

ER 85-437

Office of Legislative Liaison
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Remarks

DCI, DDCI and D/OLL have copies.

Executive Secretary

30 Jan 85

Date

news release

Senate Select Committee

on Intelligence

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DAVE DURENBERGER MINNESOTA CHAIRMAN
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BILL BRADLEY NEW JERSEY
DAVID L. BOREN OKLAHOMA

ROBERT DOLE KANSAS
ROBERT C. BYRD WEST VIRGINIA

SENATOR PATRICK LEAHY
REMARKS TO THE
SENATE SELECT COMMITTEE ON INTELLIGENCE

JANUARY 30, 1985

Executive Registry
85- 437

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Usually on this Committee I do not make many formal statements. I prefer to leave as much time as possible for questions and discussions.

You will all doubtless be happy to hear that I intend to continue that custom.

However, this is a special occasion, and I hope everyone will bear with a somewhat lengthy statement on what I think this Committee needs to do.

Congratulate New Members

First congratulations to our nine new Members, and, welcome back to the band of six holdovers.

Partisanship has no place on this very unique Committee. I believe we Democrats understand this and will work constructively with the majority to maintain as effective an intelligence capability as possible.

Introduce Key Staff

As all of you know, the Chairman and I are committed to building a professional and nonpartisan staff to serve the Members. Let me introduce two key Committee staff appointed by the Minority.

First is Mr. Eric Newsom, the new Minority Staff Director. Eric was my designated staff representative for two and a half years, and I have the greatest confidence in him.

Second is Mr. Daniel Finn, the new Minority Counsel. Dan was Danny Inouye's designee for over two years. I am delighted to have him remain as Minority Counsel.

As far as I am concerned, Eric and Dan work for the whole Committee, as should all of the staff. The Committee's rules provide that the Minority Staff Director has the right to know everything that the Staff Director knows. That right is essential

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-2-

to the proper functioning of the Committee, both to ensure that the Minority Members are fully informed, and to enable Eric to assist the Staff Director in managing the staff efficiently.

Cooperation with the Chairman

The Chairman and I have kept in close touch over the past several weeks, and have worked harmoniously together in preparing for the grueling year ahead. I believe a cooperative relationship is essential for the Committee to deal with the difficult and sometimes controversial issues facing us.

Relations with the Democratic Members

At the same time, I believe my role as Vice Chairman requires me to represent to the Chairman the views of the Minority on the Committee. Every Member will have particular interests or issues he wishes the Committee to pursue in hearings or through the staff.

I fully intend to support the interests of the Democratic Members of the Committee when decisions are made about allocating the Committee's time and staff resources.

Special Nature of the Committee

Before I turn to the Committee's agenda, I'd like to supplement some of the things the Chairman has said about the special nature of the Intelligence Committee.

I've already mentioned bipartisanship. This Committee works successfully only on a genuinely bipartisan basis. We have access to the most sensitive intelligence information. Our role is to make proper use of that access for very specific purposes ... and political advantage is definitely, repeat, definitely, not one of them.

We have three basic tasks:

One. We must ensure that the Intelligence Community has the resources necessary to provide the information the Nation needs to protect its security and advance its interests. Over the last several years the Committee, and the Senate, have been generous in providing those resources. However, decisions about how much we can afford for intelligence are not going to be as easy this year and into the future.

Two. We are responsible for carrying out effective oversight of the Intelligence Community. The Committee has been entrusted by the Senate and the American people to ensure, virtually in complete secrecy, that the intelligence agencies operate efficiently, within the law, and according to fundamental American values. Our guardians must never become the instruments of our oppression.

-3-

There is no doubt the confidence of the Senate and the American people was shaken by events last year relating to Central America. We have a special duty to restore that trust.

Three. On behalf of the entire Senate, relying on our access to sensitive intelligence, we must provide to the intelligence agencies policy and political perspectives on their activities and responsibilities. In the area of covert action or clandestine operations, this means we have to make sure the Executive Branch gives adequate consideration to whether a contemplated activity is politically sustainable. This Committee can offer objective judgment on the value of planned intelligence activities for American policy.

We will be expected to make a judgment for the Senate ... and ultimately for the entire government ... on the verifiability of any arms agreement. We cannot just wait until the President presents a treaty for ratification. The Committee must follow the evolution of proposals at every step of the way, injecting its views at the time so the President can take them into account.

A final word on the special nature of this Committee.

Secrecy is our normal mode of operation. Unlike practically everything else we do as Senators, it is necessary to resist the temptation to seek public recognition for what we do in secret. For my part, I pledge the greatest care in my contacts with the press, as I have in the past. I strongly urge all my colleagues to exercise the utmost restraint in contacts with the press.

The Chairman and I have decided to name David Holiday to serve as Press Spokesman for the Committee. Dave was recommended by Senator Boren, and is a superb choice. This appointment should improve the Committee's relationship with the press, which has not been good, while helping individual Members deal with the press on specific matters without infringing on our commitment to secrecy.

Committee Organization and Agenda

The Chairman has outlined how he plans to proceed over the next few months. We have consulted closely on this, and I support his approach. Our first priority is to scrutinize the Intelligence Community budget. That will take practically all our time and attention through the month of March and into April.

Eventually, we must look at the Committee's structure and consider what subcommittee organization would best serve the Committee's needs. Frankly, the old subcommittees had become practically moribund, with the exception of the Budget Subcommittee, and it was practically overwhelmed during the budget hearing cycle.

-4-

In addition to the budget review, I see several additional items on our agenda this year.

- Nicaragua. The Chairman wants to deal with the issue of aid to the Contras in the budget hearings when and if we receive a request from the Administration to renew funding. More than anything else, this issue was responsible for the problems this Committee had over the last two years. Because it has become a major foreign policy issue for the Senate and the whole country, it does not fit into the normal mold of Intelligence Committee issues.

For the moment, let me simply say that I will work with the Chairman and the Members to find a constructive means to deal with this issue, consistent with defending my own strongly held views.

- Compliance with Arms Agreements. Within a few days, the President is to submit a new report to the Congress on Soviet compliance or noncompliance with its obligations under various arms agreements. With our special access to intelligence gathering capabilities, we will be faced with a major policy problem: What should this Committee tell the Senate about Soviet compliance with arms control treaties?

In my view, the Chairman and I should speak to leaders of Foreign Relations and Armed Services and see if a workable approach could be developed to consider the foreign policy, defense, negotiating and intelligence implications of whatever the President says.

- Arms Control Verification. The President is resuming formal negotiations with the Soviets on strategic, intermediate and space weapons. The Senate will look to us to be thoroughly versed in the verification question when and if the President submits an agreement. We cannot wait until we see the text of a treaty to start learning. Hearings and briefings on each side's proposals and U.S. monitoring capabilities and judgments should begin as quickly as possible. In that connection, the Chairman and I have invited Ambassador Paul Nitze to the Committee in early February to talk about where the arms negotiations may take us. We plan to follow that with a general session later in the month with Secretary Shultz.

- Terrorism. This is a special concern to me. I fear the growing danger of a terrorist group gaining control of a nuclear device or a chemical weapon capable of mass destruction. Terrorism is clearly spreading, both as a tactic of subnational groups like the PLO, Islamic Jihad and the Red Brigade, and as a policy instrument of certain states such as Iran. The target is mainly the West, and the United States in particular.

-5-

The Administration is attempting to devise an effective counterterrorism policy and capability. From my own briefings into their activities, I personally do not believe we are much better prepared to fight terrorism than we were during Desert One or the bombings of the Embassy and Marine headquarters in Beirut. Thorough hearings on terrorism and our counterterrorism capabilities is one of my top priorities this year.

Last week, I asked Democratic Members to put forward their own agenda items. I know Senator Nunn is concerned about what DoD is doing in the area of Special Operations, as I am. This is one of our main weapons against terrorism, yet I am convinced the whole Special Operations effort is bogged down in inter-Service rivalries, tangled lines of command and responsibility, poor training and inadequate equipment, and lack of attention by the JCS. I hope Sam will help the Committee pursue intelligence aspects of the DoD Special Operations issue.

Fritz Hollings told me he is deeply concerned about the hardships and dangers our men and women in intelligence are facing, and the growing disincentives for the best people to go into intelligence work. This is a serious problem, and I look to Fritz to get the Committee involved in that area.

Obviously, the Committee will spend much time on issues which arise in the course of the year. Following a set agenda too rigidly is not possible. Still, we need a sense of what is important in the longer term for the Committee to dedicate itself to. I hope my Democratic colleagues, and the Republic side as well will come to the Chairman and me with your own interests and concerns.

Conclusion

I promise not to make another speech as long as this one. I'll end by saying I am proud to be on this Committee, and stimulated by the challenges which are ahead of us. I'll miss the Members who have departed, but I am absolutely confident that with the strong new Membership we now have, the Committee will meet its responsibilities to the Senate and to the American people.

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news release

Senate Select Committee

on Intelligence

DAVE DURENBERGER, MINNESOTA, CHAIRMAN
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DAVID L. BOREN, OKLAHOMA

ROBERT DOLE, KANSAS, EX OFFICIO
ROBERT C. BYRD, WEST VIRGINIA, EX OFFICIO

REMARKS
OF
SENATOR DAVE DURENBERGER
CHAIRMAN, SENATE SELECT COMMITTEE ON INTELLIGENCE
AT
FIRST ORGANIZATIONAL MEETING
JANUARY 30, 1985

Today is a very special day in the history of the Senate Select Committee on Intelligence, for it represents our coming of age. We have gone through a full eight years, the term contemplated for members, and we are entering the second generation. This means that the Committee is no longer an experiment; it's a vital and functioning part of the Senate and of the oversight system through which the intelligence community gets general guidance on the conduct of our national security policy.

There were many people who questioned whether the Senate could or should conduct the kind of sensitive business this Committee undertakes. Some skeptics thought we could not be trusted with classified information. Others thought we would be incapable of asking the kinds of questions which separate real oversight from simple pedantry. Still others thought we would go native, and fail to represent the interests and concerns of our colleagues and constituents.

The fact that we are sitting here today, heading into our Committee's second generation, should put those kinds of doubts to rest once and for all. We wouldn't have attracted such able new members, if our first eight years had not been marked by success. And for that, we and the nation owe a great debt to a few people: Howard Baker and Bob Byrd, who helped create this committee; Danny Inouye who was its first Chairman, and who set the tone of responsibility which the Committee has since followed; Birch Bayh, Barry Goldwater, and Pat Moynihan who led us through some very rough times; and the various Senators who over the past eight years have taken the time to engage in a very

demanding and thankless duty to their country and their colleagues by serving here.

And that brings me to the first point I want to make about the Committee. Its roots lie in a unique and limited mandate, and its fundamental essence is thankless duty.

There is a good deal of mystery -- and a lot of curiosity -- about what this Committee does. I recall a constituent who introduced me to an audience by noting that I served on both the Ethics and Intelligence Committees. He said, "this is a surprising oxymoron, since senators are reported to have neither." But more common than this kind of kidding by friends is an intense and continuing curiosity about what we do, from our friends, from our colleagues, from the press, and from others. It's difficult under those circumstances to remember that our first duty is discretion. And I know from experience how frustrating it is to sit in a meeting or on the floor and hear things said which I know are either untrue or incomplete. It's tempting -- very tempting -- to enter a policy debate and correct the views of people we know are barking up the wrong tree. On any other Senate Committee, we would be expected to do so. Here, all we can do is ask our colleagues to trust us.

President Eisenhower, who had a sound understanding of intelligence matters, described the profession as follows:

Success cannot be advertised; failure cannot be explained. In the work of intelligence, heroes are undecorated and unsung, even among their own fraternity. Their inspiration is rooted in patriotism -- their reward can be little except the conviction that they are performing a unique and indispensable service for their country; and the knowledge that America needs and appreciates their efforts.

I think the same applies to us on this Committee.

The reason for this derives from our unique mandate -- a mandate rooted in this Committee's earliest history. Basically, as I see it, we have four jobs here. Each of them entails oversight.

The first job is to quietly exercise our judgement -- not our technical skills, but our best judgement -- on behalf of the 85 Senators who do not serve here and do not deal with the sensitive issues we cover. If we are to be the Senate's source of

judgement, we have to ensure that all points of view are covered. That's why the Committee is appointed on the recommendations of the Majority and Minority Leaders, why it draws eight crossover members from pertinent committees, and why it is expressly bipartisan. Here, we sit as Senators, not as Democrats or Republicans, liberals or conservatives. And we act as a body, not as 15 individuals. If we lose sight of that, we will lose the trust and respect of the people who have given us this duty. And without their trust -- without their confidence when we assure them that matters of interest are being attended to -- we lose our mandate. There is no more pressing reason to maintain at all times the greatest discretion about this Committee's business.

Our second job is to ensure the integrity of the intelligence which is produced for the use of policy-makers, including our colleagues. James Schlesinger is fond of saying that "everyone is entitled to his own opinions, but no one is entitled to his own facts." Intelligence is not opinion, and it is not policy. It is unbiased and unblemished information drawn from a variety of sources. If it is not timely, concise, and relevant to policy, it is not intelligence. And if it gets mixed up with matters of partisan or factional opinion, it becomes propaganda. It's our job to ensure that it doesn't. And part of that job -- the hardest part for all of us -- involves keeping this Committee out of the policy and political issues which are properly the business of the Senate at large, and focused simply on the data. It's usually a tough line to draw, particularly when things like the paramilitary program in Nicaragua become front page news and feed debate in the Senate over policy. But if it's not easy to draw the line, it is still vital. And that is why Senators run this Committee instead of staff. Our colleagues know and trust us.

Our third oversight task is again peculiarly Senatorial and calls uniquely for our judgement. In some sense, we sit as a board of directors. In this capacity, we consult with the Director of Central Intelligence and other officials about what are termed "significant anticipated intelligence activities." And we are asked to exercise our judgement, not just our technical wizardry. We have to ensure that somewhere along the line the right kinds of questions are being asked -- questions rooted in real-world considerations and the kind of judgement which comes from a lifetime of addressing a host of complex issues.

Finally, we serve as both a visible symbol and active guardian of basic constitutional safeguards. Every senior intelligence official in this country's history has strongly cautioned us to make sure that our intelligence system is an American intelligence system, reflecting and living within the

limits which define our country. It does not run contrary to the canons of good intelligence to watch for abuses of or by the agencies. Our intelligence system will thrive when the public is ensured that someone is available to keep an eye on it. We play a big part in that mission.

What I have been outlining here, of course, is a concept of oversight which is a bit different from what we see with other committees. It is an affirmative form of oversight, not a negative one. It involves assisting the community, not simply publicly slapping its wrist every time a good headline is available. Our relationship with the intelligence community is defined by necessity as well as by tension, by support as much as by suspicion. We do more than simply appropriate money and look for symbolic pécadillos. We help to define the intelligence process for the United States.

There are three aspects to this affirmative mission that I would like to have our Committee focus on over the next few years. None is new, but each is important if we are to do more than simply warm 15 chairs here.

First, I think it's important that we take a prospective definition of oversight. It's easy and tempting to focus on the business of the moment. Nicaragua is a good example. It's current, exciting, tangible, and on everyone's minds. Obviously, it deserves attention.

But we have a key responsibility here, which is to help prevent intelligence failures. And the time to begin working on them is years before they might arise. A few dollars of investment today can save us untold amounts of money -- and lives -- later. Frequently, however, we can get so caught up in the business of looking at today's problems -- or yesterday's -- that we forget to put the proper emphasis on tomorrow's problems.

A lot of this derives from the normal tendency to focus on only what's hot at the moment. But a lot derives as well from the failure of the right people at the right time to question assumptions which are driving policy. For instance, very few people in the mid-1960s took the time to question whether their assumptions about international economics would prove as sound in the future as they had in the past. So very little effort was devoted to problems we are now living with -- international debt patterns which make lenders as much a hostage as borrowers; shifts in the terms of trade; the cartelization of various natural resources. If we had foreseen what the 1970s were to look like, we might have saved a lot of money.

So in addition to looking at current oversight issues, I would like to see us begin to continuously examine the question

of future intelligence requirements. Enough things are going on that we simply can't be confident that systems which work well today will do so tomorrow. Arms control is one area where this stands out. There are others. And I think that a major responsibility of this Committee in its oversight capacity should be to help identify such areas and track the success of the agencies in coping with them. Particularly since many of you will be here for a number of years, it's important to get started now.

A second area I'd like to see us address is the overall question of public understanding of and support for the intelligence process. To people who grew up on Ian Fleming and Robert Ludlum, the intelligence process is described in a few key words: Maserattis, Berettas, and bedrooms. At the time I enlisted in Army Counter-intelligence, 30 years ago, I hoped for the same things. What I found, of course, was something very different.

At its heart, good intelligence work is dry, somewhat boring, and very concerned with detail. It's a lot like academic research. And its payoff is enormous; as I mentioned earlier, it saves money and lives by making the future a little more clear to over-burdened decision-makers.

I can't think of anything more harmful to the support needed for intelligence agencies than the kinds of fantastic stories which are repeated. And when the agencies themselves get caught up in things like dropping manuals out of balloons and planting mines in Corinto harbor, the image is only fed. The result is the kind of thing that happened just a few weeks ago at the University of Minnesota -- CIA recruiters were greeted by angry demonstration.

Clearly, intelligence must operate with the greatest degree of secrecy possible in order to preserve the security of sources and methods. But there are some aspects of the process which might usefully be discussed a bit more openly. I am confident that, if handled with discretion and with an absolute commitment to avoid making comment simply for the sake of comment, a few public hearings of this committee could help sow the seeds needed for the growth of long-term public understanding.

In this regard, I will soon be polling you on the appointment of David Holliday, currently Dave Boren's Legislative Director, as the Committee's Press Officer. Mr. Holliday is an experienced journalist. He has worked as administrative assistant to several governors of both political parties. He has done Senator Boren's national security work for a number of years. And, as I know you'll realize when you meet him, he is a man of great maturity and discretion, who will do a lot to help this Committee.

I anticipate that the Press Officer will play the same kind of role that a Defense Department Press Officer plays. He will handle the inevitable press inquiries which come to this Committee and to our individual offices about SSCI business. He will answer what he can. He will let our Committee speak with one voice. And I think that over time, he will help us foster an understanding for what this Committee and the intelligence community are all about.

Finally, as you have learned from my earlier letter and perhaps from comment in the press, I want to return the staff system to the role envisioned for it in the Committee's original resolution. I know there has been a lot of attention paid to this issue, so I thought it would be good to clarify just what I think should and should not be done with the so-called "designee" system.

At bottom, I think the issue is whether we intend to live up to our unique mandate as a bipartisan Committee engaged in discreet and prospective oversight. If so, then the staff will be sufficiently busy with Committee business, and sufficiently out of the public eye, that each one of them is going to need to be a specialist of some kind, working for the full Committee under the supervision of the Staff Director. That's what was called for in S. Res. 400.

Does this mean that Senators are going to surrender their right to rely on individual staff in whose judgement they have confidence? Absolutely not. We all know that such relationships are the grease that make the wheels turn in the Senate, particularly in the more esoteric areas. We all need to draw upon the help and judgement of valued staff when we grapple with a complex issue or when we need to find out something.

Given the need for security on this Committee, of course, we can't ask our personal staff to do that job. So it's only natural that Senators will want people on the Committee staff who can work as individual designees.

I encourage your nominations. And I think Dave Holliday demonstrates that the designee system can be fully compatible with the overall needs of the Committee. Dave will be a Committee employee, whose skills will be available to everyone of you who might want to draw upon them. And he will at all times be available to Senator Boren for the Senator's intelligence work. He will not do Dave's foreign policy and defense work, however, unless we can't keep him busy here. Since he will report to the Staff Director, like all other staff, he will be spending the bulk of his time on overall Committee business.

In short, we can all have our cake and eat it too. It's just a matter of finding the right person for the job. I want to consult with the new staff director to get a sense of what areas the Committee needs additional help in, such as the budget cycle or perhaps some of the hard sciences. And I want to work with all the members so that those slots are filled by people in whom each Senator has confidence. This is not my Committee, and it's not Pat's. It belongs to all of us, and it will work only if its overall needs and the individual needs of each Senator are harmonized.

That brings me to my closing points. Until new staff are appointed, approved, and cleared, we are all going to face a lot of work. I would strongly encourage those of you who do not have designees on the Committee at this time to seek one out from among the existing staff. It's what I did six years ago, and I ultimately decided to ask the person I selected, Ed Levine, to remain on the job permanently. Regardless of what you intend to do, it will take about three months to get new people down here, and you may well need some assistance until then. The staff are ready to give you that assistance.

Remember, of course, that the persons whom you temporarily select -- like those whom you ultimately nominate -- are here as professionals. They are not here, and should not be here, to help us run for cover in the political arena. The most important task I face as Chairman and Pat faces as Vice-Chairman is to keep you from being embarrassed or from finding that SSCI business is now on the front pages of the papers. If we succeed in that, you won't need a designee whose principal function is political.

Certainly, over the short term, I think you'll find that the work we have to undertake is hard, tedious, and vital. It's not the sort of thing which makes good headlines or political slogans. It's why, until you each make a decision about nominating a candidate for a staff slot, you will be well served by working with the professionals on the staff.

It's also why I think we can and should do without the subcommittee structure for this year. Pat and I have talked about this, and we think that if we conduct the Committee's business at the full Committee level, we will all be better served. We will work from a common base of information, including the intensive education that comes from working our way through the FY1986 intelligence budget. And in the interim, nobody will be slotted into a specialized subcommittee before having the chance to gain a thorough understanding of the big picture, as well as the particular sub-areas.

Our first meeting -- at the full Committee level, as they all will be for this year -- will occur next Tuesday, February 5th,

at 10:30. We will have Paul Nitze to tell us what happened at the Geneva talks and to give us a chance to get into all the arms control monitoring and compliance issues that these omnibus negotiations are going to raise. We should have a short briefing book on that available for all members by the end of the week.

Our second hearing will be on Wednesday the 20th, at 10:00. This will be an informal session with Secretary Shultz. That will give us the chance to raise anything that's on our minds -- preferably at least somehow relating to intelligence. We have told the Secretary's office that arms control verification and Nicaragua are possible topics, but we're leaving the agenda open.

The big activity for the Committee in the coming two months, of course, will be the budget authorization process -- a process that gets us into every issue there is, because the budget is our most immediate tool for convincing the intelligence agencies to do as we recommend. But I want to stop before asking Keith Hall, our Budget Officer, to discuss that, because I know that Pat Leahy has some comments.