

The Director of Central Intelligence

Washington, D.C. 20505

STAT

26 FEB 1980

The Honorable Birch Bayh, Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I am disturbed by press reports on the 21 February hearing before the Committee on the intelligence Charter legislation which reflect a serious misunderstanding of my testimony concerning the provision of information to the two intelligence oversight committees. These misunderstandings apply to what I said both about current practice and about the Administration's position on the congressional oversight provisions of S. 2284. I feel it important to set the record straight.

As I am sure you recognize, the questions and testimony on the subject of oversight ranged across a variety of topics, and I fear that distinct subject matters may have become confused in the minds of some observers. The first issue was that of prior reporting of covert actions covered by Presidential findings which today, under the Hughes-Ryan Amendment, are required to be reported to eight committees of Congress on a "timely" basis. I testified that the Administration practice generally has been to report Presidential findings in advance of implementation, but that there had been one instance, already known to the Members of the Committee, in which that report was subsequent to the implementation of the finding. I wish to state categorically that the instance in question is the only such occurrence to date. I think the record fully demonstrates that under a requirement of "timely notification" of covert actions, exceptions to prior reporting of such actions are exceedingly rare and fully justified by special circumstances. I continue to find it difficult to understand why some Members of the Committee are seeking to change the requirements of present law and to insert a prior reporting requirement.

A separate issue is the extent to which intelligence collection activities, as opposed to covert actions, will be reported in advance to the two intelligence committees. The obligation to report "significant anticipated activities" imposed by Executive Order 12036 is qualified in that Executive Order by reference both to the constitutional authorities and duties of the President and to my authorities and duties under law to protect intelligence sources and methods. Again, the bill proposed by the Committee, S. 2284, departs from current arrangements by eliminating any reference to my duty to protect intelligence sources and methods. I do not understand why some Members of the Committee wish to change current oversight arrangements that have worked to everyone's complete satisfaction. As you know, your Committee has had full access to the information it deems necessary for effective oversight purposes. The kind of information that calls into question my duty to protect intelligence sources and methods is rarely, if ever, germane to such oversight purposes. I want to emphasize again here that what we are talking about is clandestine intelligence collection and not covert action. The latter is governed by the Hughes-Ryan Amendment; the former is not. While, as a matter of general principle, the Administration opposes a statutory prior notification requirement for clandestine collection activities, this is not intended to change the current satisfactory oversight relationship between the Agency and the two intelligence committees.

The final area of concern is the provision in Section 142 of S. 2284 that would require the intelligence agencies to furnish any information or material whatsoever when requested by the two oversight committees. Again, while there is a similar provision in Executive Order 12036, it is conditioned on my authorities and duties to protect intelligence sources and methods, as well as on the constitutional authorities and duties of the President. Inexplicably to me, some Members of the Committee now wish to change this arrangement by deleting the language relating to protection of intelligence sources and methods. As I explained in my testimony, I cannot seek the cooperation of foreign sources, both individuals and organizations, or even less send human beings into situations of the highest personal risk, without being able to give assurances that sensitive information involving them will receive the degree of confidentiality they expect. As you well know, in several years of evolving oversight relationships, this has not proved to pose any impediment to your Committee's access to information it required. Once again I am puzzled as to why some Members

of your Committee now think it appropriate to change existing provisions and seek to enact a statute that will give the wrong signal to our employees, cooperating sources and friends throughout the world.

In closing, Mr. Chairman, I must say that I am saddened that the public is being given the false impression that the Central Intelligence Agency, or any component of the Intelligence Community, has withheld information in the oversight process. I have spent untold hours of my own time with your Committee, the House Permanent Select Committee on Intelligence, and other committees of the Congress providing copious information on the intelligence activities of the United States. I believe we have fully satisfied every request for such information levied on us by the two intelligence committees, and that the public has every reason to repose confidence in the oversight process as carried out by your Committee and its counterpart in the House of Representatives. I would urge you and the Members of your Committee to join me in setting the record straight on this point.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

cc: The Honorable Barry M. Goldwater  
Vice Chairman

The Honorable Edward P. Boland  
Chairman, House Permanent Select  
Committee on Intelligence