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1976 BRIEFINGS

Total

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Senate Armed Services Committee 3

28 January 1976  
2 March 1976  
3 May 1976

Senate Select Committee on Intelligence (Inouye) 10

26 April 1976  
7 June 1976  
16 June 1976  
23 June 1976  
30 June 1976  
29 July 1976  
6 August 1976  
23 September 1976  
28 September 1976  
23 November 1976

Senate Appropriations Committee 4

9 March 1976  
10 March 1976  
25 May 1976  
9 September 1976

Senate Foreign Relations Committee 9

18 February 1976  
24 February 1976  
10 May 1976  
4 June 1976  
22 July 1976  
15 September 1976  
22 September 1976  
23 November 1976  
23 December 1976

Joint Committee on Atomic Energy 1

19 February 1976

Miscellaneous Committees 3

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30

1976 BRIEFINGS (Continued)

Total

House Armed Services Committee

10

- 3 February 1976
- 6 February 1976
- 25 March 1976
- 7 April 1976
- 6 May 1976 (delegation to China)
- 11 May 1976
- 21 May 1976
- 4 June 1976
- 22 July 1976
- 22 November 1976

House Appropriations Committee

5

- 22 January 1976
- 16 March 1976
- 13 April 1976
- 7 June 1976
- 1 December 1976

House Interational Relations Committee

5

- 19 February 1976
- 12 April 1976
- 13 April 1976
- 18 May 1976
- 24 June 1976

Miscellaneous Committees

9

29

Total of 59 briefings for 1976.

Senate Armed Services Committee

16 January 1975  
21 January 1975  
11 February 1975  
19 February 1975  
24 April 1975  
23 September 1975  
12 December 1975

Senate Select Committee (Church)

15 May 1975  
21 May 1975  
20 June 1975  
14 July 1975  
15 July 1975  
24 July 1975  
16 September 1975

Senate Appropriations Committee

15 January 1975  
25 February 1975  
30 April 1975  
1 May 1975  
30 July 1975  
5 September 1975  
16 December 1975

Senate Foreign Relations Committee

16 April 1975  
25 July 1975  
29 July 1975  
10 September 1975  
6 November 1975  
8 December 1975  
16 December 1975

Joint Committee on Atomic Energy

8 April 1975



1975 BRIEFINGS (Continued)

House Armed Services Committee

18 April 1975  
24 July 1975  
25 July 1975  
8 September 1975  
23 September 1975  
8 October 1975  
17 November 1975  
12 December 1975

House Appropriations Committee

20 February 1975  
21 February 1975  
17 April 1975  
22 April 1975  
6 May 1975  
15 May 1975  
11 June 1975  
29 July 1975  
6 October 1975

House International Relations Committee

15 January 1975  
10 March 1975  
16 April 1975  
13 May 1975  
11 June 1975  
10 July 1975  
30 July 1975  
31 July 1975  
4 September 1975  
21 October 1975  
3 November 1975  
12 November 1975  
9 December 1975

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.  
I know of 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.

W. Averill Harriman

STAT [Redacted]

Clark M. Clifford

STAT [Redacted]

Simon H. Rifkind

STAT [Redacted]

Lt. Gen. James M. Gavin

STAT [Redacted]

Elmo R. Zumwalt, Jr.

STAT [Redacted]

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?
  - A. I would expect to follow the policy of previous Directors in this regard, which is to look to the Congress to determine which committees should have oversight of intelligence activities and I would abide by that decision. I would hope, however, that the Congress would reduce the number of committees having some degree of oversight over the Agency so that we would no longer be reporting on our activities to seven different committees. I understand the Senate Select Committee on Intelligence has that subject under consideration. In addition, I would cooperate with other committees of Congress on matters within their jurisdiction and on which the Agency has some expertise.
2. Are you willing to provide such information as is requested by such committees?
  - A. As you know, the Congress, by statute, made the Director of Central Intelligence responsible for protection of intelligence sources and methods. Consistent with that responsibility, I would expect to provide information to committees of Congress on matters within their jurisdiction.

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\*Senate Leadership

Senate Select Committee on Intelligence

\*Chairman Daniel Inouye

\*Senator Howard Baker, Ranking Minority Member

\* Members:

Senators Birch Bayh, Adlai E. Stevenson, William D. Hathaway, Walter Huddleston, Joseph R. Biden, Gary Hart, Robert Morgan, Clifford Case (also member of Senate Foreign Relations), Strom Thurmond (also member of Senate Armed Services), Mark Hatfield, Barry Goldwater (also member of Senate Armed Services), Robert Stafford, Jake Garn.

Senate Appropriations Intelligence Operations Subcommittee

\*Chairman John McClellan

\*Senator Milton Young, Ranking Minority Member

Members:

Senators John Stennis, Daniel Inouye, Clifford Case  
(the last two are expected to fill current vacancies.)

Senate Armed Services CIA Subcommittee

\*Chairman John Stennis

\*Senator Barry Goldwater, Ranking Minority Member (also listed under SSCI)

Members:

Senators Howard W. Cannon, Thomas McIntyre, Dewey Bartlett  
Senator Strom Thurmond (listed under SSCI)

Senate Foreign Relations Committee

\*Chairman John Sparkman

\*Senator Clifford Case, Ranking Minority Member (also listed under SSCI)

Members:

Senators Frank Church, Claiborne Pell, Gale McGee, George McGovern, Hubert Humphrey, Dick Clark, Joseph Biden (also listed under SSCI)

\*Asterisk denotes First Priority, others are Second Priority

House Leadership

- \* Representative Thomas P. O'Neill, Speaker
- \* Representative John J. Rhodes, Minority Leader

House Armed Services Special Subcommittee on Intelligence

- \*Chairman Lucien Nedzi
- \*Representative Bob Wilson, Ranking Minority Member

Members:

Representatives Melvin Price, Charles E. Bennett,  
Samuel S. Stratton, William L. Dickinson

House Appropriations Defense Subcommittee

- \*Chairman George H. Mahon
- \*Representative Jack Edwards, Ranking Minority Member

Members:

Representatives Robert L. F. Sikes, Daniel J. Flood, Joseph P.  
Addabbo, John J. McFall, John J. Flynt, Robert N. Giaimo,  
Bill Chappell, Bill D. Burlison, J. Kenneth Robinson, Jack F.  
Kemp, Elford Cederberg

House International Relations Committee

- \*Chairman Clement Zablocki
- \*Representative William S. Broomfield, Ranking Minority Member  
(these two are not firm but probable)

\*Asterisk denotes First Priority, others are Second Priority

61-3795

May 3, 1961

The Honorable Theodore C. Sorensen  
Special Counsel to the President  
The White House

Dear Ted:

In connection with the President's meeting with the press tomorrow, I enclose a brief memorandum stressing the types of instances where damaging information has been published. Also enclosed is a memorandum with regard to the action by the New York Times and other papers in spreading the Soviet story about C.I.A.'s alleged encouragement of the Generals' plot against de Gaulle.

This material is to supplement what we have already sent to Ralph Dungan.

Sincerely yours,

(SIGNED) ALLEN W. DULLES

Allen W. Dulles  
Director

Enclosures

AWD:at

Distribution:

Orig - Addressee

1 cc - DCI File ✓

1 cc - (1) DDCI; (2) Col. Grogan ✓

1 cc - ER

7 May 1961

Types of instances where American news media have published information detrimental to the United States security and to the conduct of foreign relations:

(1) All details obtainable about new weapons; [REDACTED]

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[REDACTED]

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(2) Leaks and indiscretions with regard to Soviet missile test failures.

(3) Premature publication of persons selected for diplomatic posts abroad so that the foreign country learns of these designations before formal notification to the government concerned requesting its acceptance of the designee.

(4) Pick-up and re-play of Soviet propaganda and "plants" without clearly labeling them as such - e. g., the alleged U. S. support of the Algerian rebels.

(5) Advertising "Spies in the Skies" which were generally

[REDACTED]

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(6) Caustic, "Smart Alec" and often overdrawn articles of a critical nature about the heads or leading personalities in foreign countries (i. e., the April 21 "Life" article which referred to Sukarno as "this Oriental Lumumba" is reliably reported to have enraged him and largely nullified the good effects of his American visit).



(7) In the absence of anything in the nature of an Official Secrets Act in the United States, the press considers delicate diplomatic negotiations, intelligence operations, and the like, as appropriate targets for free and uninhibited speculation often on the basis of the most sketchy information.

If everybody played under the same rules, the disadvantages we suffer from free exposure of any classified information that is leaked or otherwise becomes available would be somewhat neutralized. As a practical matter, virtually no other country including Great Britain which has one of the freest press in the world, operates under the same ground rules that seem to be applicable in the United States.

AWD/FMC:ji

May 8, 1961

MEMORANDUM REGARDING THE ALLEGATION THAT CIA AGENTS  
ENCOURAGED THE FRENCH GENERALS' PLOT AGAINST DE GAULLE

The false rumor that CIA had encouraged the Generals' plot first appeared in a Tass story of April 24 which quoted Pravda. This report was carried in a Reuters dispatch to the American press and replayed in France on April 24. A categorical denial by the Director of Central Intelligence was given out on April 26 and widely printed in the American press. Notwithstanding the origin of the report and the denial, many of the American papers widely published the report as credible. On April 30, 1961, in a story under the byline of James Reston, he states that the CIA "was involved in an embarrassing liaison with the anti-Gaullist officers who staged last week's insurrection in Algiers." Later in the same article he adds the following:

"Also, in the last few days, the President has looked into angry reports from Paris that the C.I.A. was in touch with the insurrectionists who tried to overthrow the de Gaulle Government of France.

"These reports apparently go back to the fact that C.I.A. agents have recently been in touch with the anti-Gaullist generals in Algiers and that C.I.A. officials gave a luncheon here in Washington for Jacques Soustelle, a leader of the anti-de Gaulle movement, when M. Soustelle was last in Washington."

The charge that CIA encouraged the anti-de Gaulle Generals in Algiers is unqualifiedly false. The luncheon to which reference is made was given, not by CIA officials, but by a French official and took place over a year ago.

An effective answer to the Reston story was published in the New York Times itself on the following day, May 1, under the byline of C. L. Sulzberger who stressed the Communist origin of the rumor. This article stated: "To set the record straight -- our Government behaved with discretion, wisdom and propriety during the insurrection. This applies to all branches -- the embassy (and consulate general in Algiers), the C.I.A. and American armed forces."

Mr. Sulzberger also stated: "Too many people are tempted to believe silly things about it" (CIA) and added, "It would be lunacy to imagine, with our evident desire to further decolonialization, that we would hope to oust the one Frenchman resolved and able to make peace in Algeria on the basis of self-determination."

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SUGGESTED SCHEDULE FOR DCI-DESIGNATE THEODORE C. SORENSEN

7 January 1977 from 1800 - 2045 hours

Working Dinner at Headquarters Building

Initial orientation on Central Intelligence matters with  
members of DCI Staff

- E. H. Knoche, Deputy Director of Central Intelligence
- Anthony Lapham, General Counsel
- George Cary, Legislative Counsel
- John Waller, Inspector General
- Andrew Falkiewicz, Assistant to DCI
- Assistant to DDCI

Following dinner there will be separate meetings  
with individuals as stated below

1800-1900

Overview of Current and Potential Legal Issues Affecting CIA

- Mr. Lapham, General Counsel

1900-1930

Overview of Role of CIA Inspector General and Highlights of  
Current Issues of Major Importance

- Mr. Waller, Inspector General

1930-2000

Overview of DCI Information Policy and CIA Relations with  
the Media, including Briefing on Intelligence Issues of  
Current Interest to the Media

- Mr. Falkiewicz, Assistant to DCI

2000-2015

Overview of CIA Relations with Congress and Preparations  
for Mr. Sorensen's Confirmation

- Mr. Cary, Legislative Counsel

2015-2045

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DOCUMENTS AND INFORMATION REQUIRED BY SENATE SELECT COMMITTEE  
ON INTELLIGENCE FOR DCI CONFIRMATION HEARING

1. Complete biography.
2. Financial statement covering all securities and investments which raise the prospect of a conflict of interest, i.e., companies doing business with CIA. (NOTE: A full financial statement of all holdings should first be submitted to the General Counsel to determine which, if any interests, have any connection with CIA.)

15 January 1977 from 1000 - 1430 hours

Briefings Related to Confirmation Hearings Scheduled for 17 January 1977

1. Mr. John F. Blake, Deputy Director for Administration (DDA) 1000-1015
  
2. Production of National Intelligence Estimates (NIE's) and Functions of National Intelligence Officers (NIO's)  
    -- Mr. Richard Lehman, Deputy to the DCI for National Intelligence Officers (D/DCI/NIO) 1015-1100
  
3. CIA Intelligence Production  
    -- Dr. Sayre Stevens, Deputy Director for Intelligence (DDI) 1100-1130
  
4. Operations Directorate (DDO)  
    -- Mr. William W. Wells, Deputy Director for Operations (DDO) 1130-1230
  
5. Directorate of Science and Technology (DDS&T)  
    -- Mr. Leslie C. Dirks, Deputy Director for Science and Technology (DDS&T) 1230-1300
  
6. Panel Discussion on Questions and Answers Related to Confirmation Hearings  
    -- Persons mentioned above plus 1300-1430  
    -- Mr. John McMahon, Associate Deputy to the DCI for the Intelligence Community (AD/DCI/IC)  
    -- Mr. George L. Cary, Legislative Counsel (OLC)  
    -- Mr. Anthony Lapham, General Counsel (OGC)  
    -- Mr. John H. Waller, Inspector General (IG)  
    --  Assistant Comptroller for Resources  
    -- and others

STAT

17. What role do you feel Congress should play in covert action?

I think that Congress should be kept advised of covert actions in a timely fashion through certain designated Members. This is what is done under Section 662 of the Foreign Assistance Act of 1974. I am not sure if the precise arrangements under that Section are entirely desirable for this purpose, however. Its requirement that the President personally certify to the Congress the necessity for all covert actions may be harmful in associating the head of state so formally with such activities. Moreover, Section 662 requires that covert actions be reported to six committees of Congress, a total of 55 Members. This may be more than is necessary and perhaps this procedure could be consolidated. Finally, the Foreign Assistance Act is, in my view, an inappropriate place for this provision. It would be better to place covert action reporting requirements in the National Security Act. Some of these suggestions have already been made by the Murphy Commission which recommended that Section 662 be amended to require reporting of covert actions to a Joint Committee on National Security, and to omit any requirement for the personal certification of the President as to their necessity.

STATEMENT

THEODORE C. SORENSEN

DIRECTOR-DESIGNATE OF CENTRAL INTELLIGENCE

BEFORE

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

17 JANUARY 1977



Mr. Chairman, Members of the Committee:

I am grateful for this opportunity to share with you my views on President-elect Carter's decision to nominate me for the post of Director of Central Intelligence, and to answer the scurrilous and unfounded personal attacks which have been anonymously circulated against me.

I did not seek or lightly accept this assignment, and some of my friends have suggested that anyone agreeing to take the job lacks either the sanity or the judgment necessary to fulfill it. I recognize that the successes of the Intelligence Community are largely unspoken while its errors are roundly assailed; that it is often accused of deeds that it never committed or that it undertook at the request of higher authority; and that the Agency and its employees are rarely able to defend themselves publicly against these attacks. In recent days, I have had the same experience.

But I do not intend to be intimidated by those who wish to strike at me, or through me at Governor Carter, by personal attacks on my integrity and probity, grossly distorting the facts and maliciously twisting my words. I prize both my country and my honor too greatly to desert this post under that kind of cloud; and I am here to appeal to the sense of fairness of the Members of this Committee.

I recognize that some of you have legitimate questions concerning my qualifications. But before dealing with those questions, I must as a matter of personal privilege respond to the personal attacks upon my character which my nomination has suddenly stirred.

1. First, it has been said that I leaked or otherwise conveyed classified information for political or personal purposes. That charge is totally false. In the White House, I drew upon classified materials in backgrounding the press only when I was specifically directed to do so by the President, who clearly had such authority; and I took documents home for review only in those rare instances when I would otherwise have spent 24 hours a day in that office.

I have never compromised the national security of this country, or approved of anyone else doing so. My affidavits in the lawsuits brought against the New York Times and Daniel Ellsberg regarding publication of the Pentagon Papers accurately described the practices then prevalent in Washington -- not as they should have been but as they were. Almost identical affidavits were submitted by a former Assistant Secretary of State, a former State Department Legal Adviser and a former Ambassador. During my White House service I received the highest security clearances from the CIA; and I received them again in the last few weeks. I have something of a reputation for guarding secrets, whether they be those of my government, my clients, or my friends. No one has ever charged me with conveying classified information to others or mislaying classified materials.

2. Second, it has been said that I improperly took classified documents with me from the White House when I left government service, improperly used them in writing my book on President Kennedy, and improperly obtained a tax deduction for donating them to the John F. Kennedy

Library. Those charges are totally false. Upon the announcement in early 1964 that I was leaving the White House, I was visited by the Assistant Archivist of the United States, an official in the General Services Administration. He informed me that the papers in my files that I had created and accumulated during the period of my service in the White House were regarded by both law and historical precedent as my personal property; and further, that I was entitled to make any use of those papers that I deemed appropriate, whether selling them as some former White House aides had done, writing books based on them as other former aides had done, or donating them to an appropriate educational institution -- with a tax deduction on the value of the gift -- as still others had done.

Upon my signing on February 14, 1964, a Letter of Intent to donate my papers to the Kennedy Library, the Archivist's Office sorted and packed my files, presumably leaving behind anything that was not mine, transferred them to a GSA depository in the Boston area. The GSA then sent to my home certain of those papers which I had selected as necessary background materials for my book. It collected them from me upon completion of my manuscript, and the entire lot of my papers was then transmitted to the John F. Kennedy Library, to which I donated them.

Naturally there were classified papers among them (although no communications intelligence reports), just as there were classified documents among the papers taken upon their departure from the White House by the principal aides of every President at least since Woodrow Wilson, including Col. House, Samuel Rosenman, Harry Hopkins, Sherman Adams,

McGeorge Bundy and many, many others. Like most of those named, I reviewed my papers, including classified papers, in preparing a book on my experiences, just as Gerald Ford at his confirmation hearing acknowledged drawing upon Top Secret documents in his possession when writing his book on the Warren Commission. In the decade since my book was published, no one has suggested that security was in any way breached by anything in my book, and it was in fact submitted for clearance in advance to the National Security Adviser to the President, to his former deputy, and to the former Deputy Secretary of Defense. My handling of classified information was at all times in accordance with the then-existing laws, regulations and practices.

Upon donating my papers to the Kennedy Library (instead of selling them individually for a far larger amount), I received the tax deduction to which I was entitled by law, just as many former government officials did over the years -- including, in addition to some or all of those already mentioned, former Ambassador Galbraith, former White House aide Arthur Schlesinger, and former Governor and Ambassador Adlai Stevenson.

No doubt arguments can be made against the practice begun by George Washington of White House occupants taking their papers with them -- John Eisenhower has recently stated, for example, that his father inherited from Truman and left to Kennedy no papers other than the instructions on nuclear attack procedures -- but at the time I took my papers in 1964, that was clearly the accepted view of the law.

No doubt arguments can also be made against permitting tax deductions on the donation of papers by former government officials -- and such arguments were made when the law was changed in 1969 -- but that was nevertheless the law prior to that time.

All of the above actions were taken with the full knowledge and approval of the government, and were publicly described in the well-publicized affidavits which I filed in the New York Times case and subsequently in the Ellsberg case. Those two cases involved important First Amendment issues, including the public's right to know the tragic history of the Vietnam War. Whatever improvements might have been made in the wording of my affidavits, I make no apology for having responded to the requests of counsel in both cases to attest to the inconsistencies and anomalies of government classification practices.

3. Third, it has been said that I avoided military service as a pacifist during World War II and the Korean War. This charge is totally false. I have never sought to avoid military service, hazardous or otherwise, in wartime or any other time. I have never advocated for the United States a policy of pacifism, non-resistance to attack or unilateral disarmament. The facts are that I registered for the draft upon becoming 18 years of age in 1946, a year after World War II ended, and shortly thereafter expressed the philosophy of non-violence with which I had been reared by two deeply idealistic parents by requesting, not an avoidance of military duty or hazardous duty, but military service in a non-combatant capacity (classification IAO) --

preferring, by way of illustration, to serve on the battlefield as a medical corpsman saving lives instead of taking lives. This status was granted. My action was largely symbolic, inasmuch as our country was not then at war or expected to go to war. I have never, in my service on the Executive Committee of the National Security Council during the Cuban Missile Crisis or at any other time, permitted my preference for personal non-violence to inhibit in any way my advice to the President on the military and other options available as a matter of national policy. I would not have accepted Governor Carter's designation to be Director of Central Intelligence were I not prepared to carry out every lawful order of the President conceivably connected with this post.

4. Fourth, it has been said that my legal representation of multinational corporations and foreign governments poses a conflict of interest in undertaking this assignment. This charge is patently absurd. Over the years, the highest national security officials in our country have frequently represented such clients before taking office -- including Messrs. Dulles, Acheson, Rogers, McCloy, Stevenson and a host of others -- but no one challenged their right to serve or later claimed that their actions were prejudiced by those earlier ties. My only representations of foreign governments were the brief occasions on which I represented the Governments of Iran, Zaire, Sierra Leone and Newfoundland in commercial disputes or negotiations. In no country did I have any connection with or first-hand knowledge of any activities of either their intelligence agencies

or our own; nor do I have now any obligations or prejudices regarding any foreign country which would interfere with any official duties.

5. The fifth and final charge is the suggestion that I must have been somehow involved in Kennedy White House plots to assassinate foreign leaders. That charge is totally false. I have previously testified under oath, and I do so again today, that I knew nothing of such plots; and no one who did has ever stated or ever could state, nor did your predecessor committee find or suggest, that I was informed or involved in any way. The record is equally clear that I had no advance knowledge or involvement of any kind in the Bay of Pigs or in any CIA covert operations.

Mr. Chairman, far more than any job or title, I value my good name. I resent this reckless scattering of baseless personal accusations in order to suppress a different point of view. I respectfully ask this Committee, whatever the fate of my nomination, to consider the evidence submitted today and previously submitted to your staff, and to make it clear that these personal charges are wholly false and without foundation and not the basis for the Committee's view of my nomination.

With these personal charges out of the way, we can turn now to the question of my qualifications -- to legitimate questions raised by those with whom I respectfully disagree but who are entitled to raise what they regard as valid questions. There are basically two such questions:

First is the question of my experience in intelligence. I was an observer at National Security Council meetings and a reader of intelligence reports in the White House, and worked closely with the CIA and other national security officials during the Cuban Missile Crisis. I have since leaving the White House written and lectured widely on international affairs, and engaged in negotiations with dozens if not hundreds of top foreign officials. I was requested by the Ford White House a year ago to provide advice and consultation on its reorganization of the intelligence effort. My qualifications for this post have been endorsed by John McCone, Clark Clifford, Averell Harriman, Admiral Elmo Zumwalt, General James Gavin, and others who know of my work. Most importantly, I was chosen by the President-elect as someone sufficiently in his personal trust and confidence to bring him the hard unvarnished facts, and to reject any improper orders whatever their source; as someone who possessed the integrity necessary to continue the task of restoring public trust and confidence in the CIA, and earning that trust and confidence by keeping the Agency accountable and free of abuse; and as someone with the degree of intellect and independence required to protect the integrity of the intelligence process from outside pressures and politics.

But I recognize that there are those, inside and outside of the intelligence establishment, who disagree with the Murphy Commission recommendation that an outsider always be named to this post; who refuse to recognize the totally non-partisan leadership provided



by George Bush despite earlier concerns about his partisan background; or who see no value for this post in a lawyer's sensitivities to civil liberties and lawful conduct. These people believe that only someone from inside the military or intelligence establishment has the experience necessary for this job. I disagree.

Second is the question of my views. Although as previously indicated I am not a pacifist, I do favor a foreign policy that prefers where possible the risks of peace to the risks of war. Although as previously indicated I fully recognize the need for legitimate government secrecy, which is in fact weakened by over-classification, I do believe in the right of the Congress and public to receive far more information than they presently do from all government agencies, including the CIA. I believe in the application of moral and legal standards to national security decisions, including the limitation of covert operations to extraordinary circumstances involving the vital national interests of our country, with timely review by the appropriate Congressional Committees and written authorization by the President and his senior Cabinet officials.

There are those who disagree with these views and regard them as incompatible with the duties of a Director of Central Intelligence. Paying little heed to the fact that the Director's real responsibility is to provide leadership to the Intelligence Community and objective intelligence not policy to the President and his policymakers, these

critics prefer to view this post as part of the national security decision-making apparatus and prefer in that post someone with policy commitments more like their own.

Obviously I disagree with that view as well.

## DCI RELATIONS WITH CONGRESS

DCI relations with Congress fall basically into the following areas: General Legislative Oversight, Appropriations, Covert Action, Substantive Intelligence Support, and Legislation.

### I. GENERAL LEGISLATIVE OVERSIGHT

#### A. Senate Select Committee on Intelligence (SSCI) (15 members)

The SSCI was created by S. Res. 400 in the 94th Congress and has exclusive jurisdiction over CIA and sequential jurisdiction over the remainder of the Intelligence Community (IC) and has, basically, the following responsibilities: legislation; annual appropriation authorization (for the first time--previously funds were appropriated without an annual authorization); matters generally, including oversight to ensure policy makers get necessary, accurate and timely intelligence, and to ensure rights of American citizens are not infringed.

#### B. Senate Armed Services Committee, CIA Subcommittee (7 members)

While this Subcommittee technically exercises general oversight jurisdiction, due to the advent of the SSCI, these responsibilities have de facto shifted to the new Committee. Even so, we are continuing to keep the Committee informed of IC matters generally. The Committee is especially kept informed on matters of foreign military intelligence. It will have an active role and influence on the authorization of IC appropriations.

#### C. House Armed Services Committee, Special Subcommittee on Intelligence (7 members)

This Subcommittee is responsible for legislation and matters generally other than appropriations with special emphasis to ensure the Subcommittee is kept currently informed of foreign intelligence developments with particular emphasis on foreign weaponry.

#### D. Ad Hoc Investigations

On occasion committees of Congress undertake special investigations which may touch on aspects of intelligence operations. For example, in the 95th Congress a House Select Committee will be investigating the assassination of President Kennedy, and the House Ethics Committee will be investigating Korean CIA activities.

## II. APPROPRIATIONS OVERSIGHT

### A. Senate Appropriations Committee, Intelligence Operations Subcommittee (5 members)

Since the Senate follows the House in the appropriations process, Senate action is generally limited to adjusting House figures. During the past few years, the Subcommittee has tended to restore some funds cut by the House. With the added staff interest in the intelligence budget, it should be possible to present IC arguments in such a way as to off-set decisions made by the House which adversely affect IC programs.

### B. House Appropriations Committee, Defense Subcommittee (13 members)

This Subcommittee is responsible for the IC budget and its cost effectiveness. Its report is issued in a short unclassified statement and a very detailed classified annex. The Chairman, in fulfillment of his responsibilities to the House, has offered to all members of the House the right to see the IC budget and the Subcommittee report thereon.

### C. Senate and House Budget Committees

Recent changes in the law provide for increased oversight of all Executive Branch budgets. It is uncertain at this time to what extent these Committees will be provided detailed access to IC budgets, but they no doubt will receive the total figures hopefully under a condition of non-disclosure.

## III. COVERT ACTION

Recently enacted Section 662 of the Foreign Assistance Act requires that appropriate committees of Congress (now seven), including the Subcommittees mentioned in I and II and the Senate Foreign Relations Committee (SFRC) and the House International Relations (HIRC) Committee, receive reports on the scope and description of all covert action programs found necessary by the President.

--Proliferation of sensitive information. Under the above procedures, a minimum 56 Members of Congress will be informed of all covert action programs conducted under the direction of the President. In addition to such Members, the principal staff member of those subcommittees also attend such briefings. Also, SFRC and HIRC procedures allow any member of the full committee to receive information provided the subcommittees. Technically, all 435 members of the House have access to any committee records.

--Public release of covert action information. The proliferation of such information as outlined above has led to numerous instances where considerable information on covert action programs has been released to the public. Such release has jeopardized a number of programs and has led to the cancellation of at least one major program.

#### IV. SUBSTANTIVE INTELLIGENCE SUPPORT

##### A. Non-Oversight Committees

Under the current procedures, the IC briefs any committee on the substantive intelligence available on almost any subject requested. In doing so, however, no operational matters or sensitive intelligence which would reveal intelligence sources and methods is provided. When questions arise with respect to the latter, the committees are referred to the appropriate oversight subcommittees. In the past, certain committees were not satisfied with the procedures with respect to the refusal to provide operational or sensitive information; however, in most cases, they abided thereby.

##### B. Leadership and Individual Members of Congress

The IC has worked out a system whereby the Majority and Minority leaders of the House, and to a lesser extent Senate leadership, are kept currently informed of intelligence with respect to worldwide events of significance. In addition, individual members can and do ask for and receive briefings on a wide range of subjects of interest to them in formulating positions on proposed legislation and in preparation for trips abroad.

#### V. LEGISLATION

##### A. Draft Proposals Already Submitted

##### 1. Intelligence Sources and Methods

--Purpose: The DCI has statutory responsibility to protect against the unauthorized disclosure of intelligence sources and methods. The lack of criminal sanctions for unauthorized disclosure continues to present a serious problem for the Government's National Foreign Intelligence Program. Recent publication of books and articles by persons having unauthorized access to sensitive intelligence information has damaged the Government's foreign intelligence efforts. Legislation establishing criminal sanctions for such unauthorized disclosure of intelligence sources and methods is considered to be a very important deterrent. It would not apply to an unauthorized recipient or the publication of the material by newsmen, etc.

--Status: The legislation was transmitted by the President to the 94th Congress and introduced as H.R. 12006, but no further action was taken.

## 2. Two Deputies

--Purpose: The National Security Act of 1947, as amended, established the CIA and the positions of Director of Central Intelligence (DCI) and Deputy Director of Central Intelligence (DDCI). Over the years, as the requirements, responsibilities and workload of the DCI have increased--particularly his duty to oversee and coordinate the functioning of the Intelligence Community--it has become increasingly apparent that a second statutory Deputy Director is needed if the DCI is to properly carry out his duties and to ensure the most effective functioning of U.S. foreign intelligence. The Rockefeller Commission recommended the creation of a second DDCI position. The President, in Executive Order 11905 (issued 18 February 1976), directed that the day-to-day functioning of the CIA be directed by the DDCI and that the position of "Deputy to the Director of Central Intelligence for the Intelligence Community" be established to assist the DCI in his supervision of the IC.

--Status: The proposed legislation was approved by OMB for transmittal to the Congress in September 1976.

## B. Other Legislation

### 1. Charter Revision

The SSCI has created a subcommittee to study and propose charter revisions. The predecessor Church Committee recommended a number of charter changes.

### 2. Establishment of a Joint Committee on Oversight or House Select Committee on Intelligence

While the House exercises oversight over the IC, it has not set up machinery to take action to pull abreast of the Senate. Creation of a House version of the SSCI, if it had the necessary exclusive jurisdiction, would help diminish the proliferation of information. An even greater reduction could be accomplished through the establishment of a joint committee. This is extremely unlikely, however.

3. Repeal of Section 662 (Covert Action Reporting)

Since the purpose of a joint committee would be to concentrate oversight and avoid proliferation, repeal of Section 662 should be part and parcel of the joint committee legislation. However, in repealing Section 662, some provision must be made to protect the legitimate interests of the Senate Foreign Relations Committee and the House International Relations Committee in being aware of those matters which affect or support the foreign policy of the U.S.

4. Electronic Surveillance

The Administration supported a bill carefully drawn on this subject by Attorney General Levi and Senator Kennedy during the 94th Congress. While the bill did not reach the floor, it most likely will emerge during the next session and must be carefully monitored.

C. Pending Budget Supplemental - IC Staff

The FY 1977 appropriation for the Intelligence Community Staff as contained in Title VIII of the Defense Appropriation for FY 1977 was insufficient to adequately fund the IC Staff for the entire year. A supplemental request for [ ] is now pending in OMB. It is expected to be reported favorably to the Congress momentarily.

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The attached paper was prepared by [redacted]  
[redacted] OLC, and given to [redacted]  
A/DDCI, on 29 December for passing to  
Director-designate Sorensen.

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MEMORANDUM OF LEGAL ISSUES

From the founding of the Republic, as a matter of principle and uniform practice, White House papers have been treated as the personal property of the President and his aides, and have been removed from the White House upon their departure from office. The practice began when George Washington removed all of his papers, and was followed continuously thereafter. [National Study Commission on Records and Documents of Federal Officials, (Honorable Herbert Brownell, Chairman), Public Hearings Background Memorandum, page 60, et. seq.]

Congressional ratification of this practice was evidenced by repeated appropriations of public funds to buy Presidential papers from their heirs. For example, Congress appropriated funds to buy Presidential papers of Presidents Washington, Jefferson, Madison, Monroe, Jackson, Polk and Tyler. [Library of Congress, Congressional Research Service, "Ownership of Presidential Papers" (1974), pages 3-4.] The concept of private ownership of such papers also received judicial endorsement when Mr. Justice Story of the Supreme Court, sitting as a circuit judge, held that the papers of George Washington were private, not public, and subject to copyright protection. [Folsom v. Marsh, 9 Fed. Cas. 342 (No. 4901) (C.C.D. Mass. 184)]

Further Congressional acquiescence in the concept that such papers are private and not public is reflected in the Presidential Libraries Act of 1955, which directed the Administrator of General Services to

negotiate for and accept donations of Presidential historical materials. As the Library of Congress Research Service found in reviewing the legislative history of this Act: "In the hearings which led to the enactment of the Presidential Libraries Act in 1955, the Administrator of General Services testified that as a matter of ordinary practice, the President has removed his papers from the White House at the end of his term. This, he testified, was in keeping with the tradition and the fact that the papers are the personal property of the retiring Presidents. Accordingly, he indicated that the proposed legislation was not mandatory in nature and would not bind future Presidents. Rather, the decision to make the gift would continue to rest with the former President and his heirs. Testimony of Edward F. Measure, Administrator of General Services, in Hearing at 14-15." [Library of Congress, Congressional Research Service, op. cit., p

The private ownership concept and the practice of removing such papers upon termination of White House tenure, continued, without interruption, and was the universally accepted practice when President Kennedy entered the White House and Mr. Sorensen began his White House service. Indeed, as John Eisenhower recently stated, "The only material left by President Eisenhower for President Kennedy was a satchel containing a series of orders and instructions to be of assistance in the event of nuclear attack or national crisis."

This historical practice was summarized as follows in 1971 by Herman Kahn, the former Assistant Archivist of the United States in charge of Presidential Libraries: "Probably the best proof that the papers of the Presidents and their aides are not official records, is that there are not now nor have there ever been in the White House any files that pre-date those of the incumbency of the current President and his aides. Nor are they any such papers in the National Archives. Following their removal from the White House it has been the universal practice for Presidential aides either to keep in their own office or house the files created during their White House employment or to give them to an appropriate library or other depository."

Under governing law at the time of Mr. Sorensen's gift, it was totally lawful and appropriate that the donor take a tax deduction for the transfer of such documents. Numerous government officials over the years have taken such tax deductions, including Governor Adlai Stevenson, Arthur Schlesinger and J. Kenneth Galbraith. In Mr. Sorensen's case, his ownership of the documents in question was confirmed by the government archivist who originally requested the donation. The Internal Revenue Service, after full audit, approved of the deduction, and Mr. Sorensen's accountant settled with the Internal Revenue Service the valuation of the papers.

It was only after the events in question here that Congress changed the law to preclude such deductions. And it was not until

1974, ten years after the events in question here, that Congress made a limited change in past law and practice concerning ownership and removal of such papers by adopting the Presidential Recordings and Materials Preservation Act. However, that Act was limited solely to records and tapes created by the Nixon Administration -- and not any Administration prior or subsequent thereto.

To cite just a few of the precedents with respect to removal and donation of papers: Judge Samuel Rosenman, who served as Special Counsel to Presidents Roosevelt and Truman, removed and donated his papers to the Roosevelt and Truman libraries, as did Roosevelt aides Harry Hopkins and Louis Howe. Clark Clifford, President Truman's Special Counsel, took his papers, and donated them to the Truman Library. Sherman Adams, Eisenhower's Special Counsel, removed his files and donated them to the Dartmouth College Library. And Mr. Sorensen's colleagues, McGeorge Bundy, Robert McNamara, Dean Rusk, Douglas Dillon, Kenneth Galbraith and Arthur Schlesinger took their files and donated them to the Kennedy Library.

In almost every case, these papers included classified documents. For example, a brief review of the tables of contents attached to gifts of papers deposited in the Kennedy Library reveals that donations of papers by the following individuals included classified documents: McGeorge Bundy, National Security Adviser to the President; Robert McNamara, Secretary of Defense; Douglas Dillon, Secretary of the Treasury; Dean Rusk, Secretary of State; and Presidential Aides Arthur Schlesinger, J. Kenneth Galbraith, and Walter Heller.

No statute, rule or precedent precluded a government official from having reference to classified documents or information in writing books or memoirs. Indeed, since officials carry such information in their heads, they are always in a position to draw on it. The current attacks being made on Mr. Sorensen in this regard could as easily have been levelled against all of the other great memoir writers of recent history.

A quite recent example is President Ford. On November 21, 1973, in testimony before the House Judiciary Committee considering his confirmation as Vice President, President Ford said that in his book, Portrait of the Assassin, he drew upon highly classified papers of the Warren Commission and revealed information from at least two "Top Secret" documents. The Committee did not express concern as to the propriety of Mr. Ford having had such "Top Secret" papers in his possession while writing his book. (See transcript of the House Judiciary Committee hearings of that date.)

The only laws in effect, at the time Mr. Sorensen wrote his book, governing the use of classified information were the espionage statutes which prohibited: a) the use of national defense information with the intent of causing injury to the United States, or to confer an advantage on a foreign government (18 U.S.C. 8793, 794); b) the release of classified communications codes (18 U.S.C. 798); or c) the disclosure of classified security information to foreign governments (50 U.S.C. 8783).

It is not suggested by anyone that any of these provisions were violated. Nor has it ever been suggested, in the decade since Mr. Sorensen's book was published, that the book disclosed any classified security information. In fact, the relevant portions of the book were submitted in advance to McGeorge Bundy, National Security Adviser to the President, who confirmed that there were no inappropriate disclosures.

The only regulation governing the use and storage of classified information received by White House aides was Executive Order 10501, which provided that the custodian of classified information had responsibility for providing for its secure storage and handling, and for following procedures to insure that unauthorized persons not gain access. Whatever documents Mr. Sorensen required for his book were released to him by the custodian of his papers, the General Services Administration, and no suggestion has ever been made that he gave unauthorized persons access to them.

The General Services Administration acted in accordance with established practice in permitting Mr. Sorensen to use his papers at home. Indeed, government officials frequently work at home, and former officials and generals, drawing on their papers, have often written their memoirs at home or in their private offices.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM News Special

STATION WETA TV  
PBS Network

DATE January 17, 1977 11:15 AM

CITY Washington, D. C.

SUBJECT Impromptu Press Conference

Q: Mr. Sorensen, could we -- could we ask you at what point this morning did you decide to withdraw your resignation [sic]?

THEODORE SORENSEN: This is a decision that has been evolving over the weekend.

Q: Did you make it while you sat here today, or had you known you would withdraw prior to your entrance here this morning?

SORENSEN: I knew prior to my entrance.

[Confusion of voices.]

SORENSEN: At approximately two minutes to ten this morning.

We have an audio problem here.

Q: [Inaudible.]

SORENSEN: Yes, I spoke to Governor Carter on the telephone in the booth downstairs as I entered the building. He regretted very much my withdrawal.

Q: Did he try to dissuade you from your decision?

SORENSEN: Well, he and I had been talking over the weekend, and he was aware of the situation.

Q: What made you wait until this morning?



SORENSEN: Because I wanted to answer the personal charges that had been made against me before I withdrew.

Q: Mr. Sorensen, is there any chance that you might reconsider the nomination?

SORENSEN: No.

Q: Why do you say that a portion of the intelligence community is not ready to accept you?

SORENSEN: Because it has become apparent to me that some individuals in the intelligence community prefer someone of a different philosophy and with different experience.

Q: Are you convinced, Mr. Sorensen, that this committee would not pass on your nomination? Were you convinced that you would not be confirmed by this committee?

SORENSEN: No, I was not convinced. As I said in my statement, I was convinced that if I were to be confirmed, it would be with a substantial division that would handicap my effectiveness in the job.

Q: What do you mean, Mr. Sorensen, when you say "a different philosophy?"

SORENSEN: Well, I tried to spell out in my statement what I regard as legitimate arguments that can be made against me; arguments with respect to my experience and arguments with respect to my views. I happen to think they are fully compatible with the job as Director of Central Intelligence. But I know that there are those who disagree.

Q: How did you become aware that some people in the intelligence community did not want to accept someone with your views?

SORENSEN: Well, one senses that sort of thing.

Q: Did anyone talk to you directly, though? What happened?

SORENSEN: No.

Q: Mr. Sorensen, [words inaudible] that the votes would not be there...?

SORENSEN: Well, I'll tell you once again that I said in my statement that if I had been confirmed, it would have been with a divisive and narrow margin that might well have handicapped my effectiveness in the job.

Q: Do you share Senator McGovern's....

Q: ...you could not have been?

SORENSEN: Pardon.

Q: Did you believe that you could not have been?

SORENSEN: Well, I obviously until the vote was counted did not know. So all I knew was that the opposition was substantial.

Q: As a result of this experience, do you see the intelligence community as being very heavily influenced by people that hold hawkish, right-wing views?

SORENSEN: I would not want to characterize the intelligence community as a whole. The people with whom I have been working at the Agency have been extremely supportive of both my views and my qualifications.

Q: Mr. Sorensen, did I understand you correctly? You said the President-elect did not try to persuade you to see the thing through.

SORENSEN: Well, as of this morning, he did not. But as I say, he and I have had several conversations over the last few days. And he stoutly insisted that I stay in the race as the weekend began.

Q: But as of this morning, he did not?

SORENSEN: As of this morning he did.

Q: How much do you think politics played in this?

SORENSEN: In the....?

Q: In what happened.

SORENSEN: I would assume that politics had something to do with the charges that have been circulated against me.

Q: Do you share Senator McGovern's view that this means that the ghost of Joe McCarthy sort of stalked this room....?

SORENSEN: Oh, I think I would prefer to let Senator McGovern speak for himself on that.

Q: Mr. Sorensen, could you say why you did it in this dramatic fashion, why you saved your withdrawal till the end rather than announcing it at the beginning and then answering the

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questions, the charges against you?

SORENSEN: Possibly because none of you would have been listening when I answered the charges against me.

[Applause.]

Q: Are you available for any other job in the Carter administration?

SORENSEN: Not at this time.

Q: Who did circulate the charges against you? Do you have any idea? What kind of people or what people, specifically?

SORENSEN: Well, I think some of that has already appeared in the press. You can also take a look at the organizations, the American Conservative Union, the Liberty Lobby, spokesmen for the John Birch Society and others who have asked to testify against me.

You might also talk to those reporters who have talked to senators who have been putting out this information.

Q: Senator McGovern mentioned senators. What senators?

SORENSEN: Why, I would assume the press knows that since they always refused to be quoted by name.

Q: You feel that the John Birch Society has more influence on the senators here? Is that what you're suggesting....?

SORENSEN: No. No, I was asked who was circulating charges. And I listed some of those who are circulating charges.

Q: You believe there were senators circulating some of those allegations?

SORENSEN: According to the press. And I believe a little bit of what I read in the newspapers.

Q: Did the Governor in any way explain, Mr. Sorensen, why he so strongly supported you yesterday afternoon and urged you and insisted that you stay in the race the day before yesterday and yesterday, and yet this morning put up no particular opposition to your withdrawing? Did he explain what had changed his mind, or what?

SORENSEN: The Governor and I had jointly reached the conclusion stated in my final paragraph that there is substantial opposition in the Senate which would result either in my rejection, which would handicap his administration as it sets off to a new

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start, or result in my being confirmed by a narrow vote, which would handicap my effectiveness as I got off to a start as Director of Central Intelligence.

Q: I understand that, sir. But wasn't that known to you Sunday afternoon or Saturday morning? What changed? What was it....?

SORENSEN: There's been a good deal of assessment of the votes taking place throughout the weekend.

Q: I see.

Q: Mr. Sorensen, this is possibly repetitious, as a matter of fact. When did you, in fact, on the spot decide that you would not accept this job as Director?

SORENSEN: That decision has also been evolving. Like lots of decisions, it's difficult to pinpoint a specific moment. But it was obviously not conclusive until two minutes of ten when I telephoned Governor Carter.

Q: But your typed statements had to be done before that.

SORENSEN: Yes, although that particular page was not part of the mimeographed set.

Q: When was that prepared?

SORENSEN: That was prepared late last night.

Q: So you were prepared to go either way last night. Was that it?

SORENSEN: Well, I knew pretty well last night which way I was going.

Q: If you withdrew your nomination because of the opposition elements in the intelligence community....

SORENSEN: No, I didn't say that. I didn't say that.

Q: But if you did for that reason, does that mean that the next appointee will share their views....?

SORENSEN: No. I think that -- first of all, let me say that I have -- I have not condemned and will not condemn the intelligence community as a whole. That's a grave mistake. I met out there some of the brightest and ablest and most dedicated people I have ever met anywhere in government. I worked extremely well with them. I found them very much compatible with my views

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and attitudes on covert operations, on the role of intelligence in American society, on the kind of role America should play in world affairs. As in any large organization, there are undoubtedly individuals who take a different point of view. Some of those individuals have friends in Congress, in the press and elsewhere. And I have been led to believe that some of those individuals -- and I would not even know their names -- have been a part of the campaign against me.

The next Director of Central Intelligence hopefully will not be as vulnerable to the kind of personal malicious attack which enabled those who opposed me for policy reasons to hide behind these personal attacks in order to achieve their purpose.

Q: Mr. Sorensen, do you feel that any one of the senators who you perceived was opposed to your nomination was an admirer of Joe McCarthy?

SORENSEN: I think one would simply have to check the Congressional Record to find out what some individuals in this committee said about Joe McCarthy.

Q: Mr. Sorensen, aside from that, do you think anybody -- now Senator McGovern raised a very serious question here, saying that Joe McCarthy -- the ghost of Joe McCarthy stalks the land, as I recall. Now do you agree with that, because I noted you didn't want to second that.

SORENSEN: I....

Q: Do you agree or disagree?

SORENSEN: I believe it's more appropriate for me to talk about my statement and Senator McGovern to talk about his statement.

Q: Mr. Sorensen, on your discussions initially with Governor Carter in Plains when you agreed to take this job, was there any inkling that this would be such a controversial nomination and that you would have to fight in order to become Director of CIA?

SORENSEN: No.

Q: None at all?

SORENSEN: No.

[Confusion of voices.]

SORENSEN: What?

Q: Other than the evolution that you've been going through over the weekend, has there anything that happened specifically, any information provided or any particular statements by anyone that caused your thinking to crystallize in this manner over the weekend and until this morning when you made your announcement?

SORENSEN: No.

Q: Mr. Sorensen, what is your attitude on the Ellsberg case? In other words, did you favor his theft of those documents and his release through the newspapers? I mean, was that a legitimate question....?

SORENSEN: Again, if you would read the statement which I have delivered, you would find that I submitted an affidavit at the request of counsel with respect to the inconsistencies and anomalies with respect to classification practices in Washington at the time I served. That was my sole function in the Ellsberg trial, as it had been in the New York Times' trial which preceded it.

Q: Didn't you say somewhere that you felt that it would be wrong if these documents had not been released to the Pentagon -- or leaked to the Times?

SORENSEN: What I said was in a much more general statement that I thought the public was entitled to know the tragic history of the Vietnam war.

[Confusion of voices.]

Q: Do you condemn Ellsberg in any way?

SORENSEN: I'm sorry, I didn't hear you.

Q: Mr. Sorensen, do you condemn Ellsberg in any way for the way he released those papers?

SORENSEN: I really regard either approval or condemnation of Daniel Ellsberg in 1977 as an irrelevant question. He is not on trial here today.

Q: No, no, it's just a matter of your....

Q: Mr. Sorensen....

Q: ...as head of the CIA?

SORENSEN: I'm sorry, I can't hear you.

Q: Would you be conferring with the President-elect on your

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successor? Will he ask your opinion? Has he asked your opinion?

SORENSEN: Well, he didn't have time to ask it. He did not have time to ask it this morning. If he should ask, I would be glad to give him my opinion.

Q: Mr. Sorensen, did the President-elect and/or his staff know prior to your being chosen for this CIA job about your Ellsberg affidavit and New York Times' affidavit and the other charges that you alluded to in your own statement?

SORENSEN: Well, I haven't the slightest idea how thorough their investigation of my background was prior to the time the President-elect asked me to take on this assignment.

Q: I mean, did you provide them with this information yourself?

SORENSEN: No, but this is all on the public record. As far as I know, no person who is being considered for a post is asked himself to provide information.

Q: You were not asked to provide any information yourself?

SORENSEN: No.

Q: When you spoke of finding compatible views out at the CIA, you also spoke of opposition within the intelligence community. Is this supposed to leave the implication that the Pentagon part of the intelligence community was more opposed to you than the CIA part?

SORENSEN: No.

Q: When you talked with Governor Carter....

Q: Do you think that the events of this last weekend and today would tend to support the proposition by some senators that the intelligence agencies and the Central Intelligence Agency are just a rogue elephant out of control in the way they gutted this nomination?

SORENSEN: No, definitely not.

Q: Mr. Sorensen, could you give us some estimate of how much time you spent talking with Governor Carter before he nominated you?

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SORENSEN: Well, I've known Governor Carter for a year and a half.

Q: Right.

SORENSEN: If you're talking about the specific discussions relating to this selection, that can....

Q: How many hours?

SORENSEN: You can ask -- some of your colleagues who were in Plains on that Saturday afternoon can judge from the time I arrived and the time I left. It was a few hours.

Q: A few hours. Now during those few hours of discussion with Governor Carter, are you at liberty to tell us whether he or you ever discussed this controversial affidavit?

SORENSEN: Which controversial affidavit?

Q: The Ellsberg.

SORENSEN: I did not regard it as a controversial affidavit.

Q: Okay, then the affidavit. Did you discuss....

SORENSEN: And for that reason I didn't discuss it.

Q: And he didn't either.

SORENSEN: No.

Q: Mr. Sorensen, do you agree with Senator....

MAN: Folks, I think we ought to make this the last question.

Q: Do you agree with Senator Baker's analysis that the designated head of the CIA should be above controversy, above reproach?

SORENSEN: He certainly should be above reproach. But to say that he should be above controversy invites a repetition of what happened here, whereby those who are opposed to an individual for his views will start circulating totally unfounded charges against him. And then they will say "This man is controversial and therefore must be rejected."

MAN: Thank you all very much.

Q: Sir, given this experience and your willingness, though, to go on and speak to Mr. Carter about a successor, Mr. Sorensen, what would you recommend?



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SORENSEN: Well, I think it's clear from the statements delivered by the mourners after the deceased had been laid down that in their consideration of the next Director of Central Intelligence, they could do worse. And they probably will.

[Laughter.]

Q: Do you feel badly, Mr. Sorensen?

SORENSEN: No....

[End of press conference.]

Letterhead of

GENERAL SERVICES ADMINISTRATION  
National Archives & Record Service  
John F. Kennedy Library

November 1, 1971

Dear Mr. Sorensen:

The following information will hopefully be helpful to you in resolving the questions you mentioned this morning.

1. Presidential Libraries and other government (e.g., the Library of Congress) and private archival institutions have longed recognized the private nature of papers and files accumulated by staff assistants to the President and taken from the White House by those persons. The Harry S. Truman Library, for example, accepted donations of papers from former White House aides, Clark Clifford, Charles Murphy and Stephen Spingarn. These papers are similar in nature to the papers donated by you to the Kennedy Library. When given to the Truman Library they were considered the private property of Messrs. Clifford, Murphy, Spingarn.

2. The Kennedy Library has accepted as private donations the papers of a number of former White House aides, including Arthur Schlesinger, Pierre Salinger, and Jerome Weisner. There are other former Kennedy aides who have retained physical possession of their papers and who will one day deposit them in either the Kennedy Library or elsewhere.

3. It would seem to me that by accepting the donation of your papers (and similar collections) the Archivist of the United States, acting on the authority of the Federal Property and Administrative Services Act of 1949, is acknowledging that you have the legal right to make the deposit.

1. In taking with me when I left the White House, documents which had been in my possession there, I was following the general custom and practice of personnel who served in the White House prior to my tenure there and which has been followed generally since that time. This material was kept in a secure GSA repository except during such time as I was actively working with these documents as reference material for the book which I wrote. When I completed the book, these documents were given to the John F. Kennedy Library. A letter from the Assistant Director for Archives of the Kennedy Library to me bearing out the above statements was sent to me on 1 November 1971.

2. In my capacity as a White House aide, I had the authority to classify documents and inherently had the similar authority to declassify them. No material which I considered to be classified was included in the manuscript of the book. However, I took the additional precaution of submitting the text of my book to other former aides of President Kennedy to verify my judgment in this regard.

3. I have stoutly defended the protection of national security information which is properly classified. If I am confirmed as Director of Central Intelligence, I will also defend and protect information which is properly classified or which involves sensitive intelligence sources and methods which the Director of Central Intelligence is charged by law

to protect. In doing this, however, I will want to make certain that security classification is not misused, that material will not be classified unless it does indeed affect the national security or involve intelligence sources and methods.

Question has been raised about testimony on affidavits which I gave in the cases involving the publication of the Pentagon Papers. In those affidavits I stated my belief at that time that the Executive Branch frequently and routinely overclassified documents, and kept them classified long after the fact, without regard to the Congress's and public's right and need to be informed. I further noted the fact that it was common practice in Washington for government officials, including myself, to take such documents or copies thereof home for review, or to selectively leak classified information to the press, and also the fact that some leaks harmful to the national security and, on occasion, occurred without criminal prosecutions in any of these situations. I also recognized the need for a limited amount of secrecy in government, including those relating to military personnel, confidential foreign government communications, and candid reports and advice to the President on governmental and military affairs.

I also stated that I had drawn upon classified documents in writing my book about President Kennedy. The facts in that situation were as follows: In keeping with the long-standing question that White House papers belong to the occupants at the end of their term of service, a practice recognized in the legislative history of the Presidential Libraries Act of 1955 and the Federal Property and Administrative Services Act of 1949, I arranged after President Kennedy's death for the General Services Administration and the Office of National Archives to

remove all my White House files in my name to their depository in the Boston area, from which, prior to my donating them all to the Kennedy Library, I selected those papers necessary for my book. These papers were kept safely in my home and, upon completion of my manuscript, return<sup>ed</sup> to GSA. The manuscript was submitted for clearance to individuals serving in high national security positions in the government and individuals who had previously served in such positions; and it has never been suggested that my book or my preparations therefor, violated any confidences or statutes.

No doubt, had I dreamed I might someday be nominated as Director of Central Intelligence, I might have chosen my words in these affidavits more carefully. But let me assure you that, if confirmed, I will uphold my oath of office, my statutory responsibility to protect intelligence sources and methods, and my solid obligation and desire to assure and advance the security of our country. I do not think it wholly bad for a Director of Central Intelligence to be sensitive to the dangers of over-classification and improper secrecy; but you have my word as a lawyer that I have never knowingly broken any laws and do not intend to do so.

# Senate Membership in the 95th Congress

Republicans 38

Democrats 62\*

Seats Switched Parties D to R - 7  
Seats Switched Parties R to D - 7

Freshman Senators - 17

Senators elected in 1976 are italicized

# Freshman Senators  
✓ Seat switched parties

## ALABAMA

James B. Allen (D)  
John Sparkman (D)

## ALASKA

Mike Gravel (D)  
Ted Stevens (R)

## ARIZONA

✓ Dennis DeConcini (D)#  
Barry Goldwater (R)

## ARKANSAS

Dale Bumpers (D)  
John L. McClellan (D)

## CALIFORNIA

Alan Cranston (D)  
✓ S. I. Hayakawa (R)#

## COLORADO

Gary Hart (D)  
Floyd K. Haskell (D)

## CONNECTICUT

Abraham Ribicoff (D)  
Lowell P. Weicker Jr. (R)

## DELAWARE

Joe Biden (D)  
William V. Roth Jr. (R)

## FLORIDA

Lawton Chiles (D)  
Richard (Dick) Stone (D)

## GEORGIA

Sam Nunn (D)  
Herman E. Talmadge (D)

## HAWAII

Daniel K. Inouye (D)  
✓ Spark M. Matsunaga (D)#

## IDAHO

Frank Church (D)  
James A. McClure (R)

## ILLINOIS

Adlai E. Stevenson III (D)  
Charles H. Percy (R)

## INDIANA

Birch Bayh (D)  
✓ Richard G. Lugar (R)#

## IOWA

Dick Clark (D)  
John C. Culver (D)

## KANSAS

Robert Dole (R)  
James B. Pearson (R)

## KENTUCKY

Wendell H. Ford (D)  
Walter (Dee) Huddleston (D)

## LOUISIANA

J. Bennett Johnston Jr. (D)  
Russell B. Long (D)

## MAINE

William D. Hathaway (D)  
Edmund S. Muskie (D)

## MARYLAND

✓ Paul S. Sarbanes (D)#  
Charles McC. Mathias Jr. (R)

## MASSACHUSETTS

Edward M. Kennedy (D)  
Edward W. Brooke (R)

## MICHIGAN

✓ Donald W. Riegle Jr. (D)#  
Robert P. Griffin (R)

## MINNESOTA

Hubert H. Humphrey (D)  
✓ Vacant\*\*

## MISSISSIPPI

James O. Eastland (D)  
John C. Stennis (D)

## MISSOURI

Thomas F. Eagleton (D)  
✓ John C. Danforth (R)#

## MONTANA

✓ John Melcher (D)#  
Leo Metcalf (D)

## NEBRASKA

✓ Edward Zorinsky (D)#  
Carl T. Curtis (R)

## NEVADA

Howard W. Cannon (D)  
Paul Laxalt (R)

## NEW HAMPSHIRE

John A. Durkin (D)  
Thomas J. McIntyre (D)

## NEW JERSEY

Harrison A. Williams Jr. (D)  
Clifford P. Case (R)

## NEW MEXICO

Pete V. Domenici (R)  
✓ Harrison H. Schmitt (R)#

## NEW YORK

✓ Daniel P. Moynihan (D)#  
Jacob K. Javits (R)

## NORTH CAROLINA

Robert Morgan (D)  
Jesse A. Helms (R)

## NORTH DAKOTA

Quentin N. Burdick (D)  
Milton R. Young (R)

## OHIO

John Glenn (D)  
✓ Howard M. Metzenbaum (D)#

## OKLAHOMA

Dewey F. Bartlett (R)  
Henry Bellmon (R)

## OREGON

Mark O. Hatfield (R)  
Robert W. Packwood (R)

## PENNSYLVANIA

✓ H. John Heinz III (R)#  
Richard S. Schweiker (R)

## RHODE ISLAND

Claiborne Pell (D)  
✓ John H. Chafee (R)#

## SOUTH CAROLINA

Ernest F. Hollings (D)  
Strom Thurmond (R)

## SOUTH DAKOTA

James Abourezk (D)  
George McGovern (D)

## TENNESSEE

✓ James R. Sasser (D)#  
Howard H. Baker Jr. (R)

## TEXAS

Lloyd Bentsen (D)  
John G. Tower (R)

## UTAH

Jake Garn (R)  
✓ Orrin G. Hatch (R)#

## VERMONT

Patrick J. Leahy (D)  
Robert T. Stafford (R)

## VIRGINIA

Harry F. Byrd Jr. (Ind)  
William Lloyd Scott (R)

## WASHINGTON

Henry M. Jackson (D)  
Warren G. Magnuson (D)

## WEST VIRGINIA

Robert C. Byrd (D)  
Jennings Randolph (D)

## WISCONSIN

Gaylord Nelson (D)  
William Proxmire (D)

## WYOMING

Clifford P. Hansen (R)  
✓ Malcolm Walliop (R)#

\* Includes Byrd (Va.), elected as an independent in 1970 and 1976.

\*\* Seat to be vacated by Sen. Walter F. Mondale (D). Gov. Wendell R. Anderson (D) will appoint.

*Confirmation*  
OLC #77-0409

345 PARK AVENUE NEW YORK, N. Y. 10022

OLC #77-

January 28, 1977

George Carey, Esq.  
Office of the Legislative  
Counsel  
The Central Intelligence Agency  
Washington, D.C. 20013

Dear George:

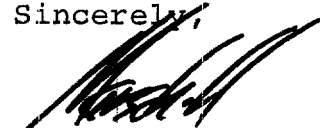
I know that Ted will be writing to you upon his return to express our thanks for all the assistance that you and the members of your office provided.

I cannot embellish on what Ted will say, but I do want to express my personal thanks to you,  and all of the others on your staff who worked on the Sorensen nomination.

The current age is not one that deems it appropriate to express such sentiment, but I must confess to have been genuinely moved by the loyalty and dedication of your people. I know something of the long hours that they worked and I wish that there was some way that I could adequately express my admiration for them.

It was also a most special privilege to have been able to work with you, I hope that events of the coming months will enable us to work together again.

Sincerely,



Marschall I. Smith

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## THE ROLE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

The Director of Central Intelligence is both the operating head of the Central Intelligence Agency (a large and complex organization), and the titular head and leader of the Intelligence Community--a diverse collection of organizations engaged in collection, processing and producing foreign intelligence. While the Community is linked together by shared objectives and tasks, it is not a hierarchical entity in any sense.

The responsibilities of the DCI are spelled out in statute, in Executive Order 11905 and in National Security Council Intelligence Directives but, even so, his actual role is difficult to describe since it depends on a variety of factors, of which the responsibilities actually assigned to him in documents are only one.

Other important factors include:

- a. The world situation and the types of problems which are most critical to the United States at any particular time.
- b. The expectations of the President and how the President approaches his decisionmaking.
- c. The personal relationship of the DCI with the President.
- d. The personal standing of the DCI with oversight elements of the Congress.
- e. The personality and character of the DCI himself.

In essence, however, the DCI role can be seen as involving three basic ingredients.

First, he must assure that high quality intelligence is provided to the President and to policy and decisionmaking levels of the Government.

This involves a variety of tasks.

a. The DCI must seek to assure that the Intelligence Community has adequate resources to collect, process and produce the intelligence needed.

b. He must assure there are mechanisms for liaison with consumers to determine what is needed and that sound analysis is applied to the development of estimates.

(1) To this end, the DCI puts great reliance on his National Intelligence Officers, and on the National Foreign Intelligence Board, membership of which includes the directors of all major organizations of the Intelligence Community.

(2) He also uses his Intelligence Community Staff to review and evaluate the performance of the Community, particularly in crisis situations.

c. The DCI must provide guidance to the Intelligence Community both as to current needs and as the basis for planning. To accomplish this the DCI issues a number of guidance documents developed for him by his Intelligence Community Staff and his National Intelligence Officers. These documents include:

(1) Key Intelligence Questions which are published annually to identify substantive matters of particular importance. Collection and production strategies are developed for the KIQs, and an evaluation is made of the manner in which organizations of the Community respond to the KIQs.

(2) The DCI's Goals and Objectives for the current fiscal year are issued annually.

(3) Guidance for the coming five years is provided annually in the DCI's Perspectives for Intelligence.

(4) Supplementing the Perspectives, is an annually prepared directive (DCID 1/2) which provides specific listing, on a country-by-country basis, of the priority which applies to each of more than 100 topics of intelligence interest. This guidance is applicable for planning purposes over the next five years.

(5) The Intelligence Community Staff is currently involved with preparation of a new document which will be in effect a "Posture Statement" to the President and the Congress in support of the National Foreign Intelligence Program.

The second major DCI function is often referred to as "management" of the Intelligence Community, but can more aptly be called leadership of the Community.

The leadership role of the DCI depends in large measure on the guidance which he issues and his use of the coordination mechanisms which are available to him, such as his Intelligence Community Staff and the National Foreign Intelligence Board. The DCI's leadership role is enhanced by his chairmanship of the Committee on Foreign Intelligence which was established in early 1976 by Executive Order 11905.

The DCI's role in providing guidance and ensuring coordination of Community activities is stressed because he has no authority actually to manage any elements of the Community except the CIA and the two Community elements which directly support him--the Intelligence Community Staff and the National Intelligence Officers.

In an overall sense, the DCI is the leader of the Intelligence Community, its spokesman and its primary coordinator, but not its manager.

The third major responsibility of the DCI stems from his position as operating head of the Central Intelligence Agency.

Because of competing demands on his time, particularly Community matters and the requirement that he serve as spokesman for the Community and advisor to the President and the National Security Council, the DCI leaves the detailed management of the CIA largely to his Deputy Director.

In recent years, the DCI role in managing CIA has stressed the issuance of formal directives and utilization of a system of management by objective to measure accomplishments and to assess the responsiveness of the Agency to its responsibilities.

## THE NATIONAL FOREIGN INTELLIGENCE PROGRAM

One of the most important responsibilities of the DCI is the annual development of the National Foreign Intelligence Program and the budget which supports this program.

All the resources of the organizations identified as part of the Intelligence Community are included in the NFIP.

From 1947 until the mid-1960s the DCI had no responsibility for the program and budget of any intelligence organization other than the CIA.

As the United States entered the space age and the potentialities of collecting intelligence from space began to emerge, the CIA and the Air Force were in strenuous competition in the development of capabilities in space.

To improve management of the overall effort, the Deputy Secretary of Defense and the DCI signed a Memorandum of Understanding in August 1965, one result of which was establishment of an Executive Committee with responsibility for decisions on the program and budget of U.S. intelligence activities in space.

Members of the EXCOM originally were the Deputy Secretary of Defense, Chairman, the DCI and the President's Science Advisor.

Following abolishment of the Science Advisor post, and appointment of an Assistant Secretary of Defense for Intelligence, the EXCOM became a two-man organization, with the DCI as Chairman and the Assistant Secretary working with him.

The next step toward expanding the DCI role with regard to Community resources and budgets came in the President's memorandum of 5 November 1971 on "Organization and Management of the U.S. Foreign Intelligence Community," which was reflected in the February 1972 revision of NSCID No. 1.

The President's 1972 directive markedly expanded the DCI's responsibilities, but did nothing to increase his actual authority.

The DCI was charged in this directive, among other things, to develop an annual National Foreign Intelligence Program/Budget for the entire Intelligence Community and submit it to the President through the Office of Management and Budget.

The President established an Intelligence Resources Advisory Committee, which the DCI chaired, and which advised him on budget and program matters.

During the discussions in late 1975 and early 1976 which led to issuance of Executive Order 11905 on 18 February of this year, considerable attention was paid to the role of the DCI and the problem of developing a budget and program for the entire Intelligence Community.

The result, in this field, was the provision in the Executive Order for establishment of the Committee on Foreign Intelligence as an element of the National Security Council structure.

The DCI is chairman of the CFI and other members are the Deputy Secretary of Defense, and the Deputy Assistant to the President for National Security Affairs.

Among the responsibilities assigned to the CFI is that it, "shall control budget preparation and resource allocation for the National Foreign Intelligence Program" and "shall review and amend as it deems appropriate" the budget for the NFIP before it is submitted to the Office of Management and Budget.

To date the CFI has devoted primary attention to the NFIP budget for FY 1978, although it also provided a Community reclama to the Senate and House conference on the FY 1977 budget and accomplished a number of other tasks such as revision on the NSCIDs to bring them into consonance with the Executive Order 11905.

This Order makes the DCI responsible to "ensure the development and submission of a budget for the National Foreign Intelligence Program to the CFI" and assigns the Intelligence Community Staff responsibility to provide staff support for the CFI.

The CFI completed its initial review of the FY 1978 program in early summer, and provided preliminary program/budget decisions to the program managers. A sizeable number of budget issues were identified for study.

INTERNAL USE ONLY

The CFI's final budget reviews were completed in November and the final program/budget decisions are in process.

The first budget cycle involving the CFI will be completed in December when the FY 1978 NFIP is submitted to the President through OMB.

#### MECHANISMS AND CHANNELS AVAILABLE TO THE DCI FOR EXECUTION OF HIS COMMUNITY RESPONSIBILITIES

In addition to his role as Chairman of the CFI, the DCI has a wide variety of arrangements under which he responds to his responsibilities as leader of the Intelligence Community.

Within his own office he has an Intelligence Community Staff headed by the Deputy to the DCI for the Intelligence Community.

For the production of national intelligence he looks to his own National Intelligence Officers, headed by the Deputy to the DCI for National Intelligence, and to the production elements of the Central Intelligence Agency.

The National Foreign Intelligence Board, which the DCI chairs, provides a means for obtaining inputs to national intelligence from elements of the Community with production capabilities and a means for reviewing the national intelligence products.

A dozen DCI Committees, including representation from all elements of the Community, work on problems of collection, production and support within their specialized areas of interest.

His provision of intelligence to the senior levels of the Government is markedly enhanced by the fact that the DCI attends National Security Council meetings and is a member and only intelligence representative on all of the major groups, panels and committees of the National Security Council. This includes the Operations Advisory Group which considers and makes recommendations to the President on all proposed covert action programs and special operations.

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He meets regularly with the President's Foreign Intelligence Advisory Board.

His role as spokesman to the Congress on intelligence matters, while time consuming, keeps him in continuing contact with all of the Congressional committees which have a role in intelligence oversight and in budget matters.

#### OPTIONS FOR CHANGE

Recognition of the anomalies in the role of the DCI has been reflected in recent examination at senior levels of the Government of various organizational options applicable to definition of the role of the senior U.S. foreign intelligence officer, whether or not he is termed the DCI.

The four options to which particular attention has been given, and the PROs and CONs applicable to each are outlined in the following paragraphs.

#### THE FIRST OPTION

The senior foreign intelligence officer would be a member both of the White House Staff and of the National Security Council. He would have supervisory and direct management authority over the major national intelligence organizations-- CIA, NSA and NRO. The CIA would have a separate director. The NSA and NRO would each become a statutory executive agency. The senior intelligence officer would have responsibility for production of national estimates and for the warning function, and would have a staff for these purposes. Departmental and agency intelligence would be a responsibility of the departments and the CIA. Community coordination mechanisms would be as desired by the senior intelligence officer.

##### a. PROs

(1) The President and the Congress would have one man upon whom to charge responsibility for effectiveness of the U.S. national intelligence effort--and that man would have the tools to carry out the job.



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(2) The national intelligence effort would be highly centralized through direct management controls from the top, embracing CIA, NSA and special reconnaissance activities.

(3) Responsibility for substantive national intelligence of direct interest to the President and the NSC would be located in the White House Staff.

(4) The Intelligence Community would have a senior spokesman with greater access to the President than the DCI now has.

(5) Separation of the senior intelligence officer from CIA would eliminate any charge of favoritism from other agencies.

(6) Clear delineation of organizational functions and responsibilities would be enhanced.

b. CONS

(1) Such extreme concentration of intelligence authority in a single person would pose serious problems if that person is politically motivated and more interested in responding to policymaker desires than in concentrating on unbiased intelligence.

(2) The Department of Defense could be expected to object strenuously to separate executive agency status for NSA and special reconnaissance activities, which are now within Defense.

(3) Major legislative actions would be required.

(4) The necessary bureaucratic changes would have a major, if only temporary, unsettling impact within the Intelligence Community.

(5) Unless adequate coordination machinery is provided, conflict could arise among the departmental secretaries and the senior intelligence officer over estimates prepared in the White House Staff and over what is national and what is departmental intelligence.

(6) The senior intelligence officer would require a sizeable separate staff.

(7) The national intelligence and warning production staff would be handicapped by lack of direct access to the analytic base.

## THE SECOND OPTION

The senior intelligence officer would be attached to the Office of the President and serve as advisor to the NSC. The CIA would have a separate director. The senior intelligence officer would have responsibility for production of national estimates and for the warning function. Budgets of the CIA, NSA and special reconnaissance activities would require approval of the senior intelligence officer, but he would have no direct management authority over these organizations. NSA and conduct of special reconnaissance activities would remain, as now, within the Department of Defense structure. The senior intelligence officer would serve as Inspector General of the Community for the President.

### a. PROs

(1) Some of the PROs for this option are the same as those for Option One:

(a) Increased access to the President by an intelligence spokesman.

(b) Separation of the senior intelligence officer from CIA to reduce any charges of favoritism.

(c) Responsibility for production of national estimates would still be in the White House Staff though the resources for producing them would be elsewhere.

(2) Other PROs directly applicable to the second option are these:

(a) The senior intelligence officer would not be burdened with administrative management chores since he would not have management responsibility for CIA, NSA and special reconnaissance activities, but he still would hold a strong hand through his budget approval authority.

(b) Little legislative action would be required.

(c) Defense Department objectives might be less strong than in the case of Option One.

b. CONs

(1) The CONs for this option also include some of those applicable to Option One.

(a) Location of the senior intelligence officer within the White House Staff would increase the risk of politicization of the intelligence effort.

(b) There would be a major, even if only temporary, unsettling effect within the Intelligence Community.

(c) The senior intelligence officer's staff for production of substantive intelligence would be handicapped by lack of direct access to the analytic base.

(d) Unless coordination mechanisms were particularly effective there would be risk of conflicts with departmental secretaries over the content of estimates produced by the senior intelligence officer and over determination as to what are national and what departmental intelligence activities.

(2) Other CONs directly applicable to Option Two are these:

(a) The line of authority of the senior intelligence officer would be limited to budgetary control.

(b) Budget controls might not be sufficient to eliminate "end runs" by agency heads.

(c) Detailed control by the senior intelligence officer of sensitive clandestine (CIA) activities would be weakened by bureaucratic barriers.

THE THIRD OPTION

The senior foreign intelligence officer would be, as now, the operating head of the CIA. The CIA would retain its present function, and existing Community coordination organs would continue. The DCI would chair Executive Committees--or EXCOMs--for the NSA as well as for the special reconnaissance activities. These EXCOMs would have approval authority for programs and budgets, but the organizations would remain within the Department of Defense. Departmental intelligence activities, including tactical intelligence, would be solely departmental responsibilities. The DCI would have two deputies, with appropriate staffs, one for Community management and one for direct-management of CIA.

a. PROs

(1) The present Community structure would be maintained and somewhat strengthened.

(2) The DCI would have more responsibility than now for the three major national programs encompassing the major collection activities (SIGINT, imagery and human source).

(3) The concept of a national intelligence Community independent of departmental or White House pressures would be continued.

(4) Conflicts between the DCI and departmental heads concerning departmental intelligence activities would be minimized.

(5) The DCI would continue to serve as spokesman before Congress for all national intelligence activities.

(6) Bureaucratic changes would be few, so turbulence would be minimal.

(7) No legislative action would be needed for organizational changes.

b. CONS

(1) The senior foreign intelligence officer would continue to be separated from the White House and would still be clearly subordinate to the Secretaries of State and Defense in the NSC structure.

(2) The DCI would have only partial authority for non-CIA budgets and programs.

(3) Problems of DCI and CIA access to sensitive departmental activities and communications would continue.

(4) Some ambiguities would continue concerning differentiation between national and departmental or tactical intelligence activities.

(5) Adoption of this "partial" option would mean missing an opportunity for a major reshuffling within the Intelligence Community which would markedly enhance the authority of the senior foreign intelligence officer and erase the bad image which the CIA has recently acquired.

THE FOURTH OPTION

The Intelligence Community concept would be abandoned. The DCI would have no operating responsibilities other than as head of the CIA. No consolidated Intelligence Community budget recommendations would be prepared. State, Defense and CIA would separately support intelligence needs of policy levels of the Government. Some agency and departmental functions could be redistributed. (An example would be transfer of CIA responsibilities for collection and analysis of technical intelligence to the Defense Department.)

a. PROs

(1) Visibility of CIA would be reduced, which could assist continuation of clandestine activities.

(2) Renaming of CIA and reduction in the scope of its responsibilities could enhance a "fresh start."

(3) The CIA service and support structure could be reduced somewhat.

(4) Specialized activities, such as technical intelligence, could be concentrated in a single department.

(5) Reduction in the analytical role of CIA could facilitate creation of an intelligence analytic staff in the NSC structure to produce national intelligence.

b. CONs

(1) Resource constraints and increasing dependence on technology in intelligence activities emphasize the need for greater centralization of intelligence management, not abandonment of a Community concept.

(2) The DCI would not be able to provide service to the Congress commensurate with what he now does.

(3) Coordination of national intelligence estimates and other national intelligence activities would be much more difficult.

(4) Independence of intelligence advice and assessments to the President and the NSC would be much reduced. Parochial views could well replace a broad interdisciplinary approach especially in the technical and scientific arena.

(5) The CIA would lose much of its present flexibility in support to the Government as a whole.

(6) Bureaucratic upheaval costs would be high.

(7) CIA would experience a major loss of cohesion and lowering of morale.

The decision of the President, as reflected in Executive Order 11905, was to reject all of the options for major change, leave the position of the Director of Central Intelligence as it was, but clarify the statement of his responsibilities, and reorganize arrangements for Executive Branch oversight of the Intelligence Community by establishment of the Operations Advisory Group, the Intelligence Oversight Board and the Committee on Foreign Intelligence, and by assigning new responsibilities to the National Security Council.

## **ROLE OF THE D C I**

**Chairman, Committee on Foreign Intelligence (CFI)**

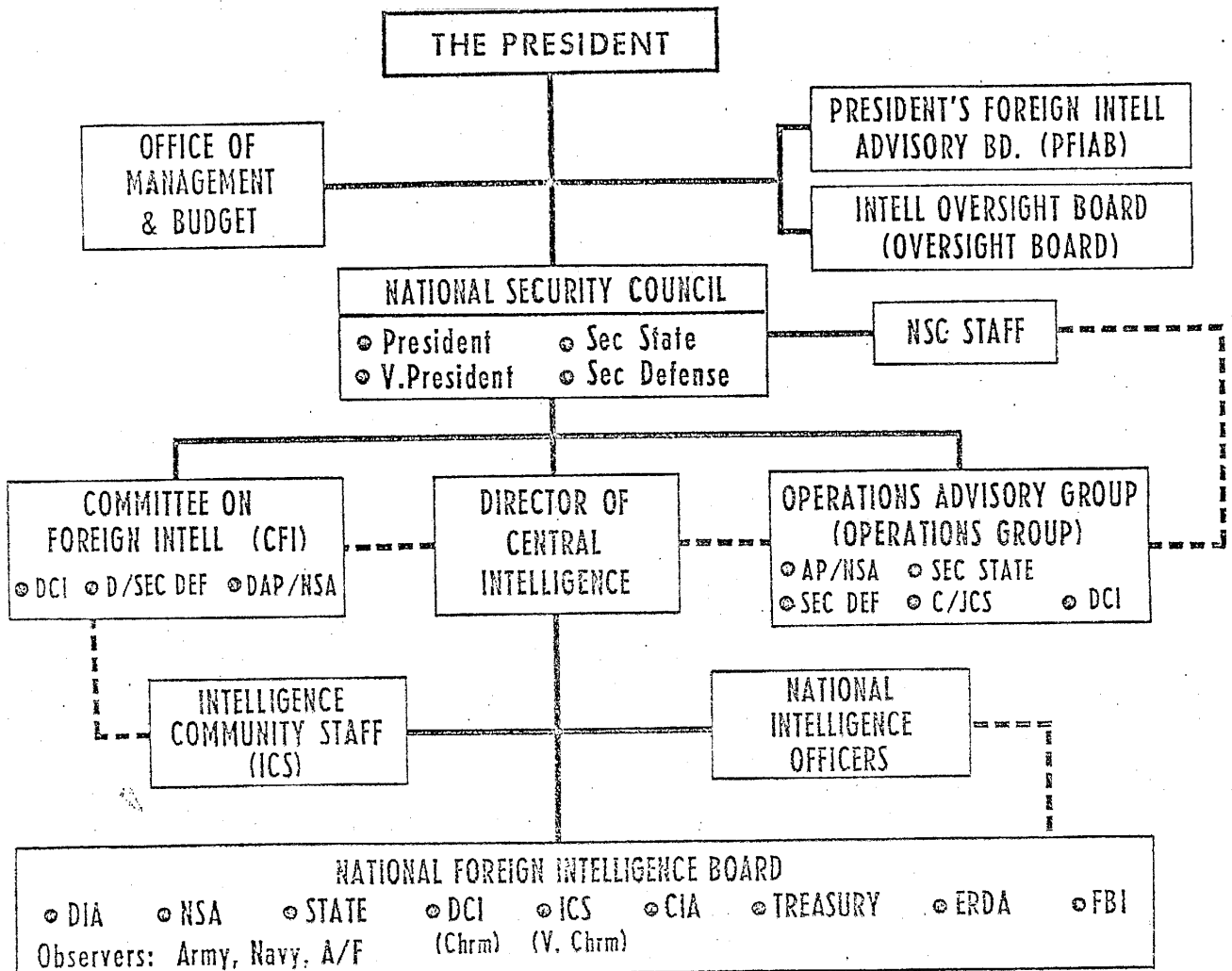
**Executive head of the CIA and Intelligence Community Staff (ICS)**

**Primary advisor to the President on foreign intelligence**

**Principal spokesman to the Congress for the Intelligence Community**

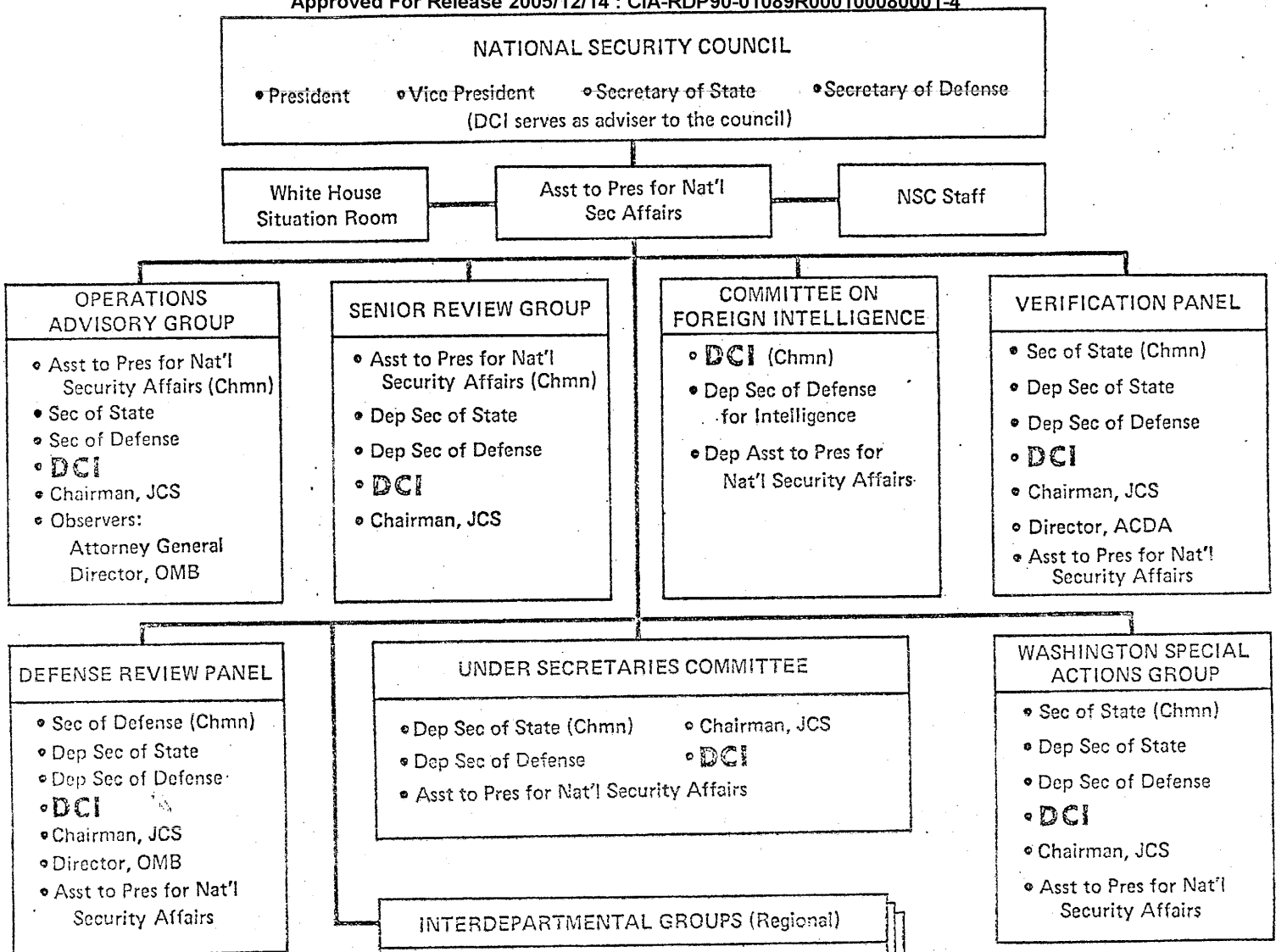


Control and Direction of U.S. Foreign Intelligence  
 within the NATIONAL SECURITY COUNCIL System



# ROLE OF THE DCI IN NATIONAL INTELLIGENCE POLICY

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## National Intelligence Officers

Deputy to the DCI for the National Intelligence

SOVIET UNION AND EASTERN EUROPE

WESTERN EUROPE

CHINA

STAT

SOUTH AND SOUTHEAST ASIA/AFRICA

MIDDLE EAST

LATIN AMERICA

STRATEGIC PROGRAMS

CONVENTIONAL FORCES

ECONOMICS AND ENERGY

1 STATEMENT OF CYRUS VANCE, NOMINATED TO BE  
2 SECRETARY OF STATE OF THE UNITED STATES OF AMERICA.

3 Mr. Vance. Thank you very much, Senator Church. I  
4 would be very happy to do that.

5 First, let me start by briefly sketching what I would  
6 consider to be the fundamental policy principles which one  
7 could expect to guide the development of foreign policy during  
8 the next administration.

9 Let me say that in doing this I run the risk of vastly  
10 over-simplifying the problem. But with that caveat at the  
11 outset, let me try.

12 The first principle is the maintenance of peace. This  
13 depends upon healthy alliances, American strength, creative  
14 efforts to facilitate the resolution of regional disputes,  
15 as, for example, the problems of the Middle East. In this  
16 connection I think we must remember that American strength  
17 and leadership abroad proceed first from a strong America  
18 at home -- strong in our economy, strong in our cohesiveness,  
19 strong in our confidence and our commitment to fundamental  
20 values.

21 The second principle is a public confidence in our  
22 foreign policy requires confidence in how those policies are  
23 made. This in my judgment has at the heart of it a close  
24 and cooperative relationship between the Executive Branch and  
25 the Legislative Branch. I do not believe that we can develop

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2 or properly implement American foreign policy without the  
3 closest cooperation between these two branches of the  
4 government.

5 I pledge myself and this administration to that end.

6 Next, I believe that we must have openness, and toward  
7 that end all that can properly be disclosed in open sessions  
8 should be disclosed in open sessions. There will obviously  
9 be times when things cannot be, but the guiding principle will  
10 be that we will try and make as much open as possible. I  
11 know that the President-elect intends to communicate openly  
12 with the American people through the process of fireside chats  
13 in discussing foreign policy as well as domestic policy.

14 I intend to meet once a month with the press, if not  
15 more often because of special circumstances, and hold a  
16 press conference to discuss with them whatever questions they  
17 may have.

18 The third principle is the need for clear, easily under-  
19 stood, substantive priorities that will contribute to building  
20 the world that we want to live in. I have four particularly  
21 in mind. First is a strengthening of cooperation among our  
22 allies. This is central to everything else. Second, East-  
23 West relations are critical because they affect the question  
24 of world peace. In my judgment we should pursue the lessening  
25 of tensions with the Soviet Union in an active and aggressive  
way, particularly in the area of the reduction and control of

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2 nuclear weapons.

3 Further, I believe that we should seek a clearer under-  
4 standing between us on the meaning of detente so that we  
5 understand better how each of us perceives the process to  
6 operate. I think this is possible and can be done. In saying  
7 this, I do not believe that we will not continue to have  
8 political competition. I think indeed that we will have  
9 political competition with the Soviet Union. But I do think  
10 it is important to have a better understanding of what the  
11 ground rules are and what we can expect of each other.

12 Let me note that I do not think that the preoccupation  
13 with these vitally important issues should so dominate our  
14 foreign policy that we neglect other important issues and  
15 issues which are growing increasingly important.

16 Let me turn to them.

17 These I consider to be of cardinal importance: I believe  
18 we must keep our eyes fixed on long-term objectives as well as  
19 on immediate political crises. These long-term objectives  
20 include control of nuclear arms and nuclear proliferation,  
21 economic development and the dignity of the developing world,  
22 energy, food, population, environment, and contentional arms  
23 transfers.

24 These are the global issues which will determine how  
25 the next generation lives, and even whether it lives.

I note, as all of you know better than I, that foreign

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1 policy is increasingly intertwined with economic policy.

2 These sets of intertwined issues in my judgment are going to be  
3 some of the most important and complex issues with which we  
4 will be dealing in the years ahead. Indeed, I believe as we  
5 look over the next five to ten years, we may find that these  
6 issues will be replacing many of the security issues which  
7 have so dominated the foreign policy agenda in the last ten  
8 or twenty years as the most important issues with which we  
9 have to deal.

10 Finally, we must have policies based upon fundamental  
11 values. In particular, we must stand for human rights.

12 Without being interventionist I believe we can make this concern  
13 a major focus of our foreign policy calculations.

14 I apologize for the condensation of these many and complex  
15 problems. But perhaps this will serve as a basis from which  
16 to start our discussion.

17 Senator Church. Thank you very much, Mr. Vance. You  
18 have done us a service by using the first question as an  
19 opportunity to present in précis form what would otherwise  
20 be an opening statement. My Chairman tells me that my ten  
21 minutes will run from this point. But I will, at this moment,  
22 defer to any opening remarks that Senator Case may wish to  
23 make before I continue.

24 The Chairman. Let me say this before Senator Case  
25 speaks.

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2 I do think this is a very fine opening statement. I  
3 had understood that he did not have an opening statement. We  
4 will count this as such. I think it might be very well for  
5 us to have a copy inserted in "The Congressional Record."  
6 I think it will be very fine to make this available to all  
7 of the readers of "The Congressional Record."

8 Pat, would you please see to it that that be done?

9 Mr. Holt. (Nods affirmatively.)

10 The Chairman. Now I will call on Senator Case for any  
11 opening remarks he may wish to make.

12 Senator Case. Thank you, Mr. Chairman, and thank you,  
13 my colleague from Idaho.

14 Mr. Secretary, I shall not, for reasons that I guess ought  
15 to be obvious to everybody, indulge in an explication of the  
16 reasons for my satisfaction with the President-Elect's  
17 recommendation of you to us for this important job. My  
18 satisfaction runs very deep on both personal grounds and on  
19 grounds related to my convictions. He could not have done  
20 better for the sake of the country and for the sake of the  
21 world.

22 Thank you, Mr. Chairman.

23 The Chairman. All right. Senator Church, you may start  
24 your ten minutes.

25 Senator Church. Thank you, Mr. Chairman.

Before I begin my questions, I just wanted to join in the



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1 sentiment that has been expressed by Senator Case . I feel  
2 the same way and I am sure the other members of the committee  
3 join in that. We offer our best wishes for your success.

4 Senator Pell. We do, indeed.

5 Mr. Vance. Thank you very much.

6 Senator Church. We know the big burden you are assuming.

7 I would like to go to the last point you made in  
8 connection with the major objectives of foreign policy as you  
9 envision them. That point has to do with policies that are  
10 based on fundamental values.

11 This came up time and time again during the foreign  
12 policy debates during the recent national campaign. I for one  
13 am very happy that you have listed this as a point of departure  
14 for your own policy because I think that our foreign policy  
15 should reflect our values as a country. If we are going to  
16 mean anything to the world, we have to be true to ourselves.

17 I would hope that this will translate into some refusal  
18 on the part of the Administration to continue to extend military  
19 and economic aid to regimes that are systematically engaged  
20 in the repression of human rights, at least in the absence of  
21 over-riding considerations of national security that might  
22 require us to adopt a different policy. Do I understand that  
23 by placing greater emphasis upon these fundamental values we  
24 can expect that your administration of the State Department  
25 will take into greater account the kinds of governments we are

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2 supplying aid to in the future?

3 Mr. Vance. Yes, you can.

4 This will be given a greater emphasis with respect to  
5 those decisions. But I think it is important to make the point  
6 that you did, namely that there are cases in which the security  
7 aspects are of over-riding importance and that that has to be  
8 borne in mind.

9 Senator Church. Of course.

10 I can think of many countries to which we have given  
11 large amounts of aid under previous administrations that have  
12 had little or no impact upon the national security of the  
13 United States. I am encouraged by your statement that more  
14 attention will be given in the future to the nature and the  
15 character of the governments which we support with our aid  
16 programs.

17 Mr. Vance, the other side of the coin in the matter of  
18 human rights and fundamental values has to do with the methods  
19 that we use. Everyone knows today that under both Democratic  
20 and Republican Presidents in our recent past we have intervened  
21 through covert operations in many countries with a will,  
22 indeed with a zeal. Now these covert operations were  
23 unconnected with the gathering of central intelligence infor-  
24 mation, but were secret undertakings in foreign lands to  
25 manipulate political events in ways thought to be advantageous  
to the United States. Our methods were justified on the

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2 grounds that we must use them because the Russians do. They  
3 have embraced all of the black arts of covert operations --  
4 bribery, false propaganda, physical coercion, abduction, indeed  
5 even attempted assassination of foreign leaders.

6 I don't know how we can be true to our own values as a  
7 country and continue to believe that it is our right to use  
8 such methods; though again, I recognize that in extremity a  
9 nation must do what is needed to assure its own survival.  
10 But we are not discussing cases of extremity, and the habit  
11 of the past has been to intervene in these ways in the affairs  
12 of other lands, even when the objective was purely technical.

13 Now I would like your own view on this. If method is  
14 the essence of whether or not we do adhere to our professed  
15 values as a nation, what are your views and what will be your  
16 policy as Secretary of State when it comes to decisions with  
17 respect to secret interventions in the affairs of other lands?

18 Mr. Vance. I am very happy to give my views on this.

19 Let me say by way of background that these kinds of  
20 covert actions have long been going on in the government. They  
21 were going on when I was in the government, and I was part  
22 of the oversight committee at one point in connection with  
23 these. So I have thought long and carefully about this subject.

24 I have come to the conclusion that covert actions -- and  
25 I distinguish between covert collection of intelligence on  
the one part and covert actions against other countries, and

1  
2 I am talking about the latter -- I am convinced that covert  
3 action against other countries should be carried out only  
4 in the most extraordinary circumstances and that the procedure  
5 should be set up so that if there is a proposal to carry out  
6 a covert action, that that first has to be passed upon by a  
7 committee of the senior Cabinet officers, to include the  
8 Secretary of State, the Secretary of Defense, the National  
9 Security Advisor, and importantly in my judgment, the  
10 Attorney General of the United States.

11 I feel very strongly that the Attorney General of the  
12 United States should participate in the decision-making process  
13 by which the decision is arrived at which goes to the President  
14 of the United States. I think then that the President of the  
15 United States himself should sign off in writing saying that  
16 he believes this to be vital to the national security and so  
17 endorse the carrying forward of this extraordinary circumstance.

18 I then feel that notice should be given in advance to  
19 the appropriate committee or committees of the Congress so  
20 that they can reflect their views to the President if they  
21 disagree with the proposal.

22 I do not believe that the Congress should have a veto in  
23 that regard because I think that splits the responsibility. But  
24 I think that it is very likely that if the congressional committee  
25 said to the President, "We want to come in to see you as we  
have great concern for what is being proposed here," this would

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2 have great weight on any President as to whether he would then  
3 go forward with the operation.

4 Finally, I believe there should be an adequate monitoring  
5 system so that once a covert action is approved, one keeps on  
6 top of it to determine what is happening, how it is proceeding,  
7 and whether it should be terminated.

8 Unfortunately experience in the past has shown that these  
9 develop a life of their own and once started are hard to turn  
10 back.

11 Senator Church. I am very much reassured by your  
12 answer, Mr. Vance. I think it reflects conclusions that were  
13 reached by my own committee investigating the intelligence  
14 services. Now that the Senate is possessed of a permanent  
15 Intelligence Committee, I think what you have said is in line  
16 with the prevailing view on that committee, and indeed, in the  
17 Senate itself, where the decision was taken to establish  
18 that prevention.

19 My time is up. Let me just end with this comment.

20 When you establish a test, the one you have suggested,  
21 that covert operations be undertaken only in the most extra-  
22 ordinary circumstances, it is well to keep in mind that in our  
23 kind of society, sooner or later, as long as we are a free  
24 society, the covert operation is going to come into service in  
25 some line. It has not met so exacting a standard. Once it  
surfaces it does grave injury to the good name and reputation of

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the United States throughout the world.

2 Mr. Vance. I agree.

3 Senator Church. Thank you very much.

4 The Chairman. Senator Case.

5 Senator Case. I shall forego questioning at this time,  
6 Mr. Chairman.

7 The Chairman. Senator Pell.

8 Senator Pell. Thank you, Mr. Chairman.

9 I would like to return to the thrust of Senator  
10 Church's question and examine the areas of difference in  
11 our foreign policy. I think you are probably one of the few  
12 who was at the San Francisco Conference. In looking back  
13 over the last 30 years to see whether or not our foreign  
14 policy has been a success we can have varied responses. From  
15 the viewpoint of avoiding nuclear holocaust, it has worked.  
16 We are all still here on the planet Earth.

17 But on the other hand in the last 30 years we have seen the  
18 will for international cooperation decrease; we have seen  
19 nuclear proliferation and the danger of nuclear holocaust  
20 vastly increase; we have seen human rights no better off and  
21 in many countries worse off. I am among those who believe and  
22 hope that we will see a sharp shift in foreign policy.

23 In this regard I am delighted at your appointment.  
24 My regard, admiration and affection for you are tremendous.  
25 But I was wondering if you saw in specific terms a reduction

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2 coming up in our bilateral interventions and commitments  
3 around the world -- we have at present half a million people  
4 overseas -- and perhaps an expansion in our cultural relations  
5 with the exchange of peoples. Do you see any shifts coming?

6 Mr. Vance. With respect to the importance of the  
7 economic and social problems, I think it is clear, as I tried  
8 to indicate earlier, that these are obviously going to become  
9 of increasing importance as we move through the years ahead.  
10 With respect to the question of reduction of forces abroad,  
11 I think this will depend on a number of on-going negotiations  
12 and on the general change in climate with respect to the  
13 resolution of problems through negotiation, rather than  
14 through conflict in the military sense.

15 For example, I think it is of utmost importance that  
16 we make progress in the on-going SALT talks and that we early  
17 set an agenda -- having done that for SALT III -- where we  
18 would seek further progress, and most particularly the further  
19 reduction of nuclear weapons. I myself place very high  
20 priority on the talks going on in Vienna, which have been going  
21 on for three years now without a great deal of progress, which  
22 would lead to the reduction of conventional forces in the  
23 central area of Europe.

24 I think we have to find a way to give greater thrust  
25 to those talks and see if we cannot move them forward. If that  
were done, then that would lead to a reduction of forces.

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1 In the long run, I think we are looking to a reduction  
2 of forces in the Korean area. We have a security commitment  
3 there. That area is of vital importance to us and to our  
4 allies. The Japanese place great importance upon this, and  
5 therefore any actions which we might take with respect to the  
6 reduction in forces in that area would have to be approached  
7 carefully with full discussion with the Japanese and the  
8 South Koreans.

9 But in the long run I see the possibility of reduction  
10 of forces there. I also see the necessity to review our  
11 base structures overseas together with the other elements  
12 of the Defense Department to see whether or not further  
13 reductions can be made there. As a matter of fact, some  
14 considerable progress has been made in the last ten years.  
15 The major bases have been reduced by some hundred; the minor  
16 bases have been reduced, as I recall it, by some thousand  
17 over that period of time. But I think it is proper to take a  
18 fresh look.

19 We must remain strong. We must remain adequate to cope  
20 with contingencies which may arise under unforeseen  
21 circumstances. But that is not incompatible with doing the  
22 kinds of things I have just mentioned.

23 Senator Pell. Thank you.

24 I think the reduction in bases has been perhaps at the  
25 behest of Congress as much as of the Executive Branch in the



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2 past years. Records would show we still have 305 major  
3 bases and 1,428 other bases scattered outside the United States.

4 Now, talking about the 70 percent of the earth that is  
5 covered by the oceans, I am wondering what your plans are  
6 regarding the Law of the Sea Conference. It has not received  
7 the high-level attention it should. We can see so often  
8 spillage from oil tankers or the development of military  
9 bases in the Indian Ocean and the increasing economic  
10 exploitation of the ocean provoking an increasing interest of  
11 the inhabitants of the earth in the oceans.

12 What are your plans with regard to that?

13 Mr. Vance. I think the Law of the Sea Conference is of  
14 fundamental importance. It is one of the most important  
15 negotiations that this country has ever been involved in,  
16 because of the vast area it encompasses and the vast number of  
17 problems which come within its ambit.

18 Currently it is bogged down on several very important  
19 issues. My recollection is that it will reconvene some time  
20 in March or April.

21 We are in the process even now, before January 20, in  
22 starting our work to review what can be done to try and resolve  
23 those remaining problems. I myself think it would be a very  
24 unfortunate, indeed almost disastrous, event if we were not able  
25 to come up with some new ideas that might be used to resolve  
these remaining issues, the most difficult of which is the

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2 deep seabed mining. We are going to do everything within  
3 our power, and I would expect that with the cooperation of  
4 this committee in searching out ideas, combined we may  
5 see what can be done to come up with a constructive program  
6 that might be advanced at the next meeting of the Law of the  
7 Sea Conference.

8 Senator Pell. Somewhat along this line I introduced a  
9 resolution last August calling upon the then-Administration to  
10 take the initiative in proposing a multi-lateral negotiation  
11 of treaties requiring international environmental impact  
12 statements for any major project likely to have a significant,  
13 harmful effect on the environment of another nation --  
14 somewhat like our national environmental impact statements.

15 I will be reintroducing this resolution in this  
16 Congress and was wondering what your reactions are to the  
17 thought of having an international environmental impact  
18 statement in a treaty or convention?

19 Mr. Vance. I would like to study it; but offhand it  
20 seems to me to make sense.

21 Senator Pell. Thank you.

22 The other, very specific, question is in connection  
23 with Greece and Turkey.

24 As you know, the Turks are now using American weapons  
25 in violation of American law, in their occupation of Cyprus.  
The Congress has taken the reluctant view to move ahead

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2 with a four year treaty that was proposed. The Administration  
3 insisted on sending it up even though it was warned it would  
4 not get it through in this past Congress.

5 What are your views, Mr. Secretary-designate, with  
6 regard to whether we should forge ahead with these four-year  
7 bilateral treaties with Turkey and Greece, or whether we  
8 ought to merely continue as we have with one-year treaties  
9 within the general context of NATO?

10 If we do go ahead with four-year treaties with those  
11 two nations, all of the other nations will be lining up with  
12 their hands out afterwards.

13 Mr. Vance. Let me say first that this is an area in  
14 which I have had some considerable background in the past and  
15 an area in which I have a great interest. I believe it is of  
16 great importance to the United States to maintain and strengthen  
17 good relations with both Greece and Turkey. I think we should  
18 stand ready as both allies and friends to help these  
19 countries ease their differences.

20 In that connection I might note that I am encouraged to  
21 see that on the problems of Aegean, both the air rights problems  
22 and the seabed resources problems, the talks are now going on  
23 in Geneva and Berne. The results so far are encouraging.

24 Now, with respect to Cyprus, I think it is clear as clear  
25 can be that a just and durable solution to that problem is  
perhaps even more important than it was before.

1  
2 In the weeks ahead we are going to be involved in a  
3 search for new ideas which might help to bring some meaningful  
4 progress in the Cyprus problem. In this we will, of course,  
5 expect to consult with the Congress, both the members of this  
6 committee and the members of the House, both of whom have had  
7 considerable experience in this area. With respect to the  
8 defense cooperation agreements to which you referred, we are  
9 examining the matter carefully. I would prefer at this point  
10 not to comment until I have had a chance to take a look at  
11 that in the full context.

12 Senator Pell. Thank you.

13 I would hope your conclusion would be that we would not  
14 continue as we have, but would examine each of these on its  
15 own merit.

16 Thank you, Mr. Chairman.

17 The Chairman. Senator Javits.

18 Senator Javits. Mr. Vance, I realize for myself and  
19 my own questioning the difficulty you have in answering  
20 detailed questions on future policy. The President-Elect  
21 has not been sworn in, you have not been confirmed, and I can  
22 understand that you would want to look these things over,  
23 notwithstanding your experience.

24 I think we are entitled, however, to enquire into your  
25 own thinking, philosophy, and outlook in order to determine  
whether you should be confirmed. Therefore, the questions I

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will ask will be directed toward that end.

2 I have no desire -- and stop me if I err -- to ask you  
3 about what you are going to do in a specific case or about a  
4 specific country.

5 You said, and I listened very carefully, you pledged  
6 yourself and this administration to close and cooperative  
7 relations between the Executive Branch and the Legislative  
8 Branch.

9 Mr. Secretary-to-be, you have addressed yourself to  
10 probably the most historic element in American foreign  
11 policy of our time, because from 1940 to 1965, Congress did not  
12 run the foreign policy; the President did, in the main, except  
13 for the Vandenberg period, when he happened to agree with the  
14 President on the U.N., et cetera.

15 Now, our authority dried up in respect to the  
16 war power, in respect of the difference between treaties and  
17 executive agreements, and in respect of the claims of  
18 executive privilege which knew no bounds when the President  
19 told us that he does not have to tell us anything about  
20 anything, and even in the making of major decisions, as for  
21 example, the invasion of Cambodia.

22 You are just as sophisticated as we are. In a sense  
23 you are our agent. The President does not appear here; you  
24 do. We confirm you, not the President. He is very much at  
25 arms length with us if he wishes to be.

1  
2 Will you tell us, therefore, how you intend, as the  
3 Secretary of State, to maintain the closeness of relations  
4 with the Congress -- and we are the arm of the Congress  
5 and the Senate -- which will give the American people these  
6 assurances that Jimmy Carter promised them, that we would  
7 have an open foreign policy, et cetera.

8 Now, with all respect, while I may welcome the fireside  
9 chats and will listen to them, that is just his position. He  
10 is going to tell what he has done or is going to do and he  
11 is going to tell what he likes and what he does not like.  
12 But we can cross examine you if we get you often enough and  
13 if you come clean enough with us.

14 I would like to know your feeling on that subject.

15 Mr. Vance. First, let me say that I will come completely  
16 clean with you. Of that you can be assured.

17 Secondly, I said to the committee yesterday in the  
18 Executive Session that anytime any member of the committee  
19 has any question they want to put to me, I would hope they  
20 would pick up the phone and call me on that.

21 Senator Case. Will you give us your telephone number  
22 the way President-Elect Carter did?

23 (General laughter.)

24 Mr. Vance. Yes.

25 I will respond immediately, come over and meet with you  
to discuss it if you so desire.

1  
2 Secondly, I would hope that you would feel free to do  
3 that with the senior members of the staff, the Deputy, who  
4 will be my alter ego, and the Under Secretaries.

5 Also, I indicated that I would be happy at the pleasure  
6 of the committee to come on a regular basis --we had some  
7 discussion about what would be the appropriate kind of time,  
8 and we spoke about the possibility of it being every two  
9 months -- to just come, sit with you, and discuss with you  
10 any questions which you may have on your mind and wished  
11 to raise.

12 In addition to those procedures, as I have indicated, we  
13 are going to seek out your views on many of these thorny  
14 issues which we face because we need those views. I take  
15 as an indication one of the best examples of cooperations,  
16 that is, what happened in the Seventh Special Session where  
17 together, a speech delivered by Secretary Kissinger was worked  
18 out in a fully cooperative fashion, as I understand it,  
19 between the Congress and the Secretary. As a result of that,  
20 I think a major step forward was made in coming forward  
21 with new and constructive ideas in dealing with the problems  
22 which were raised by the demands for a new international  
23 economic order. There were many, many good concrete  
24 proposals that came out. I indicated I would be very happy  
25 at an early date to come and talk to the committee here  
about where we stand on each one of those proposals: what

1 the implementation has been, which ones have not yet been  
2 fully implemented, and what can be done. It is that kind of  
3 process in which I would hope we could engage.

4 Senator Javits. I like that very much. You almost  
5 disarm me because I was one of the operators of that particular  
6 committee that was advising Dr. Kissinger along with Senator  
7 McGee and others.

8 I would like to pursue that for one moment. You know,  
9 we have had an example of a Secretary testifying before us  
10 just before an invasion that was going to take place with  
11 U.S. Forces and not telling us about it either because we  
12 did not ask him specifically, "Are you going to invade  
13 Cambodia tomorrow," or because we didn't know, or because  
14 he didn't know, which is even more critical.

15 Now, to what extent as to your tone and disposition --  
16 because we have had a very gifted Secretary of State in the  
17 last years in Henry Kissinger where tone accounted for a  
18 great deal -- to what extent will you fight to see that you are  
19 able to, informed about, as well as permitted to, give to the  
20 Congress what it is entitled to know, and that you will not  
21 be taken over by the White House, or the National Security  
22 Council, or the Pentagon, all of which compete with every  
23 Secretary of State and will, whether you think so or not,  
24 compete very ardently with you?

25 Mr. Vance. First let me say I have no question but that



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I will be fully informed on everything.

2 Secondly, if informed, I commit to you that I simply  
3 will not mislead you.

4 Senator Javits. You are a man of great honor and  
5 credit. That is one of the things we have all said, and I  
6 was probably the first to say it in this hearing. It is  
7 critically important, Mr. Secretary, that this matter be  
8 approached in this very sophisticated way. From your  
9 experience in the government I really feel that there is a  
10 very good likelihood that this is the way it will go. But I  
11 can tell you from my own experience, which is perhaps as long  
12 or even longer than yours, that you are going to have to fight  
13 for it. It is not going to be automatic. Therefore,  
14 your assurances, and my hope that you will, are critical.

15 The other question I would like to ask you on this  
16 subject concerns executive privilege. You are a highly skilled  
17 lawyer. Executive privilege was testified to before us for  
18 years as something absolute. The President could tell us or  
19 not, as he chose. Of course, you know what happened with  
20 Richard Nixon.

21 The courts have now said that executive privilege is  
22 subject to judicial review, that it does not automatically  
23 prevail against the assertion of a congressional subpoena.

24 Do you and -- if you can tell us -- does the President  
25 accept that as what will determine his action; because

1 conceivably a President can defy that and ask the Supreme  
2 Court how many battalions it has to enforce its mandate?

3 Mr. Vance. I have not discussed this subject with  
4 the President-Elect and therefore I cannot speak for the  
5 President-Elect.

6 With respect to the question of executive privilege, I  
7 think it is an action which should be taken sparingly; but  
8 there may be cases where executive privilege should be  
9 involved.

10 Let me say, for example, I think on questions of people  
11 being asked what their personal views are, clearly they ought  
12 to be required to give their personal views when they are  
13 before the Congress. I think it is a different question, though,  
14 when people who are junior are asked, "What was your recom-  
15 mendation." I think that presents a different set of  
16 circumstances because when you get into the question of what  
17 were recommendations rather than personal views, that intends  
18 to inhibit the process of free and full discussion.

19 I ran into this question when the issue was raised when  
20 I was in the Pentagon. At that point we had a debate with the  
21 congressional committee involved, the Armed Services Committee,  
22 as to whether or not we should do this. We took the position  
23 after talking to President Kennedy, that we should not. So,  
24 I draw that distinction.

25 But in sum, I am saying that I think executive privilege

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2 should be used very sparingly. It is the President's  
3 privilege and he is the one who decides when it is used.

4 Senator Javits. My time is up, but just to complete  
5 that question, should he be guided by the decisions of the  
6 courts, which we now have?

7 Mr. Vance. I think the answer is yes.

8 Senator Javits. Thank you, Mr. Chairman.

9 The Chairman. Senator McGovern.

10 Senator McGovern. Mr. Vance, I share the views of my  
11 colleagues about your fine qualities as a person and your  
12 integrity.

13 Mr. Vance. Thank you.

14 Senator McGovern. Four years ago we were considering  
15 the nomination of Mr. Kissinger as Secretary of State. I had  
16 enjoyed, as did the other members of the committee, a fine  
17 personal relationship with him and I especially admired his  
18 efforts in the Middle East. But I voted against his  
19 confirmation as Secretary of State. I think mine was the  
20 only dissenting vote. I did that for reasons that I outlined  
21 to him the night before on the grounds that I felt some protest  
22 should be registered, even if nothing more than a moral and  
23 symbolic protest, against his long involvement with our policy  
24 in Vietnam and Cambodia.

25 Since you are also involved in those decisions, in  
that policy, I am wondering, if I was justified in that vote

1  
2 four years ago, why I should vote for your confirmation  
3 today?

4 Mr. Vance. Let me speak a bit about Vietnam. Let me  
5 say that in the light of hindsight I believe it was a mistake  
6 to intervene in Vietnam. Secondly, let me say that I know  
7 that I made more than my share of mistakes. I think, however,  
8 that we have learned a number of lessons as a result of the  
9 Vietnam experience and hopefully I am the wiser for that.  
10 Some of the lessons I think we learned are -- well, let me  
11 tick them off because I have thought considerably about this.  
12 I think we erred in trying to prop up a series of regimes  
13 that lacked popular support. I think we erred in not realizing  
14 that we could not create western-type institutions in other  
15 nations with different cultures.

16 Thirdly, I think we failed to have the clear and lasting  
17 support of our allies in connection with that undertaking.

18 Fourthly, I think we did not understand the limitations  
19 of military power against a guerrilla force in that kind of  
20 environment.

21 These are some of the lessons that I think we have learned.  
22 I must say that I think the motivation in the initial involvement  
23 was not one based upon evil motives. I think it was based  
24 upon misjudgments and mistakes as we went along.

25 Senator McGovern. I agree with that.

Mr. Vance. I think I have learned, as have others, from

1 some of those tragic events.

2 Senator McGovern. You said in reply to Senator Javits'  
3 question about how you were going to deal with this committee  
4 that you would never be a part of any deception or any effort  
5 to mislead this committee.

6 Now, whenever I am asked about the vote which I most  
7 regret as a Senator, I say the Gulf of Tonkin vote. I think  
8 that was a mistaken vote. But in all fairness to the Senate,  
9 the all but two Senators who voted for that resolution,  
10 we were deceived by the Administration as to what happened  
11 in the Gulf of Tonkin Resolution. There is strong evidence  
12 now that this whole matter was fabricated by the Administration.

13 I am wondering if in looking back on that incident  
14 on your part, do you feel the Congress was misled at the time  
15 we supported the Gulf of Tonkin Resolution?

16 Mr. Vance. I do not believe so. I do not believe it  
17 was fabricated. On the basis of the information we had at that  
18 time and on which we had to act those appeared to be the facts.

19 Certainly I can tell us as far as I was concerned, and  
20 I believe as far as Bob McNamara was concerned, we accepted  
21 and believe those facts as true facts.

22 Senator McGovern. Are you saying, Mr. Vance, that there  
23 was an unprovoked attack by the North Vietnamese against the  
24 American destroyers? This is what the Congress was told and  
25 it was on that basis that we supported the resolution.

1  
2 Mr. Vance. I said it appeared to be; when we had the  
3 information, that appeared to be the case.

4 Now one can argue as to whether or not the sending of  
5 that reconnaissance mission up there did not itself act as a  
6 provocation. It was not intended to act as a provocation.

7 Senator McGovern. Well, we cannot obviously change  
8 that situation. But there are certain things about our  
9 involvement in Vietnam that we can change. One is our response  
10 to the application of this country for admission to the  
11 United Nations. I was there as an American delegate last  
12 fall and it was very embarrassing to see a little country  
13 apply for admission to the United Nations and then have a  
14 powerful country like the United States exercise a veto.  
15 Traditionally that has not been the American policy. We  
16 used to condemn the Soviets when they vetoed the admission  
17 of countries because they did not approve of certain policies  
18 of those countries. As a matter of fact, we went on record  
19 as supporting the Vandenberg Resolution in 1948 saying the  
20 veto power should not be used for that purpose, to deny  
21 admission to another country. It does not mean that we have  
22 to agree with them. But it does mean that these are bilateral  
23 differences that ought not be inflicted upon the U.N.

24 I am wondering whether you can commit the new  
25 administration on this point and what your personal inclination  
would be on the question of whether we ought to use the veto

1 power, as we have in the past, to deny Vietnam's admission.

2  
3 Mr. Vance. Let me answer your question by first giving  
4 a little background so that you will see how I get to where  
5 I end up.

6 First, I believe that moving towards normalization of  
7 relations between the United States and Vietnam is in the  
8 interest of both countries.

9 Second, I acknowledge the fact that there is an impediment  
10 at this point with respect to the question of a full accounting  
11 of those missing in action. I have noted from the report of  
12 the Montgomery Committee that they have stated that they  
13 presume there are no Americans who are still captive.  
14 However, they did recommend that we pursue the matter with the  
15 Vietnamese, the Laotians, and the Cambodians.

16 My personal view is that we can expect to do so. With  
17 respect to the question of aid, I also note that the  
18 Montgomery Committee recommends that consideration be given  
19 to humanitarian assistance, not reparations. We will consider  
20 this recommendation.

21 Now, specifically on the question of admission, I would  
22 hope that this would not arise until we are able to get to  
23 work with the Vietnamese on the question of our bilateral  
24 relations and trying to move them towards normalization.

25 Senator McGovern. On that same general principle,  
in trying to normalize relations with Vietnam, would not the

1 same consideration prevail with reference to Cuba, Mr. Vance?  
2 Here we are in a situation where we are pursuing trade and  
3 detente, better relations with the two most powerful communist  
4 countries, Communist China and the Soviet Union. Why should  
5 we not have the same kind of policy towards Cuba? Does the  
6 boycott, the embargo, the diplomatic isolation of this little  
7 country make any sense in light of present realities?

8 Mr. Vance. I think the boycott has been obviously in  
9 effect -- with respect to the basic question, I think if  
10 Cuba is willing to live within the system of states, then we  
11 ought to seek ways to find whether we can eliminate the  
12 impediments which exist between us and try to move towards  
13 normalization.

14 Senator McGovern. My time is up, Mr. Secretary. I  
15 just want to urge you, if you have not already done so, to  
16 look at the lead articles in the last three issues of the  
17 Sunday "Outlook" Section of "The Washington Post;" one by Mr.  
18 Greider on December 26; one by Mr. William Shawcross on  
19 January 2; and one by Mr. Dowenthal on January 9; these deal  
20 with three major foreign policy concerns.

21 I would like to make those three articles a part of the  
22 record, Mr. Chairman.

23 The Chairman. Without objection, that will be done.

24 (The articles referred to follow:)

25 COMMITTEE INSERT



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1 The Chairman. Senator Percy.

2 Senator Percy. Mr. Vance, I would like to join my  
3 colleagues in welcoming you. Perhaps this is the most placid  
4 and easy-going session you will have before this committee.  
5 I think, no matter how much we might differ on certain crucial  
6 issues as you go down the path, we can verify that this  
7 committee will be totally nonpartisan. In my years of service  
8 on it under Republican Presidents I have never, ever seen my  
9 colleagues on the other side of the aisle take a position that  
10 was partisan in nature. They had differences of opinion  
11 which were genuine in nature. I think we can reassure you  
12 of that.

13 Secondly, I think we are all very concerned about the  
14 fact that we have in a sense put the world in a difficult  
15 position in many countries by having a sharp difference of  
16 opinion between the Executive Branch of government and the  
17 Legislative, the Congress, on such as Vietnam, Turkey-Greece,  
18 the Mid-East, and on Southern Africa and our policies there.  
19 It is to the detriment of the United States that we did this.  
20 I certainly commend you and I commend President-Elect Carter  
21 for reaching out and wanting to meet in depth with us next  
22 week for a full day meeting -- an unusual session I believe.

23 The Chairman. It is tomorrow, not next week.

24 Senator Church. Be careful or you will miss it.

25 Senator Percy. I think it is a reaching out attempt

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1 to anticipate these problems. I hope we will not have that  
2 kind of confusion in the future.

3 I have a guest this morning, Jacques Cousteau, who is  
4 right behind you. He is one of the world's most eminent  
5 philosophers and marine experts. In our conversations this  
6 morning he characterized the world's problems as three:  
7 population, food, and energy. In the first two the United  
8 States does not have much of a problem; but we do have one  
9 with respect to energy. This does touch on foreign policy  
10 even though Mr. Schlesinger will deal heavily with it. It  
11 affects our foreign policy.

12 It is his estimate that we could cut our consumption  
13 by 20 percent. It is my feeling in going through every  
14 OPEC country that they want us to conserve it. They do not  
15 want us to drain off their reserves as fast as we are, to  
16 burn them up and consume it, squander it in the wasteful way  
17 that we are. Just take a day like today with the cold  
18 temperatures all over the country. We are heating the outdoors  
19 with our lack of insulation. We are wasting and squandering  
20 fuel that cannot be replaced.

21 Do you place a very high priority on a national  
22 energy conservation program in this country, that we should  
23 lead the world in this respect?

24 Mr. Vance. I certainly do.

25 I think one of the most important tasks we have is to

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come up and come up soon with an energy policy, an important element of which would be a conservation program. I think we simply cannot continue the way we have, without any policy, as I see it, and with really very little being done on the whole conservation issue. We are just simply going to get nowhere in trying to deal with this problem unless we come to grips with it and come to grips with it soon.

Senator Percy. I was out of the room with Mr. Cousteau, unfortunately, when Senator Javits questioned you. He is an expert on NATO and Europe. Perhaps he asked this question.

There always is concern with a new administration as to whether we are going to unilaterally withdraw troops from Europe. I have great reverence and respect for Senator Mansfield and his resolution, but have spent most of my time fighting it right down the line. I thought it would be disastrous for us to unilaterally withdraw our forces from Europe.

What will be the position of the Carter Administration and of Secretary of State Vance on this?

Mr. Vance. There has been no position developed by the Carter Administration.

I can tell you what my position is. I have stated it many times. It is that at this point we should not unilaterally withdraw any other substantial forces from NATO; that we must, however, at the same time put more steam behind the Vienna

1 talks where we are seeking mutual force reductions between  
2 ourselves and the Warsaw Pact.

3 Senator Percy. The question has already been asked  
4 concerning withdrawal of forces from South Korea. A statement  
5 was made by President-Elect Carter that during the course of  
6 the administration he intended to withdraw forces from  
7 South Korea.

8 Having been in Japan within the last couple of weeks I  
9 know you know there is concern about this.

10 Mr. Vance. Yes, I do.

11 Senator Percy. I sent to you a seven point proposal  
12 which was the best I could develop at the time. I do not  
13 know whether or not you have yet had a chance to see it.

14 Is there something that will be done gradually,  
15 thoughtfully, certainly with emphasis on ground forces and not  
16 air forces, where the North has a two to one supremacy over  
17 the South, and done in such a way as to in no way encourage  
18 Kim to move south, just as we certainly must use every  
19 influence we have to restrain Park from engaging in an activity  
20 which would somehow involve us?

21 Mr. Vance. The answer is clearly yes.

22 First of all, Governor Carter made it clear in his  
23 campaign in a number of statements that he was talking about  
24 only ground forces, that he recognized the disparity particularly  
25 in air forces; and secondly, with respect to the withdrawal of

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2 ground forces he indicated that this would have to be over a  
3 phased basis and only after full and careful discussions with  
4 not only the South Koreans, but also with the Japanese, who have  
5 a great interest, as all of us know, in this question.

6 We have a security treaty with South Korea. That is a  
7 solemn obligation of our nation. We will in any discussions  
8 proceed with prudence and caution.

9 Senator Percy. Thank you very much.

10 I have worked closely with Senator McGovern in his  
11 capacity as Chairman of the Subcommittee on the Middle East.  
12 I was the Ranking Republican on that subcommittee. During  
13 the Nixon Administration there was a definite tilt toward  
14 Pakistan and a great animosity toward India.

15 Is there going to be any tilt in the Carter Administration  
16 that you know of? My own observation is that the Near  
17 East is making remarkably progress on its own, without the  
18 intervention of the super powers. Problems that existed between  
19 Iran and Afghanistan, between Afghanistan and Pakistan, and  
20 India and Pakistan have made remarkable progress under their  
21 own leadership to de-escalate the high tension that existed  
22 in that area.

23 Are we going to be tilting in any direction, or are we  
24 going to use our good offices to deal even-handedly in an  
25 effort to cooperate and support the initiative which I think  
they are quite competent of taking themselves to resolve those

1  
2 problems?

3 Mr. Vance. Let me say that I agree. I think considerable  
4 progress has been made recently in lessening the tensions  
5 between those two countries. Although we have not yet had  
6 the chance to consider this as an incoming government, my  
7 own position is one which would favor even-handedness.

8 Senator Percy. Will the word "detente" be restored to  
9 full standing and grace? It is a French derivative and means  
10 lessening of tension. Mr. Brezhnev has said he sees no  
11 alternative to detente, no acceptable alternative. I don't  
12 happen to think there is either.

13 Can we use it without offending anyone now or do you  
14 prefer some other terminology?

15 Mr. Vance. No, I certainly do not. I said the other  
16 day that as far as I was concerned the word was back in the  
17 vocabulary. I think we have to have a clear definition, as  
18 I indicated earlier, in this session as to what is expected of  
19 each side under a policy of detente. But I fully support the  
20 proposition that we must seek ways to reduce tensions, not only  
21 in the area of strategic arms, but in other areas, including  
22 trade, cultural exchanges, et cetera.

23 Senator Percy. Within the confines of security can you  
24 give the public in this open hearing your assessment as to  
25 whether or not the Soviet Union has at this time military  
superiority over the United States or whether they plan to

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1 achieve military superiority over the United States?

2 Mr. Vance. Let me answer the first part of your question  
3 first.

4 I think in certain areas we are superior to them; in  
5 other areas they are superior to us. I think over all there is a  
6 rough parity between the two countries.

7 With respect to the question on intention, I have not had  
8 the benefit of seeing any intelligence estimates. The whole  
9 business of intention is a very "iffy" kind of thing anyway.

10 Senator Percy. My time is up. I hope I can remain  
11 for at least a brief second round.

12 The Chairman. Senator Zorinsky.

13 Senator Zorinsky. Thank you, Mr. Chairman.

14 Mr. Secretary, I have a couple of items here I would like  
15 to ask about.

16 Since World War II the collective security has been a  
17 basic principle of United States foreign policy and effective  
18 arrangements obviously depend upon the contribution of our  
19 allies.

20 How can we assure that the members of security alliances  
21 in which the United States participates more equitably share  
22 the burdens and responsibilities in keeping with their  
23 capabilities?

24 Mr. Vance. This is a very difficult problem with which  
25 we have been wrestling over the years. We were wrestling when

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1 I was with the government in the 1960's and I think people have  
2 been continuing to wrestle with it ever since.

3 I am not sure that we are ever going to find a perfect  
4 way of dealing with the problem.

5 One of the ways that I think might be helpful is if we  
6 could find, insofar as NATO is concerned, a way of making more  
7 progress in the area of standardization of weapons systems.  
8 This, I think, could both help in reducing costs and help in  
9 terms of the atmosphere, in terms of getting others to carry  
10 their fair share of the burden.

11 I don't promise any clear and simple answer to the  
12 problem because I think it is a very, very difficult one.  
13 It depends upon political problems, which vary in each of the  
14 nations. When you get a country like Great Britain which  
15 has the terrific financial and economic problems they now  
16 have and are having to cut back, it obviously is going to have  
17 an effect. There are these kinds of extraneous factors which  
18 are brought into play and they are terribly difficult to  
19 control and deal with.

20 Senator Zorinsky. In other words, Mr. Vance, what  
21 you are saying is it should be correspondingly parallel to  
22 the economic wherewithall at a given point in history of  
23 what the nations can and cannot afford to do?

24 Mr. Vance. I think what we ought to try to do is to  
25 set equitable shares and have people try to live up to their

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1 equitable shares. But I think the practicalities of what the  
2 economic situations are are going to affect the ultimate  
3 result.

4 Senator Zorinsky. Speaking of expenditures, foreign  
5 policy comprises a relatively small part of the federal budget.  
6 But it has a great impact as it results in substantial spending  
7 in other budgetary areas. For example, we are told that  
8 certain military force levels and weapons systems are required  
9 to support such commitments that we make through foreign  
10 policy. Are the United States foreign policy commitments,  
11 in your estimation, in tune with the reality of our  
12 capabilities, our national priorities, and are they consistent  
13 in your estimation with our current national interests?

14 Mr. Vance. Let me give you what I think is in my  
15 judgment unfortunately an unsatisfactory answer.

16 I have not had a chance to review all of these factors  
17 to arrive at the proper kind of answer for you and I apologize  
18 because of that.

19 Insofar as our foreign policy commitments are concerned,  
20 I think that we can spend whatever is required to carry out  
21 the foreign policy commitment. The question is, are those  
22 foreign policy commitments the right commitments. That is what  
23 I am not prepared to say at this point because I simply do not  
24 know and will not until I have had a chance, along with others  
25 in the new Administration to review this and come to a

1 conclusion.

2 Senator Zorinsky. Mr. Secretary, would you hesitate at  
3 all to use agriculture as a bargaining tool or weapon, so to  
4 speak, concerning our relations with foreign countries?

5 Mr. Vance. I will give you my personal views on this.  
6 I have a personal and moral concern on the use of food for a  
7 bargaining weapon.

8 Senator Zorinsky. I am glad to hear that.

9 Thank you, Mr. Vance.

10 Thank you, Mr. Chairman.

11 The Chairman. Senator Danforth.

12 Senator Danforth. Mr. Vance, I have not known you for  
13 twenty years as has the Chairman of this committee. But I have  
14 had the privilege of working with you for the last three and a  
15 half years on a fairly regular basis and I wish to share in  
16 the other fine comments made about you.

17 I cannot imagine a nomination which would be better for  
18 Secretary of State. You have an enormous ability and  
19 dedication to principle.

20 Mr. Vance. Thank you.

21 Senator Danforth. I would like to ask some questions  
22 about some comments that were made during the campaign so as  
23 to try to determine what the implications of those statements  
24 would be for America's foreign policy in the future.

25 In the second debate President-Elect Carter said in the

1 case of the Helsinki Agreement, "it may have been a good  
2 agreement at the beginning; but we have failed to enforce the  
3 so-called Basket-III part, which insures the right of people  
4 to migrate, to join their families, to be free to speak out."

5 What plans does the new Administration have to enforce  
6 the Basket-III part of the Helsinki Agreement?

7 Mr. Vance. On the Basket-III question there will be a  
8 conference in Belgrade this summer, at which time the follow-  
9 on group will be meeting. We have a good deal of work to do  
10 between us, the Executive Branch and the Congress, in working  
11 out what the proposals are and what the items are that we want  
12 to put on the agenda with respect to Basket-III.

13 As you know, Senator Danforth, there is now a committee  
14 which has been created which consists of six members of the  
15 Senate, as I recall it, and six members of the House. They  
16 have recently made a trip to Europe and have prepared a report,  
17 which I have not yet had time to read, in which they make  
18 recommendations in this area.

19 Senator Case. Would the Senator permit an intervention  
20 at this point?

21 Senator Danforth. Of course.

22 Senator Case. One of the issues, a relatively minor  
23 thing which I would not have brought up by itself, that is  
24 involved in that commission or committee is the question of  
25 participation by the Executive Branch. There is a provision

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1 also, in addition to the congressional members, for Executive  
2 Branch members, and they have not yet been appoinzed. I  
3 wonder if on that score you have any thoughts at this time?

4 Mr. Vance. I do not have any at this time. I have heard  
5 that that is the case and I want to find out more about why  
6 it is, what the problem is, why that has not been done.

7 Having said that, Senator, in general let me say that I  
8 think that Basket-III is part of an agreement reached by the  
9 nations to the Helsinki Conference. It exists as a commitment,  
10 even though not a treaty commitment, and it is something  
11 we should not let lie fallow, but should pursue.

12 Senator Danforth. However, food, as you pointed out  
13 to Senator Zorinsky, would not be used as a means for enforcing  
14 Basket-III.

15 Is that correct?

16 Mr. Vance. As far as I am personally concerned, I  
17 have problems with that. But I do not know what the  
18 government position will be.

19 Senator Danforth. During the campaign President-Elect  
20 Carter stated that he was opposed to supplying arms to Egypt.  
21 Do you agree with that position?

22 Mr. Vance. The only request that I know that we have  
23 gotten from Egypt is for the C-130's, which have already been  
24 given.

25 With respect to the question of supplying arms to the

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2 Middle East, I think we have to look at several criteria, if  
3 and when we do get requests:

4 First, what are the security requirements of the country  
5 which is requesting those particular arms; secondly, will the  
6 contributing or the providing of those arms upset the balance  
7 in the Middle East; and third, what will the action to be  
8 taken do with respect to the question of moving the situation  
9 towards a peaceful settlement?

10 We are irrevocably committed to the proposition that  
11 insofar as Israel is concerned we will supply the arms necessary  
12 for her security. That is a historic commitment which we  
13 have and we will stand behind that.

14 With respect to Saudi Arabia and to Jordan, we have a  
15 long-standing bilateral relationship under which we have  
16 provided arms to them from time to time. Again, I think you  
17 are going to have to judge any future requests against the  
18 kind of criteria I am talking about.

19 Senator Danforth. You would not at this time rule  
20 out supplying arms to Egypt?

21 Mr. Vance. I don't rule it out.

22 Senator Danforth. In a speech before B'nai B'rith in  
23 Washington on September 8, the President-Elect said, "we  
24 also regret our government's continuing failure to oppose the  
25 denial of human freedom in Eastern Europe and the Soviet  
Union. The Republican Administration with the Sonnenfeld

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2 statement has shown a lack of sensitivity to the craving of  
3 Eastern European people for greater independence. That is  
4 unacceptable."

5 What will the new administration do with respect to  
6 satisfying the cravings of Eastern European people for greater  
7 independence?

8 Mr. Vance. We have not reached that point yet, and I  
9 simply cannot give you an answer .

10 Senator Danforth. What is the position of the new  
11 Administration with respect to preventing or slowing down the  
12 boycott of American businesses by Arab countries?

13 Mr. Vance. Again, there are no positions of the  
14 Administration at this point because we simply cannot properly  
15 have a definitive position before the Inauguration.

16 Let me speak on the question of the boycott, however,  
17 Governor Carter has made clear his moral repugnance at boycotts  
18 related to discrimination on the basis of race and religion.  
19 I share that view. Governor Carter has stated that he pledged  
20 full enforcement of existing legislation, including the  
21 amendments made to the Tax Reform Act. But with regard to any  
22 new proposals, I, and I am sure the new Administration when  
23 it comes in, would like time to study them in the context of  
24 our overall Middle East objectives.

25 Senator Danforth. Do you believe that there can be such  
a thing as a limited nuclear war with tactical nuclear weapons?

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1 Mr. Vance. I doubt it.

2 Senator Danforth, Would you base a foreign policy and a  
3 defense policy on that doubt?

4 Mr. Vance. That is an extremely complex question. I am  
5 not quite sure what you mean by, "would you base a foreign  
6 policy on it."

7 Perhaps you could elucidate?

8 Senator Danforth. Well, for example, for the defense  
9 of Europe or South Korea, would you favor now, as far as  
10 setting up our defense posture, relying on tactical nuclear  
11 weapons?

12 Mr. Vance. The position which I have personally stated  
13 on this is that at this point I would not withdraw any  
14 tactical nuclear weapons from Europe. The reason for that is  
15 that this is one of the elements which is part of the  
16 bargaining which is going on in connection with the Mutual  
17 Balanced Force Reduction Talks. I think at this point to talk  
18 about withdrawing tactical nuclear weapons just does not make  
19 sense.

20 Senator Case. Would you permit just a word on that?

21 Senator Danforth. Please.

22 Senator Case. That does not exclude consideration of  
23 the question of security of the weapons that are already there?

24 Mr. Vance. Not a bit. It does not exclude that at all  
25 because that is an exceedingly important question, Senator Case.

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1 Senator Danforth. Just one more question in the last  
2 minute, Mr. Vance.

3 In Louisville, in 1975, Governor Carter said this:  
4 "When I go into an embassy in South America or Central  
5 America or Europe and see sitting as our ambassador, our  
6 representative there, a fat, bloated, ignorant, rich, major  
7 contributor to a presidential campaign, who cannot even speak  
8 the language of the country in which he serves, and who knows  
9 even less about our own country and our consciousness and our  
10 ideals and our motivation, it is an insult to me and to the  
11 people of America and to the people of that country."

12 Can I assume from this that our new crop of ambassadors  
13 will speak the language of the country and will be skinny?

14 (General laughter.)

15 Mr. Vance. I would hope so.

16 Seriously, though, let me say that with respect to  
17 ambassadors, I think we ought to pick the best possible people,  
18 regardless of their background, and whether they come from the  
19 Foreign Service or outside the Foreign Service. The current  
20 ratios are, I think, about 70 - 30; that is, 70 percent from  
21 the Foreign Service and 30 percent from outside. Whether  
22 that would remain the ratio, or whether it would be something  
23 different, a lesser ratio, I cannot even guess at this point  
24 because it will depend upon the relative individuals who come  
25 before Governor Carter and me. In making those determinations

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1 what we are committed to is having the best possible people.  
2 Certainly one of the very important elements will be their  
3 ability to speak the language. It should not be totally  
4 overriding, though, if we had somebody who for many other  
5 reasons was ideal for the post, particularly with some of  
6 the languages which are so difficult to speak, such as  
7 Russian.

8 The Chairman. Is that all, Senator Danforth.

9 Senator Danforth. Yes, thank you, Mr. Chairman.

10 The Chairman. Senator Matsunaga.

11 Senator Matsunaga. Thank you, Mr. Chairman.

12 Mr. Vance, I, too, wish to join my colleagues in  
13 congratulating you upon your nomination.

14 As you no doubt will agree, and understandably so,  
15 American foreign policy has been European-oriented over the  
16 years. As I say, this is understandable. But even here in  
17 America we find generally that the populus is European oriented.

18 I will give an example. When Mr. Nixon made that  
19 history-making trip to Peking, for a while every time I would  
20 go to a social function some friendly stranger would come up  
21 to me and ask me, "Are you Chinese?" Of course, I was being  
22 asked the question so frequently that I developed a stock  
23 answer. Every time I was asked, "Are you Chinese," I would  
24 say, "No, I'm sorry but I am not. But I had an uncle who  
25 was a Peking Tom."

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2 (General laughter.)

3 Senator Matsunaga. When I made that crack over in  
4 Dayton, Ohio, after Mayor McGuinness -- I believe his name  
5 was McGuinness-- who is a black person, introduced me; he  
6 was sitting next to me-- when I said, "No, I am not; but I  
7 had an uncle who was a Peking Tom," he looked up at me and  
8 said, "An Uncle Tom, eh?"

9 (General laughter.)

10 Senator Matsunaga, Yesterday, in our Executive Session,  
11 I expressed some concern over the complete absence of any  
12 matter on the agenda pertaining to a U.S.-Japan relationship,  
13 which indicated to me a continuance of the European-oriented  
14 American policy. Of course, there has been some indication,  
15 as was recently announced by President-Elect Jimmy Carter,  
16 that he intended to send the Vice President to the Far East  
17 and that he himself intended to attend an international  
18 trade conference in Japan. But the President himself will  
19 be relying on your advice as Secretary of State.

20 I would like to know what your views are in relation  
21 to this Europe - Asia orientation of our policy.

22 Mr. Vance. I think whatever may have been the case in  
23 the past with respect to orientation, there can be no question  
24 that the Pacific and the countries in the Pacific and other  
25 parts of the world, such as Africa, Latin America, are of  
fundamental importance in connection with our foreign policy.

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1  
2 Certainly, more specifically with respect to Japan, it  
3 is really the cornerstone of our policy in the Pacific area.  
4 I can assure you, despite the fact that by error it was left  
5 off that tentative agenda which we had and is now on the  
6 agenda, that our relationships with the Japanese will be  
7 of highest priority. We have all kinds of important reasons  
8 for that: our trade relationships; the position that Japan  
9 plays in that part of the world; its importance as one of the  
10 leading industrial nations; and many other critical reasons.

11 So, insofar as my own views are concerned, I consider  
12 Japan to be one of the core allies, one of the key countries,  
13 and will expect it to be treated as such in connection with  
14 our foreign policy.

15 Senator Matsunaga. Excuse me for not having looked into  
16 your biography as much as I should have. Have you personally  
17 spent any time in Asia?

18 Mr. Vance. Yes, I have been there several times,  
19 including to China.

20 Senator Matsunaga. Will you have any specialists,  
21 someone who has spent considerable time there and who understands  
22 the people out there advising you?

23 Mr. Vance. Yes.

24 We will have not only the people in the Department, but I  
25 intend to have consultants as well in that area, as I am going  
to do with respect to other areas, such as the Soviet Union.

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2 Senator Matsunaga. I may be out of line, here, but if  
3 you cannot so state publicly, would you later give me the  
4 names of some of these persons?

5 Mr. Vance. Yes, indeed. I would be glad to.

6 Senator Matsunaga. Now, with reference to the thorny  
7 issue of the two Chinas, what do you believe our policy  
8 should be, especially with relation to Taiwan, more commonly  
9 known as the Republic of China, vis-a-vis the People's  
10 Republic of China?

11 Mr. Vance. First, I believe that our policy with  
12 respect to the People's Republic of China should be one based  
13 on the guiding principles bilaterally and which are set forth  
14 in the Shanghai communique.

15 I myself believe that our goal should be normalization  
16 of relations with the People's Republic of China.

17 As to the pace and mode of achieving that goal, insofar  
18 as I am concerned, that requires further thought and study,  
19 and it is already in process within our national security  
20 system.

21 With respect to the question of Taiwan, one of the  
22 factors I think we have to take into consideration in dealing  
23 with the question of pace and mode is the security of the  
24 peoples of Taiwan.

25 Senator Matsunaga. Now, one of my fondest hopes  
ever since coming to Congress 14 years ago has been the

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1 establishment of a Department of Peace at the Cabinet level.  
2 The biggest opposition has come from the Department of State.

3 I would like, as a member of this Congress and as a citizen  
4 of this great country of ours to see the United States become  
5 the first nation in the world to have within its governmental  
6 structure a department at Cabinet level solely dedicated to the  
7 pursuit of peace. If we do this I think we can truly establish  
8 ourselves as the leading nation of the world once again.

9 I would like to know your views on this.

10 Mr. Vance. I tried to indicate my views at the outset  
11 when I said that I thought the first principle -- in talking  
12 about what our foreign policy principles should be -- is the  
13 maintenance of peace. So it comes to the top of my list.

14 Now, as to whether or not one needs a separate department  
15 for that, I would like to meet with you, to read what you  
16 have written on this, and to discuss it seriously with you.  
17 It seems to me that this ought to be the main business of  
18 the State Department, the maintenance of peace.

19 Senator Matsunaga. I might say that just before Mr.  
20 Nixon left office he indicated support of the measure. Of  
21 course, I do hope that that is no indication of the future  
22 of the bill which I will be pursuing.

23 (General laughter.)

24 Senator Matsunaga. Thank you very much. I see my  
25 time is up.

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2 The Chairman. Senator Clark.

3 Senator Clark. Thank you, Mr. Chairman.

4 Mr. Vance, I want to join with the others in praising  
5 both your background and your experience. I particularly  
6 want to compliment you on the very fundamental policy  
7 initiatives that you described in answer to Senator Church's  
8 questions, most specifically on the attitude toward covert  
9 activities, the idea of a more open foreign policy, basic  
10 honesty, better American-Soviet relations. Certainly if you  
11 are able to live up to most of these goals, this committee,  
12 this Congress and this country is going to be very deeply  
13 indebted to you and you will certainly have our support.

14 You spoke at that time generally about the principles  
15 of American foreign policy. I would like to ask you about the  
16 application of those principles in the specific case of the  
17 United States policy toward Africa.

18 It is my general impression of recent African history  
19 that during the period, let us say the first 25 years after  
20 World War II, from 1945 to 1970, that we were greatly admired  
21 in that continent. They were gaining their own independence.  
22 We had ourselves been a colony and gained our independence.  
23 So we were looked at, I think, as the chief force in the  
24 world for independence, liberty, and equality.

25 Then we got involved in the Vietnam War -- let's say  
preoccupied with it as far as Africa was concerned. More

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2 importantly, in 1970 we began to follow a different policy  
3 which we now all agree was the policy known as NISSM 39,  
4 adopted by President Nixon and his Security Council Advisor,  
5 Henry Kissinger. That was a policy which was largely one  
6 of quiet cooperation with the white minority regimes in  
7 Southern Africa and a more isolated attitude towards those  
8 who were opposed to those regimes.

9 We seem to have changed that policy, though we followed  
10 it for about 7 1/2 years. We seem to have changed it about  
11 7 1/2 months ago -- the so-called Lusaka Policy.

12 I have found in my travels in Africa that we have lost  
13 most of the credibility that we had in the immediate post-  
14 war period, these 25 years from 1945 to 1975. In other words,  
15 it has been in 7 1/2 months of wise policy hard to offset 25 1/2  
16 years of very unwise policy. We don't have very much  
17 credibility there.

18 Yet, each of the heads of state, or the people that I  
19 have talked to, look toward the Carter Administration, the  
20 new administration, with enormous hope that these principles  
21 that we promote in the world, that we stand for -- political  
22 liberty and equality -- are going to be restored in our  
23 policy toward Africa.

24 My question is what is there in your attitude, in your  
25 new administration, to give them some hope, particularly  
in the cases of Rhodesia, Namibia, and South Africa itself that

1  
2 these policies will be followed?

3 Can you be somewhat specific about your own attitudes  
4 and ideas about how these general principles will be applied  
5 to these three cases?

6 Mr. Vance. First, let me go to southern Rhodesia.

7 With respect to southern Rhodesia, my own personal  
8 view is that we must firmly support majority rule; and to  
9 assist in helping this come into being as rapidly and peacefully  
10 as possible, hopefully with assurances for the rights of the  
11 minority.

12 I believe we should support the current negotiations  
13 that are being carried out by Ivor Richards on behalf of the  
14 British, where he is launching his new initiatives and is  
15 discussing them with the various leaders throughout Africa --  
16 the frontline presidents, the nationalist leaders, as well as  
17 Mr. Smith and Mr. Vorster.

18 I think that it would not be appropriate for me to go  
19 into the details in this session of the subjects or the points  
20 contained in that new initiative. I think we ought to give  
21 every support and help that we can to the British in this area.

22 With respect to South Africa, I believe that the new  
23 administration should express by word and action its opposition  
24 to Apartheid and support equal political, social, and  
25 economic rights for all. I think we are going to have to  
review our current policy in order to insure that it is



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2 consistent with our opposition to Apartheid.

3 I believe that it may be possible for American business  
4 operating in South Africa to help in moving the situation  
5 in a constructive way and I think we ought to meet and  
6 discuss this with American business.

7 With respect to Namibia, it is my position that we  
8 should firmly support the independence for Namibia, and I  
9 hope that it can be brought about at the earliest time by  
10 peaceful means. It is a difficult problem; I recognize that.  
11 All of these are difficult problems and I don't want to  
12 minimize in any way the difficulties involved in them.

13 With respect to the current situations in the discussions  
14 on the Namibian question, some progress was made; but it  
15 looks at the moment as if there is not much progress taking  
16 place.

17 I would hope that we may be able to develop ways which  
18 might help to contribute to the solution of that problem.

19 Senator Clark. If I might ask more specifically with  
20 regard to South Africa, since the Nationalist Party came to  
21 power almost 30 years ago there was established, as you know,  
22 a very strong Apartheid system. We have from time to time  
23 vocally expressed our opposition to that. But you indicated  
24 that the new administration's policy would be to vocally  
25 and in action reflect our disapproval of that Apartheid regime.  
If that Apartheid regime does not bring about some kind of

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2 significant change in some reasonable time, is it fair to  
3 assume that our relationship with them will become increasingly  
4 isolated?

5 Mr. Vance. I am not sure it is appropriate for me to  
6 respond to that at this point. I would prefer to defer it.

7 Senator Clark. Could you say anything about your own  
8 attitude toward an organization of recognition for Angola?

9 Mr. Vance. Again, there like elsewhere I would hope  
10 we could find ways to move towards normalization. I basically  
11 am a person who believes that the establishment of relations  
12 with other countries so that there is contact between them  
13 is in general a very positive thing and an objective that one  
14 should seek.

15 Senator Clark. I see I have one minute left.

16 Today many of us in both the House and the Senate are  
17 introducing a bill to repeal the Byrd Amendment. We think  
18 that will extend the right signal in terms of the negotiations  
19 that are taking place in Geneva.

20 Has the new administration decided, or do you intend to  
21 support the repeal of the Byrd Amendment?

22 Mr. Vance. I would support it.

23 Senator Clark. Thank you.

24 The Chairman. Senator Biden.

25 Senator Biden. Thank you very much, Mr. Chairman.

I would hope that at some future time, that you feel

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2 appropriate, Mr. Secretary, that you would be able to  
3 discuss in more detail the situation in Southern Africa, and  
4 particularly whether or not it should be Administration policy  
5 to "cool" our relations with South Africa --I strongly feel  
6 it should be -- in the event that South Africa does not make  
7 some significant departure from its present Apartheid policy..

8 Mr. Vance. I would be delighted to do that at some  
9 date after the twentieth.

10 Senator Biden. Needless to say, I commend President-  
11 Elect Carter for nominating you as Secretary of State. I  
12 wish to commend you for taking the time to make yourself  
13 available, not only today, but prior to this committee's hearing,  
14 not only to me but I suspect also to most of the members of  
15 the committee. I would also like you to know that in spite of  
16 the fact that we are in a new Congress and I have rapidly  
17 risen in seniority, I still get to ask questions last.  
18 I think age is really the active criteria.

19 (General laughter.)

20 Senator Biden. There are two things I wish to discuss  
21 if I may. I will be brief. One subject is the area of  
22 nuclear proliferation.

23 Usually when that subject is discussed--and it has been  
24 discussed by members of past administrations and witnesses  
25 in this room who are now prospective members of the new  
administration -- in the Arms Control Subcommittee, of which

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2 I am a member, we always got around to talking about the  
3 Nonproliferation Treaty. Quite frankly, I am not sure  
4 that is the central issue on the question of whether that  
5 will stem nuclear proliferation. Mine is more of a policy  
6 question. I have been new in coming to this, since I am  
7 basically new around here, but I have the strong belief that  
8 we are really not going to do much about nuclear proliferation  
9 until an administration, the President of the United States,  
10 decides in a singular manner that it is going to be one of the  
11 top priorities in his or her administration.

12 I guess the question I have is, will you encourage the  
13 President of the United States to make this one of the top  
14 priorities, the question of proliferation and what we  
15 do about it. Will this be one of the priorities of your  
16 incoming administration?

17 Mr. Vance. The answer is unequivocally yes.

18 Senator Biden. I am delighted to hear it.

19 Mr. Vance. You will note that the first major speech  
20 that the President-Elect made in the foreign affairs field,  
21 I think during his campaign, was in the area of nuclear  
22 proliferation and the problems of nuclear energy. Specifically  
23 with respect to our department, this is a subject in which I  
24 have been very interested over the years. I have participated  
25 in a number of conferences and have chaired one this past year  
in this particular area.

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2 Insofar as the emphasis to be given in the Department,  
3 I am in the process of adding to the responsibilities of the  
4 Under Secretary for Security Affairs the responsibility for  
5 arms transfers and for nuclear proliferation. You will then  
6 have centered at the Under Secretary level the questions of  
7 security assistance, military assistance, arms transfers and  
8 nuclear proliferation. The purpose of that was to put together  
9 these interrelated issues and to have a focus for them in  
10 the government at a level where they are going to get the  
11 kind of attention which they deserve.

12 I am convinced, having talked to Governor Carter about  
13 this on many, many occasions, that this is of the highest  
14 priority as far as he is concerned.

15 Senator Biden. I am delighted to hear that.

16 I have several specific questions, but it might be  
17 more appropriate to leave those for a later hearing.

18 However, I do wish to commend you in your answer and  
19 hope that both multilateral and bilateral negotiations will be  
20 initiated regarding that issue. What we have been doing  
21 in that area has been ridiculous.

22 At any rate, to shift the field completely, I, along  
23 with Senator Case, am a member of the Intelligence Subcommittee.  
24 One of the questions that has come up in this committee and  
25 in that committee is the question of the role of the United  
States ambassadors in those countries and how much and to

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1 what extent they should be informed.

2 As you probably know, the United States Congress passed  
3 legislation, the essence of which is, and I quote, "Under  
4 the direction of the President the Ambassador shall have the  
5 responsibility for the direction, coordination, and the  
6 supervision of all United States Government offices and  
7 employees in that country, except for personnel under the  
8 command of the United States Military Commander," and it goes  
9 on. But that is, I think, the governing section.

10 There are other committees that we are on and there are  
11 nominating sessions going on right now which necessitated my  
12 being late, but I understand that you mentioned in regard to  
13 some comment made by Senator Church on covert activities, that  
14 you thought they should not be the order of the day but done  
15 only in extreme circumstances when national security was at  
16 stake. In light of that and in light of the fact that I think  
17 there has been and could be demonstrated a failure to fully  
18 implement the congressional legislation, the intent of that  
19 legislation, I am wondering whether or not you would comment  
20 on how you view the role of the United States ambassadors  
21 abroad with regard to the activities of the CIA in particular.

22 Mr. Vance. I think the ambassador is and should be  
23 the individual who has responsibility for everything in that  
24 country, including the activities of the agency, and that he  
25 should have available to him any and all information that he

1 requests.

2           Senator Biden. I am delighted with that answer. In  
3 that regard it seems to me, as I said earlier, that there is a  
4 clear indication that this legislation and the intention  
5 just expressed have not been put into effect. I would like  
6 very much -- I am not sure it is appropriate at this moment;  
7 I think it is, Mr. Chairman, but I hope you will correct me if  
8 it is not -- I would like to ask that you look into whether  
9 or not there have been policy guidelines put forward and  
10 whether or not you would report back to this committee at a  
11 relatively early date to insure us that the legislative  
12 intent is being implemented by your Department.

13           Mr. Vance. I would be delighted to.

14           Senator Biden. I would appreciate that very much.

15           I notice that one of the most distinguished members  
16 of the committee came in, Senator Humphrey. I know that he  
17 has not asked any questions and I will yield the remainder  
18 of my time to Senator Humphrey.

19           Senator Church (presiding). Senator Humphrey.

20           Senator Humphrey. Mr. Secretary-designate, we had a  
21 good visit yesterday and I think much of what I wished to  
22 discuss with you was discussed in our session in S-116  
23 yesterday afternoon. I have areas of interest because of  
24 my responsibilities in this committee that I want to concentrate  
25 on for just a few minutes.

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1           The AID administration needs rehabilitation if we are  
2 going to keep a bilateral program. It needs refreshment in  
3 terms of spirit and I think a very careful examination of  
4 personnel. The AID program is still a part of our overall  
5 national security program, bilateral and multilateral. I am  
6 afraid that in recent years, despite the efforts of Mr. Parker --  
7 and I think he tried to do a very good job -- the AID  
8 administration as such has been gripped with a certain degree  
9 of political arterio-sclerosis. I would trust that we might  
10 get the system rejuvenated a bit. I want you to give it  
11 personal attention, if I may respectfully request that.

12           I know that you indicated to us yesterday your choices  
13 in a new administrator for AID. What we need is someone  
14 who really is a tough administrator and who will see that this  
15 problem is really followed through, not only from Washington on  
16 out, but from the country back to Washington. This is  
17 something we will discuss when the AID program comes before  
18 us. I believe that we do not have to reauthorize this year.  
19 I think we only had a two year authorization. Am I correct  
20 in that? Let's see -- I think we do have to reauthorize  
21 this year.

22           Mr. Vance. Yes. I think that is right.

23           Senator Humphrey. So we will be expecting you to review  
24 the administrative structure of AID.

25           I have been told that the personnel continues to get older,

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that there has been no new flow because they have been cutting back on personnel on the basis of attrition, and when they needed extra people, they went out into the field and brought back the retirees. I think the time is at hand to try to get some new thought, new interest in this program. We have laid down certain guidelines, we have laid down new directions in the AID program after very careful examination by this committee. It started out with Senator Aiken and me rewriting the AID bill several years ago. We then rewrote the entire AID bill as a committee bill. So we have laid down pretty well what we think ought to be in that program.

The second item of our interest as far as I am concerned -- well, not my only interest, but it is one of my top priorities and that is the one that has been alluded to right now -- is the arms transfer issue. This is a \$10 to \$12 billion industry right now in the United States and any effort to curb it runs into tremendous lobbying efforts on the part of manufacturers and distributors of armaments. We ran into that here as we were trying to write a bill. We always run into it any time we review arms sales.

Yesterday you may recall we spoke of the necessity of having closer cooperation before the decision is made as to arms sales, before the letters of offer are made and then made available to this committee.

I am interested in what the new administration's arms

1 sales policy will be, for example, towards a country like  
2 Iran, a friendly country. I want to make clear that I  
3 understand the importance of Iran in the politics of the  
4 modern world. I have no hostility. To the contrary, I sense  
5 a friendliness towards Iran.

6  
7 But we have been trying in the most sophisticated type  
8 of weaponry in that country, as you may know, Mr. Secretary.

9 Mr. Vance. Yes

10 Senator Humphrey. It is weaponry which our own technical  
11 personnel find difficult to operate. Much of it has not even  
12 been fully tested by our own military.

13 The National Security Council was to have made a review,  
14 if I recollect, of our arms sales policy in the Persian  
15 Gulf. Are you familiar with that review?

16 Mr. Vance. I am familiar with the fact that it was  
17 ordered.

18 Senator Humphrey. I hope it will be given priority  
19 attention, because it is my judgment that before we approve  
20 or act on any other major arms transfers or sales, we  
21 should have that review before us.

22 This was a very high level policy review of the National  
23 Security Council

24 I notice that the Iranians are having some difficulty.  
25 Their oil production is down; oil sales are down; the cost of  
26 weaponry goes up, even though we understand that they can pay

1 for it. But over the long run I think it is a fact that our  
2 military sales to Iran have had a very decided effect on the  
3 price of petroleum from Iran. In other words, we create our  
4 own inflation by our arms sales.

5 I want very careful review. I hope that members of the  
6 subcommittee with me, and the members of this committee, that  
7 we need a very, very careful and prudent review of arms sales  
8 policy in the Persian Gulf, including not only Iran, but  
9 other countries as well. We had some difficulty over the  
10 Saudi Arabian sales over there.

11 Again, it is not a question of whether there should  
12 be sales made, but of what types of weapons, their capacity  
13 and their ability to handle this weaponry. To pay for it is  
14 maybe a secondary item because they have control over oil, which  
15 makes it possible, obviously, for them to pay. We are grateful  
16 of course to the Saudi Arabians for their moderate and  
17 cooperative attitude on oil prices.

18 Finally, Mr. Secretary, arms control, which is before  
19 this committee as a jurisdiction, is an important matter.  
20 You have heard about our concern on nuclear proliferation.  
21 I think the issue is broader than that. The whole subject of  
22 arms control gets down into our relationships with the Soviet  
23 Union, our nuclear testing.

24 Have you, as an individual, or has the incoming  
25 administration as a policy matter come to any decision on

1 nuclear testing, on lowering the threshold, for example, or  
2 banning all nuclear tests?

3 Would you address yourself to that?

4 Mr. Vance. Yes. I would be glad to address myself to  
5 that.

6 During the presidential campaign, Governor Carter indicated  
7 that he was in favor of seeking to negotiate with the Soviet  
8 Union a comprehensive test ban for a period initially of at  
9 approximately five years, or at least five years is the way I  
10 thought. I support that and would certainly expect that that  
11 would be one of the major initiatives that would be put in the  
12 hands of the Arms Control and Disarmament Agency, together  
13 with other elements of government concerned, to do the necessary  
14 work in preparation for consideration of that matter.

15 So, I think the answer is a very clear one on that:  
16 yes, that is a matter where already the President-Elect has  
17 indicated his very strong convictions, which I share.

18 Senator Humphrey, Do I understand that you feel there is  
19 a direct relationship between arms transfers, in terms of  
20 military sales, and arms control?

21 Mr. Vance. I do.

22 Senator Humphrey. The focus has to be, then, does it not,  
23 in the State Department, where the agencies of government, in  
24 this instance the Pentagon, on the matter of arms transfers  
25 must recognize that the authority, the legislative authority,

1 rests in this committee? The administrative authority rests  
2 in the State Department, is that correct?

3 Mr. Vance. That is correct. That is why I am in the  
4 process of implementing the reorganization of responsibility  
5 within the Department, to bring the focus into one place  
6 so it can be more effectively discharged.

7 Senator Humphrey. Finally, Mr. Secretary, I know that  
8 you have commented upon international economic policy. Senator  
9 Church and others might have questioned you about this.

10 I happen to believe, and I have so told President-Elect  
11 Carter in my visits with him, that I consider international  
12 economic policy the highest priority. It is the new arena  
13 of diplomacy and has taken on proportions that are far beyond  
14 anything we have known in the past.

15 Now, we have had increasing evidence of conflict between  
16 Treasury and State on economic policy. I wonder, has the  
17 Administration finally resolved where the focal point for  
18 projection of the formulation of and the production of  
19 international economic policy will be?

20 Mr. Vance. Yes. I think we have worked out a very  
21 satisfactory arrangement for that. We are putting together  
22 what is called an economic working group. The principles in  
23 it consist of the Secretary of Treasury, Secretary of State,  
24 the Director of the Office of Management and Budget, the  
25 Chief of the Council of Economic Advisors, and two representatives

1 from the White House -- one from the National Security staff  
2 and one from the domestic side.

3 This group will deal with all problems of both domestic  
4 and international import, because the two simply cannot be  
5 separated any more.

6 Senator Humphrey. I agree.

7 Mr. Vance. The working relationships between all of us  
8 who are involved in this I think are very good. I am encouraged  
9 that we can make some real progress.

10 Senator Humphrey. But will the State Department be the  
11 coordinator and the central force in this? I mean, it is  
12 wonderful to have these coordinating groups; they all meet  
13 together and coordinate and then they go on their own  
14 separate ways. We have seen this in the past. All of us  
15 around here have been in government, and most of us for quite  
16 a while. I was just wondering who is going to speak, outside  
17 of the President, in terms of the international economic  
18 policy?

19 Mr. Vance. I would think it would be both myself --  
20 well, the President, me, and the Secretary of the Treasury --  
21 depending upon the particular forum, on where the  
22 discussions are going on.

23 Senator Humphrey. Will there have been an agreed-upon  
24 policy for the spokesmen to speak?

25 Mr. Vance. There will. Unquestionably.

1           Senator Humphrey. We have not had that lately.

2           Senator Case. I am glad the Senator is emphasizing  
3 this because there is no question about the fact that for  
4 the future, if we have to say one thing is more important  
5 than another, I think our economic relations with the rest  
6 of the world are probably the most important, and that the  
7 Department of State has to be, I think, paramount in its  
8 involvement in this area. This is not a question of banking,  
9 primarily. It is a question of great international relationships.

10           I beg my colleague's pardon for interrupting, but I  
11 wanted to underscore his statement. This is reflected, in a  
12 sense, in this committee's determination to maintain its own  
13 interest in the matter as a matter of foreign relations.

14           Mr. Vance. May I just say a word on that?

15           Senator Humphrey. Please.

16           Mr. Vance. I agree fully with this, and that is why I  
17 am terribly pleased that Richard Cooper, Professor Cooper, has  
18 agreed to serve as the Under Secretary for Economic Affairs in  
19 the State Department. He is enormously experienced and  
20 talented in this area. Others in the government wanted him  
21 to come to help them; but in a cooperative way we said, "Where  
22 can this best fit and contribute most?" Everybody agreed  
23 that State was where he was most needed, and that is where he  
24 is going.

25           Senator Humphrey. Mr. Chairman, might I say that my

1 tardiness was due to the fact that Congressman Bergland was up  
2 for Secretary of Agriculture and he happens to be from  
3 Minnesota. We are a great agricultural state and have a  
4 great interest in agricultural policy, including an international  
5 agricultural policy. I wanted to spend some time there to  
6 make sure that he was received with all of the accolades which  
7 he richly deserves.

8 Thank you very much.

9 Mr. Vance. Thank you,

10 Senator Church. Are you finished, Senator Humphrey?

11 Senator Humphrey. Yes.

12 Senator Church. Thank you very much, Senator.

13 Mr. Vance, you have two Under Secretaries that have  
14 been established by law -- an Under Secretary of State for  
15 Political Affairs and an Under Secretary of State for Economic  
16 Affairs. Would you agree with me that these are the two  
17 sides of the foreign policy coin?

18 Mr. Vance. Yes, they are. But I would not downgrade  
19 the importance of the Under Secretary of State for Security  
20 Affairs, which now includes not only security affairs, but  
21 also arms transfers and proliferation.

22 Senator Church. So we should view it as a triangle,  
23 then, because I think that the national security aspect is  
24 equally important and I had lumped it within the political.

25 Mr. Vance. Yes.



1           Senator Church. But if you view it as a triangle, does  
2 it not follow that this committee could not discharge its  
3 responsibility to help shape and monitor the foreign policy  
4 of the United States if it had no authority to enquire into  
5 economics abroad?

6           Mr. Vance. I'm sorry, but I did not get your question.

7           Senator Church. My question is would you not agree  
8 that if this committee, which is charged with monitoring and  
9 helping to shape American policy, could not do its job if  
10 it lacked the authority to enquire into foreign economic  
11 policy questions?

12          Mr. Vance. I quite agree with that. Yes.

13          Senator Church. You agree with that.

14          Senator Percy. Senator Church, would you yield on that  
15 point?

16          Senator Church. Yes, Senator Percy.

17          Senator Percy. This is of great importance to this  
18 committee. This committee helped, and I introduced legislation,  
19 to create a full time Under Secretary of State for Economic  
20 Affairs, not conceiving that we could conduct our affairs in  
21 this country or abroad without that kind of attention.

22                Is it not true that increasingly economics will be  
23 important to the State Department?

24          Mr. Vance. No doubt about it.

25          Senator Percy. We are becoming a have-not nation.

1 The oil companies have testified in this room that they can  
2 no longer deal on pricing, even, if all is done by governments.  
3 Cartels are being created in bauxite and other raw materials  
4 on which we are dependent. It is a matter of foreign policy,  
5 not just a financial operation.

6 In your judgment, is it not important that the two  
7 be bound integrally together?

8 Mr. Vance. Yes.

9 Senator Percy. Thank you, sir.

10 Senator Church. We are now about ready for the second  
11 round. I notice it is 20 minutes after 12:00, but I do want  
12 to accommodate Senators who have waited.

13 If it is all right, we will now proceed with the  
14 second round of questions and I will recognize Senator Case.

15 Senator Case. Thank you, Mr. Chairman.

16 I have no questions to ask on the second round except  
17 to say that I should like to have a couple of questions answered  
18 for the record which I shall submit to you later.

19 Mr. Vance. Of course.

20 (The questions of Senator Case follow:)

21 COMMITTEE INSERT

1           Senator Church. Thank you, Senator Case.

2           Senator Pell.

3           Senator Humphrey. Mr. Secretary, Mr. Chairman, please  
4 excuse me. We have a Democratic conference and I am supposed  
5 to be there, so I am going to leave you now. I fear it may  
6 look like I am being discourteous, but I assure you I am not.  
7 I wish I could stay.

8           Senator Church. I might say that because of the  
9 Democratic conference scheduled to take place at 12:30, we  
10 must recess after the questioning of Mr. Vance has been  
11 completed. The committee will adjourn until 2:00 o'clock  
12 this afternoon when we will take up and hear the other  
13 witnesses who are scheduled to testify.

14           We will recess after we have completed the questioning  
15 of Mr. Vance.

16           Senator Pell.

17           Senator Pell. Thank you, Mr. Chairman.

18           What would be your view, Mr. Vance, as to the proper  
19 scope of executive agreements as against treaties?

20           The current State Department view, stated by the Legal  
21 Advisor, is that the President has independent constitutional  
22 authority to enter into international agreements, and that  
23 the choice of the instrumentality, whether by executive  
24 agreement or by treaty, lies exclusively with the President.

25           Will the new administration adhere to this practice, or

1 alter it? As you know, it is a bone of some contention with  
2 us.

3 Mr. Vance. I realize it is a bone of contention. I  
4 have not looked into it from the legal standpoint myself. But  
5 I gather there are constitutional issues involved in this  
6 question on which I would like to inform myself before  
7 attempting to answer that question.

8 I would hope that that kind of question will not  
9 come up frequently and that with frequent and more steady  
10 cooperation we can avoid that kind of confrontation.

11 Senator Pell. Thank you .

12 I have several very short and specific questions.

13 Until recently the Bureau of Ocean Affairs had a very  
14 short shrift in the Department. The post was not filled;  
15 then it was filled by a lady who felt the total function was  
16 one related to energy; then it was not filled again for many  
17 months.

18 The present Assistant Secretary, Mr. Irving, is doing  
19 an excellent job. I understand he will be replaced by  
20 Congresswoman Mink. How do you see this bureau moving ahead  
21 and securing its rightful place in the Department, representing,  
22 as it does, 70 percent of the earth's surface, as opposed  
23 to other geographic bureaus, which have combined 30 percent?  
24 It ought to be treated at least like the geographic bureaus.

25 Mr. Vance. I think it should be treated like the

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geographical bureaus. To that end I have asked that the Under Secretary for Security Affairs and Proliferation Affairs act as the Dutch uncle and make sure that the problems of that bureau get up and --

Senator Pell. You mean Dutch aunt, don't you?

Mr. Vance. Yes, Dutch aunt.

(General laughter.)

Mr. Vance -- and that they get the kind of daily consideration they need. Of course, the Assistant Secretary has access to me at any time that she wants. But on a day to day basis, it should get the kind of day-in and day-out supervision and help, and for this I think it is better to have this Dutch aunt.

Senator Pell. Will you give the new chief of the bureau supervision over the Law of the Sea negotiations; or do you consider that as a separate function?

Mr. Vance. I have not yet decided that.

Senator Pell. Now, another specific question. Considering the poisoning of our embassy in Moscow by the Russian microwaves, have you followed this and what can be done about it?

Mr. Vance. I read a memorandum on that this morning. I gather this subject is one of discussion with the Soviet Union at this point. I think we ought to see what response we get to that. However, it is a subject over which I have

1 real concern, because it is a question of the health of  
2 individuals working for the Department. I will make sure  
3 it gets the proper supervision and attention.  
4

5 Senator Pell. That is why I asked the question. I  
6 recognize the nature of the things going on. But I felt it  
7 would be good for the Service to know we are concerned and  
8 interested.

9 Mr. Vance. Yes.

10 Senator Pell. Finally, the Department has a policy of  
11 not negotiating with terrorists in the event that they  
12 capture an American diplomat, or negotiating at all. Many  
13 people consider this policy to be rigid.

14 What is your own view of this policy?

15 Mr. Vance. Again, we have set up a review in the NSC  
16 of the question of terrorism and what our policy should be.  
17 We have set a timetable for the development of the papers on  
18 that. It is an important subject and one where, I think,  
19 we ought to have a policy.

20 Senator Pell. Following up on that thought, my  
21 understanding is that it is being increasingly realized  
22 that when terrorists succeed, and yet one or two of them are  
23 captured, that then provides the grounds for another terrorist  
24 incident to get those people in turn out of jail, and that  
25 therefore nations should probably shoot to kill rather than  
arresting and holding.

1           Wouldn't this be a pretty good policy for all nations  
2 to follow, to avoid the bail-outs of captives which provides  
3 an excuse to hijack another plane and risk more innocent  
4 people?

5           Mr. Vance. I am not sure in all circumstances that it  
6 is.

7           Senator Pell. But it is perhaps a direction that  
8 ought to be considered?

9           Mr. Vance. It is one we would take a look at.

10          Senator Pell. Thank you, Mr. Vance.

11          Senator Church. Senator Javits.

12          Senator Javits. If you would please allow me just  
13 five minutes.

14          Senator Church. Surely.

15          Senator Javits, I just have two questions. We will,  
16 I am sure, be seeing a lot of you.

17          One is a line of questioning I pursued before. After  
18 all, the end of foreign policy is to keep the peace, and the  
19 failure of foreign policy is to resort to war. Therefore I  
20 call your attention to what you already know, the War Powers  
21 Act, a totally new law since you were previously on the scene  
22 here.

23          Mr. Vance. Yes.

24          Senator Javits. Section III reads as follows: "The  
25 President in every possible instance shall consult with Congress

1 before introducing United States Armed Forces into hostilities  
2 or situations where imminent involvement in hostilities  
3 is clearly indicated by the circumstances, and after every  
4 such introduction shall consult regularly with the Congress  
5 until the United States Armed Forces are no longer engaged  
6 in hostilities, or have been removed from such situations."

7 Do you or the new administration see any problem with  
8 the good-faith observance of that law?

9 Mr. Vance. I do not.

10 Senator Javits. Do you challenge it under the  
11 Constitution as to the President's power?

12 Mr. Vance. No.

13 Senator Javits. Would you therefore undertake to  
14 confer with this committee as to what methodology and guidelines  
15 have already been worked out with the State Department and what  
16 the new administration would like to work out in respect of  
17 the implementation of this generally regarded very critical  
18 aspect of the new policy of our country?

19 Mr. Vance. I will.

20 Senator Javits. The other thing concerns the line of  
21 questioning which Senator Danforth had for you, that is, the  
22 question of what Governor Carter had promised or said in the  
23 campaign.

24 Now, we are not playing with that as a Minority; but it  
25 is important because it is not just campaign rhetoric. He is



1 an honest and sincere man and now he will be the President.  
2 What he said will count very heavily. So, if it is going to  
3 stand, we ought to know; if it is going to change -- and I hope  
4 he will feel very free to change or further define these --  
5 then we ought to know that, too.

6 There are two additions to what Senator Danforth asked  
7 and I will name them both because I want to economize on time.  
8 One is Yugoslavia, that is, our attitude toward any aggressive  
9 action toward Yugoslavia. Now I have just been there and  
10 my reports have been going through the mill. It is my profound  
11 conviction that if the nationalities stay together, we will  
12 not face that danger of some application of the Brezhnev  
13 Doctrine to Yugoslavia. But if they should fall apart -- our  
14 great effort, in my judgment, should be to keep them  
15 together -- but if they fall apart, we may be in great danger.

16 If you want to answer that now, okay. If not, I  
17 certainly hope that at the earliest time the new administration's  
18 policy may be stated about whether it is or is not, what  
19 Governor Carter said in the debates -- that is one.

20 The other question concerns the Panama Canal, the same  
21 proposition. I personally happen to believe in the  
22 Kissinger-Tack principles. You know as well as I do that this  
23 is the dominant political question in Latin America as far as  
24 the United States is concerned.

25 By the way, Latin America has not been mentioned here

1 this morning. That is what they always complain about, that  
2 we are always talking about every other place but our  
3 nearest neighbor, Latin America.

4 So, his spelling out what he meant when he said that he  
5 is going to see to our sovereign right there, whatever that  
6 may mean and however his language was, I would strongly urge  
7 the Secretary Designate that this be clarified.

8 Mr. Vance. Let me speak to the latter.

9 I think we have not discusse d the former adequately  
10 enough to give you a definitive answer.

11 With respect to the Panama Canal situation, as I have  
12 stated publicly on several occasions, I believe this to be  
13 one of the most important and pressing issues which the new  
14 administration will face. This is, as you indicated, being  
15 watched with great care and interest, not only in Panama, but  
16 in Latin America, and indeed in the whole Third World.

17 It is my view that we should reopen the negotiations  
18 at a very early point and seek to resolve the remaining issues  
19 promptly. I think this is important both from the standpoint  
20 of security and access to the Canal, and to the situation in  
21 Panama. Also, it is of great symbolic importance to the Third  
22 World and to how we will be viewed in the upcoming discussions  
23 in the so-called North-South dialogue we will be entering  
24 into in several other fora.

25 Senator Javits. Every word you have just uttered is going

1 to be weighed. So, I must ask you just one other question to  
2 make it crystal clear.

3 Does that mean that you are going to open up the  
4 negotiations so that the Tack-Kissinger principles are  
5 up for renegotiation, or that you accept what has been done,  
6 to wit the Tack-Kissinger principles, and that you are going  
7 ahead to negotiate within a context which the United States  
8 has already agreed to?

9 Mr. Vance. I cannot state what the position is going  
10 to be. I can only state my own position, and I have publicly  
11 stated it; that is, I accept the Tack-Kissinger principles.  
12 I cannot speak for the new administration.

13 Senator Javits. Good. Thank you very much.

14 Thank you, Mr. Chairman.

15 Senator Church. Senator Percy.

16 Senator Percy. Mr. Secretary-designate, I should first  
17 like to ask about the Middle East.

18 On November 17, 1976, Major General Ariel Sharon urged  
19 the Israeli government to hold talks with the Palestinians.

20 Mr. Vance. To do what?

21 Senator Percy. He urged the Israeli government to hold  
22 talks with the Palestinians concerning a Middle East settlement.  
23 I would like to couple that with a comment that out of a  
24 recent meeting of the PLO and nonofficial Israeli personalities  
25 came a report that the PLO is now prepared to recognize Israel's

1 sovereignty in exchange for a Palestinian state in Israeli  
2 administered territory.

3           There are two questions. Would you care to comment  
4 on General Sharon's recommendation to the Israeli government  
5 that it hold talks with the Palestinians, possibly in  
6 Geneva? Secondly, are you able to give us any information  
7 as to the reliability of the report that talks have already  
8 taken place between the PLO and Israel nonofficial  
9 personalities?

10           Mr. Vance. The answer is I cannot give you any information  
11 with respect to the latter. With respect to the other  
12 questions you have asked, let me state I think it is clear  
13 that the legitimate interests of the PLO must be dealt with  
14 in any ultimate solution of the Middle East problem. However,  
15 I would also note that so long as the PLO refuses to recognize  
16 Israel's right to exist, the recognition of the PLO is  
17 something I would not recommend.

18           Senator Percy. Identical to the position that I took  
19 publicly two years ago. I certainly concur with you. I  
20 think initiative must come from the PLO. They must be  
21 realistic, as every other Arab country now has become.  
22 Privately, some of them even openly, will now recognize the  
23 right of Israel to exist. With that assurance I think some  
24 progress can be made.

25           Did you say the time is running out and that possibly

1 the climate is now ripe to move ahead and take an initiative  
2 in seeking peace in the Middle East? In asking that question,  
3 I would like, Mr. Chairman, to put on the record once  
4 again my tremendous admiration for what Secretary Kissinger  
5 has accomplished over a period of years in this area, to  
6 really find a basis for peace and to put us into a position to  
7 enable us to be a factor, the factor as both sides see it now,  
8 in trying to bring peace about. They did need some third  
9 force intervene, and we have put ourselves in that position  
10 and are looked to by both sides as the only ones capable of  
11 helping to bring peace.

12 Do you feel that the time is right now to move ahead  
13 and take a new initiative and put this very high on our agenda?

14 Mr. Vance. There is no question that it must be very, very  
15 high on our agenda. Recent statements by various Arab leaders  
16 and by Prime Minister Rabin all indicate interest in progress  
17 in the Middle East. As we all know, that is a very difficult  
18 and thorny path to walk. But clearly it must be at the top of  
19 our agenda, and one to which we must address ourselves  
20 immediately.

21 Senator Percy. Some time ago -- I think it was early  
22 1974 -- in talking with most of the leaders of the Arab world --  
23 I guess all of them -- they constantly pointed out that one  
24 of the greatest deterrents to peace and the ability to work out  
25 peace was the political weakness of Prime Minister Rabin.

1 Not one of them spoke against him. They simply said he could  
2 not deliver because of the divided political conditions, which  
3 realistically we many times have in this country. He is in  
4 even more weakened condition right now.

5 Is the political condition in Israel going to hold up  
6 until they have elections and move ahead with finding a basis  
7 for a stable and lasting peace? What is our time table?  
8 Can we, for instance, look forward to some successful  
9 negotiations this year?

10 Mr. Vance. I cannot give you a time table. There is  
11 no question but that the political situation in Israel is a  
12 complicating factor. I do not think, however, that the fact  
13 that there will not be elections until May means that no  
14 progress can be made in beginning to explore the possibilities  
15 during that interim period.

16 Senator Percy. Thank you.

17 I would like your comments on oil and OPEC.

18 It looks as though with a little more movement toward  
19 economics rather than politics that market factors may start  
20 to take hold, if you truly believe them. There is a split  
21 in OPEC on the issue of pricing.

22 What are the prospects for continued Saudi and United  
23 Arab Emirates leadership in holding price increases down?  
24 I think they fully recognize that an increase at this time  
25 might have a disastrous setback for economic recovery and

1 would be a disastrous burden on Third World developing  
2 countries and would add to world inflation, which would hurt  
3 all of the OPEC countries.

4 Is there a possibility that those facts of life will  
5 become apparent to other OPEC countries and that we will not  
6 face again in July this threat of what I consider to be a  
7 disastrous possible price increase?

8 Mr. Vance. I don't know what they are going to do in  
9 July. It would be a pure guess on my part to try to answer  
10 that question.

11 I was encouraged to see the action taken by the Saudis  
12 and by the Emirates. I think it was a very wise action in  
13 light of what the implications would have been for the economic  
14 situation, particularly in Europe.

15 I think one of the important facts that is going to bear  
16 on all of this is what we do back home, here, with respect  
17 to an energy policy. We have to get at that. That may have  
18 an effect upon what happens in the Middle East.

19 Senator Percy. I could not agree with you more on that.

20 Do you see also that if we move aggressively ahead with  
21 an energy policy in this country, with a high priority on  
22 conservation and alternate energy sources, with which all  
23 oil producing countries are in a sense in agreement -- many of  
24 them would like to keep their oil in the ground since it will  
25 some day be worth \$100 a barrel to them, rather than, as one of

1 them said giving it away today at \$11.51 -- do you see also  
2 a linkage , however, that if we can move ahead with peace in  
3 the Middle East, it will have a material effect and strengthen  
4 the hands of those who want to provide stability of pricing  
5 in July for the forthcoming OPEC meeting?

6 Mr. Vance. I don't know. All I can say is we have made  
7 no commitments in connection with any discussions; but the  
8 Saudi Minister of Petroleum has indicated that in his mind  
9 there may be some linkage. But there was absolutely no  
10 commitment by either the incoming or outgoing administration.

11 Senator Percy. Well, if we could see progress and could  
12 see an initiative undertaken by the United States for peace  
13 in the Middle East through Geneva or whatever format by July,  
14 and see an initiative, a prospect and a hope for it, and  
15 also see some prospect for hope to bring together North-South  
16 and the conflict that we have with them, and see that we  
17 can somehow work together toward a common objective, would  
18 this in turn help stabilize that situation to a degree -- at  
19 least not hurt it?

20 Mr. Vance. At least it would not hurt.

21 Senator Percy. There has been some discussion in  
22 economic policy circles of trying to orchestrate a general  
23 economic recovery through a consultive effort between Japan,  
24 the United States, and Germany, to get the economic engines  
25 of these three powerful countries going.



1           Do you feel such an effort is realistic, and in general,  
2 what importance do you place on the coordination of policy,  
3 economic policy, between the United States, Japan, and Germany  
4 on other leading countries? Would you foresee a continued  
5 need for economic summitry?

6           Mr. Vance. I would.

7           I think it is essential that there be coordination  
8 among the various countries which have been involved in economic  
9 summits before. With respect specifically to the economic  
10 stimulus package to which you have referred, there has not been  
11 time for anybody in the new administration to discuss this  
12 with either Germany or Japan. But obviously this will be a  
13 subject of discussion.

14          Senator Percy. I have just two questions. My time is  
15 up, Mr. Chairman, and I will wait until after Senator Danforth  
16 and you have asked yours.

17          Senator Church. I have no further questions.

18          Senator Danforth. I have but one question; please feel  
19 free to proceed.

20          Senator Percy. No. You go ahead.

21          Senator Church. All right, Senator Danforth.

22          Senator Danforth. Mr. Vance, there have been serious  
23 allegations of illegal activities sponsored by the South  
24 Korean government within the United States, including bribes  
25 within the Congress. If those allegations are true, what

1 significance would that have for American policy toward  
2 South Korea?

3 Mr. Vance. Clearly that cannot help but erode support  
4 in the United States for South Korea.

5 Senator Danforth. Would it have any effect with respect  
6 to our obligation to defend South Korea?

7 Mr. Vance. No. A security treaty is a security treaty.

8 Senator Danforth. And the decision on whether or not  
9 to withdraw ground troops from South Korea would be based on  
10 factors other than this development?

11 Mr. Vance. I think the answer to that question is yes.  
12 It would have to be.

13 Senator Danforth. Do you see how the United States  
14 can present itself as being a standard of morality in the  
15 world without having some kind of reaction to this factor?

16 Mr. Vance. I think it is likely that some sort of  
17 reaction will have to be made with respect to that. On the  
18 other hand, no one is blameless in these matters and I suppose  
19 it has to be weighed very carefully when you decide what the  
20 action is that is going to be taken.

21 Senator Danforth. It is very difficult to talk morality  
22 in terms of foreign policy.

23 Mr. Vance. It is.

24 Senator Danforth. As you pointed out, I think in  
25 answer to a question by Senator Pell, we do have certain

1 strategic interests, military interests, defense interests,  
2 and we have to weigh those very, very carefully. South  
3 Korea, I take it, is important on its own terms and also  
4 because of the perception in Japan of our relationship with  
5 South Korea. However, it is difficult to imagine, is it not,  
6 a more obvious case in which the United States should say  
7 something, than with respect to the corruption which exists  
8 apparently not only within South Korea, but which has spread  
9 from South Korea into the very capital of our country.

10 Mr. Vance. There is no question that there has to be,  
11 when the facts are determined and if they are determined --  
12 as you indicate, they are allegations -- that this is the  
13 case. This is a very strong condemnation.

14 The question I thought you were asking was what do you  
15 do then with respect to the security side of the equation.

16 Senator Danforth. Yes. Is there a relationship between  
17 their action and our policy, other than, say, a verbal  
18 condemnation which would be forthcoming from us?

19 Mr. Vance. I think this is a matter we are going to have  
20 to look at very, very carefully. I think I have answered it  
21 as best as I can -- the first question you put to me.

22 Senator Church. Thank you, Senator Danforth.

23 Senator Percy.

24 Senator Percy. My final question is on the economic  
25 area.

1 We are, along with many other developed countries, absolutely  
2 committed to a general concept that we have an obligation  
3 and a duty to developing under-developed countries overseas.  
4 I am very distressed that, for instance, we are as a nation  
5 now \$55 million in arrears on our pledged contribution to the  
6 International Development Association, the soft loan window  
7 of the World Bank. Do you see an increasing role for the  
8 U.S. in existing international finance institutions in  
9 relationship to our bilateral programs? What kind of factors  
10 should be considered in determining this?

11 Mr. Vance. Yes, I do.

12 I think this is of fundamental importance. I think we  
13 must pay up our back obligations and I think we must increase  
14 the amount which we are putting into the international financial  
15 institutions. I believe they should be the basic source of  
16 capital going into the developing countries.

17 Senator Percy. Having been in Japan and Europe I have  
18 met with most of the major industrialists in this country  
19 in the past two months. I am really very concerned about  
20 where we are going to get this stimulus. I am not so sure  
21 tax is going to do it entirely.

22 Is there any possibility in your mind that we not only  
23 morally would be doing the thing, but that we might really  
24 be providing a stimulus to economic recovery and to get the  
25 engines going again if we could place an emphasis upon the

1 growing needs of the LDC's?

2 Mr. Vance. I think the answer is yes.

3 Senator Percy. We should work with OPEC countries  
4 who have cash running out their ears. We should work with  
5 them and find ways to provide our backup, our technology,  
6 our know-how, our goods, financing; use their financing to  
7 kind of help stimulate the kind of economic recovery that  
8 certain countries, such as Saudi Arabia, Kuwait and others,  
9 want to see happen. They do not want to see the condition  
10 of a million unemployed in Japan and a million unemployed in  
11 France, England on its back, and the United States with 8 million  
12 unemployed. Is this not a way to act not only in our own  
13 interest, but to do both the right thing and help economic  
14 recovery world-wide?

15 Mr. Vance. The answer is yes. I think one of the major  
16 problems to be faced, and one to be faced very promptly, is  
17 what we do about the question of debt restructure. It is a  
18 very important and difficult question that is going to come up  
19 as early as March or April.

20 Senator Percy. Well, our expert on that is our own  
21 colleague now, Senator Moynihan.

22 With respect to East Asia, do you expect the current  
23 political upheaval in the People's Republic of China to slow  
24 the progress of the normalization of Sino-American relations?

25 Mr. Vance. There are no indications that it will.

1 It is the stated principles of the Chinese that they adhere  
2 to the principles of the Shanghai communique insofar as  
3 our bilateral relations are concerned, and to the principles  
4 previously enunciated by Chairman Mao before his death.

5 Senator Percy. Would you care to answer in Executive  
6 Session some time in the future, or now, whether you have any  
7 thoughts in mind of talking with the Soviet Union about the  
8 possibility of limitations on the quantities and sophistication  
9 of arms that both countries send to the Middle East?

10 Senator Vance. I would be perfectly willing to answer  
11 that in open session.

12 I think this is one of the questions we clearly should  
13 talk with them about. As you know, a number of the private  
14 nonprofit scientific groups in both countries have discussed  
15 this thing on a number of occasions, as an issue, and the  
16 answer that has always occurred up to now is that must depend  
17 upon a political settlement in the Middle East. But it is  
18 clearly a very important question and cuts across the  
19 problem of arms transfers generally.

20 Senator Percy. I was not here when Senator Clark asked  
21 his questions on Southern Africa. We were both down there.  
22 I presume he covered Rhodesia thoroughly.

23 Mr. Vance. He did.

24 Senator Percy. In your judgment, is there a real role  
25 for the United States to play in Namibia in seeing that we do

1 try to end the trusteeship now that South Africa has imposed  
2 upon them over the objections of every nation on earth, and  
3 move them toward independence, even if it includes the SWAPO,  
4 about which Vorster is not very enthusiastic? But he says  
5 that if they want SWAPO involved, they have no objection.  
6 Can we play a real role? In essence, should we place this  
7 fairly high in priority to bring about a resolution of that  
8 agonizing and three-decade-old problem?

9 Mr. Vance. I talked to Senator Clark about this issue.  
10 I indicated to him that I thought it might be possible for us  
11 to play a role in this area and that our objectives should  
12 be to encourage the independence of Namibia by peaceful  
13 means at the earliest possible opportunity. I reviewed the  
14 fact that the negotiations had seemed to come to a standstill  
15 at this point, but that perhaps there were ways that might  
16 be found to start them going again.

17 Senator Percy. Finally, I am sure that Senator Pell  
18 went into the Law of the Sea. In Japan two deep issues were  
19 involved -- South Korea and our position there, and the Law of  
20 the Sea and its deep effect upon them. They are really very  
21 dependent upon fish.

22 Is it your statement that we are going to sit down with  
23 the Japanese, that we will be equitable and not arbitrary  
24 about this and draw the line and say, "Get out of the 200 mile  
25 limit when it becomes effective;" that we will work out with

1 them what our end objective is, to preserve supplies? That  
2 is what we are trying to do. We are not trying to hold it  
3 to ourselves. We are trying to stop the depletion that is  
4 now going on, such as in whales.

5 It is happening in all of the sea. Is it our objective  
6 to sit down with our friends in Japan in an understanding  
7 way and work this out?

8 Mr. Vance. Yes, and with the Canadians as well.

9 Senator Percy. Fine.

10 I would like to say, Mr. Chairman, that without  
11 equivocation I intend to cast an enthusiastic vote for  
12 confirmation of Mr. Vance. This is not only based on my  
13 years of working relationship, but I think his simply  
14 magnificent response to our questions here this morning. I  
15 have looked over carefully your confidential financial  
16 statement. I think it is impeccable. I have only one  
17 question with respect to one aspect of it. I would like to  
18 ask that in private. If we could meet after this session,  
19 I can dispose of it.

20 Mr. Vance. Of course.

21 Senator Church. I do not sense, Mr. Vance, that your  
22 nomination is in deep trouble.

23 (General laughter.)

24 Senator Church. I do think, however, that you said  
25 something quite quietly that touched me to the core.



1           In your colloquy with Senator Danforth and your response  
2 to how we treat the delicate problem that is presented to us  
3 by the charges of illegal, improper, and corrupt activities  
4 by the South Korean government in this city, you very quietly  
5 said, "After all, none of us are blameless." I thought that  
6 underscored in a very vivid way the price we pay for our  
7 own insistence upon our right to intervene in the affairs  
8 of other countries in these very ways. We paid for it in the  
9 use of the same methods in our own politics during the  
10 Watergate period. We paid for it in the transgressions and  
11 the disregard for the law and the arrogance of power that  
12 was so clear in our investigation of the CIA and the FBI.  
13 We now pay for it as the chickens come home to roost in  
14 this country, as other governments begin to penetrate our  
15 own country and serious questions arise as to the activities  
16 of the secret police of foreign governments in this country  
17 in connection with certain murders that have occurred in  
18 recent months.

19           So, it is a fearful price that we pay -- and we pay,  
20 and we pay, and we pay.

21           Now, you have already discovered, if you did not know  
22 it beforehand, that this forum is used for two purposes by  
23 members of this committee. One is to ask questions and the  
24 other is to offer the answers to those questions.

25           (General laughter.)



DCI Comments

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### NEWS SERVICE

Date. 27 Jan

Item No. 4

Ref. No. \_\_\_\_\_

#### DISTRIBUTION II

UP-052

(BUSH)

NEW HAVEN, CONN. (UPI) -- GEORGE BUSH, FORMER NATIONAL GOP CHAIRMAN AND CIA DIRECTOR UNDER PRESIDENTS NIXON AND FORD RESPECTIVELY, PLANS TO REMAIN ACTIVE IN THE REPUBLICAN PARTY.

BUSH, WHO TOLD NEWSMEN YESTERDAY HE HAS NO IMMEDIATE PLANS TO SEEK PUBLIC OFFICE, SAID HE WAS IMPRESSED BY PRESIDENT CARTER'S DESIRE TO MAINTAIN AMERICAN STRENGTH IN THE WORLD.

HE SAID HE MET TWICE WITH CARTER DURING THE TRANSITION PERIOD AND THE PRESIDENT-ELECT "ASKED PENETRATING QUESTIONS ABOUT NATIONAL SECURITY."

BUSH SPOKE AT A NEWS CONFERENCE AT HIS ALMA MATER, YALE UNIVERSITY, WHERE HE BEGAN A THREE DAY SPEAKING ENGAGEMENT AS A CHUBB FELLOW.

BUSH SAID HE WASN'T CONCERNED BY THE FACT THAT NO ONE NOW HEADS THE CIA AS A RESULT OF THEODORE SORENSEN'S WITHDRAWAL FROM THE NOMINATION. HE SAID HE WAS NOT ASKED BY CARTER TO REMAIN IN THE INTERIM.

UPI 01-27 11:30 RES

SUBJECT: Soviet Intelligence Use of USA Institute, Moscow

With the exception of the Soviet Party, i.e., full-time Party officials, there is no element of the Soviet bureaucracy which is not available to the KGB, either to provide cover for KGB staff personnel or for its own personnel to provide ad hoc assistance to the KGB (coopting). The USAC Institute is no exception; the list of known officials of the Institute includes persons with known KGB background whom we believe, with varying degrees of certainty, to retain KGB ties or affiliation of one variety or another. We are not aware of any instances of active espionage activity conducted by such persons within the USAC, however.

The KGB presumably receives at least some of the publications of the USAC Institute for its own internal use, though we have no hard information to prove this. Similarly, we assume without question that personality assessment information on Americans (and Canadians) with whom USAC Institute officials deal makes its way to the KGB.

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for Sec. the  
DOF seen no reason  
whatsoever for not  
giving this to the  
SSC.I

~~Senate~~  
Senate leadership

SSCI (all members)

Appro Int'l Ops S.C.

S. Annual Services (CIA S.C.)

S. For. Rel

Sparksman + Base

~~Budget?~~



House Secretary  
Malzi S.C.

Appro. Mahant Edwards

Int'l Ref Zablocki  
→ Brownfield

*James Baker*

Briefing Outline  
Country Briefs  
~~What he should~~  
~~know~~  
Subj. Topics →  
Current Issues



- NIEs -

3-20 Jan.  
prepare for  
confirmation

~~Lehman?~~ —  
Media? —

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