

Statement of

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to

THE SUBCOMMITTEE ON OVERSIGHT

of the

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Thursday - 20 April 1978

DCI STATEMENT BEFORE ASPIN SUBCOMMITTEE ON OVERSIGHT

THANK YOU MR. CHAIRMAN. I AM PLEASED TO BE WITH YOU THIS MORNING.

PERHAPS TWO OF THE GREATEST CHANGES AFFECTING THE FOREIGN INTELLIGENCE PROCESS THAT HAVE TAKEN PLACE IN RECENT YEARS ARE OUR POLICY OF MUCH GREATER PUBLIC OPENNESS AND A WELL DEFINED SYSTEM OF CONGRESSIONAL OVERSIGHT. THIS HEARING EPITOMIZES THOSE TWO CHANGES IN A VERY DRAMATIC WAY.

I AM DELIGHTED TO HAVE THIS OPPORTUNITY TO DISCUSS CIA'S RELATIONS WITH THE U.S. MEDIA AND TO DESCRIBE THE REGULATION I ISSUED ON THIS SUBJECT 30 NOVEMBER 1977. (A PRESS RELEASE ON THE SUBJECT AND THE REGULATION IS ATTACHED).

IT WILL BE USEFUL, FIRST, TO OUTLINE MY REASONS FOR ISSUING SUCH A REGULATION. ONE OF MY EARLY ACTIONS AS DCI WAS TO INITIATE A REVIEW OF EXISTING CIA POLICIES REGARDING RELATIONSHIPS WITH THE U.S. NEWS MEDIA. THAT REVIEW INDICATED THAT SINCE MY PREDECESSOR, MR. BUSH,

FIRST ISSUED A PUBLIC STATEMENT ON THIS SUBJECT ON
11 FEBRUARY 1976, AGENCY POLICIES AND RESTRICTIONS IN THIS
AREA HAD BEEN FURTHER REFINED. THE SIGNIFICANCE OF THIS
RELATIVELY NEW REGULATION IS THAT IT GOES CONSIDERABLY
BEYOND THE TERMS AND SCOPE OF THE 11 FEBRUARY 1976 STATEMENT.

THE NEW REGULATION ALSO RECOGNIZES AND REFLECTS IN
AN INTEGRAL WAY THE IMPORTANT NEW PHILOSOPHY OF OPENNESS
WE HAVE INSTITUTED AT CIA DURING THE PAST YEAR. THAT
PHILOSOPHY TAKES AS A BASIC PREMISE THE RIGHT OF THE MEDIA
AND THE PUBLIC TO KNOW AS MUCH ABOUT THE INTELLIGENCE
PROCESS AND PRODUCT AS IS CONSISTENT WITH SECURITY. THE
CLARIFICATION OF CIA RELATIONSHIPS WITH THE U.S. MEDIA WAS
DESIGNED TO LEAVE NO DOUBT IN ANYONE'S MIND THE EXTENT OF
ANY RELATIONSHIP THE CIA MIGHT PROPERLY HAVE WITH U.S.
MEDIA REPRESENTATIVES. IT IS WITHIN THAT SPIRIT THAT THE
REGULATION WAS ISSUED AND IT IS IN THAT SPIRIT THAT I
APPEAR HERE BEFORE YOU TODAY.

IN THIS STATEMENT I WILL ADDRESS SOME OF THE POINTS
ABOUT THE REGULATION THAT MIGHT BE OF SPECIAL INTEREST TO

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YOU. BUT FIRST IT IS NECESSARY THAT I MAKE THE CLEAR DISTINCTION BETWEEN THE AGENCY'S RELATIONSHIP WITH THE U.S. MEDIA IN AN OPERATIONAL SENSE, I.E., IN COLLECTING INTELLIGENCE, WHICH IS THE PRIMARY THRUST OF THIS REGULATION, AND OUR COLLATERAL RESPONSIBILITY TO MAINTAIN REGULAR LIAISON WITH THE U.S. MEDIA TO PROVIDE TIMELY INFORMATION ABOUT THE AGENCY, ITS PRODUCT AND THE INTELLIGENCE PROCESS.

CONCERNING THE FORMER RESPONSIBILITY, THE REGULATION UNEQUIVOCALLY BARS ANY RELATIONSHIP WITH FULL OR PART-TIME JOURNALISTS (INCLUDING SO-CALLED "STRINGERS") ACCREDITED BY A U.S. NEWS SERVICE, NEWSPAPER, PERIODICAL, RADIO OR TELEVISION NETWORK OR STATION, FOR THE PURPOSE OF CONDUCTING INTELLIGENCE ACTIVITIES. THE PARALLEL CLAUSE IN THE 11 FEBRUARY 1976 STATEMENT HAD PROHIBITED, "PAID OR CONTRACTUAL RELATIONSHIPS." THIS FORMER FORMULATION RAISED THE POSSIBILITY THAT AN UNPAID RELATIONSHIP OR QUID PRO QUO ARRANGEMENT MIGHT BE CONDONED. THE NEW CLAUSE FLATLY PROHIBITS A RELATIONSHIP OF ANY KIND FOR THE PURPOSE OF CONDUCTING AN INTELLIGENCE OPERATION.

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AT THE SAME TIME, THE NEW REGULATION EXPLICITLY PROTECTS THE RIGHT OF ANY CITIZEN, JOURNALIST OR OTHERWISE, TO VOLUNTARILY IMPART INFORMATION TO AN AGENCY OFFICIAL, AT HOME OR ABROAD, WHICH THAT CITIZEN BELIEVES IS IMPORTANT TO THE U.S. GOVERNMENT. WE BELIEVE IT IS ABSOLUTELY ESSENTIAL TO PRESERVE THEIR RIGHTS AS U.S. CITIZENS TO VOLUNTARILY PERFORM A PATRIOTIC SERVICE FOR THEIR COUNTRY. AT THE SAME TIME I WOULD EMPHASIZE THE REGULATION DOES STRICTLY PROHIBIT CIA'S TASKING A U.S. JOURNALIST WITH PERFORMING ANY OPERATIONAL ASSIGNMENT. IN SHORT, WHILE CIA CANNOT ACTIVELY TASK OR DISPATCH EVEN A WILLING JOURNALIST TO SEEK OUT OR FURNISH PARTICULAR INFORMATION OR ASSISTANCE, IT MAY ACCEPT WHATEVER INFORMATION A JOURNALIST ELECTS TO TRANSMIT VOLUNTARILY.

WE BELIEVE IT IS FAIR TO REQUIRE THAT A JOURNALIST BE DULY ACCREDITED IN ORDER TO BE COVERED BY THIS REGULATION. THERE ARE NUMEROUS PART-TIME JOURNALISTS (FREE-LANCERS) WHO ARE NOT ACCREDITED BY ANY U.S. MEDIA ORGANIZATION

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BUT WHO OCCASIONALLY, AND SOMETIMES FREQUENTLY, WRITE FOR PUBLICATION. MANY OF US HERE TODAY FIT IN THAT CATEGORY. IN OUR INTERPRETATION OF THE TERM, A FREE-LANCER IS A FREE AGENT, NOT ACCREDITED BY OR UNDER CONTRACT TO ANY MEDIA ORGANIZATION. TO LIMIT THE AGENCY'S RELATIONSHIP TO SUCH A GENERAL, ILL-DEFINED GROUP WOULD INDEED SERIOUSLY HAMPER ITS ABILITY TO CARRY OUT ITS RESPONSIBILITY TO COLLECT FOREIGN INTELLIGENCE. I PROBABLY COULDN'T EVEN HOLD MY JOB.

I AM AWARE THAT CONCERN HAS BEEN EXPRESSED IN SOME QUARTERS THAT THE RESTRICTIONS IMPOSED BY THE REGULATION COULD BE OVERTURNED AT THE DISCRETION OF THE DCI. I REFER TO PARAGRAPH THREE OF THE REGULATION WHICH STATES THAT, "NO EXCEPTION TO THE POLICIES AND PROHIBITIONS STATED ABOVE MAY BE MADE EXCEPT WITH THE SPECIFIC APPROVAL OF THE DCI." I WOULD LIKE TO ASSURE THE SUBCOMMITTEE THAT THE MOST CAREFUL DELIBERATIONS WENT INTO THE INCLUSION OF THIS CLAUSE. IT ALLOWS FOR THOSE EXTREMELY INFREQUENT BUT EXTRAORDINARY SITUATIONS WHEN A MEMBER OF THE U.S. NEWS MEDIA ORGANIZATION

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IS IN A POSITION TO PROVIDE UNIQUE AND OTHERWISE UNAVAILABLE INFORMATION TO THE U.S. GOVERNMENT, SUCH A SITUATION MIGHT ARISE, HYPOTHETICALLY, IF A FOREIGNER ACCREDITED TO A U.S. MEDIA ORGANIZATION INFORMS A CIA OFFICIAL OF A PLANNED TERRORIST ACTIVITY (THE PLANNED ASSASSINATION OF AN AMBASSADOR, THE PLANNED BOMBING OF AN AIRLINER, ETC.). THE FOREIGNER IS RELATED TO A MEMBER OF THE TERRORIST GROUP WHO TRUSTS HIM AND NO ONE ELSE--ONLY HE CAN SERVE AS AN INTERMEDIARY WITH THE TERRORISTS.

WITHOUT THE DISCRETIONARY PROVISION, THE CIA OFFICIAL WOULD BE UNABLE TO EMPLOY THE SERVICES OF THE FOREIGNER TO POSSIBLY ASSIST IN DETERRING A MAJOR TERRORIST ACTIVITY. I WOULD HASTEN TO SAY THAT INCLUDING THIS PROVISION DOES NO VIOLENCE TO THE SPECIAL STATUS AFFORDED THE PRESS UNDER THE CONSTITUTION OF THE UNITED STATES. I EXTEND THE STRONGEST REASSURANCE THAT THE EXCEPTION WOULD BE USED ONLY UNDER THE MOST EXTRAORDINARY CIRCUMSTANCES. I WOULD ALSO POINT OUT THAT EVEN UNDER SUCH EXTRAORDINARY CIRCUMSTANCES, THE NORMAL SAFEGUARDS WOULD COME INTO PLAY.

THAT IS, THE OVERSIGHT CONGRESSIONAL COMMITTEES WOULD BE IN A POSITION TO INQUIRE INTO SUCH EXCEPTIONS AS PART OF THEIR OVERSIGHT RESPONSIBILITIES.

THE 30 NOVEMBER 1977 REGULATION ALSO GOES BEYOND THE 11 FEBRUARY 1976 STATEMENT BY BARRING "WITHOUT THE SPECIFIC, EXPRESS APPROVAL OF SENIOR MANAGEMENT OF THE ORGANIZATION CONCERNED, ...ANY RELATIONSHIPS WITH NON-JOURNALIST STAFF EMPLOYEES OF ANY U.S. NEWS MEDIA ORGANIZATION FOR THE PURPOSE OF CONDUCTING ANY INTELLIGENCE ACTIVITIES."

THIS PROVISION APPLIES TO THOSE EMPLOYEES WHO ARE IN NO WAY INVOLVED IN WRITING OR EDITING NEWS INFORMATION. IT IS CIA POLICY NOT TO ENTER INTO ANY RELATIONSHIP WITH NON-JOURNALISTS (SUCH AS PRINTERS, CIRCULATION PERSONNEL AND SALESMEN) WITHOUT THE SPECIFIC KNOWLEDGE AND AUTHORIZATION OF SENIOR MANAGEMENT OF THE NEWS MEDIA ORGANIZATION CONCERNED. FINALLY, THE NEW REGULATION EXPLICITLY PROHIBITS THE USE OF THE NAME OR FACILITY OF ANY U.S. NEWS MEDIA ORGANIZATION PROVIDING COVER FOR ANY AGENCY EMPLOYEES OR ACTIVITIES.

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MR. CHAIRMAN, THE AGENCY IS IN FULL COMPLIANCE WITH THE SELF-IMPOSED LIMITATIONS OF THIS REGULATION. WHILE THE SEVERITY OF THE RESTRICTIONS MIGHT ON OCCASION HAMPER THE DCI'S CAPABILITY TO DISCHARGE HIS RESPONSIBILITIES IN THE FIELD OF FOREIGN INTELLIGENCE COLLECTION, CIA HAS CHOSEN TO OPERATE UNDER THESE LIMITATIONS OUT OF RESPECT FOR THE SPECIAL STATUS AFFORDED THE PRESS BY THE CONSTITUTION. MOREOVER, OUR RECOGNITION AND APPRECIATION OF THE NEED TO PROTECT THE INTEGRITY AND INDEPENDENCE OF THE PRESS HAS BEEN BALANCED CAREFULLY AND CAUTIOUSLY AGAINST MY RESPONSIBILITY TO COLLECT FOREIGN INTELLIGENCE. EXPERIENCE TO DATE HAS CONFIRMED THAT APPROPRIATE BALANCE HAS BEEN FOUND AND THAT THE REGULATION IS APPROPRIATELY FORMULATED. CIA DOES NOT SEE THE NEED FOR REVISIONS AT THIS TIME.

AND NOW MR. CHAIRMAN, I WILL TURN MY ATTENTION TO OUR LIAISON WITH THE MEDIA TO PROVIDE AS MUCH UNCLASSIFIED INFORMATION ABOUT THE CIA, THE INTELLIGENCE PRODUCT AND THE INTELLIGENCE PROCESS AS IS LEGITIMATELY POSSIBLE.

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AS PART OF THIS PROGRAM WE ARRANGE, ONLY ON REQUEST OF A NEWSPERSON, UNCLASSIFIED SUBSTANTIVE BRIEFINGS ON AREAS OF THEIR INTEREST. THE BRIEFINGS ARE DESIGNED TO PROVIDE BACKGROUND INFORMATION TO THE NEWSPERSON. WE PROVIDE THESE BRIEFINGS ON AN UNATTRIBUTABLE BASIS. THIS IS DONE TO PRESERVE THE CONVERSATIONAL TONE OF SUCH BRIEFINGS AND TO INSURE THE ANONYMITY PREFERRED BY THE BRIEFERS. IN THIS WAY THEY DIFFER FROM AN ATTRIBUTABLE INTERVIEW, WHICH WE ALSO PROVIDE ON REQUEST ON A VARIETY OF SUBJECTS. THE BRIEFINGS, NORMALLY SOME 3 TO 4 PER WEEK, ARE PROVIDED BY ANALYSTS FROM THE OVERT SIDE OF THE AGENCY. THERE HAVE BEEN 172 SUCH BRIEFINGS SINCE MARCH OF 1977 -- 111 DIFFERENT REPRESENTATIVES OF THE MEDIA WERE BRIEFED.

THERE ARE MANY OTHER ASPECTS TO OUR PUBLIC AFFAIRS PROGRAM. I MYSELF UNDERTAKE A VERY ACTIVE PUBLIC PROGRAM IN SUPPORT OF OUR DESIRE TO INFORM THE PRESS AND THE PUBLIC ABOUT INTELLIGENCE. IN MY FIRST 12 MONTHS AS DCI, I HAVE MADE 41 ADDRESSES (INCLUDING 11 TO COLLEGE AUDIENCES),

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SUBMITTED TO SOME 41 INTERVIEWS BY INDIVIDUAL JOURNALISTS AND PARTICIPATED IN 11 PRESS CONFERENCES.

THROUGH THE PUBLIC AFFAIRS OFFICE, WE RESPOND TO TELEPHONE INQUIRIES FROM THE MEDIA IN A POSITIVE AND FORTHRIGHT, BUT UNCLASSIFIED WAY. WE RECEIVE SOME 60 SUCH PHONE QUERIES FROM THE MEDIA WEEKLY. THE PUBLIC AFFAIRS OFFICE ALSO DISSEMINATES TO THE PRESS AND THE PUBLIC AS MUCH OF OUR RESEARCH AS CAN BE REASONABLY DECLASSIFIED.

SINCE MARCH OF LAST YEAR, WE HAVE DISTRIBUTED APPROXIMATELY 2 SUCH UNCLASSIFIED REPORTS PER WEEK. I AM CONVINCED THAT WE OWE THE PUBLIC AS MUCH OF OUR PRODUCT AS CAN BE LEGITIMATELY DISSEMINATED AS A RETURN ON THEIR TAX DOLLARS. WITH THESE SAME OBJECTIVES IN MIND WE SPONSOR GROUP VISITS TO THE AGENCY AND RESPOND TO SOME 60-70 LETTER INQUIRIES FROM THE PUBLIC EACH WEEK.

THIS OPENNESS PROGRAM HAS BEEN WELL RECEIVED BY THE PUBLIC AND THE MEDIA, AND CONTINUES TO EXPAND. I BELIEVE YOU ARE AWARE THAT I HAVE REQUESTED FIVE ADDITIONAL POSITIONS FOR THE PUBLIC AFFAIRS OFFICE TO CARRY ON THIS WORK. I

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PERSONALLY AM CONVINCED IT IS OF THE UTMOST IMPORTANCE IN HELPING TO RESTORE THE PUBLIC'S CONFIDENCE IN THEIR INTELLIGENCE SERVICES. I ALSO REQUIRE THE ADDITIONAL SUPPORT TO ENABLE ME TO PERFORM ADEQUATELY AS THE INTELLIGENCE COMMUNITY'S SPOKESPERSON TO THE CONGRESS, THE MEDIA AND THE PUBLIC - A NEW RESPONSIBILITY ASSIGNED THE DCI BY EXECUTIVE ORDER 12036.

MR. CHAIRMAN, WE ARE DETERMINED TO PROVIDE THE MEDIA AND THE PUBLIC AS MUCH INFORMATION AS POSSIBLE. AT THE SAME TIME WE ARE DEDICATED TO KEEPING ALL OF OUR RELATIONS WITH THE U.S. NEWS MEDIA COMPLETELY PROPER AND IN FULL KEEPING WITH THE CONSTITUTION OF THE UNITED STATES.

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