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The Director of Central Intelligence
Washington, D.C. 20505

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25 AUG 1977

Honorable Robert N. C. Nix, Chairman
Committee on Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to offer my views on H.R. 3793. Under this bill, an employee being investigated for "misconduct which could lead to suspension, removal, or reduction in rank or pay" can be questioned only after he has been advised in writing of the fact he is under investigation and has been given up to five days to obtain a representative of his choice to be present during questioning. This bill is virtually identical to H.R. 6227, introduced in the last Congress; and, for the reasons stated below, we continue to oppose this legislation.

We share the concerns raised already by other Government agencies regarding H.R. 3793. In addition, I would like to draw the Committee's attention to considerations relating to the bill's potential impact on the the National Foreign Intelligence Program.

The administration of the Central Intelligence Agency is governed by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. The former imposes on the Director of Central Intelligence responsibility for protecting intelligence sources and methods from unauthorized disclosure (50 U.S.C. 403). It also grants the Director the discretion to terminate the employment of any officer or employee of the Agency "whenever he shall deem such termination necessary or advisable in the interests of the United States" (50 U.S.C. 403). The Director of the National Security Agency has similar termination authority and, in addition, is required by law to adhere to personnel security standards and procedures (50 U.S.C. 831 - 835). These statutory authorities and requirements are considered to be absolutely essential in the management of our foreign intelligence efforts. I believe the requirements of section 7171(b) of H.R. 3793, while affording certain safeguards for investigations of employees of the CIA, the National Security Agency and the FBI, conflict with these statutory authorities and would undermine important managerial programs which have as their purpose the protection of intelligence sources and methods.

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In fulfilling their statutory responsibilities, the Central Intelligence Agency and the National Security Agency have developed personnel and security programs which are unique. These programs, which in the case of the National Security Agency are mandated by law, are designed to protect both the national security and the rights and privacy of employees. They also reflect the special responsibility upon these agencies to insure loyalty, security consciousness, and the personal integrity and stability of employees. This attitude of trust and confidence is imperative in identifying and attending to potential problems before serious injury to the national security occurs. The adversary setting encouraged by the requirements of H.R. 3793 would undermine this firm basis of understanding and cooperation which sustains the integrity of an intelligence organization.

Perhaps more than other institutions, intelligence organizations, if they are to be effective, must treat their personnel fairly. In most instances, the practices and regulations of the Central Intelligence Agency and the National Security Agency are fully consistent with the underlying purpose of H.R. 3793. However, there are circumstances in which applying such a blanket statutory requirement to the Government's intelligence agencies would be inappropriate and inadvisable. Even though sections 7171(b) and 7172(b), which provide for the employee's representative to be an employee of the same agency and for the action to be reviewable only by the President, meet some of the special considerations which must apply in the case of our foreign intelligence agencies, I believe it is essential that these agencies be fully exempted from H.R. 3793 in light of their unique missions and statutory authorities.

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

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