of what the engineers and scientists did, but at least I gained a competence or a recognition of a competence for someone who can engage in that process, but even more complicated, he feels that he thoroughly understands Congress, and has had a relationship here that will stand him in good stead as head of the CIA as well as in the duties and functions performance that we have directed the CIA to perform to this very, very vital committee.

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

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

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

Thank you.

Senator GOLDWATER. May I say to my friend from Illinois that the Chairman and I have decided that the Air Force and the Army like him, too.

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

[General laughter.]

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

The CHAIRMAN. The committee will stand in recess for 15 minutes. [A brief recess was taken.]

The CHAIRMAN. Let us now resume our hearings.

Senator Huddleston?

Senator HUDDLESTON. I have no further questions, Mr. Chairman.

The CHAIRMAN. Senator Mathias.

Senator MATHIAS. Admiral, under Executive Order 11905 the General Counsel of the Central Intelligence Agency is required to make reports to the Intelligence Oversight Board with respect to any improprieties that may come to his attention within the Central Intelligence Agency. Now, my question to you is, would you, as DCI, provide this committee with the substance of those reports—and I am careful to say the substance, having in mind our colloquy this morning as to certain fine points, but with the substance of those reports, so that the committee can carry out the oversight function with respect to any improprieties which might arise in the future.

Admiral TURNER. Yes, sir.

Senator MATHIAS. Now, in the same connection, Executive Order 11905 provides for the Intelligence Oversight Board to report to the President any activities which it deems to be improper and which it discovers within the intelligence community as a whole.

Will you, as Director, provide this committee with the substance of those reports, so that the committee can carry out its oversight function again?

Admiral TURNER. Yes, sir.

Senator MATHIAS. So that we get it at two different sequential stages.

Admiral TURNER. I see the difference you are—

Senator MATHIAS. In the event that it moves to two different, sequential stages.

Admiral TURNER. Yes.

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

Admiral TURNER. I may be in for unequivocal problems, but I will—

Senator MATHIAS. Well, I don't expect that you will. I hope that we won't have such questions arising, but I think it is of the greatest importance for this committee to be advised of them if those problems do exist.

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

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

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

Admiral TURNER. No, sir, none whatsoever. I mentioned this morning that I don't have a preconceived notion in my mind as to whether statutes or executive branch instruments are the appropriate vehicle for intelligence charters, but I am certainly openminded and would look on the Congress' interest in better definition of the responsibilities of each of these agencies as something that could be a big help to the Director of Central Intelligence.

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

Admiral TURNER. I think the problems you have mentioned of flexibility and of security are very real in developing such charters, and again, having read a few arguments against charters and a few arguments for them, I can only say I am openminded at this time.

Senator MATHIAS. And you have no fundamental personal reservations?

Admiral TURNER. No, sir.

Senator MATHIAS. All right, thank you.

The CHAIRMAN. Senator Hart.

Senator HART. Thank you, Mr. Chairman.

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

As you know, when we discussed your appointment, I said my personal reservations were based not on your record or qualifications, but rather about having a military director of the Central Intelligence Agency. I raised that with you, and because I have those reservations I should raise them for the record.

I don't think this is a sufficient reason to vote against you. But the record of the purpose and history of the CIA is such that it was established to provide an independent analytic capability separate from the capability of defending this country, so that those who were assessing the threat and those who were responding to it were two different groups of people.

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

Having said that I would like to get to the area that concerns me the most, and that is the independence of the CIA's analytic capability.

As you know, there has been a deep discussion in this community here in the last several months, over the so-called A team and B team

reports. And with your background in the Navy, in the military, I would like you to give your thoughts on what you as the head of the Central Intelligence Agency can do or should do to protect the independence of that Agency and its analytic capability from, let's say, outside intimidation by those who do not agree with its assessments or its analyses.

Admiral TURNER. I think one of the primary devices, sir, is to be sure that nobody feels he has to intimidate the Agency or the analysts, by being sure that there is adequate opportunity for the divergent views to be expressed. When it comes to the crunch as to which one is the view we express with the greatest level of confidence, when there is an issue, I am going to be the one who makes that decision personally. There is no way I can guarantee you that I will be unbiased, but I can assure you that that would be my certain intent.

Senator HART. Let's say over a period of time, just to repeat what has actually happened, hypothetically, over a period of time other elements within the intelligence community do not agree with or do not share or like the analyses or the judgments put forward by the Agency analysts. Pressure is brought to bear on you to construct or develop a B team which—with the purpose of challenging that assessment from one direction or the other, not just from a more conservative point of view.

What would be your response to that pressure?

Admiral TURNER. It is very difficult to hypothesize response to a particular pressure, but I said this morning I am not opposed to outside review, I am not opposed to A-B team type review where one side is all on one spectrum and one on the other. I personally would prefer to make sure that all spectra were represented in the initial review, or in an outside or post-analysis review. I want to make clear that I would not want to respond to pressures for these reviews; I would want to be persuaded that they were really needed and not being done because somebody wanted to have them done, if you see what I mean, sir.

Senator HARR. I see exactly, but I would like to put you in Mr. Bush's shoes, your predecessor's shoes, and that was exactly the pressure he was under 6 or 8 months ago. And if you were in his shoes; given those circumstances, and you were convinced that the analysts under your direct control in the Agency represented different points of view; were not all hawks or all doves or all anything, but were selected for their independence and their unbiased analytic capability, and had in fact over a period of time come up with accurate assessments, and pressure was brought to bear on you by those who didn't share your conviction, that you should appoint an outside group with a bias, what would be your response?

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

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

May I elaborate on one point?

Senator HARR. Please do.

Admiral TURNER. I think the way to avoid these crises is to try to make those who feel the estimates are erroneous be more specific and more quantifying in their reasons for objecting. I think if we say hypothetically that we think there are 32 submarines of a particular type and somebody else says it is 52, I am going to ask that they present the evidence as to why they think it is 52, such as the building rate is higher in their estimation, they think our intelligence has only detected 50 percent of the ones that are in existence. I mean, there must be some basis for this.

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

Senator HART. Well, I think that is one of the things that disturbed me so much about the so-called B team was that one of the areas they looked into was Soviet intentions. And this was based upon undisputed data.

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

Admiral TURNER. Yes, sir.

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

Shifting to another area, my understanding is you testified this morning that you would not accept an order from the President to conduct an illegal activity.

Is that correct?

Admiral TURNER. Yes, sir.

Senator HART. If it were determined that a head of state represented a threat to the security of this country and had to be eliminated, are there any circumstances under which you would agree to plot the elimination of that head of state?

Admiral TURNER. No, sir; not in peacetime.

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

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

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

But getting control of any large organization takes more than rules and inspectors and others. It is in part the tenor of leadership that you exert. It is in part the example that you set when somebody pulls a surprise on you, and I am going to make it clear in my first days in office that I don't want any plausible denial theories with respect to my stewardship. I am going to make it clear that if I ever have to come before this committee and confess that I didn't know what was going on, and it was not good, that I will not ask you for excuse. I will accept the responsibility, and my subordinates in the Agency, if I am approved for that job, had better be prepared to accept the responsibility also. If I ever find that their sense of their own responsibility is such that they feel they are entitled to hide anything from me or in any way feel I am not entitled to know every detail of what is going on, there will be some fireworks out there.

Senator HART. Thank you, Admiral.

Thank you very much.

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

If you become head of the CIA and you find that you can waive the application of these regulations or simply change them without notifying Congress, would you do so or would you insure that this committee would be notified of any change in CIA regulations?

Admiral TURNER. I have no problem with notifying you of changes in CIA regulations, Mr. Chairman. I am not sure what detail these get into and how much detail you want to get into. My only hesitation is that I would be very happy to be sure you were advised of those which seem to be of—seem worthy of your attention.

The CHAIRMAN. Fine.

Admiral TURNER. And if you feel there are others that are worthy of your attention that are not initially included I will be happy to go deeper.

The CHAIRMAN. I would like to apologize.

Senator LUGAR, do you have any questions?

Senator LUGAR. Yes, Mr. Chairman.

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

Now, having examined the organization, do you feel that you have sufficient control with regard to personnel policy, or maybe to state it another way, without doubt are going to have the loyalty of persons who have been affiliated with the Agency for a long period of time, so that they are going to accept without any difficulty your leadership, the chain of command, or whatever the organizational relationship is.

The reason that I ask this, in a parallel situation, much less grave, from time to time a chief of police may be appointed, and he may come in from the outside, and sometimes all of the police officers who are members of that police department do not share enthusiasm for the chief. As a matter of fact, they may feel that the attitudes that he is adopting are very different from the code that they have followed,

and they believe they are going to outlast him, that they will still be there after he has gone, and maybe four or more successors.

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

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

I cannot guarantee you I am that leader, but I can only say with some sense of immodesty that I don't think I have ever failed to be in control of an operation I have commanded.

Senator LUGAR. But you perceive the importance of that, obviously, from Senator Hart's questions and from mine, that if this was not to be the case, then we are all in trouble. In other words, you have been appointed and may be confirmed, but there is somehow rather—I suppose some would feel on occasion that people might be going off doing their own thing, and your feeling is that whether that has been true historically or not, that it will not be true in your administration of the Agency.

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

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

Let me ask you now as a professional in the intelligence business, if you were to have the best of all worlds and to indicate how many persons ought to have a need to know in the Congress, about how many persons can safely be entrusted with information, given the normal odds of hearsay and problems of security and so forth, what sort of target would you advise us to be aiming at if we were to have the sort of control that we would want on behalf of the people we represent, but at the same time, from the standpoint of national security and intelligence, the odds would be substantially diminished, as apparently thought they needed to be in his distress this morning.

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

Senator LUGAR. And you feel that the committees, at least constituted as they are, about the size that they are, are appropriate, at least, that this is a reasonable situation.

Admiral TURNER. At this point I see no problem with that, sir.

Senator LUGAR. In the regulations for the Agency—and you have offered to share those with the Chairman or with the committee, as the case may be, so that we can have some surveillance, are you satisfied, having read through those, that there is an adequate code of conduct for persons affiliated, in all sorts of activities with the agencies, in terms of how they ought to conduct themselves in interrogating persons, or in a worse case, maybe, of capture, how they ought to react if they were under capture? Are you satisfied that the situation has been explored and that the rules are reasonable, and that everybody involved has a good anticipation of what he or she ought to do?

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

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

Admiral TURNER. Yes, sir.

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

Admiral TURNER. I certainly agree.

Senator LUGAR. Finally, what in a general sense do you see as an ideal course for the development of superior intelligence gathering or evaluation in this country? I suppose two prongs of my question: Is there a part, at least, of your administration, as you look at it, that would be devoted to research capability, discovering new ways in which information can be found. Obviously the discovery means that we don't know precisely which technique we are looking at, but the research and development aspect, if that is appropriate, will that be a part of your outlook as to how we refine technique, and then I suppose second, what should be the objectives of intelligence finding, what sort of capabilities, and beyond that, has the President discussed with you his philosophy of what intelligence ought to be about, in other words, any new dimensions that he sees or that you see in conversation with him?

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

The President has shared some of his philosophy with me, particularly his great desire for well-coordinated intelligence, drawing upon all the sources that are available to us, and particularly his desire for a very balanced presentation, perhaps, as he said in the press several times, with several sources coming to him separately. Again, as I said this morning, I am just very encouraged because of his intense interest in this whole area, and I am sure that means that you and I are going to have lots of interchange with him and lots of cooperation.

Senator LUGAR. Did you mean in that last answer that the President might on occasion encourage the publication of—take this A and B team controversy, suggest that A, B, and C teams have looked at identical data and have come up with these evaluations, and for the good of the national argument, he might say I want to share this with you, or does that go well beyond what the President's intent would appear to be?

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

Senator LUGAR. Thank you.

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

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

As you are well aware, Admiral, in a great democracy, Great Britain, the identity of the head of MI-6 is not known to the people of that country. In fact, the Prime Minister and the Foreign Minister are the only two who are aware of the identity of the Chief of MI-6.

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

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

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

Admiral TURNER. Yes, sir.

The CHAIRMAN. Do you have any suggestions as to what sort of criminal sanctions?

Admiral TURNER. I really do not at this time, Senator.

The CHAIRMAN. If confirmed, do you intend to work with your colleagues in the community to come forth with some sort of legislation that we can look at?

Admiral TURNER. Yes, sir, I would certainly be very amenable to doing that and bringing any legislative suggestions through the normal channels of the executive branch to the Congress and to your committee.

The CHAIRMAN. You have indicated that you would like to be required to just respond to one committee. Here in the Senate we have this committee. Then you have the Appropriations Committee with a special subcommittee, a highly secret subcommittee handling intelli-

gence appropriations; the armed services, I think will jealously guard its prerogatives over the activities of the defense intelligence activities, and I presume the Foreign Relations Committee will insist upon having its hand in the foreign policy aspects of intelligence gathering.

How do you think we can improve the situation?

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

The CHAIRMAN. Well, I believe I speak for all members of this committee when I say we are very much impressed by you, sir.

Admiral TURNER. Thank you, sir.

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

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

Admiral TURNER. Thank you very much, and may I thank all the members of the committee for their generosity and for the stimulation that I have received, and I do look forward, if confirmed, to working very closely with all of you, sir.

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

Admiral TURNER. Yes, sir.

The CHAIRMAN. Thank you very much, sir.

Admiral TURNER. Thank you.

The CHAIRMAN. Our next witness is the President of Common Cause, Mr. David Cohen.

Welcome to the committee, Mr. Cohen. We have received your statement.

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

[The prepared statement of Mr. David Cohen follows:]

PREPARED STATEMENT OF DAVID COHEN, PRESIDENT, COMMON CAUSE

Mr. Chairman and members of the Committee, I appreciate the opportunity to testify for Common Cause on the nomination of Stansfield Turner to be Director of the Central Intelligence Agency.

We regard these hearings as among the most important of the confirmation proceedings to come before the Senate: first, because of the power and the potential for abuse of the office to which Admiral Turner has been nominated; second—and equally important—because of the unique history and status of this committee.

I

The Senate Select Committee on Intelligence is the youngest legislative committee of the Congress. The legislation creating it—which Common Cause strongly

supported—was introduced in response to the revelations of a decades-long pattern of abuse of power by Presidents, Directors and agency operatives. The creation of a single intelligence committee was public acknowledgement that Congress had fallen down on one of its essential tasks: oversight.

The confirmation process is an essential part of that oversight responsibility. In few areas is Congressional oversight more important than on intelligence operations. The nature of intelligence operations severely limits the ability of the general public or outsiders to appraise the behavior of intelligence institutions and their personnel.

This hearing is more than an opportunity to examine the qualifications of the nominee. That is just one of the tasks facing this Committee. This hearing provides the only chance to examine and debate the appointee's views on a variety of substantive issues related to the CIA's statutory responsibilities, as well as those procedural steps he will take to insure accountability and respect for the rights and liberties of citizens. Even more important, this is an appropriate forum to develop guidelines for future cooperation between the nominee and this Committee as both go about their necessary duties.

Admiral Turner comes before the Committee with a distinguished record of military service. However, little is known about his views on the role of intelligence gathering operations in a free society. Common Cause urges the Committee to develop a full and substantive record for consideration by the Senate and the public.

We recognize that during a nominee's initial appearance before a committee conducting confirmation hearings, he cannot be expected to immediately answer in depth and detail all of the questions put to him by the Committee. Nor can he at the time fully anticipate or respond to questions which will be raised by groups which take the stand after he has testified. Therefore, we urge that, before the Committee votes on Admiral Turner, it should recall him to answer those questions he did not fully address in his opening testimony. The nominee should be pressed to answer the questions straightforwardly, without indulging in the semantic games which were engaged in by some of his predecessors. Only determined pursuit of difficult questions by this Committee will provide an adequate public record.

The confirmation process tests the Senate as much as it tests the nominee. The office of Director of the Central Intelligence Agency merits special attention. The occupant of that office wields vast powers which are in constant tension with fundamental values of a democratic society. Many previous holders of that office have abused those powers systematically. It is unclear whether the agency they headed has yet reformed.

This Committee has a clear mandate to develop sensible procedures for controlling intelligence activities, to rationalize an often disorganized assemblage of agencies and improve their product, to provide thorough protections for civil liberties and to insure that the intelligence apparatus implements and serves national policy goals, not its own or those solely of the President.

The person selected to head the CIA and serve as director of Central Intelligence can play an important part in assisting the Congress and the President in resolving these problems, or he can effectively block needed reform. The task facing the next director is to lead the intelligence community out of the wilderness of crime and abuse that characterized the past decade. The Committee must realize that its success or failure during the next few years will depend heavily on the qualities and ability of whomever it confirms to head the American intelligence community.

This will not be accomplished in a hearing room or through testimony, but there is much that the Committee can do to get the process off to a good start. We suggest that the Intelligence Committee take the following steps in handling the Turner nomination:

The Committee should develop standards to govern its decision on Admiral Turner's confirmation. These standards should cover administrative competency and relevant expertise, as well as a commitment to various principles of accountability and ground rules regarding CIA operation.

The Committee should carefully evaluate Admiral Turner's background and views on the basis of these standards. This evaluation should entail broad and extensive questioning. One or two days of hearings is insufficient to do the job. We know—as do the members of the Committee—that this nomination is unlikely to encounter opposition. But the fact that the votes are present for con-

firmation does not excuse the Committee from the duties (and the opportunity) to examine important questions about the operation of the intelligence agencies.

The Committee should require that Admiral Turner's financial disclosure statement filed pursuant to Rule 5.4 of the Committee be made public. That statement, along with a complete description of all actions he will take to comply with Mr. Carter's recently announced ethics guidelines, should be made a part of this hearing record.

The Committee has adopted admirable rules for considering nominations. These rules guarantee that nominations will be considered in a timely and deliberate fashion. We hope the Committee will follow these rules without waiver or exception.

To enable the full Senate to have a similar opportunity for deliberation, the Committee should issue a report to the Senate on the Turner nomination at least three full days prior to a Senate vote. This will give other Senators and the public time to scrutinize the record and the Committee's findings.

II

Mr. Chairman, in order to help the Committee develop a full and substantive record on the nomination, we have set forth those areas of concern that Common Cause believes Admiral Turner should address. We will focus on four essential tasks which face the next director of the CIA :

- (1) Setting clear limits on covert activities ;
- (2) Protecting the rights of American citizens ;
- (3) Improving the product of the intelligence agencies ; and
- (4) Restoring public confidence in the intelligence community.

We think that the following specific questions can aid the Committee in illuminating some of the major difficulties facing the next head of the intelligence community and that Admiral Turner's responses can assist the Committee in drawing up new charters for the community and overseeing its behavior.

Admiral Turner will inherit an institution governed by two major enactments—the National Security Act and a Presidential Order issued February 18, 1976. That order represented President Ford's response to intelligence community transgressions. The Committee should ask Admiral Turner to evaluate the Presidential order. Does he believe, as do many critics, that it actually sanctions past improprieties and approves their commission in the future? Does it leave too much discretion remaining within the Executive Branch? Does it continue to exclude Congress from activities which directly impact on foreign relations? What changes and improvements will Admiral Turner propose in the current rules?

On the same subject, Admiral Turner should be asked whether he believes executive orders—which carry no criminal penalties and are subject to change or supersession without notice—are appropriate to govern intelligence activities? Will he support new legislative charters for the intelligence agencies which codify strict limitations on permissible behavior and apply criminal sanctions to violators?

The most controversial issue facing the new Director will be the handling of covert operations. In many previous Administrations, covert operations, often rightly described as "dirty tricks", have been used to implement policies totally lacking in public and Congressional support. The Committee should carefully question Admiral Turner on what limitations he will place on covert activities. Will he totally foreclose certain types of behavior which have occurred in the past such as assassination, acts of war or intervention in the domestic politics of treaty allies? Will he commence major foreign policy initiatives by means of covert operations? How will he assure the Congress and the public that covert operations will not be used to carry out policies which could not have gained public support?

We recognize that treatment of covert operations is a difficult problem in which there may be no easy, categorical answers. That is why this Committee must question Admiral Turner, in depth, on his views on the limitations of covert operations. The Committee should be able to fully inform the Senate and the public of Admiral Turner's views on the subject of covert operations in its report on these hearings.

Common Cause strongly urges this Committee to make Admiral Turner agree to notify the Committee of any significant covert operations before they take

place, so that the Committee can comment on them. The current law only provides for ex post facto notification. The Committee should also ask Admiral Turner whether he would support a statutory provision to this effect in any new legislative charters.

There are currently few statutory reporting requirements placed on the Director of the CIA. Congressional committees have often found it difficult to obtain needed information from the Director on matters which were directly related to their responsibilities. There is a pressing need for this Committee to be fully informed on covert operations, on domestic investigations and on any possible conflicts between CIA actions and the law. We believe that the Committee should require Admiral Turner to put in writing the consultation procedures he plans to follow in providing information to the Congress.

No less troubling than the covert intelligence operations abroad, are the activities of U.S. intelligence operatives in this country which have clearly infringed constitutional rights of American citizens. The Committee should ask Admiral Turner to detail his views of the current authority of the Central Intelligence Agency to conduct domestic operations. What authority does he believe the CIA should have to operate within the confines of the United States? Does he support revisions of the National Security Act to clarify ambiguities in the existing law?

Beyond the controversy over the authority of the CIA to conduct domestic operations lies the general issue of domestic intelligence gathering by whatever agency. As Director of Central Intelligence, Admiral Turner would supervise all domestic intelligence gathering. He should be asked whether he supports legislation to condition intelligence-related domestic investigations on applications for and receipt of a warrant. The Committee should also question Admiral Turner on the standards which he believes should apply before the commencement of an investigation and the types of information he thinks needed to justify the use of such investigatory procedures as wiretaps, mail covers, searches and seizures. Admiral Turner should also be asked to detail measures he will institute to insure that his subordinates and agents are not guilty of violations of constitutional rights. We feel that these issues are so important that the Committee should not vote on Admiral Turner until it receives from him a statement outlining the procedures he envisions using to safeguard constitutional liberties. We believe that the Committee should explore this issue as fully as possible during these hearings and receive from Admiral Turner a commitment to prepare by a certain date a comprehensive written report specifying the steps he has taken.

Unfortunately, Admiral Turner's appointment as Director of the CIA does not and cannot wipe the slate clean insofar as past actions of the agency are concerned. Numerous investigations have revealed that wrongs were committed by operatives of that agency, but few have faced criminal punishment. No investigation of past, present or future CIA behavior can get to square one without the full assistance of the Director.

We think this Committee must get Admiral Turner on record concerning the steps he will take to assist and encourage the Department of Justice in pursuing any wrongdoing that has or will take place within the CIA. What types of cooperation will he make available to the Department of Justice? What access to files and to employees of the agency will he allow? Will he follow the recommendations of the Rockefeller Commission to upgrade the status of the CIA Inspector General and give that officer investigatory authority broad enough to insure active internal controls on illegal behavior. Will Admiral Turner see that those who were victimized by clearly illegal past CIA activities, such as operation CHAOS, are notified and given CIA cooperation in securing information to redress whatever violations of rights may have occurred?

We do not believe that the Committee should accept any disclaimer regarding past actions of the agency. The resolution of past scandals is one of the major tasks facing a new director. Unless he can convince the Congress and the public that the CIA is observing fundamentally fair procedures, the past will cripple the agency's ability to operate in the present and future.

There are three other specific areas on which the Committee should question Admiral Turner. The first is his position on publicizing the budget of the CIA. Article I, Section 9 of the Constitution states:

No money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Present practice with CIA expenditures seems to run directly counter to this clear statement of the Constitution. The final report of the Church Committee stated, "The Committee believes that the overall figure for national intelligence activities can be made public annually without endangering national security or revealing sensitive programs." This does not seem to be an unreasonable suggestion. We think Admiral Turner should be asked exactly what plans he has to improve public understanding of the CIA budget and keep members of Congress better informed as well.

The second area for questioning involves the dual role Admiral Turner shall assume as both the Director of the Central Intelligence Agency and the Director of Central Intelligence. Many observers, including the Church Committee, have questioned the wisdom of combining the two roles and the effectiveness of the present arrangement in providing for coordination and supervision of all intelligence agencies. The Church Committee particularly recommended an increase in the powers of the Director of Central Intelligence vis-a-vis the other intelligence agencies.

The Committee should question Admiral Turner about his views on the separation of the two functions and on changes in the authority of the DCI. It will obviously be difficult for Admiral Turner to fully address this matter before he has served in his post, but the issue is important and may play a critical role in decisions that will be made about charters for the intelligence agencies. Therefore, we believe the Committee should require Admiral Turner to make a commitment to prepare a comprehensive report—stating his own views and presenting general considerations pro and con on the role and powers of the DCI—in time to assist this Committee when it reaches the issue during the drafting of legislative charters.

Finally, we believe the Committee must question Admiral Turner on how his past and continued service as a member of the Armed Forces will affect the performance of his new duties. The bulk of intelligence manpower and expenditure is assigned to the Armed Forces. They have traditionally resisted attempts at oversight and consolidation. Admiral Turner will have to deal with the demands of the defense intelligence agencies and defense intelligence consumers. He will be responsible for the preparation of intelligence estimates at a time when dedicated professionals differ over the nature of Soviet military strength and the relative importance of military power as a component which affects the behavior of states.

The New York Times has suggested that Admiral Turner voluntarily resign his commission and agree not to return to uniform. This may be an appropriate act, although we do not believe that a military background and service as Director of Central Intelligence are necessarily incompatible. Even were Admiral Turner to take such steps, it would not resolve problems which might be raised by excessive application of a "purely military view" to intelligence problems or the question of how he would deal with military demands and views.

So whether Admiral Turner remains in the Navy or not, the Committee has an obligation to question him on how his military background might affect his performance, particularly with regard to the development of intelligence estimates and oversight of military intelligence agencies. If Admiral Turner indicates a preference to remain in the Navy, the Committee should explore how he will maintain independence in evaluating views pressed by the Navy.

The Armed Services Committee required George Bush—who happened to be a politician—to renounce any plans to run for political office immediately after his service as Director. We urged that view on the Armed Services Committee and fully supported their action. This Committee and Admiral Turner should discuss whether his situation is at all analogous to the Bush situation and whether some similar pledge, with respect to military advancement, is appropriate.

III

The list of abuses and misdeeds laid at the feet of the CIA and other members of the intelligence community is long and varied. It ranges from assassination plots to secret wars to the "destabilization" of democratic regimes to domestic spying and political chicanery. It is not a record of which one can be proud.

The many investigations of these matters have agreed on at least one thing: the bulk of the misdeeds did not result from "rogue" behavior by the CIA—the agency was doing what it was told to do or what it had good reason to believe it was expected to do.

The CIA became for all intents and purposes a private army and police force which the President of the United States could use without facing any of the checks and balances which normally attach to his activities.

It is time to end such unchecked use of secret powers.

Common Cause believes that the greatest task facing the next Director of the CIA will be to return the agency to its proper role as an implementer of national policy and nothing more. The President will continue to exercise his lawful powers over the CIA, but the exertion of improper political influence and the use of the CIA to secretly implement policies which have been rejected by the Congress must end.

There are several steps which this Committee can take to accelerate this process. It must see that the CIA is removed from partisan politics and insulated from improper influences whatever their source.

The Committee will be remiss in its duties if it does not question Admiral Turner closely on how he sees his future relationship with President Carter and what steps he will take to insure that there is no possibility of a recurrence of White House directed or sanctioned illegalities.

Admiral Turner's character is clearly relevant to this issue, but it cannot dispose of all questions. We hope the Committee will question Admiral Turner about institutional barriers to improper influence which he can create. The Committee should seek a pledge from Admiral Turner that the Director and all other top officials of the agency will log all contacts with the President, White House staff and other individuals outside of the agency. These logs should be made available to the Committee on a confidential basis.

Admiral Turner should also be asked what other steps he will take to insure that White House aides and influential businessmen no longer have improper access to the CIA. Will he establish mechanisms for consultation and notification which reduce the possibility of secret policies which contravene public policy? What will he do if he is ordered to take an action he believes morally wrong or illegal?

We hope this Committee will pursue these questions aggressively with Admiral Turner. We urge the Committee to set a high standard for the Senate in terms of thorough and responsible evaluation of a nominee. If Admiral Turner is confirmed, the public record produced by these hearings must serve as the basis for healthy collaboration between Admiral Turner and the Congress in the task of rebuilding and appropriately constraining the intelligence community. We thank the Committee for this opportunity to raise matters of concern to Common Cause for Admiral Turner to address.

STATEMENT OF DAVID COHEN, PRESIDENT, COMMON CAUSE

Mr. DAVID COHEN. Thank you, Mr. Chairman.

In that case, what I would like to do is summarize the statement and really deal with three questions: (1) The nature of the confirmation process; (2) some discussion on limits on covert activities; and (3) some discussion on protecting the rights of American citizens.

Mr. Chairman, we consider these hearings among the most important of the confirmation proceedings to come before the Senate. The creation of a single intelligence committee was public acknowledgment that Congress had fallen down on one of its essential tasks, oversight of intelligence activities.

We see the confirmation process as an essential part of that oversight responsibility, and in a very real way the confirmation process tests the Senate and this committee as much as it tests the nominee.

The task facing the next Director is to lead the intelligence community out of the wilderness of crime and abuse that characterized the past decade. The person selected to head the CIA and serve as its Director can play an important part in assisting the Congress and President in resolving these problems, or he can effectively block needed changes.

The committee must realize that its success or failure during the next few years will depend heavily not only on the qualities and ability of whomever it confirms, but also the oversight it provides.

This cannot be accomplished alone in a hearing room or through testimony, and Mr. Chairman, in our judgment you have made a very significant step by announcing your decision to hold the debate and vote on the confirmation in open session. I think the more that the American people can watch what goes on and be able to know what this committee does on questions such as the confirmation and the discussion that surrounds the confirmation, is a very welcome step.

The CHAIRMAN. Mr. Cohen, I am glad you brought that up because I would like to announce now that there is a slight change. The meeting will convene at 3 o'clock instead of 2:30.

Mr. DAVID COHEN. It is in the fullness of openness to give us the exact notice, and anyone who sits through these hearings cannot help but be impressed with the tenor and tone of Admiral Turner's testimony.

The reason we are talking about the confirmation process in part is because this is not a controversial nomination in the sense of an up or down vote, and so we think the committee should follow and be prepared to follow some of its own rules governing nominations, and one of the things that I hope this committee does is present a report to the Senate stating the reasons as to why you support the nomination, and some of the important matters that were discussed between this committee and Admiral Turner. It goes beyond evaluating Admiral Turner's background and views. It goes to some of the institutional questions and some of the consultations that were addressed when Admiral Turner was before you.

In addition, we would hope that the committee would require the Admiral Turner's financial disclosure statement, while pursuant to the rules of this committee, be made public.

The CHAIRMAN. If the witness would yield, I am pleased to announce that we will be filing a report, and part of that report will be the full financial disclosure. We have discussed this matter with the Admiral and he sees no reason why it should not be made public in total, sir.

Mr. DAVID COHEN. We welcome that, Mr. Chairman, and we welcome not only Admiral Turner's stand, but the fact that you pursued it with him and that this committee pursued it with him.

Let me turn for a minute, if I may, to covert activities. Admiral Turner will inherit an institution governed by two major enactments: The National Security Act, and the Presidential order issued February 18, 1976. That order represented President Ford's response to intelligence community transgressions. The committee, in our judgment, should ask of Admiral Turner his evaluation of the Presidential order, and indeed, does he believe, as do many critics, that the order perhaps sanctions past impropriety and approves their commission in the future? Does it leave too much discretion remaining within the executive branch?

We believe that the committee should continue to pursue with Admiral Turner questions on what limitations he will place on covert activities, and we recognize that the treatment of covert operations is a difficult problem in which there are no easy categorical imperatives.

That is precisely why the committee should question, and among the questions we would pursue is, would Admiral Turner commence major foreign policy initiatives by means of covert operations? Clearly his answers on the question of assassination in peacetime are very welcome.

In addition, there are currently few statutory reporting requirements placed on the Director of the CIA. Congressional committees have found it difficult to obtain needed information from the Director on matters which were directly related to their responsibility. Admiral Turner has indicated a desire to keep this committee well informed, and we believe that the committee should require of Admiral Turner his views as to what the consultation procedures ought to be, and they ought to be put in writing, so that there is a degree of formality which I think is very necessary in a confirmation process, and I am not suggesting that he put it in writing before you vote on it, but I think that working out these consultation procedures in writing and in a manner that permits change when change is very welcome. It places the importance that you have placed, that you, the committee, have placed, on consultation, and I think it will enable Admiral Turner to provide the kind of leadership he obviously wants to apply in the CIA.

The CHAIRMAN. Mr. Cohen, I am certain you are aware that Senate Resolution 400 sets forth procedure on notification by the Director on covert activity, and as you may have heard, Admiral Turner indicated that he intends to abide with the sense of the Senate.

Mr. DAVID COHEN. I have no doubt about that, Mr. Chairman. Part of what I am saying is—and this perhaps goes beyond just a discussion on covert activities—is the recognition that there ought to be some formality of understanding on the general consultation procedures between the Director of the CIA and this committee.

In addition, we feel that there ought to be some discussion with Admiral Turner in which he would detail his views of the current authority of the CIA to conduct domestic operations. We feel he should be asked whether he supports legislation to condition intelligence-related domestic investigations on applications for and receipt of a warrant. And I realize he began to address this question, I believe, earlier in the day. But the whole notion of our safeguarding constitutional liberties is so important that I think it would be very welcome if the Admiral is asked to outline and provide a statement outlining the procedures he would use to safeguard constitutional liberties. And in fact, if that could be made part of the committee report, it would be an additional item, a welcome item in building accountability into the office of CIA.

Unfortunately, Admiral Turner's appointment as Director does not and cannot wipe the slate clean insofar as past actions of the Agency are concerned. Numerous investigations have revealed that wrongs were committed by operatives of that Agency, but few have faced criminal punishment. No investigation of past, present or future CIA behavior can get to square one without the full assistance of the Director, and I think the tone he established today, as I said earlier, is a welcome one.

We think the committee should get Admiral Turner on the record concerning the steps he will take to assist and encourage the Justice Department in pursuing any wrongdoing that has or will take place

within the CIA. What types of cooperation will he make available to the Justice Department?

We do not believe that the committee can accept any disclaimer regarding past actions of the Agency. To make the kind of leadership that Admiral Turner talked about possible, there has to be a recognition that Admiral Turner and his colleagues must convince the Congress and the public that the CIA is observing fundamentally fair procedures. The past will cripple the Agency's ability to operate in the present and the future unless those fair procedures are part of the CIA operation.

And we know that Admiral Turner has responded directly to your questions on his relationship with President Carter, but it does not alone dispose of all questions. We hope the committee will question Admiral Turner about institutional barriers to improper influence, and clearly his decision to use the log for himself of all outside contacts should be made part of the committee report. We would also hope that the committee would ask Admiral Turner to log the contacts of other high officials within the Agency.

Admiral Turner has I think been quite forthright and frank with this committee, and we urge that the committee set a high standard for the Senate by issuing a comprehensive report and by using this as a first example of this Congress as to the kind of aggressive and informed oversight that the committee will begin to pursue of the Agency.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Cohen.

I would like to assure you that this committee has taken steps to assure ourselves that we are fully advised and informed of all covert operations.

For the record, I would like to indicate that at the present time the agreement calls for the following: When the President of the United States, after consultation with the Policy Review Commission, issues a finding that a covert operation is justified and in the national interest, and that such operation is not too risky as to endanger the community and the good name of the United States, the President calls upon the Director and issues an order to him. And this has to be in writing, to carry out a covert operation.

At that moment, the Director is required to note the time that he received this order. The Director is also required to set forth the time when he notified this committee, and if the Director is unable to notify the Chairman of this committee, he immediately seeks out the vice chairman. That is why some of us carry beepers 24-hours a day, especially if I happen to be in my State, in Hawaii, and there is a time difference of 5 hours. I can assure you that since the formation of this committee, we have had the fullest cooperation. The notification has been on a very timely basis. It has been prior to the implementation of the order.

Furthermore, under Senate Resolution 400, if this committee should find that notwithstanding the Presidential findings, the covert operation to be a risky one and not necessarily in the interest of this country, we are authorized to notify and advise the President of our feelings, of our decision, our conclusion. If the President decides to ignore our views and proceed with the operation, notwithstanding our

concern, this committee can request, and a request that cannot be denied, request a special session of the U.S. Senate in secret session.

At this session, the committee is authorized to notify members of the Senate as to the covert operation, and we may seek two decisions. One, a vote of confidence of the Senate, in other words, supporting the position we have taken in opposition to the Chief Executive; and if the Senate sees fit, it can authorize this committee to disclose the details of the operation. We can at that moment notify the President accordingly, telling him of the action taken by the Senate, and I would think that at that moment the operation is ended.

I don't expect that we will ever reach that stage, but I wish to assure you and through the record, that this committee is now sharing part of the heavy burden that the Chief Executive has had to bear by himself up until now. I can assure you that we have been notified in a timely manner, and notwithstanding what some articles may indicate, we are fully advised of what is happening, and the fact that we have kept our silence and made no comment does not mean that we are not aware of what is happening. It may indicate that we approve the actions taken by the CIA.

Any questions?

Senator HUDDLESTON. No questions.

The CHAIRMAN. Thank you very much, sir.

Mr. DAVID COHEN. Thank you.

The CHAIRMAN. Our next witness is Mr. John Marks, the Project Director for Center for National Security Studies.

Welcome, sir.

STATEMENT OF JOHN MARKS, PROJECT DIRECTOR, CENTER FOR NATIONAL SECURITY STUDIES

Mr. MARKS. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you today as a citizen with strong feelings about intelligence and covert operations. Although I am not taking a position on whether or not Admiral Turner should be approved. I urge you to take advantage of the confirmation process to insure, in advance, that the abuses of the past will not be repeated. If the CIA continues to be marked by scandal and wrongdoing under the new DCI, this committee will not be able to plausibly deny its share of the blame.

In my view, the committee should make clear to the DCI that his first priority must be to supply the country with the best possible intelligence on what is happening in the world. While the concept of national security has been misused in recent years to cover up official misconduct, the CIA's critics, of whom I am one, accept that it is vital to the country's security that we know about such matters as Soviet missile strength, Chinese nuclear testing, and world food shortages.

U.S. intelligence agencies have suffered huge breakdowns in the past—failing to predict the Tet offensive in Vietnam, the Soviet invasion of Czechoslovakia, the Yom Kippur War. While nobody's perfect, this committee should insist that the intelligence community under Admiral Turner make better use of the \$6 billion to \$10 billion of the taxpayers' money it spends each year.

The recent controversy over the CIA's estimate of Soviet military strength is a case in point. This assessment will determine to some extent our national priorities in coming years, since if we sharply increase defense spending to meet a perceived Soviet threat, the money spent will not be available to meet other needs. Yet, so far at least, the information available to the Congress and the public, who must ultimately make the key decisions, is based on an intelligence process in which it is difficult to have full confidence. Whatever the merits of the particular arguments, there is no question that political, personal, and institutional biases all became factors in making the estimate.

In any case, the controversy surrounding the CIA has little to do with intelligence. It is covert action, or the use of money, violence, and propaganda to secretly manipulate events, which is at issue. Unfortunately, Admiral Turner's predecessors have allowed the intelligence process to be overshadowed and distorted by the CIA's covert operations. Former CIA Deputy Director for Intelligence, Ray Cline, recently wrote that Allen Dulles spent only 5 percent of his time on intelligence estimates. DCIs in the past have tended to be preoccupied with the tradecraft of overthrowing governments here or propping them up there. Our most recent DCIs have by no means neglected the clandestine arts, even while the CIA was under serious outside investigation, but they have also been forced to devote much of their time trying to protect the Agency and to explain away everything from the CIA's alliance with the Mafia to illegal domestic spying. These more recent DCIs, starting with James Schlesinger in 1973, have instituted a limited degree of internal reform, agreed to be bound by Presidential and, to a lesser extent, congressional control, tried to keep information from surfacing about potential scandals, and generally worked to maintain the CIA's power to continue most of what it has been doing covertly for the last 30 years.

Now, after a decade of Vietnam, Watergate, and the ongoing intelligence scandals, the popular perception of the CIA has changed considerably. The Agency is no longer seen as a sacrosanct institution, battling valiantly in the "back alleys" of the world. The revelations about CIA abuses abroad and at home have made the Agency, for many, a national liability and created for the first time a climate which makes it possible for the Executive and Congress to bring about meaningful reform.

In the past, most Congressmen and even Presidents, in their public stance, at least, could claim ignorance about actual CIA operations. This comfortable cover has now been blown, probably never to return. From now on, Congress and the President will have to share responsibility for unleashing the tactics of covert action, and these tactics, bribery, subversion, paramilitary warfare, and even assassination, are criminal in nature, even when practiced by people sincerely convinced they are protecting the national security.

Covert operations have unquestionably been cut back since their heyday a few years ago. Senator Hart recently stated that there were only six such operations going on around the world. That is a level which may or may not be acceptable under Secretary of State Vance's guideline limiting CIA intervention abroad to "the most extraordinary possible circumstances." Yet, the CIA's vast clandestine

apparatus still remains largely intact, particularly in the Third World where it has been used mainly for either putting or keeping in power anticommunist governments from which the United States has seemed willing to accept virtually any level of internal repression, as long as domestic order was guaranteed and foreign investments protected. The maintenance of this CIA-controlled network serves to corrupt the societies we are purportedly trying to save, as covert assets are built up and agents of influence are kept on the payroll. If the United States has a legitimate national interest in helping a particular foreign government or faction, it should do so openly, in accordance with our own laws, and not be dependent on this secret underground.

I believe this committee, and by extension, Admiral Turner, will soon have to make a basic choice: you can either choose to clean out the CIA's clandestine services and put the full force of the Agency into the intelligence business, or you can try to protect past secrets and capabilities by alining yourself with the professional operatives and their supports against a changing society. The committee will find it difficult to have things both ways, especially because of the very nature of covert operations and because of the way our society now reacts to these dirty tricks.

If the committee chooses to allow continued covert action, it will find itself inexorably drawn into the process of covering up what the CIA is doing. Secret operations are by definition based on deception and lies, which this committee will become involved in protecting. Moreover, there will be no respite from press disclosures about CIA activities which, it turns out, are only well hidden from reporters and other investigators who are not paying attention. Outraged whistle-blowers and infighting bureaucrats will not stop exposing such recent activities as a secret CIA war in Angola, wiretapping in Micronesia, or covert payoffs to the King of Jordan. As long as the executive branch insists on using the CIA secretly to do things it is unwilling to stand up for openly, the Agency will remain a legitimate investigative target.

Even if the press could somehow be turned off or diverted, there would still be grand juries, congressional committees, public interest groups, and the Justice Department carrying on probes that will expose CIA operations. For example, investigations already under way should soon tell us how the CIA could have learned in 1970 about a plot personally authorized by the President of South Korea to subvert the Congress of the United States without doing anything meaningful to stop it until 1975.

And I might add that there is a question that didn't come up this morning with Admiral Turner, and that is the fundamental tension between protecting sources and methods, which is the statutory responsibility of the DCI, and enforcing the laws of the United States of America. In other words, if the CIA finds out about criminal activity such as a plan to bribe our Congress, shouldn't that be reported to the Justice Department? Does protecting sources and methods extend even to covering up criminal activity? I think not.

Some other aspects that may be coming into focus in the next few months or years include the CIA's relationship with and knowledge

of corporate bribery, the Howard Hughes empire, organized crime, the drug trade, and other forms of corruption around which covert operators seem to thrive; or why did the CIA withhold material evidence from the Warren Commission, and then, from 1967 on, as has been recently revealed, embark on a worldwide disinformation campaign against critics of the Warren Commission? Or what was the role of high Agency officials in lying themselves and suborning perjury from ITT personnel in Senate probes of covert operations in Chile? Or how does the CIA use the intelligence services of friendly countries to carry out operations that not only may violate all accepted standards of decency, but which also can be used to skirt executive branch and congressional controls?

And these scandals which I mentioned will probably have their follow-ons. Look for the Iranian SAVAK and Chilean DINA to grab the spotlight from the Korean CIA. There may even be tales of the China Lobby, one of whose prominent members, Anna Chennault, recently admitted to authors Russell Howe and Sarah Hays Trott that at the personal request of Richard Nixon, she intervened to keep the South Vietnamese away from the Paris peace talks just before the 1968 U.S. Presidential elections, and in the process, may well have changed the outcome. That was in a recent issue of the Washington Monthly.

This committee's predecessor, chaired by Senator Church, may have thought it best in the 1976 election year, or at any other time, for that matter, not to have probed the CIA's close working relationship with the AFL-CIO's international programs or its many tie-ins with American business. But these matters will not remain under wraps forever, especially as a new generation of leaders starts to take over the U.S. labor movement and as American corporations become increasingly vulnerable to pressures exerted by foreign governments. Despite revelations about how the CIA has funded and manipulated a wide variety of private institutions, the Agency still refuses to give up the idea that nongovernmental groups and individuals can be mobilized for covert activities. Thus, there will be continuing revelations about the several hundred American academics the Church Committee reported were still secretly working for the CIA, about the Agency's continued sponsorship of propaganda operations, *ad nauseam*.

The CIA can try to fight the trend toward ever more frequent scandals by going deeper underground, by mounting covert operations against its critics, by pushing for an official secrets act, by generally toughing it out. But this kind of hard line approach is probably doomed, unless American society reverses itself on basic notions of civil liberties and press freedom. The revelations should keep coming, and I for one have no doubt that there are plenty more skeletons, literally and figuratively, in CIA closets.

The only real reform that has come out of the intelligence scandals thus far has been the formation of this committee to oversee the intelligence agencies. You should now work together with Admiral Turner to make sure that the abuses of the past do not occur again. I know that the committee's staff has already drafted legislative charters for the various agencies, and such legislation, carefully worded as to what the CIA and the others can and cannot do, should

be adopted as quickly as possible. For better or worse, you and Admiral Turner are in the covert stew together, and it would be best for both the country and your own reputations if you work together to lift yourselves out.

Nevertheless, there are a whole variety of measures which Admiral Turner can take, as soon as he assumes office, which would go a long way toward reassuring the country that the CIA is really changing. I urge you strongly, before you confirm him, to seek his assurances that he will take the following steps:

One, the new DCI should announce that the CIA will cooperate fully in the Justice Department and congressional investigations of "friendly" secret services in the United States; and that the CIA will turn over transcripts of conversations in the Korean President's office, and all other intelligence that bears on illegality within the United States; that the Agency will not tolerate operational activity by the "friendlies" in the United States; and that it will break off liaison and stop all other forms of aid to secret services which repress human rights.

Two, the new DCI should announce that while the Agency has no legitimate law enforcement role in the United States, it will make available to appropriate police agencies all intelligence it possesses on Cuban terrorism, which has been particularly murderous lately. I would add that the CIA last year turned down a request by the Dade County police for the names of Cubans who had been trained by the CIA in the use of explosives. I would find this a reasonable request in light of all the bombings that have recently occurred in Miami and which have mostly been caused by people who got their explosive training from the CIA; and that the CIA will be committed to stamping out terrorism and drug trafficking among its former employees.

Three, the new DCI should announce that the CIA will no longer make covert use of American universities or academic activities; that the CIA will stop secretly employing professors to "spot" foreign students for recruitment as CIA agents, and hence to become traitors to their own countries; and that all CIA-sponsored research on campus will be identified as such, even if the results must on occasion remain secret; and that academic exchange programs will not be used for covert purposes.

Four, the new DCI should announce that the CIA will no longer propagandize foreigners and Americans; that no more foreign or American reporters will be secretly hired; that the CIA will end its covert use for propaganda purposes of the 200 newspapers and magazines, 25 book publishers, 30 press services and news agencies, and 20 radio and TV stations around the world that according to reliable intelligence sources, the CIA had access to last year, and that the CIA will try to correct the historical record to show where disinformation by the Agency and other secret services has resulted in false public perceptions.

Five, the new DCI should announce that the CIA will close down its paramilitary staff and transfer to the Pentagon responsibility for all overseas combat and military advisory roles, and that the CIA will consider itself bound, as the Defense Department is, by the war-

making limitations imposed by Congress in the War Powers Act of 1973.

Six, the new DCI should announce that the CIA will sever its operational ties to American labor unions, business associations, corporations, and other nongovernmental groups; and that it will no longer be permissible for the Agency to secretly use nonpublic sectors of American society for espionage or covert operations.

Even those who maintain that the United States must have the right to secretly intervene abroad should be able to accept that the measures I list above represent no more than a recognition that all Government agencies, including the CIA, must follow our laws and not turn their back on illegality; that constitutional limits should be observed; and that the CIA should not penetrate our own society for any purpose.

While the Carter administration is apparently not yet prepared to completely forego secret interference abroad, I would submit that covert action is no longer acceptable to a large and vocal group of Americans. As the country has changed in the last decade, covert action has become a cold war anachronism. Its basic premise, that any and all means are permissible, is antithetical to American ideals and values. The scandals of recent years have shown, among other things, that it is impossible to use these methods overseas without having a severe domestic fallout. We have, in effect, adopted the tactics of totalitarian states supposedly to protect our own security and, in the process, wound up subverting ourselves. Moreover, the CIA's covert operations have done the country's reputation incalculable harm abroad and changed our image from that of a benevolent democracy to that of a scheming manipulator.

Not only does covert action employ methods of dubious morality, but it is, on its face, illegal because the United States is bound by international obligations, including the U.N. charter and the O.A.S. charter, which as treaties are the supreme law of the land, and which bind the United States not to interfere in other countries' internal affairs. Yet these treaty requirements are brushed aside by supporters of covert action, as President Ford did in 1974 when he said:

I am not going to pass judgment on whether (i.e., covert action) is permitted or authorized under international law. It is a recognized fact that historically as well as presently such actions are taken in the best interest of the countries involved.

I would only hope that the Carter administration would not take such a contemptuous attitude toward our country's international obligations.

Unhappily, arguments that stress the immorality or amorality of covert action, its antidemocratic nature, or its corrosive effect on our own system have not yet been taken seriously by those in a position to do something about it. Covert action partisans tend to ignore these factors while stressing concepts like "the Russians do it." They base their defense on the expediency needed in the real world. Because of the toughness and apparent practicality of this approach, they try to pin a label of weakness and fuzzy-headedness on anyone emphasizing such values as decency, legality, democracy, or morality. My view is that we as a nation should follow the toughest course of all: Staying true to our ideals on the foreign as well as domestic level. We

should defend ourselves against any foreign subversion, but neither the Soviet Union nor any other country should be our model, whether in silencing internal dissidents or in carrying out covert action. Our country is supposed to be different.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Marks.

Senator Goldwater?

Senator GOLDWATER. No questions.

The CHAIRMAN. Thank you very much.

Mr. MARKS. Thank you, Mr. Chairman.

The CHAIRMAN. Our final witness is Mr. Richard Cohen of the U.S. Labor Party.

Welcome sir.

We have received your statement, and without objection, your statement will be made a part of the record, sir.

[The prepared statement of Mr. Richard Cohen follows:]

PREPARED STATEMENT OF RICHARD COHEN, UNITED STATES LABOR PARTY

The question before the Senate Intelligence Committee is, simply: should a man who has publicly demonstrated a substantial lack of competence concerning the fundamental strategic issues facing the United States be entrusted with the highest intelligence post in the land?

We need only confine ourselves to our source, Adm. Turner's most recent article—"The Naval Balance: Not Just a Numbers Game" in the January, 1977 issue of the Council on Foreign Relations journal *Foreign Affairs*—to determine that Mr. Carter's nominee for DCI would not be capable of fulfilling his mandated responsibility of providing the President with objective intelligence estimates.

Adm. Turner betrays that his estimates would be overwhelmingly biased in favor of the strategic evaluation of James Schlesinger, the Council on Foreign Relations, the Trilateral Commission and—most importantly—the Rockefeller family financial interests which dominate the latter two organizations. Such a bias in a DCI would be disastrous for American national security—a point which former President Ford was aware of when he removed Mr. Schlesinger from his cabinet post.

As we shall document with extensive quotations, Admiral Turner's own writings certify his complete incapability of making an accurate intelligence evaluations of the *global* situation at any given time.

In his *Foreign Affairs* article, Admiral Turner explicitly defends the Schlesingerian doctrine of bluff to manipulate "Soviet perceptions" of U.S. military fighting effectiveness and then incredibly claims (against Chief of Naval Operations, Admiral James L. Holloway III's public evaluation) that the U.S. has a strategic advantage in "naval war-fighting capability" over the Soviets.

Even more incredibly, he bases the latter "estimate" principally upon an alleged U.S. technological superiority—and manages to completely ignore Soviet breakthroughs in laser and fusion technologies which retiring Air Force Secretary Thomas C. Reed now admits give the Soviets capability to inflict very serious damage on U.S. surveillance and communications satellites and leave the U.S. "dumb and blind" in a global war.

Turner, projecting his own (actually Rockefeller's) monetarist axiomatic worldview onto the industrially-based USSR, also argues that the Soviets are fundamentally a new "nineteenth century imperialism" who model their strategy on the American mercantilist Admiral Mahan and "recall how Great Britain and the United States successfully supported imperialist adventures with their fleets in the nineteenth and early twentieth centuries."

Still thinking in the outmoded framework of the first two world wars, it is hardly surprising that Admiral Turner fails to even discuss in his article the question of the Soviets' preparations and commitment to fight a total, integrated land-air-sea thermonuclear war in any showdown confrontation with the U.S. (he argues from the incompetent view of mutual strategic deterrence), and he of course denies the existence of an actual Soviet marginal nuclear warfighting advantage.

In the event that the Trilateral Commission's Carter Administration manages to plunge or blunder a deindustrialized United States into a nuclear war in its desperate worldwide effort to collect the debts owed to Chase Manhattan and other technically bankrupt New York-based institutions, Turner offers the following solace: "* * * our national purpose is principally to keep the peace if we can, and if we cannot, to protect ourselves from storms, and to help our friends to protect themselves."

WHO IS ADMIRAL TURNER?

The Trilateral Commission's effort to undermine U.S. intelligence capability in behalf of their insane nuclear confrontation-from-weakness policy, set back when conservative traditionalists shot down charlatan Theodore Sorensen, has gained fresh momentum as usually alert pro-growth political, industrial and military leaders displayed a foolish predisposition to swallow the Turner nomination simply because of his military stripes.

Carter announced his nomination of Turner with an allusion to his nominee as "the next General Marshall"—a telling reference to the Council on Foreign Relations armchair World War II general who was also one of the architect's of finance capital's post-war looting scheme which bears his name.

Indeed, Admiral Turner is the product of careful Eastern Establishment grooming—Oxford College in England, Harvard Business School, the presidency of the Naval War College (where he boasts of "innovating" by bringing in intellectuals' like his friend Herman Wouk, author of the horrendous "The Caine Mutiny"), membership in the New York Council on Foreign Relations, an author in such publications as Foreign Affairs, and so forth.

Not surprisingly, the New York Times, Trilateral Commission member columnist Carl Rowan, Naderite politician Sen. Gary Hart (D-Colo.), and Turner's sponsor Rhode Island Rockefeller Republican John Chafee all led the hosannas for the Admiral. He was hailed as "the military man with a conscience" and boosted as Carter's "brilliant compromise appointment," while the Fabian faithful were reassured that the nomination "establishes no precedent for military leadership at the CIA."

Granting that Stansfield Turner is not a blithering idiot on the order of Theodore Sorensen, the Trilateral Commission's first choice—and granting that he could conceivably be won to a Clausewitzian strategic outlook based on national self-interest—nevertheless everything about Turner's background and stated, fantasy-laden pro-finance views indicates that the likelihood is that at best he would serve as a hometown umpire in favor of the Rockefeller banking and financial interests on close calls involving the national interests with the intelligence community.

AURA OF POWER

Congressmen concerned that the United States government receive an honest and high-quality intelligence product will want to review Turner's Foreign Affairs article and ask the appropriate questions. One critical question is, does Turner think the truth about the present marginal U.S. strategic inferiority and its economic and technological causes must be hidden from the nation in order to project a big bluff—a phony "aura of power"?

Turner's utopian, psychological wargame approach to strategic intelligence is apparent throughout the article: "We even hear Paul Revere-style rhetoric: "The United States is being left behind with a second-rate navy!"

"* * * Whether or not any particular force succeeds in influencing the actions of others will depend on subjective perceptions which may be based on numbers, on superficial appearances (size of ships, new versus old, etc.), on techniques of employment, or simply on the rhetoric which accompanies the fleet's arrival. That perception may or may not be an accurate appraisal of what would happen if shells started flying. But if the bluff is called and fighting ensues, presence has failed and must be succeeded either by combat or by backing down * * *

"* * * And as our Navy constricts and draws back from traditional deployment patterns, the Soviet Navy has been demonstrating increasingly imaginative and frequent global deployment of forces in response to developments in international politics—as in Angola, Mozambique, the Indian Ocean and West Africa. It seems a confirmation if the claim that we are a declining sea power and that they are a growing and restive one. The invalidity of that claim is academic if it is universally believed.

"* * * The nature of the debate of Washington over the budget tends to abet this impression. To ensure adequate appropriations for warfighting needs, our leaders point to the Soviets' naval expansion, their increasing presence in former Western preserves and their dedication to further naval growth . . . the formidable qualities of the threat are stressed; the available means to counter it perhaps slighted. We run the risk today of losing on the 'presence front' unless we counter these negative impressions by exercising care in our public discussions. A doomsday picture convincingly drawn by a congressional budgetary committee may negatively influence other nations' perceptions of our naval effectiveness * * *".

Since the Soviet leadership regularly reads Foreign Affairs, who does Turner think he is fooling and why? What is he hiding and whose interests is he protecting?

FAIRY TALE WARFARE

The incompetence demonstrated in his discussion of genuine warfighting is just as shocking. As every sophomore not working for Rand or the Council on Foreign Relations knows, if the Soviets are provoked by the Carter Administration into attacking the U.S.—and the global debt collection policies of the Administration and the Trilateral Commission are creating an irrepressible conflict—they will launch a total air-land-sea first nuclear strike which, among other things, will kill 160 million Americans in the first hour of general war. Yet Turner's "assessment" of "the naval balance" fantastically abstracts from this reality and analyzes naval warfare in terms of four essentially formal and separate categories—strategic deterrence, naval presence, sea control and projection of power ashore—giving the U.S. the advantage! Turner suggests the Navy's mission should be denying "Soviet" imperialist the sea lanes!

In terms of the one "category" he goes seriously into, "sea control"—in which in the real warfighting described above means Soviet capability to thwart an American second strike retaliation from the critical U.S. nuclear submarine force—Turner at first remarks: "Sea denial is essentially guerrilla warfare at sea." Later Turner (in passing) lets reality finally seep through, contradicting his own thesis though he quickly backs off and covers-up; ". . . the Soviet's big advantage is their option to launch a preemptive strike. Ships of both navies regularly operate in the vicinity of one another since there are no boundaries at sea. An attack could be launched with virtually no warning from point-blank range. The timeliness and quality of intelligence estimates, and our ability to identify subtle changes in Soviet operational patterns, will determine whether or not the Soviets can successfully carry out such a preemptive strike. Present trends toward declining numbers of both submarines and carrier aircraft have to be faced in the glare of these facts."

THE ADMIRAL'S TRILATERAL FRIENDS

When Turner comes to the question of defining the Navy's mission, he uses all the key and code phrases that let his Foreign Affairs readership know that his allegiance lies with the Trilateral Commission.

First he advertises that he is in tune with the Carter Administration's deindustrialization program: ". . . meantime there is growing competition at home for military expenditures, especially when there are so many social demands on our national resources."

Turner would allow the intrusion into the intelligence process of such outsiders as the Committee on the Present Danger's "Team B" and the Rockefeller-funded Institute for Policy Studies "left" Fabian circles, to contain military professionals from arriving at a Clausewitzian approach to national policy: "Civilian thinkers, in turn, are not providing the help that they could. The estrangement of much of the intellectual and academic segment of our society from the professional military over the Vietnam War has damaged the respectivity of defense as a worthy area of discussion, writing and study . . ."

"Professional opinion is pressed hard on the technical military issues; civilian opinion has to think hard on matters of national policy; and from this interaction arises the consensus essential to the support of whatever level of naval forces is selected."

In view of these facts, Congress has a solemn responsibility to determine whether Admiral Stansfield Turner has the independence and competence to serve the national interest in one of the most important posts in the government.

STATEMENT OF RICHARD COHEN, U.S. LABOR PARTY

Mr. RICHARD COHEN. Thank you very much.

I would like to move off the course of the statement and develop one essential point that I would like to make, and that point, from our point of view, warrants our objection to the confirmation of Admiral Turner.

And this, the point that I will make is one which seems to be a central theme of the present administration, and that is, the present administration is involved in a coverup of fundamental scientific and technological breakthroughs which have been displayed openly by the Soviet Union to American officials over the past 6 months.

The central reason why we believe this is being covered up at this point can be easily seen in the context of Carter's present proposed budget which would eliminate or grossly diminish the capability of our country to compete in those very spheres of technological advancement which the Soviets are involved in.

Now, it is unfortunate that Admiral Turner makes essentially the same point as the administration does in his article in Foreign Affairs entitled "The Naval Balance: Not Just a Numbers Game." The central argument, or what we perceive to be the key argument that he makes there is that while the Soviets are in fact building up and have been building up since at least the Cuban missile crisis, one point should be made, and that is that at least in terms of our naval war-fighting capability, we still maintain a strategic advantage, and the reason why that is the case is because the United States maintains a technological superiority vis-a-vis the Soviet Union.

So to the extent that Admiral Turner maintains that logic, he falls within the purview of being manipulated or maybe even consciously involved in the present coverup, a coverup which is contradicted by General Brown in his fiscal year 1978 military posture statement, in which he elaborates for several pages the argument that the Soviet Union has built up, since the Cuban missile crisis, not simply a weapons capability relatively comparative to ours, but has built up a military-industrial complex which prizes its research and development capabilities, and in fact, he states openly that in terms of the engineers being produced in the Soviet Union vis-a-vis the United States, there is a 5-to-1 ratio. In terms of the number of scientists and engineers, people involved in basic research and development, the Soviet Union leads the United States by 2 to 1.

Now, the concrete expression of that lead was witnessed last year when Mr. Rudikov, a leading Soviet scientist, visited the United States and unilaterally declassified major Soviet experiments, breakthroughs that were taking place in the area of controlled thermonuclear fusion, particularly with respect to particle beam processes which have very, very important military applications. Those military applications, in line with further breakthroughs that were announced by the Soviet Union, or announced in a very tenuous way by the Soviet Union coming out of their Novosebersk R. & D. Center by a scientist by the name of Mr. Boodka, indicate that they are far along in this development.

Now, the New York Times and other major magazines have pointed out over the past year that the Soviets have, indeed, on four occasions possibly blinded U.S. satellites, principally through the use of lasers. The kind of capabilities that are revealed through Rudikov's and Boodka's disclosures go well beyond laser capability and involve principally the capability of manipulating the plasmalike environment of the ionosphere and using it as a major refractor or magnifier, shooting a beam up into the ionosphere and having it magnified approximately a thousand times through the plasma. You have to know how to control that plasma. And having it redirected back to the earth, and that that beam, extended in that way, could eliminate or grossly damage U.S. early warning systems and communication systems. There are many other military applications to these technological breakthroughs, yet they have been covered up. Not only have they been covered up, but the very area in which these breakthroughs are being made—we now have a proposal before us in terms of Carter's suggested budget to eliminate \$80 million from the present fusion program, another \$199 million from the breeder reactor program, a general assault on nuclear technology and nuclear energy, a general assault on research and development in those areas.

In other words, what the Carter administration is telling us, and certainly Admiral Turner, from his point of view would fall in line with that, is that we are not going to compete with the Soviets in this sphere, and to the extent that the Soviets move in that sphere, they can gain a decisive strategic edge in the very near future.

Now, I simply bring that up as the basic reason at this point for our opposition to the Admiral, to Admiral Turner. There are many reasons why the Carter administration is doing this. We have elaborated this in the past. It is not out of any good will to the Soviet Union or a lay down and die attitude. There is a significant operation on at this point, not only with respect to the Soviet Union but with respect to the emerging alliance of the Arab OPEC countries and Western European countries which the Carter administration has focused at this point in prohibiting, and these essentially are the reasons why this material is being blacked out.

I don't want to go through a long explanation of it. The material has been made available in the past.

The CHAIRMAN. Thank you very much, Mr. Cohen.

Senator Goldwater?

Senator GOLDWATER. You have made one or two references to Clausewitz, the last one, "arriving at a Clausewitzian approach."

What do you mean by that? He had many approaches? Which one would you pick?

Mr. RICHARD COHEN. In terms of what Clausewitz himself was involved in?

Senator GOLDWATER. I am interested in why you apply Clausewitz to any policy that, or any approach to national policy, why use that term?

Mr. RICHARD COHEN. Well, because Clausewitz was the first, one of the first major strategists to adopt a policy in which he essentially elaborated that military posture and military deployment must be seen as an arm or an effect of one's political deployment generally.

That is, military deployment is a weapon in an overall political strategy, and I would say that in these terms, that if one were to take a strict national political strategy of maintaining national security with respect to this country, and one were to look at one's military deployments and the development of one's military capabilities on that basis, then one would have to say the development of controlled thermonuclear fusion and the various military offshoots of that, considering the world that we live in, the nuclear world that we live in, are an absolutely necessity in that strict sense.

There are other options to an all-out arms race in that direction. I simply point that out as a contradiction in Carter's own policy, which is not Clausewitzian in that sense because he is denying the very, on the surface, the very military capabilities that would secure the nation politically.

Senator GOLDWATER. That is disturbing a bit to me, because I am old enough to remember the 1930's. I remember these same arguments being used, and we wound up in a war. You can argue all you want either for or against Clausewitz. He was and probably still is the authority, but we have peace in this world today because we followed a national policy of strength. I don't like it any more than you do, but to sit there and pretend that we don't have to follow it to me is wishful thinking.

Mr. RICHARD COHEN. To pretend that what? Excuse me.

Senator GOLDWATER. To pretend that we shouldn't have a national policy based on strength, all of our strengths. That is the reason we have peace. The minute we let the guards down we are not going to have peace.

The CHAIRMAN. Senator Huddleston?

Senator HUDDLESTON. No questions.

The CHAIRMAN. Thank you very much, Mr. Cohen.

With this, unless there are other witnesses, the hearings will come to a close. I would like to once again remind the members of the committee that at 3 o'clock tomorrow in room S-407, the committee will meet to consider committee business and the confirmation of Admiral Turner.

Until then.

[Whereupon, at 4:36 p.m., the committee recessed to reconvene at 3 p.m., Wednesday, February 23, 1977.]

WEDNESDAY, FEBRUARY 23, 1977

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C.

The committee met, pursuant to notice, at 4:10 p.m., in room S-407, the Capitol, Hon. Daniel K. Inouye (chairman) presiding.

Present: Senators Inouye, Goldwater, Bayh, Stevenson, Hathaway, Huddleston, Morgan, Hart, Moynihan, Case, Garn, Mathias, Pearson, Chafee, Lugar, and Wallop.

Also present: William G. Miller, staff director; Howard S. Lieben-
good, minority staff director; Audrey Hatry, clerk of the committee;
Anne Karalekas, Sam Bouchard, Stan Taylor, Jean Evans, Dan
Childs, Spencer Davis, Charles Kirbow, Thomas Moore, Michael Ep-
stein, Edward and Harold Ford, professional staff members.

The CHAIRMAN. We are now in open session to consider the nomi-
nation of the Director of Central Intelligence, Adm. Stansfield
Turner.

You have before you the copies of the committee report that I had
the staff prepare for us. It covers all of the major questions that have
been raised in his nomination, including the matter of keeping his com-
mission during his tenure as DCI. It also refers to Admiral Turner's
promise not to seek the offices of Chief of Naval Operations or Chair-
man of the Joint Chiefs of Staff when these become vacant. At least he
will not seek them. But I suppose if the Commander in Chief should
call upon him to serve in these offices, he would have to respond
accordingly.

He has also indicated his willingness to provide this committee with
full and timely information on all covert and clandestine collection
programs. He has promised to work with this committee in consider-
ing new statutory charters for the intelligence agencies, and he has
shown, I would say, a real concern, both in his opening statement and
in his answers to our questions, for the need to insure that intelligence
activities do not adversely affect the constitutional or legal rights of
American citizens.

I would like to at this time move that this committee recommend to
the Senate that the nomination of Admiral Stansfield Turner as Di-
rector of Central Intelligence be confirmed.

Senator GOLDWATER. Second.

The CHAIRMAN. It has been moved and seconded.

Is there any discussion?

VOTE ON NOMINATION OF ADM. STANSFIELD TURNER

Senator GOLDWATER. Question.

The CHAIRMAN. Question.

I will call upon the Director to call the roll.

Mr. MILLER. Mr. Bayh.

The CHAIRMAN. I have a proxy. He votes aye.

[General laughter.]

Senator BAYH. Can we count both of those?

Mr. MILLER. Mr. Stevenson.

Senator STEVENSON. Aye.

Mr. MILLER. Mr. Hathaway.

Senator HATHAWAY. Aye.

Mr. MILLER. Mr. Huddleston.

Senator HUDDLESTON. Aye.

Mr. MILLER. Mr. Biden.

The CHAIRMAN. I have his proxy. He votes aye.

Mr. MILLER. Mr. Morgan.

Senator MORGAN. Aye.

Mr. MILLER. Mr. Hart.

Senator HART. Aye.

Mr. MILLER. Mr. Moynihan.

Senator MOYNIHAN. Aye.

Mr. MILLER. Mr. Case.

Senator CASE. Aye.

Mr. MILLER. Mr. Garn.

Senator GARN. Aye.

Mr. MILLER. Mr. Mathias.

Senator MATHIAS. Aye.

Mr. MILLER. Mr. Pearson.

Senator PEARSON. Aye.

Mr. MILLER. Mr. Chafee.

Senator CHAFEE. Aye.

Mr. MILLER. Mr. Lugar.

Senator LUGAR. Aye.

Mr. MILLER. Mr. Wallop.

Senator WALLOP. Aye.

Mr. MILLER. Mr. Goldwater.

Senator GOLDWATER. Aye.

Mr. MILLER. Mr. Inouye.

The CHAIRMAN. Aye.

Mr. MILLER. Unanimous.

The CHAIRMAN. The vote is unanimous, and I am pleased to announce that I will submit this nomination immediately to the Senate. Hopefully this can be considered tomorrow by waiving the 3-day rule.

Is there any objection to waiving the 3-day rule?

[No response.]

The CHAIRMAN. Hearing none, I will ask the leadership to schedule this for tomorrow.

Any further business?

[No response.]

The CHAIRMAN. The meeting is adjourned.

[Whereupon, at 4:15 p.m., the committee recessed subject to the call of the Chair.]

ADM. STANSFIELD TURNER'S RESPONSES TO FEBRUARY 28, 1977, WRITTEN INTERROGATORIES SUBMITTED BY THE SENATE SELECT COMMITTEE ON INTELLIGENCE

I. CIVIL LIBERTIES

A. Currently, one of the important controversies in constitutional law is the question of how the President's authority to conduct foreign intelligence activities meshes with the provisions of the first and fourth amendments. The question has most frequently arisen in terms of wiretaps and foreign intelligence cases.

Question 1. Could you explain your views of the nature and extent of Presidential authority and how it is limited by the first and fourth amendments?

Answer. The Committee appreciates that this question is best and most properly put to the President and his advisors. For myself, I believe that the President has a constitutional duty to conduct the nation's foreign affairs and that he has certain inherent powers to enable him to fulfill this duty, including the authority to collect foreign intelligence in order to protect the national security. This authority, however, does not, in my opinion, exempt him from the requirements of the first, fourth, or any other amendment to the constitution. Rather the exercise of this authority must be accommodated to the rights of U.S. citizens under these amendments. I do not believe that his power to collect foreign intelligence, including the use of electronic surveillance, is incompatible with these rights. The determination of the proper balance between his power and these constitutional protections has and probably will continue to be the subject of debate, and is ultimately the responsibility of the courts.

Question 2. Do you believe the President has the power to conduct warrantless electronic surveillance of Americans at home or abroad for foreign intelligence purposes?

Answer. It is my understanding that current judicial decisions permit, or at least do not prohibit, such warrantless surveillance where the target is a foreign power or an agent or collaborator of a foreign power. Of course, such surveillances would be undertaken domestically by the FBI rather than CIA.

Question 3. Is it your understanding of the law that if Congress enacts legislation setting standards and conditions for the use of electronic surveillance in foreign intelligence cases, the Executive Branch, including the President, is bound by those standards and conditions?

Answer. While appreciating the Committee's concern, I suggest that the Attorney General would be the appropriate official to advise the President in this area.

B. Last summer, the Committee and the Senate Judiciary Committee reported S. 3197, a bill to require warrants for electronic surveillance conducted in the United States for foreign intelligence purposes.

Question 1. Do you favor such legislation?

Answer. Although I have not had a sufficient opportunity to study S. 3197 in detail, in general I support the concept of such legislation, at least insofar as it might apply to electronic surveillance directed against U.S. citizens or permanent resident aliens, so long as the capability of the United States to obtain necessary foreign intelligence is preserved.

Question 2. Would you favor expanding such legislation to require warrants for electronic surveillance of Americans abroad, as well as in the United States?

Answer. Inasmuch as the full implication of an extension of a warrant requirement to overseas activities of Americans is not clear to me at this time, I am now prepared to indicate my support for such an enlargement in the scope of the proposed legislation.

Question 3. Would you favor expanding the proposed electronic surveillance legislation to require warrants in foreign intelligence cases for other intrusive investigative techniques such as mail opening and surreptitious entries when directed against Americans, either at home or abroad?

Answer. I would want to carefully consider any expansion of the proposed electronic surveillance legislation to cover mail opening and surreptitious entry.

Question 4. Do you think that electronic surveillance of Americans for foreign intelligence purposes at home or abroad should be limited to those instances where there is substantial evidence that the American has engaged in criminal activities?

Answer. It is my understanding that no such absolute standard or limitation would have been established by S. 3197 as reported by the Committee in the last Congress, and the adoption of such an absolute standard or limitation might well be undesirable in light of the inadequacy of existing criminal laws as they relate to activities that are of legitimate foreign intelligence interest. It should be noted with regard to this question that, generally speaking, the prevention and prosecution of crime are not the purposes of foreign intelligence surveillances, whether electronic or other.

Question 5. For the purpose of obtaining a warrant, would you be willing to report to a Federal judge the facts determining the Agency's belief that electronic surveillance should be conducted against an American living abroad?

Answer. This question could only be answered in the context of a particular case and in relation to a particular statutory requirement governing the scope and detail of the information to be submitted in support of a warrant application. As an essential prerequisite, I would want to be assured that the court would provide security safeguards for the information to be submitted that would be satisfactory to the executive branch. If such assurances could not be given, it might be necessary to forego an electronic surveillance rather than to risk compromise of the source in order to obtain a warrant.

II. LEGAL AUTHORITY

A. In February of 1976, President Ford issued Executive Order 11905 on United States foreign intelligence activities. The Executive Order was issued in order to "clarify the authority and responsibilities of the intelligence agencies."

Would you tell the Committee your views of the Executive Order, particularly as it relates to the following issues:

Question 1. Is an Executive Order which can be changed at the will of the President and which provides no penalties for its violation, sufficient to define the varying missions of the intelligence agencies and to fix firm limits on their activities?

Answer. The intelligence activities of the United States have been conducted for thirty years on the basis of Executive Orders and National Security Council Intelligence Directives, as well as certain statutes. The Executive Orders have the effect of law in terms of their directive control of intelligence activities. Possibly, additional legislative action is needed to define the missions of intelligence agencies and fix firm limits on their activities, but I consider any specific comments by me must necessarily be deferred until I have more complete knowledge of the manner in which the existing system is operating.

Question 2. While the DCI is to provide guidance on the relationship between tactical and nautical intelligence, under the Executive Order the DCI does not have any responsibility for tactical intelligence. Previous DCIs have had the right to review the allocation of all intelligence resources, including tactical intelligence. Do you believe that the Executive Order has an undesirable effect of weakening the DCI's authority in this area?

Answer. Tactical intelligence is an essential and integral element of the effectiveness of military forces in the field, and should be addressed in terms of the needs of the military forces. The DCI, on the other hand, is primarily involved with matters of national intelligence. The line dividing national and tactical intelligence is not clear but, on balance, I consider that the provision in Executive Order 11905 is appropriate. The DCI and the NSC Policy Review Committee (which has assumed the functions of the Committee on Foreign Intelligence established by E.O. 11905) are charged to provide guidance on the relationship between tactical and national intelligence, and thus are responsible for insuring that unnecessary overlap and duplication does not occur and that all programs

are compatible with security and foreign policy. The important thing is to assure that the potentialities of mutual support between national and tactical assets are maximized, and in this I see the DCI as having a role.

Question 3. Under the Executive Order, the DCI is to "ensure the development and the submission of a national intelligence budget." At the same time, the Committee on Foreign Intelligence, now the Policy Review Committee (PRC), is to "control budget preparation of the national intelligence program," and the Secretary of Defense has the responsibility to "direct, fund and operate" the NSA. How can these potentially contradicting charges be resolved?

Answer. The manner in which the National Foreign Intelligence Program budget for FY 1978 was developed provides the answer to this question. The Intelligence Community Staff was charged in the Executive Order to provide staff support to the Committee on Foreign Intelligence (CFI). The DCI used his Deputy for the Intelligence Community, who heads the Intelligence Community Staff, to spearhead development of the budget and submit to the CFI. The CFI held 20 sessions during which the Community program and budget were examined in great detail and many issues identified and settled. The Deputy Secretary of Defense, as a member of the CFI, participated in this review. The agreed-upon budgets for the intelligence elements of the Department of Defense, including that for NSA, were included in the DOD budget. The system involved close working relationships among the intelligence Community Staff, the intelligence staff of the Secretary of Defense, and the intelligence program managers, but what the question describes as "potentially contradicting charges" did not prove to be such in actual practice.

Question 4. What changes would you recommend in the present Executive Order?

Answer. The President has directed a complete review of the mission and structure of American intelligence, including an assessment of the adequacy of Executive Order 11905, for which I will have a major responsibility. I suggest it would be appropriate for me to await that review before making specific proposals concerning possible changes in the Order.

B. The authority of the CIA to engage in certain activities rests on directives issued by the National Security Council, called National Security Council Intelligence Directives or NSCIDs. These NSCIDs have in the past been referred to as the CIA's secret charter and were withheld not only from the public but also, until recently, from Congress.

Question 1. If these NSCIDs are revised or new NSCIDs are issued, will you provide these to the Committee as your predecessor has done?

Answer. The NSCIDs previously provided to the Congress were made available through the NSC apparatus, and the DCI has no authority to make such release on his own. I would be prepared to support a Committee request for NSCIDs which relate to the Committee's area of responsibility.

Question 2. Do you believe that the oversight committees of Congress should be consulted during the preparation or revision of these NSCIDs?

Answer. The NSCIDs are internal Executive Branch documents prepared at the behest of the President. Whether, or the extent to which, oversight committees of the Congress might be consulted concerning such directives prior to their issuance is a matter for Presidential determination. Congressional access after the directives have been promulgated would, in my view, be the better course.

C. CIA practices are also affected by directives issued by other persons, such as the DCI and Policy Review Committee (PRC).

Question. Will you provide to the Committee all such directives and modifications of directives, including DCIDs and directives from the PRC?

Answer. I will provide the Committee those directives which are under my control. The DCIDs are my responsibility, and I will provide them under appropriate security safeguards.

Since the PRC is an element of the NSC, I believe the NSC would be the appropriate authority for deciding to release or withhold the PRC directives.

D. As Director of Central Intelligence, your advice may be sought on the question of charters for the intelligence agencies. The 1947 National Security Act, the CIA's statutory charter, has been termed inadequate in a number of areas. At the present time, the National Security Agency and the Defense Intelligence Agency have no statutory charters. The FBI's authority to engage in domestic intelligence activities has been questioned.

Question 1. Should a new CIA charter explicitly authorize covert action?

Question 2. Should there be specific statutory authority for the CIA to collect intelligence?

Answer. I am aware of the sentiment, and the substantial reasons for it, that CIA may need more explicit statutory authority to engage in covert action or collection of intelligence abroad, notwithstanding the fact that CIA is the only element of the Intelligence Community which currently has any statutory charter.

As I stated at my confirmation hearing, I think that there is room for improvement in the language of the National Security Act of 1947 by which the CIA acts pursuant to NSC directives. We can continue to operate under the existing language, but I am amenable to reviewing it.¹

Question 3. What activities should the CIA be allowed to undertake in the U.S.? Should a new charter precisely define those activities?

Answer. CIA must, of course, support, from installations within the United States, its mission to collect foreign intelligence. Such support must include providing security for its installations, activities, information, and personnel. In order to provide the requisite security, the Agency must conduct investigations of applicants, employees, and other persons with similar associations with the Agency before classified information may be divulged to them. The Agency must also provide, domestically, administrative and technical support for its intelligence operations. This support includes procurement, maintenance and transport, communications and data processing, recruitment and training, the provision of personnel, financial and medical services, the development of essential cover and proprietary arrangements, and the conduct of necessary research and development efforts. The Agency must also interact domestically with other Federal agencies in furtherance of their respective missions. For example, in the course of performing its foreign intelligence mission, the Agency obtains information which appropriately may be shared with the FBI in support of the latter's domestic counterintelligence mission. There are also occasions when cooperating individuals within the United States have valuable foreign intelligence information to supply the Agency. Similarly, planning, preparation and development of future foreign intelligence sources must be undertaken in this country.

It is probably not possible to define exhaustively or in detail all activities of the Central Intelligence Agency that must be performed domestically. A new charter, if there is to be one, could more profitably address itself to areas where it is felt the CIA should not be active. For example, the National Security Act currently provides that "the Agency shall have no police, subpoena, law-enforcement powers, or internal security functions." I would not lift those regulations.

Question 4. Do you favor statutory charters for the National Security Agency and the Defense Intelligence Agency?

Answer. As I have already indicated, the President has directed a comprehensive review of the Intelligence Community and the adequacy of existing legislation and directives, and I consider it would be premature for me to comment at this time on what the recommendations may be that will result from this review. I have not yet, in fact, formed my own opinion as to whether statutory charters are necessary, but I am not foreclosing the possibility.

Question 5. Do you agree with Attorney General Bell that the FBI needs a clear charter?

Answer. The FBI is a part of the Intelligence Community only as regards its counterintelligence activities. Those activities represent a relatively small portion of the overall FBI effort, so I am really not in a position to comment knowledgeably on the FBI as a whole. Since the Attorney General has organizational responsibility for the FBI, I consider that he is a qualified judge as to whether a new charter is needed.

Question 6. Should there be statutory limitations on the permissible activities of all of the intelligence agencies? Should violations carry criminal sanctions?

Answer. Limitations on permissible activities are spelled out in detail for intelligence organizations in Executive Order 11905. I would need to delve much more deeply into this matter before I could express an opinion as to any need for criminal sanctions beyond those imposed on employees of any other branch of the Government.

III. CLANDESTINE ACTIVITIES

A. When you take over as Director of Central Intelligence, you will inherit the present apparatus of ongoing covert action and clandestine collection operations.

¹ Admiral Turner provided the Committee with a classified addendum to this answer.

Question. Will you pledge to consult with this Committee on the feasibility and wisdom of the various ongoing programs before making any final determination as to their continuation or termination?

Answer. The decision to terminate or to continue major covert action or sensitive collection programs resides with the President and the Special Coordination Committee. Such programs are reviewed periodically by the Special Coordination Committee, which is responsible for recommending to the President which of these programs should be approved, disapproved or redirected. However, in the course of the review and approval procedure, I will make certain the President and the Special Coordination Committee are fully aware of any views the Committee may have concerning such activities.

B. CIA clandestine operations, both covert action and clandestine collection, comprise a wide variety of activities. In this connection, the Committee would like to explore your attitude towards two specific kinds of operations.

Question 1. What are your views with respect to the covert involvement of the United States, in any manner, in the elections of a foreign country?

Answer. As you know, under the Hughes/Ryan Amendment the President is required to make a finding on all proposed CIA covert action programs. These programs are considered by appropriate advisors to the President before he makes his finding. Seven committees of the Congress are briefed after he makes his finding. Under these circumstances, it seems highly unlikely that the U.S. Government would engage in activity such as the question suggests unless there were a broad consensus within the Executive Branch and the Congress that it was in our national interest to do so.

Question 2. Under what circumstances would you approve covert payments to foreign leaders?

Question 3. What are the factors that would most influence your judgment on the advisability of various types of clandestine operations, such as the two mentioned above?

Answer. As I stated at my confirmation hearing, I think such operations should not be undertaken until two standards have been met: First, that there has been a thorough exploration of alternative ways to accomplish the objective in an overt manner; Second, that there has been a careful weighing of the potential value of what might result from the activity as against the risks incurred.

Should such payments be intended for a foreign head of state or major national figure for covert action purposes, the operation would require the approval of the President after review by the Special Coordination Committee. In this eventuality, the proposal would also be reported to the concerned committees of the Congress under the Hughes/Ryan amendment. Should the payment be intended solely for intelligence purposes and I judged that the operation involved a high political or other risk, I would seek the advice of the Special Coordination Committee, the National Security Advisor to the President or the President himself, before approving the operation.

C. This Committee is reluctant to request the identity of covert agents because we recognize the extreme sensitivity of such information and because the need for such information rarely exists.

Question 1. If, in the view of the Committee, the conduct of the oversight role were to require such information, would you provide it?

Question 2. For example, if the Committee were to investigate an abuse involving a covert agent whom it would wish to interrogate, would the agent be made available to us?

Answer. The Committee's sensitivity to the great importance of protecting covert agents and their identities is gratifying to me, as the official charged with the responsibility for their protection. I consider it central to the viability of clandestine operations. I see no difficulty in arranging for the Committee to meet with *employees*, under appropriate circumstances and conditions. However, I find it extremely difficult at present to envision a situation in which the Committee would need to have such information with respect to a *covert agent*, let alone to feel required to interrogate him. I would therefore prefer not to make any such commitment on this point.

IV. INTELLIGENCE AND POLICY

A. You served as NATO's Commander of Allied Forces for Southern Europe, and previously served as commander of the U.S. Second Fleet in the Atlantic. In both positions, you were exposed to a great deal of intelligence, provided not only

through service intelligence agencies and national intelligence agencies but also through NATO itself.

Question 1. What was the value of the intelligence you received to long-range military planning and NATO operations?

Answer. Long-range military planning could not be done without adequate knowledge of a potential enemy's military capabilities, political strengths and weaknesses, and economic viability.¹

Question 2. What was the value of this intelligence to your more day-to-day operational needs and to your requirements for indications and warning?

Answer. Day-to-day operational needs and requirements for indications and warnings are highly time sensitive. The closer intelligence inputs can be brought to real time, the more valuable they become to the military commander because they enhance his capability to make accurate decisions based on fact rather than assumption. Intelligence actually received from U.S. sources during my command of Allied Forces Southern Europe was extremely valuable to me because often it was the most complete and up-to-date information available.

Question 3. Did you perceive any significant gaps in U.S. intelligence reporting?

Answer. (Submitted separately to the Committee.)

Question 4. What ideas for improving the U.S. intelligence effort have you gained from your experience as a commander of U.S. Navy and NATO forces?

Answer. As indicated in my reply to question D.1.b., the closer to real time a commander can receive tactical intelligence, the more likely he is to make the right decision. At sea, force survival in the initial hours of an engagement is greatly increased if the force commander can assume an alert posture prior to an attack. This does not require much time, but given the speed of missiles, the difficulty of detecting them at low altitudes, and the routine proximity of the Soviet and U.S. fleets in peacetime, greater speed in delivering tactical warning indicators at sea is needed. In the area of national intelligence, again, timeliness is critical. In an era when Naval presence forces are being used more than ever as a tool of foreign policy, it is vital that the on-scene commander understand not just his military options, but national economic and political options as well, and how these options affect or influence one another.

B. Between 1971 and 1972, you served as chief of the Systems Analysis Division of the Office of Naval Operations. In that capacity you were involved in the Navy's efforts in "net assessments."

Question 1. In light of your experience, how much emphasis do you think the Intelligence Community should put upon net assessments as opposed to more traditional estimates?

Answer. Net assessments and more traditional intelligence estimates are complementary, and both are needed. Many important topics of intelligence estimates are not subject to a "net assessment" treatment. I consider that, in the analysis of key military questions, net assessments can be very important.¹

Question 2. What should be the role of the intelligence agencies in net assessment?

Answer. The role of intelligence agencies should be to conduct:

- comprehensive net assessments on two or more foreign nations.
- Soviet-U.S. net assessments to estimate the capability of individual Soviet weapon systems, to determine Soviet technical requirements and to identify trends and estimate the implications of Soviet programs.

Intelligence agencies should continue to participate in a variety of U.S.-Soviet net assessments conducted by the DoD and other agencies of the government. The role of the Intelligence Agencies should be to provide the intelligence data and insights necessary for these assessments.

Intelligence organizations should not make comprehensive net assessments. Such assessments are highly dependent on scenarios for war initiation, U.S. operational plans and tactics and the success of future U.S. programs.

Question 3. Would you as DCI be adverse to conducting net assessments in which analysis of U.S. capabilities and intentions would be explicit or implicit?

Answer. As I have already indicated, I am not adverse to conducting net assessments essential to the intelligence analytical and estimating process, including those in which U.S. capabilities and intentions are explicit or implicit.

¹ Admiral Turner provided the Committee with a classified addendum to this answer.

I am against intelligence conducting net assessments for the purpose of evaluating U.S. weapons system options. I am also opposed to assigning intelligence the responsibility for comprehensive Soviet-U.S. net assessments of the type which would be regarded as an intrusion by the Intelligence Community into the defense planning process.

Question 4. How would you evaluate the net assessment efforts of the Defense Department and the Executive Branch?

Answer. It is difficult to generalize on the net assessment efforts of the Defense Department and the Executive Branch over time. They have always reflected a sincere attempt to provide useful and accurate information to the decision-maker. When these efforts were less than excellent, it was usually the result of compromise made to reach agreement. Compromise inherently seeks the lowest common denominator and can preclude the user from the benefit of a finely etched picture from which his options for action can be developed. It is my intention to encourage divergent views which, if well supported by fact and logic, will be assigned confidence levels and will appear in future net assessments prepared by the IC.

C. As Director of Central Intelligence, you will have primary control over the collection and production activities of the CIA. As part of its general effort in military intelligence areas to support the President, the CIA produces intelligence on naval forces.

Question 1. What is your opinion of the strengths and weaknesses of the CIA's analyses of naval forces?

Question 2. How do their analytical efforts compare with those of the Navy?

Question 3. How do they compare with the work of DIA?

Answer. I have not had the time to adequately compare the CIA's vs. the Navy's vs. the DIA's analyses of naval forces except superficially. As a user, a naval commander does not often receive three separate sets of intelligence estimates on a given situation which he can lay down side by side and compare. He is sometimes lucky to have either a CIA, or the Navy, or DIA estimate; seldom all three. However, I would expect the CIA to provide me with naval force analyses of greater breadth and perspective than either the Navy or DIA, as its capability to assess naval forces in light of the full spectrum of a nation's assets is greater than either the Navy's or DIA's.

D. In the area of intelligence support to policymaking, one of the Committee's concerns is the degree to which Congress has not been a recipient of intelligence analysis that could assist the Members in making important national decisions.

Question. Are you prepared to provide the Congress with intelligence, even when it may not support the policies of the President, or when it may embarrass the President?

Answer. CIA currently provides finished intelligence support on a regular basis to the seven Committees of the Congress: the Armed Services Committees of both Houses of the Congress, the Appropriations Committees of both Houses, the Senate Foreign Relations Committee, the House International Relations Committee, and the Senate Select Committee on Intelligence. All of these Committees receive the National Intelligence Daily, and I recently have instructed that they receive the Weekly Review. In addition, each Committee receives periodic briefings on significant intelligence subjects. The Directorate of Intelligence also provides substantive intelligence briefings to their Subcommittees, individual members or Committee Staffs, upon request.

Other Committees, the Joint Economic Committee and the House Committee on Science and Technology, for example, get annual updated briefings on the economic situation in the USSR and China and on foreign scientific developments. Since assuming this office, I have directed the CIA to take more initiative in expanding its provision of intelligence support to all Committees of the Congress concerned with subjects to which intelligence can make meaningful contributions.

Some sense of the scope of intelligence support that CIA has provided to the Congress can be gained from the following: During 1976, we gave 30 informal briefings to Congressional Committees or Subcommittees. We also provided 85 substantive briefings to individual members of Congress and 104 briefings to Congressional Staffs. During 1976 we transmitted to the various Committees, their members, and staffers over 500 copies of memoranda, biographic reports and maps.

I promised at my hearing to provide intelligence even if it might be embarrassing to the President. I shall keep that promise.

In offering this support, the fundamental criterion is that whatever intelligence provided be as objective and factual as possible, without regard to the policy positions or predilections of any recipient.

E. Former DCI William Colby has recently argued that more of the Intelligence Community's analysis should be made available to the public.

Question 1. Do you share this view?

Answer. I do.

Question 2. What advantages do you see in this more open procedure? What dangers?

Answer. The advantages are that such a procedure will make reliable information more available to a wider audience, thus contribution to the public's appreciation of foreign affairs. It also will enable the public to be better aware of the contributions the U.S. intelligence effort is making to problems of national concern. It is my intention to continue a vigorous program of publication of unclassified finished intelligence.

One of my concerns in carrying out such a policy will be to ensure that those sources and methods of intelligence which require protection are adequately protected.

When speaking of the products of analysis, an important consideration is the necessarily privileged nature of information which is being supplied to the President as a basis for policy decisions. I see a danger of compromising this privileged kind of intelligence by making it prematurely available outside the proper Executive channel.

V. THE ROLE OF THE DCI AND HIS RELATIONSHIP WITH THE PRESIDENT

A. The role of the Director of Central Intelligence encompasses three somewhat conflicting responsibilities: intelligence advisor to the President, Director of the CIA, and manager of the Intelligence Community.

Question 1. How do you define the Director's role? Which of these responsibilities will be most central to you?

Answer. I must devote major attention to all three of the responsibilities you list, and I do not see any significant conflict among them. The fact is, of course, that I have a deputy to assist me with the management of the CIA and a deputy to assist me in Intelligence Community matters, but being advisor to the President is a responsibility I must necessarily bear alone.

Question 2. Do you believe there is a potential conflict between the need to provide the President with objective intelligence and a natural tendency to place your trust in the intelligence generated by the Agency which you head?

Answer. I do not.

B. One aspect of the personal relationship between the DCI and the President involves the DCI's ability to maintain the delicate balance between having the absolute trust of, while still being independent of, the President.

Question. What steps will you take to ensure that agencies in the Intelligence Community will not overstep the bounds of legality or propriety because of requests from the White House?

Answer. To me, this is a matter of management. I shall assure that appropriate guidelines are, or have been, promulgated. Within the CIA I shall maintain a strong Inspector General and General Counsel capability and shall follow through with appropriate disciplinary or other appropriate action if there are any instances of illegal or improper activities.

I shall urge each element of the Intelligence Community to review its procedures in this regard and institute safeguards where necessary to insure that requests for assistance from the White House and other entities be similarly reviewed and approved so as to insure legality, propriety and accountability.

However unlikely and improbable, if I am ever ordered by the President of the United States to take an act which I believe to be illegal or improper, I would feel obligated to try to have the order retracted or, failing that, resign.

C. The DCI's Presidential advisory role overlaps in particular with those of the President's Assistant for National Security Affairs and the Secretary of State.

Question 1. Have you discussed this issue with Mr. Brzezinski and Mr. Vance? How do you view your respective roles?

Answer. I have discussed this issue with both Mr. Brzezinski and Mr. Vance and we find no conflict in our roles. We are all advisors to the President in the

area of security; however, our terms of reference differ. The DCI is charged with coordinating the activities of all the intelligence organizations in the Executive Branch and producing intelligence which reflects their combined judgments. His advice to the President is based on this combined product. While the Department of State is a significant source of political and economic intelligence, the Secretary of State's advice to the President usually reflects his responsibilities as the President's principal advisor on foreign affairs. The President's Assistant for National Security Affairs views security in the context of the entire U.S. Government. While the intelligence on which these three advisors' views are based should in most cases be similar, the President is assured at least three different perspectives on a given security problem.

Question 2. Do you think that your ability to bring intelligence to bear on policy would be enhanced by making the DCI a statutory member of the National Security Council?

Answer. In my view, the impact of intelligence on policy deliberations does not really relate to whether the DCI is or is not a statutory member of the NSC. The key factors will be the degree of rapport, trust and confidence which exist between the DCI and the President and other NSC participants, and the ability of the DCI to contribute meaningfully to NSC deliberations.

VI. SELECTION OF DEPUTY DIRECTOR

Under the provisions of the National Security Act of 1947, a DCI who is an active duty military officer must have a civilian Deputy Director for the CIA. A second deputy directorship with responsibilities for the Intelligence Community was created by Executive Order 11905. No restriction exists regarding that Deputy's military or civilian status.

Question. Will you choose or request an active duty military officer for the position of Deputy Director for the Intelligence Community.

Answer. The incumbent is an active duty military officer, Admiral Daniel J. Murphy, and his three predecessors were senior military officers on active duty. At such time as it may be necessary to appoint a successor to Admiral Murphy, it would be my intention to nominate to the President the best qualified person available, military or civilian.

VII. SECRECY: SOURCES AND METHODS, ESPIONAGE LAW, LEAKS

A. The National Security Act of 1947 provides that the Director of Central Intelligence "shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." This language has been understood to authorize, if not require, the Director of Central Intelligence to take action for protection of such information in agencies other than the CIA.

Question 1. How would you define "sources and methods"?

Answer. The term "intelligence sources and methods," as I understand it, refers generally to a broad range of information relating to the operations of foreign intelligence agencies, the disclosure of which would significantly impair the capacity of the intelligence agencies to carry out their assigned functions.

Question 2. Does the term include information not presently prohibited from disclosure by the Federal espionage statute or the executive order on classification (EO 11652)?

Answer. In my view, the term "intelligence sources and methods" may include information not prohibited from disclosure by the Federal espionage statute or Executive Order 11652. The espionage statutes essentially concern national defense information; the Executive Order relates to information the disclosure of which would damage national security. While most, if not all, sources and methods information warrants classification, there may be some information deserving of protection which falls outside that concept.

Question 3. Does it include information pertaining to illegal acts by intelligence agencies? For example, could the DCI withhold from the Attorney General, the Congress or the press, information pertaining to violations of the CIA's "internal security" restrictions? Could the DCI withhold a violation of the Hughes-Ryan Amendment requiring Congressional notification of covert action?

Answer. The statutory responsibility of the DCI for protection of "intelligence sources and methods" would not permit the withholding of information pertaining to acts by intelligence agencies which are illegal under the laws of the United States.

The DCI may not withhold information pertaining to violations of CIA's "internal security" restrictions which is required in the course of any properly authorized investigation. Of course, the release of such information must be conducted with certain safeguards to insure that legitimate intelligence sources and methods which could be jeopardized in the process are not unnecessarily exposed and their usefulness destroyed.

The matter of informing the press on any activity of the CIA can only be considered in terms of a whole range of issues affecting the national interest, of which the protection of sources and methods is only one facet.

The intent of the last part of the question, "Could the DCI withhold a violation of the Hughes-Ryan Amendment requiring Congressional notification of covert action?" is unclear to me. Under the terms of the Amendment, the President is required to notify the Congress, in a timely fashion, before funds are expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence. The President has designated the DCI as his agent in making the required notification. The DCI's responsibility for protecting intelligence sources and methods does not conflict with such duties.

Question 4. How would you define the scope of authority relating to sources and methods in the language of the 1947 Act?

Answer. The Act charges the Director with "responsibility" for protecting sources and methods information; the word "authority" does not appear. In consequence, the reach of that language may not be entirely clear. In my view, however, that provision, strengthened also by Executive Order 11905, authorizes the Director to establish Community-wide standards and procedures for protecting sources and methods information. Further, the courts have ruled that this language authorizes the withholding of information from individuals who make requests under the Freedom of Information Act, as well as in other contexts.

Question 5. Does this language only provide the authority to coordinate the development of uniform Community-wide standards on protecting vital secrets, the position taken by former DCI Colby and the Church Committee? Or does it provide an operational responsibility, e.g., the authority to investigate "leaks," including the authority to conduct surreptitious entries and electronic surveillance in the U.S. to determine the source of leaks, an authority claimed by some former DCI's?

Answer. This language clearly provides the authority to coordinate the development of uniform Community-wide standards on protecting vital secrets. And, in my view, the language also confers authority upon the Director of Central Intelligence to require that Intelligence Community organizations comply with these standards.

But the language obviously does not authorize the Director of Central Intelligence to commit or direct violations of law in the process of enforcing these standards.

B. The Ford Administration requested the Congress to enact amendments to the Federal espionage statute on behalf of the Intelligence Community. Some aspects of that legislation are non-controversial. Other provisions may prompt some concern, especially those attaching criminal sanctions to the press for printing classified information.

Question 1. Do you think it is appropriate to focus the sanction upon the press as well as the Government employee who leaked the information?

Answer. No.

Question 2. Should such a statute authorize Federal investigations of newspaper reporters who report classified information in their articles?

Answer. Criminal investigations are directed to a situation—on belief that a criminal act may have been committed. In that sense, individuals as such are not investigated. Any such investigation may involve a member of the press when the facts warrant.

If Congress is serious about providing for the prosecution of those who leak classified information, it must be recognized that reporters may be a source of evidence with respect to such prosecutions and that their status as a reporter should not generally exempt them from the investigation. This position has been recognized by recent decisions of the Supreme Court with respect to the disclosure of a reporter's sources of information during grand jury proceedings.

Question 3. Do you believe that the Espionage Statute of 1917 and the accompanying Presidential executive orders on classification permit too much secrecy?

Answer. Executive Order 11652, not the Espionage Act of 1917, establishes the Government's classification system and the categories and guidelines upon which

classification decisions must be made. It is my understanding that E.O. 11652 is now under study within the Executive Branch, and I would prefer to defer my comment until that study has been completed.

Question 4. In addition to seeking amendments to Federal law which provides sanctions against legitimate secrets, will you seek amendments in both the Statute and the orders which will decrease unnecessary secrecy?

Answer. As to any amendments to the Order, see my preceding answer. I am not aware of any statutes which cause unnecessary secrecy.

C. There has been a great deal of criticism in recent years, some of it from the Executive Branch, suggesting that Congress has been irresponsible with state secrets. However, two of the most serious breaches of security to occur during this period pertain to secrets in the exclusive domain of the Executive Branch. Section 3(d) of Executive Order 11905 provides that the DCI, among other responsibilities, develop programs to protect intelligence sources and methods and insure common security standards for the Community.

Question. Will you, pursuant to Section 3 of the Executive Order, re-examine these various security procedures? Will you be proposing changes in the procedures to combat such leaks?

Answer. I will be addressing the requirements of that Section. If it appears that changes in procedures will prevent leaks or reduce their number, I of course will take the necessary action.

D. Vital secrets are leaked in the newspapers. In some such cases, information has been leaked which may be vital to the national security, e.g., a critical clandestine collection program or information which appears to compromise a particular source. These leaks threaten intelligence operations because they put the target of the operation in a position to take effective defensive measures. It would seem logical for the CIA to attempt to confuse a hostile government about what we had gained from that operation. In other words, the Agency could actually engage in "disinformation" by leaking confusing information to the press.

Question 1. Do you think it is appropriate for the Agency to respond to such a leak by engaging in such disinformation programs?

Answer. No.

Question 2. If so, should such disinformation or misinformation programs only be initiated after there has been a damaging leak, or do you believe that it is appropriate to conduct such a program to confuse hostile governments in the absence of such leak?

Answer. There are and will be no such programs.

Question 3. Do journalists knowingly participate in such disinformation programs?

Answer. There are and will be no such programs.

Question 4. What checks or controls does the Agency have upon such programs in order to avoid misinformation or disinformation from being used by the Agency to confuse the media or the Congress about illegitimate activity of the CIA?

Answer. There are and will be no such programs.

Question 5. Will you provide the Committee with any CIA assessment of the damage caused by these breaches of security?

Answer. The current practice of the CIA is to report to the Committee on security matters generally as a reflection of its commitment to keep the Committee fully and currently informed. I shall continue this practice. Assessments of damage caused by breaches of security would be a part of this reporting.

E. At the time that Attorney General Levi and President Ford were pursuing their wiretap proposal last year, Attorney General Levi took the position that it was necessary to authorize electronic surveillance of corporations which export technology to foreign countries. In essence, he was arguing that our Government should monitor the export of technological processes, even though such processes are not classified or even classifiable; indeed, even though the export of that technology does not violate any law.

Question 1. Do you agree with that position? Is there information in the hands of private companies which is not directly relevant to the national defense but which we should prohibit from export or disclosure to a foreign power, e.g., computer technology?

Answer. I am not aware that Attorney General Levi took such a position. However, I would agree that electronic surveillance of efforts of foreign powers to acquire technological information and information about industrial trade processes should not be foreclosed in appropriate cases. The capabilities and inten-

tions of foreign powers with respect to technological and industrial matters could be very important in the formulation of U.S. foreign policy. Whether the disclosure of specific information in the hands of private companies should be restricted is a policy decision for other elements of the Executive Branch and the Congress to address.

Question 2. Do you believe that such information should be subject to control through amendments to the Executive Order, the espionage statute or perhaps some other Federal statute, such as the Export Administration Act?

Answer. In general, I do not think that I am qualified to answer this question as it involves issues beyond the purview of the Intelligence Community.

Question 3. Is the real issue with such information that it is vital to the national defense? Or is the real issue that since American "know how" may be an important "bargaining chip" in negotiations with foreign governments such information must be controlled for foreign policy reasons?

Answer. From my perspective, the purpose of obtaining such information by electronic surveillance would be to acquire insights into the capabilities and intentions of foreign powers.

VIII. BUDGET AND MANAGEMENT OBJECTIVES

A. This Committee has responsibility for exercising oversight over national intelligence, not only in the constitutional sense but also in the broader context of ensuring that the long-range development of collection and production supports the needs of the national policy. Thus it is important that the Committee understand your objectives and goals for national intelligence.

Question 1. Given your unique perspective as a consumer of intelligence in the senior ranks of the Defense Department, what do you think are the most pressing challenges facing national intelligence in the coming decade?

Answer. The continuing challenge will be to assure that our government has the foreign intelligence it needs when it needs it. This is the key challenge, and all other challenges are linked with it. Important among the other major challenges are these:

- To assure the truly effective use of the resources required to collect, process, analyze and produce intelligence.
- To assure that collection capabilities keep pace with the changing demands for information.
- To enhance the quality of intelligence estimates.
- To strengthen the confidence of the President and his advisors, the Congress, and the American people in the effectiveness of the U.S. intelligence effort.
- To devise operating methodologies that will assure the acquisition of the needed information and at the same time assure that intelligence activities are being conducted in a legal and proper manner, with full recognition of the rights of U.S. citizens.

Question 2. In your opinion, what are the strengths and weaknesses in the way national intelligence is now dealing with those challenges?

Answer. The strengths of the Intelligence Community are quite encouraging:

- The collection and analytic capabilities of the Community are quite impressive.
- It has a corps of dedicated, hard-working and highly skilled personnel, many of whom have spent their entire careers in intelligence.
- It has access to a pool of research and development expertise, both in-house and in U.S. industry, that can be expected to respond as well to future technical challenges as has been the case in past years.
- It has strong support at top levels of the Government on the basis of recognition there of the importance of dependable intelligence to policymaking and operational decisions.

On the other hand, there are potential weaknesses:

- Manpower in some organizations of the Community has been severely reduced in recent years, and personnel resources are stretched very thin in many areas.
- Budgets in most cases have not kept pace with the results of inflation, and there is particular risk that discouragement of initiatives because of tight fiscal constraints may have a deleterious long-range effect.

—Much still remains to be done to take full advantage of the potential benefits of new analytic methodologies and to make full use of computerized data bases.

Question 3. Given the vast complexity of intelligence, what type of management approach will you take in monitoring and directing the focus of the national intelligence community in the coming decade?

Answer. The management approach I intend to take during my tenure as the DCI is straightforward. I will make certain that those persons who report to me fully understand their responsibilities and what is expected of them. I will see to it that they get whatever guidance is required. I will then hold them accountable for proper execution of the tasks within their jurisdiction.

I recognize that under present arrangements there are very distinct limitations on the extent of the management authority of the DCI, and this puts a premium on effective coordination and consultation processes. I expect to make full use of these processes in furthering the Community aspects of the national intelligence program.

Question 4. Has the President, or any senior-ranking official provided you with guidance on what they expect the national intelligence community to achieve in the coming years?

[If so] What were the principal themes in that guidance?

[If not] What do you believe are the major management and policy objectives which should guide your actions during your tenure as DCI?

Answer. As you might expect, the President and I have discussed what it is he expects from me as DCI. In essence, I consider it my charge to meet the challenges outlined in response to Question 1.a. above; and, primarily, that is to see that the United States Government is provided with the timely, high quality, responsive foreign intelligence that is required by our national interests.

B. One the major arguments against disclosure of the aggregate intelligence budget figure is that publication will result in demands for more detailed information.

Question. What is your response to that argument?

Answer. It is apparent enough that the budgets of many Intelligence Community organizations can never be publicly revealed in the *depth of detail* that characterizes most normal Federal agencies. Disclosure of detailed information on many of the Community's activities would eliminate our ability to carry out those activities which Congress and others intended when we were established. There are basically two reasons for this. First, many individuals and governments which now cooperate with U.S. intelligence would reassess that cooperation in light of the possibility that details of their relationship with U.S. intelligence could become public knowledge. We have seen recent examples of this. We are talking here in some cases of very sensitive relationships, generally involving the reputations, means of livelihood, or even the lives of individuals, and sometimes the future stability of governments. Second, revelation of detailed information would greatly facilitate efforts of our adversaries to hinder the effectiveness of our intelligence apparatus either by direct operations against us or by encouraging other governments to take steps to limit or destroy our capabilities.

There seems to be little basic disagreement with this view as regards the details of our intelligence operations. However, many acknowledge these points but argue that the public has a right to know the overall size of the intelligence budget and that a decision to reveal only overall size cannot possibly endanger any specific operations. Thus, the term "open budget" has generally come to symbolize the desirability of revealing only the Intelligence Community budget total without further detail.

This argument is often based on the belief that the public will be better able to make a judgment that the size of the Intelligence Community budget is appropriate to American needs if the overall size of the budget is made known. In the last analysis, however, I doubt that wide knowledge of only a budgetary total will significantly increase the public's ability to reach a judgment as to whether the overall program is a reasonable one. The principal reason for this is that, without further detail and understanding of the various programs which make up the budget, few significant conclusions can be drawn about the appropriateness of the funding level or the programs provided for within it. An illustration helps make this point.

Suppose that the only information publicly available about the U.S. Defense budget is that it totals \$100 billion, without any additional detail as to the size

of our strategic weapons programs, our R&D effort, the size of our standing military force structure or the military assistance program, or the portion of the budget which is essentially administrative support as opposed to a capability for action in an emergency. I doubt there could be much effective public discussion of the implications of this hypothetical \$100 billion budget without such detail, and this leads to my next point.

Revealing just the budget totals will, in our view, create enormous pressures to reveal further budget figures which cannot by themselves be considered to be terribly sensitive (for example, the cost of certain support activities) but which, when added together and subtracted from the total budget figure, will define with some precision of the remaining sensitive operation and research and development portions of the budget. This is likely in our view because revealing just the totals will put all of us in the difficult position of arguing for appropriations without being able to explain why we are supporting what we are recommending. This seems likely to lead to demands upon us to declassify those "nonsensitive portions of the budget which can be discussed.

At this point, the essential question is "why are we concerned?" In answer to this, I would like to make one basic point. The details of many of our activities cannot be publicly acknowledged if the programs we are authorized to carry out are to be carried out at all. It is my view that the more steps we take to reveal aspects of the budget which are relatively non-sensitive, the harder it will be—both within the Intelligence Community and the rest of the Executive Branch, and in Congress—to maintain the secrecy necessary for those programs and activities which are terribly sensitive.

In the last analysis, the question always becomes "where do you draw the line?" Natural public curiosity, coupled with great public sensitivity to any revelations about intelligence activities, and the attendant pressures we feel would fall upon any floor manager in Congress who took a bill to the Floor but had to tell his colleagues that he could not explain any of the details of his proposal, all argue—to us—that there are enormous dangers inherent in taking the first step.

C. An argument against annual disclosure of the aggregate budget figure of any element of the intelligence budget is that publication will allow our adversaries to determine the program changes in specific U.S. intelligence capabilities, such as a major allocation for the development of a new technical collection system.

Question. What is your response to the argument?

Answer. While there is no real concern about disclosure of the aggregate budget figure to the loyal American public, there is serious concern that disclosure of the total, or of any element, of the intelligence budget will provide a direct and significant advantage to adversary intelligence services. Any advantage we grant freely to adversaries should be weighed carefully against the contribution free disclosure will make to an informed public opinion. Disclosure will be meaningful only to those who are interested in further analysis; who have the inclination and wherewithal to put other information with it. Informed people know what the inflation rates have been, and they know how much the legislative pay increases are for Government employees. It is relatively simple to apply this kind of knowledge to increases in budget figures from year to year. Add to this information some additional data such as knowledge about buildings occupied, square footage of space in those buildings, numbers of cars in parking lots, and other similar incidental data, and it is not difficult to produce a pretty fair computation of numbers of people employed. The same kinds of analyses can identify quite readily and accurately the amount of the total budget devoted to other than fixed costs. Access to the financial pages of the daily newspapers throughout the country and subscriptions to technical journals provide a vast store of information about business activity in all fields of endeavor. Add to this the presumption of knowledge about which corporate enterprises are working on classified contracts, and it is not too difficult to identify where increases in intelligence budgets are going and what they are being used for. Concerted efforts by adversary intelligence services against targets narrowed down through this general kind of analytical process can result in the specific identification of new technical collection systems.

We doubt, for example, that the U-2 aircraft could have been developed as an effective collection device if the CIA budget (or the total intelligence budget) had been a matter of public knowledge. Our budget increased significantly during the development phase of that aircraft. Had that knowledge been supple-

mented by information from newspapers or technical journals that funds were being committed to a major aircraft manufacturer and to a manufacturer of sophisticated photographic materials, the correct conclusion would have been relatively easy to draw. The U.S. manufacturers involved would have become high priority targets, and it is reasonable to assume that a Soviet capability to destroy high altitude aircraft would have been developed earlier than it in fact was. While there is no similar situation pertaining today, we cannot say with certainty that one will not arise again in the next few years.

IX. CIA INTERNAL INSPECTION AND REGULATIONS

A. Existing procedures require that CIA's General Counsel review activities which raise questions of legality. Some potentially sensitive clandestine activities are reviewed by the CIA's General Counsel who is placed in a somewhat contradictory position of both reviewing the particular activity and facilitating CIA's overall mission.

Question 1. Would you support a requirement that potentially sensitive clandestine activities such as those alleged to have taken place in Micronesia be reviewed for legality by the Attorney General of the United States?

Question 2. What threshold would you establish to trigger such a review?

Answer. I believe the Attorney General generally should be consulted, but I question the wisdom of a statutory requirement for consultation. Further, it would be extremely difficult to define the activities which would require a request for the Attorney General's opinion. Accordingly, I would not favor a statutory requirement.

B. At present the General Counsel is required to refer to the Department of Justice allegations regarding activities by CIA employees that violate Federal law.

Question. In order to assist the Committee in its oversight role, will you instruct the General Counsel to notify the Committee when and if such referral takes place?

Answer. This question, in substantially similar form, was asked by Chairman Inouye during Mr. Knoche's confirmation hearing. Mr. Knoche agreed at that time to instruct the General Counsel to notify the Committee of such referrals and later clarified this commitment in a letter to Chairman Inouye dated 21 January 1977, which states in pertinent part:

With respect to matters reported to the Attorney General involving possible law violations, the Agency's General Counsel will prepare and submit to the Committee Staff Director, quarterly, a written statement indicating the number of previously reported possible offenses closed out during the preceding quarter by a Department of Justice decision to prosecute or not prosecute, together with a brief description of the circumstances, without however identifying the potential violators. These statements would also indicate the number and type of possible offenses reported for the first time during the preceding quarter.

C. Executive Order 11905 directs heads of intelligence agencies or departments to "ensure that Inspectors General and General Counsels of their agencies have access to any information necessary to perform their duties . . ." At present, CIA regulations require that the Inspector General and General Counsels have access to all information necessary for the performance of their respective duties, but these regulations can be withdrawn or modified at any time by the Director.

Question 1. Should the General Counsel and Inspector General be assured, by statute, of access to all Agency information necessary for their work?

Answer. I do not believe that such statutory provisions are necessary to ensure that the Inspector General and General Counsel of CIA have access to all information necessary to perform their duties. Both of those officers now have such access under CIA regulations and it is my firm intention to see that they continue to have it. This is consistent with and in implementation of Executive Order 11905, Section 6(c) (3) which states:

"Heads of intelligence agencies or departments shall: (3) Ensure that Inspectors General and General Counsels of their agencies have access to any information necessary to perform their duties assigned by paragraph (b) of this Section" (which describes the responsibilities of Inspectors General and General Counsels).

Question 2. Will you notify this Committee if either of these officers is denied, on your authority, access to CIA information?

Answer. As stated above, I have no intention to deny either officer access to CIA information which he needs.

D. One of the most effective tools of the Inspector General is the component survey—an in-depth study of a particular segment of the CIA, such as the Office of Current Intelligence.

Question. Will you instruct the Inspector General to notify this Committee of the schedule of component surveys and to brief the Committee as to the general findings of each?

Answer. I am concerned by the possible implications and consequences of any commitment on my part to provide the Committee with all findings of the Inspector General. Such findings, made confidentially to me, are important management tools which help me carry out my responsibility to keep CIA an effective organization. Should the present system be changed to broaden the closely held disseminations of the Inspector General's findings, there would be a tendency for Agency personnel to be less forthcoming with the Inspector General, and there could develop in the long run a tendency for the style and frankness of the Inspector General's presentations to become inhibited.

Therefore, I prefer not to instruct the Inspector General of CIA to notify the Committee of the schedule of component surveys and not to brief the Committee as to the general findings of each.

E. Since 1973 the Director of Central Intelligence has regularly issued a call to CIA employees to report to him any activities which raise questions of legality and propriety.

Question. Do you think that this call is sufficient to create an incentive structure that will in practice bring forth reports of questionable activities? If not, what measures are you considering to ensure your ability to be apprised of questionable activities?

Answer. I would like to have time to examine the question as to whether the incentive structure will in practice bring forth reports of questionable activities. I have been informed that the response to Director Schlesinger's call for information on questionable activities in 1973, and subsequent requests, brought forth voluminous and uninhibited responses. The Inspector General reports that he has received good cooperation during his compliance surveys. It is also my early impression that personnel are anxious to avoid activities which might bring further disapprobation to the Agency. But I know you will understand when I say that I would like to be in the job somewhat longer before I assess the command and control situation. If problems exist, I shall expeditiously find solutions to them. As a person who has long served in command capacity, I place high importance on discipline and compliance with law, regulation and ethical standards.

F. It has been suggested that CIA employees having access to secret intelligence might misuse that information for personal profit. At present, managerial level employees must disclose their financial holdings so that a determination can be made as to whether or not there is any conflict of interest. In addition, Section 203 of Executive Order 11222 provides that employees may not "engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon information obtained through their employment."

Question 1. Will you take steps to ensure that this provision is enforced vis-a-vis CIA employees?

Answer. Yes. There are now in existence regulations within CIA which aim to control employee activities which could pose conflict of interest problems or permit private profit to be made on the basis of insights gained on the job. Some of these regulations are being strengthened as the result of a recent Inspector General examination of the problem. Perhaps other steps can be made if the Agency finds a problem along these lines developing.

Question 2. Will you notify the Committee of what steps you have taken?

Answer. Yes.

PERSONAL AND FINANCIAL INFORMATION PROVIDED BY THE NOMINEE

The Select Committee on Intelligence submits a two-part questionnaire and financial disclosure statement to each nominee for the position of Director of Central Intelligence and the present statutory position of Deputy Director. Part I appears below and consists of responses to questions relating to personal background, qualifications, and general financial arrangements.

Part II consists of specific financial data, which the committee requested in part because the Central Intelligence Agency Act of 1949 allows the Director of Central Intelligence exceptional discretion over the disbursement of funds. Part II is available for public inspection at the offices of the Select Committee on Intelligence.

Admiral Turner placed his investments and securities in blind trusts drawn under guidelines established by the administration. Copies of the trust agreements were provided to the committee and are available for public inspection.

Government
experience:

List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or positions.

U.S. Navy: 1946-Date

Published
writings:

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

"The Naval Balance: Not Just a Numbers Game"
(Foreign Affairs magazine, Winter 1977)

"The Missions of the Navy"
(U.S. Naval Institute Proceedings, Summer 1973)

"The United States at a Strategic Crossroads"
(U.S. Naval Institute Proceedings, December 1972)

Political
affiliations
and activities:

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last ten years.

None.

Qualifications: State fully your qualifications to serve in the position to which you have been named.

My qualifications for the position of Director of Central Intelligence derive from my thirty years of government service as a naval officer. In that service I have been a frequent user of intelligence at successively higher levels of command. I have also been a manager of sizeable assets, ranging from individual ships to NATO's Southern Command with over 800,000 men from five nations. I believe that those experiences enable me to place national intelligence in proper perspective and to exercise the leadership and managerial skills to cope with a program of the magnitude of the DCI's.

Potential Conflict of Interest

Please describe any employment, investment, association, or activity which might create, or appear to create, a conflict of interest in the position to which you have been nominated.

None.

As far as it can be foreseen, state your plans after completing government service. Please state specifically any agreements or understandings, written or unwritten, concerning employment after leaving government service, in particular concerning agreements, understandings or options to return to your current position.

My plans are to continue on active duty in the United States Navy.

Upon completion of my intended position, I will be available for reassignment as desired by the President and the Secretary of Defense. I have made no agreements or understandings, either written or unwritten, concerning employment after I leave active military service.

Describe the financial arrangements you have made or plan to make, if you are confirmed, in connection with severance from your current position. Please include severance pay, pension rights, stock options, deferred income arrangements, and any and all compensation that will or might be received in the future as a result of your current position or your past business or professional relationships.

There will be no financial arrangements made in connection with severance from my current position. I intend to remain on active duty and there is no severance pay involved. Pension rights are those authorized anyone with my length of military service.

Please list below all corporations, partnerships, foundations, trusts, or other entities toward which you have fiduciary obligations or in which you hold directorships or other positions of trust.

None.

Have you been an attorney for, or a representative or registered agent of, a foreign government, or any entity under the control of a foreign government? In your present position are you formally associated with individuals who are attorneys for, or representatives or registered agents of, foreign governments or entities? If the answer to either or both questions is year, please describe each relationship on a separate sheet.

No.

Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

My stocks and bonds will be placed in a blind trust.

TESTIFYING BEFORE CONGRESS:

1. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes
2. Are you willing to provide such information as is requested by such committees? Yes

OTHER:

1. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? No
2. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. None
3. Please provide the Committee with the names and current addresses of five individuals whom you believe are in a position to comment upon your qualifications for the office to which you have been nominated.

Senator John Chafee,
United States Senate
Washington, D.C. 20310

Rear Admiral "M" Staser Holcomb, USN
Office of the Secretary of Defense
The Pentagon
Washington, D.C. 20301

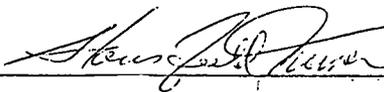
Admiral E. R. Zumwalt, Jr., U.S. Navy (Ret)
4043 North 41st Street
Arlington, Virginia 22207

Mr. Bayless Manning
President, Council on Foreign Relations
58 East 68th Street
New York, New York 10021

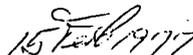
The Honorable Paul Ignatius
3650 Fordham Road
Washington, D.C. 20016

The undersigned certifies that the information contained herein is true and correct.

Signed:



Date:



**LETTERS TO CHAIRMAN INOUE FROM CIA GENERAL
COUNSEL ANTHONY A. LAPHAM, FEBRUARY 17, 1977,
FEBRUARY 18, 1977, AND APRIL 11, 1977.**

Central Intelligence Agency



Washington, D.C. 20505

FEB 18 10 21 AM '77

17 February 1977

The Honorable Daniel K. Inouye
Chairman, Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In connection with his nomination to be Director of Central Intelligence, Admiral Stansfield Turner has provided me with a list of securities and other financial assets owned by him and his wife. Admiral Turner has no minor children.

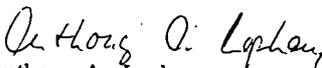
All securities owned outright by Admiral or Mrs. Turner will be transferred to one or more blind trusts. I am advised by Admiral Turner's personal counsel that the trust instruments are expected to be executed at an early date and that these instruments will satisfy the criteria described by Mr. Lipschutz, Counsel to the President, in a letter of 7 February to Admiral Turner, a copy of which is enclosed. I will advise you when that has been accomplished.

As Admiral Turner has indicated in his answers to the Committee questionnaire, his mother, Wilhelmina Turner, is a beneficiary of a trust established by his grandmother. We are advised that upon the death of Wilhelmina Turner, this trust terminates and its assets would be distributed to either Admiral Turner and his father or, in the event the Admiral's father has predeceased his mother, then to Admiral Turner alone. Technically, this situation may not create a possible conflict of interest. However, I am discussing with the Admiral, and with his personal counsel, steps that might be taken to either deny to the Admiral, during his term of service as Director of Central Intelligence, any information as to the securities held by the trust, or to otherwise eliminate any possibility of conflict of interest. Admiral Turner, as the questionnaire indicates, now knows what securities the trust holds.

Admiral Turner also owns the limited partnership interest identified in the confidential statement (net worth) already provided by the Admiral to the Committee. I have no reason to believe that this asset creates any possibility of a conflict of interest. However, I am discussing this matter with the Admiral and his personal counsel and I will advise you by 22 February should these discussions indicate that this asset creates a conflict possibility.

Under the circumstances, it is my opinion that the financial interests of Admiral Turner and his family create no conflict of interest that would stand in the way of his nomination to be Director of Central Intelligence.

Sincerely,


Anthony A. Lapham
General Counsel

Enclosure

Central Intelligence Agency



Washington, D. C. 20505

18 February 1977

The Honorable Daniel K. Inouye
Chairman, Select Committee on Intelligence
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In my letter to you yesterday, I indicated that I would communicate with you by February 22 concerning the limited partnership interest identified in the confidential net worth statement furnished the Committee by Admiral Turner only if my discussions with the Admiral and his personal counsel indicated that that interest does create a conflict possibility. Notwithstanding that statement, I am glad to inform you that I have had those conversations and I am satisfied that that interest does not create a conflict possibility.

Sincerely,

A handwritten signature in cursive script that reads "Anthony A. Lapham".

Anthony A. Lapham
General Counsel

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

11 April 1977

APR 13 3 02 PM '77

Honorable Daniel K. Inouye
Chairman, Select Committee on Intelligence
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In my letter to you of 17 February 1977, I stated that I would advise you when arrangements had been completed regarding the transfer of securities owned by Admiral and Mrs. Turner to blind trusts. These arrangements have now been completed and I enclose for your information copies of the executed letters of instruction by which this has been accomplished. In addition, I have enclosed copies of the executed letter of instruction and the trust agreement by which Admiral Turner has placed beyond his control his interests in the trust established by his grandmother, which also was described in my letter of 17 February. These arrangements have been structured in accordance with criteria prescribed by the Counsel to the President to insulate Presidential appointees from any potential conflict of interest during their governmental service.

Sincerely,



Anthony A. Lapham
General Counsel

Enclosures

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