United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510

June 12, 1986

The Honorable William J. Casey
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505

Dear Bill:

I thought you might be interested in reading my speech to the National Press Club on 10 June.

Sincerely,

Dave Durenberger
Chairman

Enclosure

Senator Dave Durenberger
U.S. Senator for Minnesota

PROTECTING THE PUBLIC INTEREST:
Intelligence Oversight in a time of
Terrorism, Leaks and Covert Action
Remarks by Senator Dave Durenberger
National Press Club
Washington, D.C.
June 10, 1986

Thank you very much for the
›rtunity. It's always a pleasure --
an honor -- to appear at the
ıonal Press Club.

I don't need to tell those of you
are working reporters that most
.ticians thrive on headlines.

But, national intelligence is -- by
nition -- silent and discrete.

Pol:ticians are often tempted to
for dramatic and simple solutions
mmediate problems. Building an
ence is, after all, supposed to
d consensus.

But, intelligence frequently
ınds ambiguity -- and does its best
when it stimulates interest in
›lems which today are just a glimmer
.he horizon.

Our entire political system is
icated on partisanship and
alism.

But, legislative oversight requires bipartisanship and solidarity.

Silent . . . discrete . . . ambiguous . . . long-term . . . bipartisan . . . boring, boring, boring . . .

And yet, intelligence oversight has emerged as one of the most complex, challenging, and vital duties which Congress can perform. It is probably also one of the most thankless -- and, and as I've just noted, it flies in the face of conventional behavior both of politicians and the reporters who cover them.

That's why -- eighteen months ago -- when I stepped into Barry Goldwater's shoes and became chairman of the Senate Intelligence Committee -- I promised my friends in the media a boring and unnewsworthy two years.

Don't invest a lot of your time hanging around the Intelligence

Committee, I said, that is if your editors are looking for the kind of stories we usually see under front page headlines.

Well, all of you here know what kind of ground we've all been over in the past eighteen months. 1985 will long be remembered as "The Year of the Spy" . . . and 1986 is well on its way to being remembered as "The Year of the Leak."

We've been bombarded with headlines about leaks like:

"U.S. discloses secret plan by the Sandinistas"

"CIA anti-Quaddafi plan backed"

And, about spies like:

"Pelton convicted of selling secrets"

"Ex-analyst pleads guilty to spying for Israel"

And, of course, the latest controversy involving the role of the media itself in reporting leaks and covering spy trials.

All that kind of attention is tough for politicians to shake-off . . . and I know it's the sort of thing that makes juices flow in even the most substantive capitol hill reporter.

So, the Intelligence Committee has not -- as I promised -- been out of the headlines for the past eighteen months. And, as so often happens in politics, attention turns to controversy . . . and controversy, in turn, sometimes leads to unwise calls for change.

Unfortunately, those of us who believe in the essential role which congressional oversight of intelligence plays in a democracy must rise in its defense on an all-too-frequent basis.

I say that, because at least some of the calls for changes in oversight come from a small minority of individuals in this country who believe that congressional oversight and intelligence are two paths which ought never cross.

With each day's news headlines, I am reminded of the proverbial Chinese curse: "May you live in interesting times!" We in the intelligence oversight business are certainly living in interesting times.

But it's almost a truism that ours is not only interesting, but an ever more dangerous and complex world.

On top of the four decade old spectre of nuclear weapons comes the largely new threat of state-sponsored international terrorism.

Political stability in the Third World is ruptured by civil wars, insurrections, communal conflicts and Soviet supported subversion.

These, in turn, reflect underlying pressures and vulnerabilities including economic stagnation, explosive population growth, environmental deterioration, and the erosion of traditional cultural values and certitudes.

Expectation rise as the telecommunications revolution puts haves and have nots on the same global party line.

Meanwhile, 1986 finds East and West still locked in a long twilight struggle. While the strategic balance has remained in a rough equilibrium, the weapons that define that equilibrium have grown steadily in sophistication and destructive power.

As national power is increasingly a function of technological prowess, the transfer of technology across international boundaries has become a key concern of national security policy. And, arms become even more powerful and complex, the negotiations aimed at controlling them are more prolonged and difficult.

While much of our nation's attention remains on the East-West conflict, much of the current U.S. intelligence agenda is focused on the Third World.

Intelligence agencies are being asked to answer such diverse questions as:

What are Libya's antiaircraft capabilities?

What is Quaddafi's next move in support of international terrorism?

What are the military capabilities of the Contras?

Where and when will the next outbreak of fighting occur in Angola?

What is the state of Iranian leader Khomeini's health and who is his likely successor?

Can the Afghan Mujaheddin counter new Soviet military tactics and equipment?

Can President Cory Aquino rekindle economic growth in the Philippines?

In some instances, we have asked intelligence agencies to go far beyond gathering and analyzing information to conducting paramilitary operations against terrorists or narcotics traffickers or providing training, logistical and other support to anti-Communist combatants.

All of these changes have increased both the importance -- and visibility -- of congressional oversight.

But the growing importance of intelligence oversight did not come about only because the world is undergoing dramatic changes.

It came about, as well, because of three very fundamental concerns: constitutionality, accountability, and efficiency.

First, constitutionality became an issue after Watergate and other excesses made the public aware that they must guard against the abuse of intelligence services by those in power. If the United States is to have an intelligence capability, we must all be assured that it remains an American intelligence capability, bound by the Constitution and the law of the land.

Second, as a number of intelligence misfires have come to light, the public has recognized that covert action programs carry with them a significant risk, particularly at a time when there is little consensus on the foreign policy goals which such programs are designed to serve. So in order to make sure there is adequate accountability by responsible political authorities, formal oversight was seen as necessary.

Finally, at a time when the public has come to recognize that our resources are not inexhaustible, efficiency is the name of the game. It's critical that a dollar's worth of investment produce a dollar's worth of intelligence.

What all this means is that, over time, rules of the road which were tacitly understood during the 1950's were made explicit during the 1970's.

In short, when I am asked why oversight is needed, my response is that formal congressional oversight under current procedures helps to ensure what informal oversight did 30 years ago: It keeps our intelligence services healthy. It does so by providing an essential two-way filter between the intelligence community and the public it serves.

In one direction, oversight helps to filter out actions which, for whatever reason, aren't fully thought out. When oversight fails to do this, whether because the agencies fail to meet their responsibilities, or because the Committees fail to ask the right question, the intelligence community suffers.

An example is the unnecessary damage done to the CIA two years ago by the inevitable revelations that its covert action in Nicaragua included the mining of harbors. Had the oversight committees had the chance to comment on this program, we could have pointed out how short-sighted and counterproductive the proposal was. And, the CIA could have been spared a great deal of needless embarrassment -- and strain on the balance of its operations.

But oversight does more than simply filter out the inappropriate ideas.

It acts in the other direction to filter out potentially harmful public exposure to agencies which must operate in secret if they are to succeed in their tasks. There's no greater threat to intelligence, for example, than revealing how conclusions are reached.

Too much scrutiny of the means by which intelligence has reached a judgement will ensure that no such future judgements can ever be reached.

Let me see if I can't use the issue of how this nation responds to terrorism as an example.

Recent experience tells us that this President -- and this nation -- are committed to an appropriate, measured, and effective response to terrorism.

The nature and target of that resonse, however, is to depend on irrefutable evidence -- on facts -- which link a particular act of terrorism to a particular country or terrorist group.

The evidence used in determining the nature and target of our response to terrorism will undoubtedly be secret information generated by intelligence agencies.

So far, this policy sounds reasonable and supportable.

But, can it also be made accountable?

How, in other words, can the Congress and the American people be assured that acts by our government in response to terrorism are justified by intelligence information which -- by its very nature --cannot be disclosed.

And, how can we as a nation avoid the "Catch 22" situation of a President who may be tempted

to reveal sensitive sources and methods in a very lauable effort to build popular support and maintain accountability?

The answer to this seeming dilemma is trust -- trust in a congressional oversight process which knows enough at the appropriate time . . . an oversight process which says -- in the case of terrorism -- "Mr. President, we have seen the proof and it justifies your response."

This kind of accountability for controversial actions based on secret intelligence information will not work in an atmosphere of corrosive cynicism concerning the integrity and motivations of the White House and the Congress -- particularly where national security is concerned.

At some point, we must simply trust our leaders.

But that trust must be earned.

And, that's where having confidence in intelligence oversight becomes an essential ingredient in the conduct of U.S. foreign policy.

But, how can a political body -- like the Senate Intelligence Committee -- develop the expertise, depth, patience, and restraint to earn the kind of confidence -- trust, if you will -- which effective oversight requires.

Bi-partisanship -- both among the membership and staff -- is certainly an essential first step.

So is diversity -- The Senate Intelligence Committee includes the full spectrum of political thought represented in the Senate.

As a result, the committee benefits from both strong individual views and collective judgement.

This system has made it possible for the Intelligence Committee to undertake something which is long overdue: A continuing examination of the quality of the intelligence which is provided to senior policymakers.

Over the past year, the Committee has taken two initiatives aimed at meeting this goal:

First, the committee conducted an exhaustive inquiry to determine how the comsumers of intelligence

identify questions and how the producers of intelligence answer them.

Following the inquiry, we worked collaboratively with Director Casey on the development of a comprehensive, integrated statement outlining a long-term national intelligence strategy.

This strategy represents the first time that senior officials in the intelligence community have been able to sit down, take a long hard look at current and future requirements, and set priorities which shill direct the intelligence community over a multi-year period.

In the past, intelligence budget requests were examined piecemeal, agency by agency, and the Committee's budget review lacked any reference point in the real world of policy and intelligence.

As is so often the case throughout the government, the Director lacked the management tools needed to bring diverse agencies into coherence, and the agencies were not willing to help him develop them.

Just as important, the Congress lacked analytic tools to take an overall look at broad questions, and to explicitly relate intelligence problems to plans, and plans to budgets.

Only a few Senators who served on our Committee's budget subcommittee took the time to explore such issues, and they were not given the kind of overview needed to focus on the larget quesitons.

Thus the few senators and staff members inclined to ask budget-related quesitons were driven to an inevitable focus on the bits and bites of intelligence, leading to charges of line-item, micro managment.

Director Casey has just submitted his first comprehensive annual strategy statement, under the guidelines which were developed in the Committee.

This strategy is not a plan, a program, a budget, or a shopping list for systems or capabilities. Rather, it's a statement by the entire intelligence community. . . A statement of what this diverse group of agencies understands to be

the interests and requirements of the policy-makers who consume intelligence.

The national intelligence strategy lso reflects the community's under-tanding of the avenues through which he intelligence product move to atisfy those interests. It gives s two things we have lacked in the ast: a coherent and unified picture of he intelligence world reflecting the ontributions of the entire intelligence ommunity. And, an early warning about roblems on the horizon which will affect ur intelligence capabilities in he future.

The second initiative we have under-taken this year is the ntus and bolts of intelligence: the business of --oducing finished intelligence analysis.

Too often, people forget that the real business of intelligence is the sober and objective reporting of the truth. It's not cloaks and daggers, and James Bond, and all the other things that make good fiction.

;o, when the Senators on the Committee ›end their time looking at the ·ocedures by which finished intelligence ; produced, and assessing the quality of the product, they are concentrating on the essence of intelligence. And, they are making it clear to the public that intelligence is about truth, not fiction.

At the time that the Committee releas its report on the situation in the Philippines, some critics argued that we were attempting to manipulate events to force an election and the later demise of the Marcos regime.

That, I'm afraid, is "intelligence fiction."

Instead, after working with the CIA to ensure that we did not compromise sensitive intelligence sources and methods, we reported facts to the American public. That's the real business of intelligence, and it will always be its real business.

That's something the public must understand . . . for the reporting of facts is something which deserves support, not ridicule based on Ian Fleming's talent for entertaining people.

So, we are not setting out to write our own comprehensive intelligence analyses of complex events.

Instead, we are simply examining the basic procedures and the methodology by which the rpoduct is written. When the Committee issues reports -- whether classified or public -- those reports reflect what we have learned from professional analysts.

This means that answers to some very fundamental questions are assumed in oversight.

First, we operate from the premise that senators themselves -- whether they serve on the committee or not -- are senior poicy-makers and legitimate recipients of intelligence information.

As director Casey had made clear, however, first priority in providing finished intellignce is to support the President in his capacities as Chief of State, Chief of Government, and Commander-in-Chief.

This means that if Senators are simply listed as addresses on an intelligence product which was written to answer questions asked the President, we won't necessarily get answers to questions asked by Senators.

So, in our capacity as as a service organization in support of the Senate, we want to examine the procedures by which reports are drafted and distributed.

Second, in our capacity as an oversight organization, we look at the procedures by which anlysis is generated for the same reason that the president's Foreign Intelligence Advisory Board does: to be satisfied that the system works as well as it should.

In particular, we want to make sure that a final intelligence report has not been negotiated down to mush, ignoring important points of view, simply because they are controversial.

And, third, since the committee serves as a custodian of sensitive information which we hold on behalf of other Senators, we occasionally must synthesize existing intelligence and provide it to our colleagues.

In rare instances, when vital matters of public interest dictate, the committee may vote to re-write its reports in an unclassified version and release them to the public -- a course of action we selected when we released a report on Soviet intelligence penetrations at the United

Nations and when we released out report on an increasinly critical situation in the Philippines.

Although it has not yet been decided whether to make them public, the Committee will produce several more reports this year . . on the political impact of falling oil prices; security and counter-intelligence; technology transfer; and the state of American intelligence.

At all times, our new emphasis on overseeing the quality of analysis has been conducted in close cooperation with the intelligence agencies.

Not long ago, for instance, we completed a number of in-depth case studies of the intelligence product, which could not have been conducted without the assistance and support of the intelligence agencies.

As in the case of the National Intelligence Strategy, Director Casey and others have recognized that overisght which is affirmative -- and not simply shooting the wounded -- can benefit the public.

Over the past ten years, this country has taken a major step toward building public trust by substantially strengthening the process of Congressional oversight through the Intelligence Committees of the House and Senate.

Meeting the challenges of the coming decades will require continued strengthening and support for that process.

Our responsibilities to national security -- and to the values of a democratic society -- require nothing less.

Thank you again for this opportunity to be with you here today. I'll now be happy to use my remaining time to

 ons.